

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

Original Application No. 121 of 2009

FRIDAY, this the 28<sup>th</sup> day of May, 2010

**CORAM:**

**Hon'ble Mr. K. George Joseph, Administrative Member**

Zeena J. Mundackal, W/o. Jose Kattikkaran,  
LDC, Central Water Commission, Beach Erosion  
Directorate, Kasturba Nagar, Kochi-20. ....

**Applicant**

**(By Advocate – Mr. U. Balagangadharan)**

**V e r s u s**

1. The Union of India, Represented by the Secretary,  
Government of India, Ministry of Water Resources,  
New Delhi.
2. Chairman, Central Water Commission, Ministry of  
Water Resources, New Delhi.
3. Director, Beach Erosion Directorate, Central Water  
Commission, Jaladhara, Kasturba Nagar, Kochi-20.
4. Superintending Engineer, Central Water Commission,  
Office of the Chief Engineer, Sanghamam, Gandhima  
Nagar, Peelamedu P.O.,  
Coimbatore-641004. ....

**Respondents**

**(By Advocate – Mr. Sunil Jacob Jose, SCGSC)**

This application having been heard on 20.5.2010, the Tribunal on  
28.05.10 delivered the following:

**ORDER**

**HON'BLE MR. K GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

This O.A. is filed by the applicant for payment of balance medical  
reimbursement claim of Rs. 3,40,759/- being 83% of the total claim of Rs.



4,12,645/- without any diminution with interest @ 18% per annum.

2. The payment in question is for the treatment of applicant's husband who is a patient of Invasive Cerebral Aspergillosis (Sinus Fungal Growth) for the period from 2002 to 2008. The treatment is still continuing.

3. Heard the learned counsel for the parties and perused the documents.

4. During the pendency of the O.A., the respondents were making payments to the applicant. As on 20.05.2010, the date of final hearing, an amount of Rs. 4,75,705/- was paid to the applicant by way of medical reimbursement as against the total claim of Rs. 4,12,645/- made in the O.A. Obviously, this amount included some running bills too. The learned counsel for the applicant submits that the said amount has been received. So the main prayer no longer survives. What remains is the payment of interest for the delayed payment.


5. It was submitted that the delay on the part of the respondents was not intentional but only due to the official formalities and budgetary constraints. The reimbursement span of the claim is from 2002 to 2008. The official formalities should have been completed without taking so much time. It is to be appreciated that the respondents had taken all steps to effect full payment of the claim before the O.A. was disposed of. Any slackness in the beginning is compensated by earnestness later on. The claim of the applicant was not a matter of dispute with the respondents; they were awaiting clarification from the Central Water Commission, which was received on 27.05.2009. In the totality of the facts and circumstances of the case, I do not find any negligence on the part of the



respondents that should invite the payment of interest on the delayed payment to the applicant notwithstanding the fact that the entire process of formalities should not have taken so long. The treatment is continuing and the respondents have paid more than the amount asked for in the O.A. and in all expectation they would be making future payments on time. Therefore, the prayer of the applicant for payment of interest @ 18% per annum on the outstanding payment at the time of filing the O.A. is rejected.

6. In the light of the above, the O.A. is dismissed with no order as to costs.

(Dated, the 28<sup>th</sup> May, 2010)



**(K. GEORGE JOSEPH)**  
**ADMINISTRATIVE MEMBER**

cvr.