

In the Central Administrative Tribunal  
Calcutta Bench

OA 453/97

Present : Hon'ble Mr.S. Biswas, Member(A)

Panna Lall, S/o Podai Ram, OPA, OPD (HQ), NSSO, 164, G.L. Tagore Road, Calcutta - 35

...Applicant

-Vs-

- 1) Union of India, through the Secretary, Ministry of Planning, New Delhi
- 2) The Director, DPD, Headquarter, NSSO, 164, G.L. Tagore Road, Calcutta - 35
- 3) Joint Director, Office of the NSSO DPC, Giridih Branch, Bihar
- 4) Joint Director (Admn), Government of India, Ministry of Planning, Department of Statistics, National Sample Survey Organisation, Data Processing Division, Headquarters, 164, G.L. Tagore Road, Calcutta-35
- 5) Accounts-cum-Administration Officer, National Sample Survey Organisation Data Processing Division, Head Quarters, 164, G.L. Tagore Road, Calcutta-35

...Respondents

For the applicant : Mr.S.Singh

For the respondents : Mr.B.K. Chatterjee

Date of Order : 14 - 2 - 03

ORDER

In this OA under Section 19 of Administrative Tribunal Act, 1985, the petitioner has sought the following reliefs :

- i) the respondents (2 & 3) be directed to sanction and make payment against the medical claim bill for Rs6054.29 with interest which have been lying unattended by the respondents from 31-1-86 when the claims were submitted, till date.
2. While working with National Sample Survey Organisation, at Giridih, the applicant submitted medical reimbursement claim bills from 31-1-86 to April 1990 to the concerned officer along with xerox copies. The total amount of the claims is statedly Rs6054.29. Several reminders (dated 11-11-88, 13-3-89, 15-1-92, 6-2-92, 24-2-92, 30-3-92, 30-7-92, 18-8-92, 19-9-92, 21-9-92, 18-12-92 and 19-8-93) were submitted in the office of Respondent No.3 and Respondent No.2. Till filing of this OA, no payment was made to the applicant. Hence this OA.

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3. In a similar case<sup>as</sup>, the applicant has cited ~~that~~ Patna Bench of CAT passed a favourable order on 31-2-95 (Annexure A to OA).

4. Heard both sides and have gone through the records and legality involved.

5. The respondents have contested the claim of the applicant stating that these claims were purportedly submitted by the applicant while he was working at Giridih Data Processing Centre. These were not received at the Hqrs of Deponent's office. By a letter dated 21-8-92 (Annexure D to the OA) the applicant was informed that no such claims were received at Hqrs. As no such claim bills were found pending at Giridih, the applicant was asked to submit duplicate by letter dated 29-1-92. As no reply to this was furnished by the applicant he was informed vide memo dated 1-8-94 (Annexure C) to the OA ~~further~~ <sup>informed</sup> ~~informed~~ that the claims could not be considered.

6. The correspondence of the respondents with the applicant shows the possibility of the claims being submitted at Giridih<sup>but</sup> were subsequently forwarded to DDP (Hq). This was clarified in the letter dated 31-10-96 of Joint Director, Giridih - to Joint Director(Admn) Calcutta Office (Ref. 5/27/NSS/707 dated 31-10-96. This letter clearly mentions that the said correspondence was regarding certain untraceable medical bills and attempts to obtain copies from the incumbent did not succeed as they were unable to provide copies. The applicant only had a statement showing the name of the patient, <sup>his father</sup> relation with the officer, period of treatment and amount claimed.

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7. The OA was submitted on 28-4-97. The correspondence on this matter was going on till 1996. Unpaid medical claim do not become time barred even upto 3 years - In this case, the fault is with the respondents who lost the claims. Apparently there was no delay in filing the claim as the above referred statement would show that these were submitted and forwarded to Hqrs office in time - The respondent authorities should have utilised this chart for settlement or recasting the claims.

8. In my considered view, the delay and inaction in the matter is attributable to the respondents and the case is well covered by the order dated 13-7-95 in OA 462 of 1993 Patna Bench. There is no satisfactory reply to several appeals made by the applicant. The records would show that the said claims were filed by the applicant and forwarded to the Hqrs Office who have not been able to trace them, being left unattended for a long time. Legal right has arisen from out of this inaction on the part of the respondents to receive, account, process and reimburse the medical expenses incurred by the applicant.

9. The OA is consequently allowed with the direction on Respondent 2,3 and 4 to immediately trace the claim and process and issue sanction order for the eligible amount within 3 months of receipt of this order <sup>as per rule.</sup> If the bills are found to be lost, the entire claimed amount would be passed for payment. The cheque should be issued to the applicant within 2 weeks thereafter. There would be no order regarding interest. In its place a sum of Rs600/- is awarded to the applicant by way of cost.

*S. Biswas*  
(S. Biswas)  
Member(A)