

O.A. No.505/95

Date of Order: 23.4.1998

R.C. Singh s/o Late Shri Bhagwata Singh, r/o 4C-10 Pawan Puri, Bikaner at present employed on the post of Technical Officer (III) in the office of Field Station for Investigation on Locusts Nagnechiji Road, Bikaner.

... Applicant

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1. Union of India through the Secretary to Government of India, Ministry of Agriculture, (Dept. of Agriculture), Krishi Bhawan, New Delhi.
2. The Plant Protection Advisor to Govt. of India, Directorate of Plant Protection and Quarantine Storage, NH IV, Faridabad (Haryana).
3. Deputy Director (Entomology), (Directorate of Plant Protection and Quarantine Storage), Field Station for Investigation of Locusts, Nagnechiji Road, Bikaner.

... Respondents

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. R.K. Purohit, Advocate, Brief holder for Mr. J.P. Joshi, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

The applicant, R.C. Singh, has filed this application Under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned order dated 20.11.1995 (Annexure A/1).

2. The case of the applicant is that he is suffering from Depression and is under treatment in P.B.M. Hospital, Bikaner and his wife is also suffering from Heart Disease and she is also under treatment at P.B.M. Hospital, Bikaner. In terms of order dated 20.11.1995, the employees of respondent No. 3 are required to submit wrappers, foils, empty bottles, etc. of the medicines purchased alongwith the medical bills for

Gopal Singh

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reimbursement and the applicant is faced with peculiar situations since he is under constant treatment and needs reimbursement of medical bills at frequent intervals as these instructions are putting unreasonable/infeasible restrictions and causing harrasment to the employees.

3. We have heard the learned counsel for both the parties and perused the records of the case.

4. It is observed that the impugned order dated 20.11.1995 has been issued with bonafide intention so as to restrict the misuse of rules in regard to reimbursement of medical claims. However, it is a fact that such restrictions do create hardship for the genuine claims. It may be further pointed out that Government of India have issued various instructions for the guidance ^{of} the Controlling Authroity to prevent misuse of the medical reimbursement facilities. These instructions are listed at page 230 to 232 of the Swamy's Compilation of Medical Attendance Rules - 1992 Edition. In the circumstances, we are of the opinion that the instructions issued under impugned order dated 20.11.1995 are not necessary in the face of various insntructions issued by the Government of India in this regard as mentioned above and as such the impugned order dated 20.11.1995 deserves to be set aside.

5. The O.A. is accordingly allowed and the impugned order dated 20.11.1995 is set aside. The parties are left to bear their own costs.


(Gopal Singh)
Administrative member

Aviator/


(A.K. Misra)
Judicial Member

Received
One copy
29/4/98

Copy of order ✓
Sent to Council
for sign off by
Regd AD
vide no 176
Act 04-5-98
29/4/98

Part II and III destroyed
in my presence on 13-5-04
under the supervision of
Section Officer () as per
order dated 31-12-03

✓
Section Officer (Record)

A. D. Attached
is X-rayed
for
29/4/98