

(90)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

OA No.290/000196/2014

Jodhpur, this the 10<sup>th</sup> day of March, 2015

CORAM

**Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Lalit Kumar Sharma s/o late Sh. Laxmi Narayan aged about 50 years, R/o C/o, GE, Engineer Park, Suratgarh, presently working on the post of Security Assistant Grade -C under GE Engineer Park Suratgarh, District Sriganganagar, Rajasthan

.....Applicant

By Advocate: Mr. S.K.Malik

Versus

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

.....Respondents

By Advocate : Mr. Aditya Singhi on behalf of Ms. K.Parveen

ORDER (ORAL)

By filing this OA u/s 19 of the Administrative Tribunals Act, 1985, the applicant prays for the following reliefs:-

- (i) By an appropriate writ, order or direction respondents may kindly be directed to release the payment of medical claim amounting to Rs. 1,28,408/- along with 18% interest per annum till the date of payment.
- (ii) Exemplary cost be imposed on respondents for causing undue harassment.
- (iii) Any other relief which is found just and proper in the fact and circumstances of the case may kindly be passed in the interest of justice.

2. Brief facts of the case, as stated by the applicant, are that while the applicant was on LTC tour, his son Ram Vinod Sharma suddenly fell ill and immediately he

the hospital on 10.11.2008 and discharged on 17.11.2008. The applicant submitted medical claim for Rs. 1,28,408 along with form of application for claiming refund of medical expenses and certificate regarding emergency. After completing necessary formalities respondent No.2 forwarded the special pay bill for medical reimbursement to respondent No.3 with the endorsement that cheque be issued in favour of Public Fund Account of respondent No.2, but respondent No.3 vide letter dated 5.8.2009 returned the medical claim with the observation that the opinion of other CDA's regarding medical claim of such stations where fixed medical allowance is applicable, is being called for. Thereafter respondent No.2 resubmitted the claim clearly stating therein that unnecessary undue delay has been caused and explained that fixed medical allowance is applicable for routine medical cases where medical authority attendant is not available within a radius of 5 KM from the place of work/residence of the employee. Therefore, claim for indoor treatment cannot be linked with fixed medical allowance. Thereafter the respondent No.2 wrote letters and the applicant also approached respondents, but till date nothing has been done. According to applicant, respondent No.2 is not having facility of government/local body hospital/dispensary and is more than 5 KMs from the city. The Head of Department has obtained a certificate from an appropriate district authority that there is no State Government/Local body hospital/dispensary available within radius of 5 KM and also there is no qualified medical practitioner available and if available he is not willing to be appointed as Authorised Medical Attendant and for this a fixed medical allowance of Rs. 100/- per month is paid to the employee. The applicant has also referred to the decisions of this Tribunal in the case of Man Singh vs UOI and ors. decided on 30.9.2011 and in the case of Smt. Geeta Devi vs. UOI and ors. decided on 4.12.2013. Therefore, aggrieved of the inaction on the part of the respondents, the applicant has filed this OA praying for the reliefs as mentioned above.

3. Despite giving sufficient opportunity, the respondents have not filed reply to the OA.

4. Heard. Counsel for applicant submitted that as may be seen from Ann. A/1 i.e. special pay bill regarding the medical reimbursement, the claim of the applicant was duly cleared, certified with scrutiny and was sent to respondent No. 3 i.e. PCDA, SWC, Jaipur vide Ann.A/2 dated 26<sup>th</sup> June, 2009, but was returned by letter dated 5.8.2009 (Ann.A/3) on the ground that the opinion of other CDA's regarding medical claim of such stations where Fix Medical Allowance (FMA) is applicable is being called for. Thereafter, respondent No.2 again, vide letter dated 26<sup>th</sup> August, 2009 (Ann.A/4) addressed to respondent No.3 clarified various issues including that of admissibility of claim for indoor treatment of persons in receipt of FMA and followed it with a reminder on 24<sup>th</sup> October, 2009 (Ann.A/5). Counsel for the applicant contended that as can be seen from letter Annex. A/6, the respondent No. 3 has informed to respondent No. 2 that the matter has again been taken with HQrs New Delhi for further clarification regarding admissibility of indoor treatment and the clarification will be communicated on receipt of the same and till such time, the claim may be retained at your end. Counsel for applicant further contended that the claim of the applicant for reimbursement in respect of treatment of his son has been kept pending for a long time and despite the applicant approaching the respondents, nothing has been done and it is still pending with the respondents. He further submitted that as may be seen from the Annexures, the applicant has completed all the formalities and also got the treatment of his son at recognized hospital and accordingly, prayed that the respondents may be directed to release the payment of medical claim amounting to Rs 1,28,408/- at the earliest.

5. Considered the contentions and perused the record. It appears from a


has been pending since 2009, which is a considerably long period and despite recommendation of respondent No.2, no final decision has been taken by the competent authority. In view of the above position, it is proposed to dispose of this OA with certain directions. Accordingly, the respondents are directed to decide the claim of the applicant and make due admissible payments within 3 months from the date of receipt of the order.

In terms of above directions, the OA is disposed of with no order as to costs.



(MEENAKSHI HOOJA)  
Administrative Member

R/ss

Rel  
 12/3

(R)oshi

17-3-15