

Central Administrative Tribunal, Lucknow Bench, Lucknow

O.A. No. 47/2006

This the 3rd day of December, 2010

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

G.N. Saha, aged about 64 years, resident of Narain's Niwas, Ram Nagar, Alambagh, Lucknow.

Applicant

By Advocate: Sri Hari Ram

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Executive Director (Health), Railway Board, Rail Bhawan, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
4. The Chief Medical Superintendent, Northern Railway, Indoor Hospital, Charbagh, Lucknow.

Respondents

By Advocate: Sri S. Lavania.

ORDER

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

This O.A. has been filed seeking direction to the respondents 3 and 4 to make payment of rest of the amount to the tune of Rs. 97820.00/- of medical reimbursement out of the total amount of Rs. 171820.00/-. According to the applicant, a claim of rs. 171820.00/- for medical reimbursement was submitted by the applicant to the respondents on prescribed proforma. The Chief Medical Superintendent, Northern Railway, Lucknow had also recommended the aforesaid amount of payment in favour of the applicant, through Chief Medical Directorate, Northern Railway Baroda House, New Delhi, who referred the case to the Secretary, Health, Railway Board, Railway Bhawan, New Delhi for final approval by the Railway Board. After a considerable delay, the applicant was paid only Rs. 74000.00/- through the DRM Account Office, Northern Railway, Lucknow vide Account payee cheque No. 916168/-

AP

dated 6.8.2003 (Annexure No.9). Further, according to the applicant, no reasons for withholding or deducting of rest of amount was ever communicated to him. Therefore, the applicant made a representation dated 20.8.2003 (Annexure-10) to the respondent No.1 under intimation to respondent No.2. But he could not get any relief. Hence this O.A.

2. The respondents filed a preliminary objection for dismissal of O.A. on the ground of its being highly time barred. An objection was also filed against the application moved by the applicant for condonation of delay i.e. M.A.No. 237/2006.

3. Heard the learned counsel for the applicant Sri Hari Ram and Learned counsel for respondents Sri S. Lavania and perused the material on record.

4. The applicant has retired after completion of the age of superannuation on 30.9.2000. He has submitted a claim for medical reimbursement of Rs. 171820.00/- on 22.5.99 as mentioned in Annexure No.6. It appears from record that out of the aforesaid amount, an amount of Rs. 74000.00/- was only sanctioned vide Cheque No. 916168 dated 6.8.2003. On behalf of the applicant any provision for statutory representation or appeal against such matters could not be shown. However, the applicant has made a representation dated 20.8.2003 (Annexure-10 to the O.A. and also Annexure -1 to the R.A.) It appears that thereafter, the applicant himself slept over the matter. The prescribed period of limitation was one year. But he filed the present O.A. after a gap of about 2 years 4 months. In para 3 of the O.A., the applicant has made a declaration that the O.A. is within the limitation prescribed under section 21 of the Central Administrative Tribunal Act, 1985. But he has also moved an application for condonation of delay (M.A. No. 237/2006). Thus, the stand taken by the applicant in respect of the limitation is undoubtedly self contradictory as has been rightly

pointed out on behalf of the respondents. The date of cheque by means of which part payment alleged to have been received by the applicant is 6.8.2003. As already stated, learned counsel for the applicant could not show any provision for making any statutory appeal or representation in such matters. However, if we take into consideration the date of the only representation made by him, it was 20.8.2003, whereas the O.A. has been filed on 24.1.2006, after a gap of about 2 years 4 months. Apparently, therefore, the O.A. is barred by limitation. As far as, the application seeking condonation of delay is concerned, firstly it is not supported by any affidavit. Secondly, in para 4 of the application, the applicant has mentioned that his representation dated 20.8.2003 was followed by personal contracts to the respective authorities but no details of the various dates and designation of those authorities have been furnished. The applicant has also not brought on record any proof in support of this contention. In para 5, the applicant has said that thereafter, he also got busy in searching a suitable match for his daughter, and he had also to look after his ailing wife. In this regard also, no details or proofs have been furnished. Moreover, these are the general duties which a bread earner or head of a family has to perform. But there is no justification as to why side by side he could not make any endeavour to avail legal remedy within the prescribed time.

5. Therefore, in view of the above, we regret in not finding any substantial reason to condone such a long delay. The application for condonation of delay is therefore, rejected. Finally, the O.A. is also dismissed being highly time barred. No costs.

Alok Singh 3.12.10
(Justice Alok Kumar Singh)
Member (J)

HLS/-