

(2)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.186/2010

Dated this the 4th day of January, 2011

CORAM

HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

Vishnu Chand Agarwal
S/o Shri Ramacharan Lal Agarwal,
Aged about 56 years,
Presently working as Assistant Garrison Engineer,
B/R I, Project, Jodhpur,
Opposite Military Hospital, Jodhpur,
Resident of 1166, Army Area, Jodhpur.Applicant

(By Advocate Mr. Manoj Bhandari)

Vs.

1. The Union of India through the Secretary,
Ministry of Defence, Raksha Bhawan
Government of India, New Delhi.
2. The PCDA (Principal Controller Finance & Accounts)
MES, South Command, Pune.
3. The CWE (Army), Jodhpur.
4. The AAO (SC), Prem Niwas, Polo.II
Mandore Road, Jodhpur.
4. Garrison Engineer, Opposite Military Hospital,
MES (Project) Jodhpur.Respondents

(By Advocate Mr. Kuldeep Mathur)

ORDER

The applicant Vishnu Chand Agarwal, who is working as Assistant Garrison Engineer (Project), Jodhpur has preferred this Original Application claiming following reliefs:

(i) By an appropriate order or direction, the communication dated 29.4.2010 (Annexure A/1) and 14.5.6.2010 (Annexure A/2) passed by the respondent rejecting the claim of medical reimbursement may kindly be declared illegal and be quashed.

- (ii) By an appropriate order or direction, the respondents be directed to release the claim of the applicants to the tune of Rs. 45,479/- along with interest @ 24% per annum from the date the claim has become due till the payment.
- (iii) By an appropriate order or direction, the applicants may kindly be awarded the compensation of Rs. 50000/- as cost of harassment caused to them by the respondents.
- (iv) Any other appropriate order or direction which this Hon'ble Tribunal may deem fit just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicants.

2. The brief facts of the case are as follows:

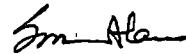
The applicant is a Government employee working as Assistant Garrison Engineer (Project), Jodhpur. In the year 1993 the applicant's wife developed serious ailment and was referred to S.M.S.Medical College, Jaipur, from where she was referred to Tata Memorial Hospital, Mumbai for getting treatment of breast cancer. She was admitted to Tata Memorial Hospital, Mumbai under emergent situation, where she was treated. Thereafter the applicant submitted medical bill for re-imbursement as per rules, but the respondents by communications through Annexure A.I and A.II rejected the claim of the applicant which caused necessity for filing of this application.

3. During the course of hearing, the learned Advocate of the applicant submitted that after filing of this application, the respondents accepted major part of the claim and only a small sum has remained to be paid to the applicant towards medical re-imbursement bill, for which the applicant has already filed a representation before the authorities concerned. He submitted that in view of the above fact, this OA can be disposed of with a direction the respondents to dispose of the representation of the applicant with regard to remaining part of medical claim. I am also of the view that since major part of the claim has already been paid or accepted by the respondents and for remaining portion of the claim, the applicant has already filed a representation before the concerned authorities, as such this OA can be disposed of without obtaining reply of the respondents with direction to the respondents to dispose of the representation of the applicant for remaining part of medical re-imbursement claim.

4. In the circumstances mentioned above, this O.A. is disposed of with a direction to the respondents to decide the representation of the applicant within three months period from the date of receipt/production of a copy of this order in respect of remaining part of medical re-imbbursement claim. However, it is observed that the respondents will be at liberty to pass any order in accordance with law.

5. Accordingly this O.A. stands disposed of. No order as to costs.

Dated this the 4th day of January, 2011



Justice S.M.M. Alam
Judicial Member

Ks.

दिनांक 21/4/16 के आदेशानुसार
मेरे उपस्थिति में दिनांक 9/6/16
को लागू करना चाहिए।

अधिकारी द्वारा दिया गया
केन्द्रीय इसायन अधिकरण
जोधपुर न्यायपीठ, जोधपुर