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O.A.NO.538 OF 2004

ORDER DATED 05.12.07

CORAM: DR.D.K.SAHU, MEMBER(JUDL.)

AND

SHRI C.R.MOHAPATRA, MEMBER(ADMN.)

Heard the Ld.Counsel for the applicant, Ld.Counsel for the Union of India and the Ld.Advocate for the State of Orissa.

2. In the order dated 27.05.03 in O.A.No.290/03, this Tribunal has directed as follows:

“From the estimate given by the treating physician, viz. Acharya Harihar Regional Cancer Centre (page 9 of the O.A.) the applicant would require about Rs.60,000/- per month for above treatment lasting about for a period of six months. I hope and trust that Respondent No.2 would do well with the matter to ensure that necessary fund is made available to the applicant for his regular treatment. As submitted by Shri Mohanty, the learned Govt.Advocate for the State of Orissa, and amount of Rs.60,000/- (agreed to be paid to the applicant in partial adjustment of the medical reimbursement claim) will be paid to the applicant during the course of this week. For the rest of the amount of Rs.94,000/-, I hope and trust that Res.No.3 will make necessary effort to reimburse the amount, as due and admissible, within a period of 30(thirty) days from the date of receipt of copies of this order.”

3. Thus we issued direction to the Res.No.3(State of Orissa) to reimburse the Rs.94,000/- within thirty days. That has not yet been done. Even in our order dated 11.08.04, we have issued a direction for

Dr. D.K. Sahu
Shri C.R. Mohapatra

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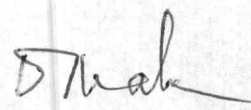
disposal of the representation of the applicant and to see that the applicant would get all the support from the respondents as she was in distress.

4. Now the widow of the ex-employee has filed this application to get back Rs.94,000/- payable to her deceased husband. Annexure-A/2 reveals that the High Power Committee had recommended the case for sanction of amount by the Finance Department. So the contention of the Ld.Govt. Advocate for the State of Orissa that the ex-employee was not an employee of the State of Orissa so the State of Orissa has no liability to pay the amount is no more open for consideration and it is now out of context. In view of our order passed in the previous case, the State of Orissa is to pay Rs.94,000/- payable to the ex-employee.

5. Annexure-A/3 reveals that in addition to the applicant three other persons are the legal heirs of the ex-employee. After careful consideration, we direct the Res.No.3 to make payment of Rs.94,000/- to the legal heirs of the deceased employee as stated in the certificate at Annexure-A/3, within three months from the date of communication of this order. Applicant shall produce the legal heir certification before the official Res.No.3 if required.

6. O.A. is disposed of accordingly.


MEMBER(ADMN.)


MEMBER(JUDL.)