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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.16 OF 2013

Cuttack this the 28th day of January, 2013

CORAM:

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

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

Dr.Pabitra Kumar Mohanty,
aged about 66 years,
S/o. late Ajaya Chandra Mohanty,
residing at Plot No.794,
Road No.8, Unit-9,
PO-Bhoi Nagar,
Bhubaneswar-751022,
Odisha

...Applicant

By the Advocates:Mr.K.C.Kanungo

-VERSUS-

Union of India represented through

1. The Secretary, Government of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi
2. Indian Council of Agriculture Research,
represented through Secretary,
Krishi Bhawan, New Delhi-1
3. Director General of Central Govt. Health Scheme,
Nirman Bhawan,
New Delhi
4. Addl.Deputy Director General(Head Quarters),
Office of Director General of Central Govt. Health Scheme
(CGHS-III),
Nirman Bhawan,
New Delhi-1
5. Joint Director, Central Govt. Health Scheme,
Old AG Colony, Unit-IV,
Bhubaneswar-1,
Dist-Khurda,
Odisha

...Respondents

By the Advocates:Mr.S.B.Jena, ASC

 

ORDER(Oral)

SHRI A.K.PATNAIK, MEMBER(J):

Heard Shri K.C.Kanungo, learned counsel for the applicant and Shri S.B.Jena, learned ASC for the Respondents. On the last occasion on 15.1.2013, when the matter came up before this Bench, two weeks time was allowed to Shri S.B.Jena to obtain instructions and apprise this Tribunal on the prayer made by the applicant in this O.A. However, by filing Misc.Application No.85/13, Respondents have sought eight weeks time to file counter. As the matter was never admitted and notices were not issued, the question of filing M.A. for extension of time to file counter does not arise at all. Accordingly, M.A.85/2013 is dismissed.

2. From the record we find that vide order dated 18.2.2011(Annexure-A/5), the applicant was informed that his membership would be discontinued from 1.3.2011 which shows that the said order came into force prospectively. It is also not in dispute from the documents annexed to the O.A. that the applicant was permitted to avail the CGHS facility from February, 2010 to February, 2011 and after that from 1.3.2011 the said benefit has been discontinued. Therefore, any facility availed before the cut off date, i.e. 1.3.2011 cannot be termed as unjustified. Therefore, the direction of the authorities to refund a sum of Rs. 30439/- towards the cost of medicine for the treatment of the applicant and his wife for the period from February, 2010 to February, 2011 is illegal and irrational. However, ventilating his grievance the applicant has immediately



made a representation to the joint Director, CGSH (Res.No.5) vide representation dated 11.6. 2012(Annexure-A/8) against which he has not received any reply. Shri S.B.Jena, learned ASC submitted that in the meanwhile, the applicant has received all other benefits. So far as recovery is concerned, no decision has been taken as yet.

3. Therefore, at the stage of admission, we feel it just and proper to quash the order under Annexure-A/7 dated 21.5.2012 and accordingly, the same is quashed. In the circumstances, we remit the matter to the Respondent No.5 to consider and dispose of the representation of the applicant as at Annexure-A/8 to the O.A., if not yet disposed of, and pass a reasoned and speaking order under intimation to the applicant within a period of two months from the date of receipt of this order.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission. No costs.

5. Send a copy of this order along with paper book to Res.No.5 at the cost of the applicant. Shri kanungo undertakes to deposit the requisite by 1.2.2013.

(R.C.MISRA)
MEMBER(A)



(A.K.PATNAIK)
MEMBER(J)

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