

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00032/15

Reserved on : 22.07.2016

Jodhpur, this the 28th day of July, 2016

CORAM

Hon'ble Dr Murtaza Ali, Judicial Member

Hon'ble Ms Praveen Mahajan, Admn. Member

Pyare Lal Sharma S/o Shri Nathu Lal Sharma Age 70 years R/o
Gandhi Puri Colony, Near Deen Dayal Dharmashala, Post -
Shahpura, District - Bhilwara. (retired Phone Mechanic)

.....Applicant

By Advocate: Mr B. Khan.

Versus

1. The Bharat Sanchar Nigam Limited through the Chief Managing Director, Bharat Sanchar Bhawan, Janpath, New Delhi.
2. The Chief General Manager, Office of the C.G.M. Telecom, Bharat Sanchar Nigam Limited, Rajasthan Telecom Circle, Sardar Patel Marg, C Scheme, Jaipur.
3. The General Manager Telecom, Bharat Sanchar Nigam Limited, Bhilwara, Rajasthan.
4. The Assistant General Manager (Administration), Bharat Sanchar Nigam Limited, Bhilwara, Rajasthan.

.....Respondents

By Advocate : Anirudh Purohit proxy counsel

ORDER

Per Ms Praveen Mahajan

The present OA has been filed U/s 19 of the Administrative

(Annex. A/1) passed by respondent No. 4 by which the medical reimbursement claim of the applicant for treatment and by pass surgery of his heart, has been rejected on the ground of limitation.

2. The facts of the case, in brief, are that Shri Pyare Lal Sharma (Applicant) underwent heart surgery and claimed the medical reimbursement but the same was not sanctioned. Therefore, applicant filed Writ Petition No. 5999/2006 which was decided on 08.04.2008 (Annex. A/2) with the direction to the respondents to decide the claim of the applicant within a period of one month. The applicant submitted his case before respondent authority but in turn the applicant was informed to provide certain details and documents vide communication dated 13.06.2008 about the surgery, between the period from 25.07.2005 to 06.08.2008. The applicant submitted required information and documents vide written reply dated 27.06.2008 (Annex. A/4). However, vide communication dated 18.07.2008 (Annex. A/5) the applicant was informed that information provided by him is not satisfactory as he submitted documents of S.K. Soni Hospital, Jaipur whereas the recognized hospital is Soni Hospital, Jaipur. Details and information of treatment in Soni Hospital, Jaipur was sought. The applicant made repeated requests that he has undergone heart surgery in recognized hospital and as such he is entitled for

order dated 12.02.2014 (Annex. A/1) on the ground of being time barred.

2. In reply, the respondents while denying the claim of the applicant stated that the applicant underwent Bye Pass Surgery at SK Soni Hospital and incurred expense of Rs 1,14,070/-. The said claim was rejected on the ground that SK Soni Hospital is not a recognized hospital by BSNL whereas the applicant was asked to furnish the documents, if any, of recognized hospital i.e. the Soni Hospital. Thus, the respondents have prayed to dismiss the OA with costs.

3. We have heard both the parties and also perused the record.

4. While going through the material available on record, we find that plea for rejection of the claim taken by the respondents in the reply that Soni Hospital, Jaipur is recognized by BSNL whereas the S.K. Soni hospital is not, seems without application of mind. The Hon'ble Rajasthan High Court, while deciding SBCWP No. 5999/2006, observed that S.K. Soni Hospital, Jaipur is a subsidiary of Soni Hospital Pvt. Ltd., Jaipur, which is as under:

“From record, I also found that there are certain discrepancies in the date for remaining hospitalized at S.K. Soni Hospital, Jaipur. It also appears that the Soni Hospital referred at Serial No. 2 in the list of recognised Hospitals is a unit of Soni Medicare Ltd., 38, Kanota Bagh, J.L. N. Marg, Jaipur, whereas, the discharge hospital relates to the S.K. Soni Hospital, a unit of Soni Hospitals Pvt. Ltd., Sector-5, Vidhvadhar Nagar, Jaipur. These all discrepancies have to be

5. Notwithstanding the above observation, we find that Hon'ble Rajasthan High Court disposed of the S.B.C.W.P. No. 5999/2006 on 08.04.2008 (Annex. A/2) with the following directions:

"Accordingly, this petition for writ is disposed of with a direction to the respondents that if the petitioner satisfies genuineness of the discharge certificate, undergoing by pass surgery and the dates for remaining indoor patient at a recognized hospital, within a period of 45 days from today, his claim shall be decided expeditiously as far as possible within a period of one month from the date the petitioner submits satisfactory explanation."

Pursuant to above order, the applicant submitted his case before the respondents who asked the applicant to submit some more documents vide communication date 13.06.2008 (Annex. A/3) to which the applicant responded vide written reply dated 27.06.2008 (Annex. A/4). Thereafter, the respondents again asked for documents from the applicant for treatment and duration of treatment in the approved hospital i.e. Soni Hospital, Jaipur, vide communication dated 18.07.2008. Thereafter no communication or representation of the applicant is on record till the filing of representation dated 08.01.2014 (Annex. A/6) which was rejected by the respondents vide communication dated 12.02.2014 (Annex. A/1) on limitation.

6. While carefully going through the OA and especially Annex. A/6 representation filed by the applicant, it is seen that the applicant has not made reference of any earlier communication to

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from issuance of communication dated

18.07.2008 (Annex. A/5) by the respondents except the judgment of Hon'ble High Court. The Annex. A/6, representation of the applicant, has been rejected by the respondents by Annex. A/1 communication, being time barred.

7. We find that the applicant remained conspicuously silent and did not raise his grievance at any appropriate forum between the period 18.07.2008 and 18.01.2014 i.e. period between last communication (Annex. A/5) issued by the respondents and representation (Annex. A/6) filed by the applicant which was decided by impugned communication. The applicant did not remain vigilant to pursue his claim which is personal claim and there is unexplained delay of almost 06 years from arising of actual cause of action to the applicant. Therefore, we find no illegality in Annex. A/1 communication to the extent that the claim of the applicant is time barred. Looking to the unexplained delay in pursuing his claim by the applicant, we are not inclined to interfere with communication dated 12.02.2014 (Annex. A/1).

8. Accordingly, OA is dismissed. There is no order as to costs.



[Praveen Mahajan]
Administrative Member

Ss/-



[Dr Murtaza Ali]
Judicial Member