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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/967 OF 2015

Cuttack, this the 27th day of January, 2016

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)

HON'BLE MR. R.C. MISRA, MEMBER (A)

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Sridhar Samal, aged about 61 years, S/o Late Durga Charan Samal, Singhasini Palli, Goleghar, Sector-5, P.S.- Sector-7, P.O.- Rourkela-769002, Dist- Sundargarh retired from service from SRO, RMS-K Division, Rourkela as lower selection grade sorting Assistant.

.....Applicant

By the Advocate(s)-M/s. T.K. Mishra, B.K. Raj

-Versus-

Union of India represented through :

1. Director General of Posts Dak bhawan, Sansad Marg, New Delhi, Pin-110001,
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda, Pin-751001.
3. Post Master General, Sambalpur Region, Sambalpur At/P.O./Dist-Sambalpur.
4. Superintendent, RMS-K Division, Jharsuguda, At/P.O/P.S./Dist-Jharsuguda.

Respondents.

By the Advocate(s)-Mr. S. B. Mohanty

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. T.K. Mishra, Ld. Counsel appearing for the applicant and Mr. S.B. Mohanty, Ld. ACGSC appearing for the respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 submitting therein that his wife was suffering from gross "Osteo Arthrities-B/L Knee" and was bed ridden since long. She was undergoing treatment in IGH Hospital, Rourkela. Subsequently, the IGH Hospital, Rourkela referred her to Kalinga Hospital for treatment. As the concerned specialists were not available at Kalinga Hospital she was referred to Apollo Hospital, Bhubaneswar. When the matter stood thus, the Superintendent RMS-K Division (Respondent No.4)



has directed the applicant's wife for treatment at Apollo Hospital. Before the actual treatment, the consultant of the Orthopedic Department has estimated a sum of Rs.5,30,000/- approximately necessary for total knee replacement Bi Lateral Knee. In pursuance of such an estimation the Superintendent RMS-K Division (Respondent No.4) has sanctioned only Rs.1,97,00/- but subsequently after submitting the bills the Superintendent RMS-K Division (Respondent No.4) started recovering of Rs.87,000/- out of the advance sanctioned.


3. Mr. Mishra submitted that though the approximate estimation is Rs.5,30,000/- against which only Rs.1,97,00/- advance was sanctioned for such treatment and it is quite illegal that immediately the Superintendent RMS-K Division (Respondent No.4) started recovering of Rs.87,000/- out of the advance sanctioned. Mr. Mishra further submits that in spite of repeated representation preferred by the applicant before the Superintendent RMS-K Division (Respondent No.4) and the C.P.M.G. (Respondent No.2) they are not taking any action on the grievance of the applicant. In this connection, Mr. Mishra, Ld. Counsel brought to our notice the series of representations to Respondent No.2 dated 21.05.2013 (Annexure-A/7 Series). It has further been submitted that the last one being made on 13.11.2014 (Annexure-A/7 Series) but till date no response has been received from Respondent No.2 by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer to direct the respondents to disburse the medical claim of Rs.4,49,468/- and to refund a sum of Rs.87,000/- which has been recovered from the salary of the applicant.

4. At this stage we do not think it proper to keep the matter pending. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A. at the stage of admission by directing Respondent No.2 to consider the representation vide Annexure-A/7 series, if the same is still pending, as per the extant Rule and regulation and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 03 (three) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any

opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by Mr. T.K. Mishra, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos.2 & 4 by Speed Post for which Mr. Mishra undertakes to file the postal requisites by 01.02.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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