

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 104 of 2006
Connected with
Original Application No. 102 of 2006

Friday, this the **27th** day of **November**, 2009

Hon'ble Mr. A.K. Gaur, Member (J)

O.A. No. 104 of 2006

J.P.N. Gupta S/o Sri Ganesh Shanker Gupta, Resident of B-106,
Chunniganj, Kanpur Nagar.

Applicant

By Advocate: Sri Arvind Singh

Vs.

1. Union of India through Secretary, Ministry of Defence, Department of Defence Production and Supply, Board of India, New Delhi.
2. The Chairman, Ordnance Factory Board, 10-A, Khudi Ram Bose Road, Kolkata-70001
3. The Chief Controller of Accounts (FYS), 10-A, S.K. Bose Road, Calcutta-700001.
4. Senior General Manager, Ordnance Factory, Kalpi Road, Kanpur.

Respondents

By Advocate: Sri S.P. Sharma

O.A. No. 102 of 2006

Arun Kumar S/o Late B.D. Pandey, Resident of House 42/07, Vijay Nagar,
Kanpur.

Applicant

By Advocate: Sri Arvind Singh

Vs.

1. Union of India Through the Secretary, Ministry of Defence, Department of Defence Production and Supply, Board of India, New Delhi.
2. The Principal Controller of Accounts (Fys), 10-A, Shaheed Khudi Ram Bose Road, Kolkata-700001
3. The Sr. General Manager, Ordnance Factory, Kalpi Road, Kanpur-208009.

Respondents

By Advocate: Sri S.P. Sharma

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ORDER

Delivered by Hon'ble Mr. A.K. Gaur, Member (J)

By the order dated 03.08.2007 both the above mentioned Original Applications were ordered to be listed jointly. Accordingly, heard the learned counsel for the applicants and the respondents, and perused the pleadings of both the Original Applications as well.

2. In O.A. No. 104 of 2006, Sri Arvind Singh, learned counsel for the applicant would contend that the applicant-J.P.N. Gupta has claimed a sum of Rs.1,07,844/- towards reimbursement of medical expenses but the respondents have paid only a sum of Rs.69,600/-.

Sri Arvind Singh, learned counsel for the applicant in another O.A. 102 of 2006 stated that the applicant-Arun Kumar has claimed a sum of Rs.45,000/- towards reimbursement of medical expenses but the respondents have paid only a sum of Rs.36,000/-.

3. It is argued by Sri Arvind Singh that the competent authority has not at all considered the claim of the applicant in accordance with the provisions of Rule and arbitrarily rejected the claim of remaining amount. It is stated by the applicant's counsel that the order passed by the respondents' authority is wholly cryptic, illegal and passed without giving opportunity of hearing. In support of his submission, learned counsel for the applicant has relied on following decisions of the Hon'ble Supreme Court: -

- (i) *Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank vs. Jagdish Varshney and others* JT 2009 (4) SC-519;
- (ii) *Ram Chand vs. U.O.I. and others* AIR 1986 SC 1173;
- (iii) *Director IOC vs. Santosh Kumar* 2006 (11) SCC 147."

4. Having given thoughtful consideration to the arguments of parties' counsel, the pleadings on record as well as the relied upon decisions

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(aforesaid), O.A. ^{are} ~~is~~ partly allowed with direction to the respondents' competent authority to pass a reasoned and speaking order on the representation of the applicant within a period of three months from the date of receipt of a certified copy of this order. We, however, direct the applicant to file a fresh representation within a period of one week. If such a representation is received, same shall be considered and decided by respondent No. 4 within a period of three months while deciding the representation of the applicant. The O.A. shall be treated as part of the representation.

/M.M/


[A.K. Gaur]
Member (J)