

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Original Application No.280/2013
with
Misc. Application No.204/2013**

Jodhpur this the 04th day of December, 2013

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (J),
Hon'ble Ms. Meenakshi Hooja, Member (A)**

Smt. Geeta Devi W/o late Shri Devi Lal, aged about 45 years, R/o village 1KSR, Post office Ramsara Jakharan, District Sriganganagar, (Raj.), Wife of Ex.Valveman in the office of GE (Army) Suratgarh, District Sriganganagar, Rajasthan.

.....Applicant
Mr. S.K.Malik, present for applicant.

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Garrison Engineer (Army), Suratgarh, District Sriganganagar (Raj.).
3. The Principal Controller of Defence Accounts, South Western Command (PCDA) (SWC), Khatipura Road, Jaipur, Rajasthan.

.....Respondents
Smt. K. Parveen, present, for respondents.

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 against the illegal action on the part of respondents in not making payment of medical reimbursement claim of the applicant's husband, Devi Lal, who had met with an accident and therefore, his widow Smt. Geeta Devi, applicant, prayed from this Tribunal to grant her Rs.80,847/- along with interest @ 18% per annum from the respondents.

2. The short facts of the case as averred by the applicant are that applicant's husband, Shri Devi Lal, was working as Valveman under the respondent No.2 and while returning to home he met with an accident on 05.01.2009 and consequently, he was admitted in hospital and ultimately he expired on 05.08.2009. Applicant's widow submitted a claim amounting to Rs.80,747/- which has been rejected by the respondents which is violative of Central Service Medical Attendance Rules 1944 and also is violative of Articles 14 and 16 of the Constitution of India.

3. The counsel for respondents by way of a separate MA prayed that she may be granted three months' time to file reply. As the reply has already been filed on 17.10.2013, therefore, the Misc. Application No.204/2013 has been rendered infructuous.

4. By way of reply, the respondent department averred that as per the medical rules, all the government employees are entitled for reimbursement of medical expenses as per the medical advice of the Government Medical Specialists, but as per Para (vi) of the Department of Health UO No. S-14025/53/90-MS dated 15.09.1972, applicant's husband is not entitled for reimbursement of any medical claim over and above the Fixed Medical Allowance (FMA). It is further averred in the reply that as per Government of India, Ministry of Health and Family Welfare letter dated 14.07.2010 the employees in receipt of fixed monthly allowances

are not eligible for reimbursement of medical claims in respect to the treatment obtained at any circumstances. It has been further averred in the reply that the policy issued by the Department of Health is very clear and applicant cannot be given the relief as prayed for in the OA.

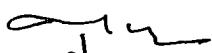
5. Heard both the parties. Counsel for the applicant contended that after the death of her husband, the applicant is regularly pursuing the case for the medical reimbursement but the respondent department did not pay any heed to her request and therefore, the payment has not been made to the applicant for the expenditure incurred for the treatment of her husband. He further contended that the respondent No.2 forwarded a letter of the respondent No.3 to applicant but nothing has been done with regard to the payment of medical claim. Counsel for the applicant further contended that in a similar matter i.e. OA No.216/2010, this Bench of the Tribunal considered the case of the medical reimbursement and directed the respondents to make the reimbursement of the medical expenditure.

6. Per contra, counsel for the respondents contended that the husband of the applicant was working on fixed monthly allowances therefore the applicant is not entitled to have any reimbursement of medical claim in respect of the expenditure incurred for treatment of her husband.

7. We have considered the rival contentions of both the parties and also perused the record. Looking to the entire facts and circumstances of the case, we are intending to dispose of this application with certain directions.

8. Accordingly, the OA is disposed of within a direction to the respondent No.3 to consider and decide the eligibility of the claim of the applicant, Smt. Geeta Devi, in the light of the judgment of this Tribunal passed in OA No.216/2010 dated 20.09.2011, within three months from the date of receipt of a copy of this order and to inform the applicant. No order as to costs.


(Meenakshi Hooja)
Administrative Member


(Justice K.C. Joshi)
Judicial Member