

(A12)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 26<sup>th</sup> day of August, 94.

Contempt Petition No. 69/92

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. K. MUTHU KUMAR, A.M.

Smt. Mamta Awasthi aged about 27 years,  
widow of late V.B.K. Awasthi, resident of  
LD-115/B, Rose Marg, Sleepers Hut Colony,  
Alambagh, Lucknow.

Petitioner

By Advocate Shri V.N. Tandon.

versus

1. Smt. Apala Singh, wife of not known, Senior  
Divl. Accounts officer, N. Rly, Divl. officer,  
hazratgang, Lucknow.

2. Dr. S.C. Srivastava, son of Sri B.D. .  
Srivastava, Chief Medical Superintendent, N.  
Rly., Railway Hospital, Charbagh, Lucknow.

Respondents.

Represented by Shri Anil Srivastava, Advocate.

O R D E R

(HON. MR. JUSTICE B.C. SAKSENA, V.C.)

After having heard the learned counsel for  
the parties on 23rd of August, 1994, we had  
passed the operative order to the effect that  
the Contempt petition is dismissed ~~and~~<sup>for</sup> detailed  
reasons to follow. Notices issued to the  
respondents are discharged.

2. We hereby proceed to give reasons for the  
said operative order. The applicant to this

BoL

Contempt Petition alleges that the respondents are guilty of having disobeyed the directions given by this Tribunal in its order dated 15th of September, 1992 passed in O.A. no. 136/92. In the said order the respondents were directed "to give all possible medical aid in treatment to the applicant in accordance with Railway Medical Manual and see that he gets full and proper treatment and the applicant may be given all the medicines as maybe allowed, to purchase the same." The allegation to support the plea of disobedience by the respondents of the directions given by this Tribunal is that the applicant submitted the application for re-imbursement of a sum of Rs 17,000 and odd by three applications dated 8th June, 92, 7th of July, 92 and 10th of August, 92. The/late husband of applicant, he it is alleged was admitted in the KGM College on the 19th of September, 1992. Transfusion of blood was required and despite requests blood was not supplied and medicines were not supplied. As far as these allegations are concerned, it has been indicated in reply by the respondent No. 1 that as per procedure and rules, the respondent No. 1 had no jurisdiction to re-imburse any medical bill/vouchers unless it is countersigned by the Railway Medical authorities. Normally, it is averred, that in such cases, employee concerned is asked to get his reimbursement bill/vloucher countersigned by the railway medical authorities and then to submit the

/ *Boe*

A14


same in the office of the respondent No. 1 to enable to take steps to re-imbusement amount after scrutinising the claim. It is alleged that immediately next day, the bills and vouchers were sent to the railway medical authorities for obtaining counter signatures. It is further the case of the respondent No. 1 that since the applicant did not report to the medical authorities, as per para 642 of the Indian Railway Medical Manual, the Claim bills of the applicant were not countersigned by the Railway Medical authorities and the same were returned back in original to the respondent No. 1. The bills were sent back to the applicant through registered post. It appears that he refused to accept the same. Consequently, after the matter was pursued with the higher postal authorities, the registered letter which was sent to the applicant was returned back to the office of respondent No. 1 on 30.9.92. They were sent to the medical authorities on 1.10.92 for their counter signature and they were received back with counter signature on 12.10.92, and the payment of the said bills was made on 19th of October, 1992. This fact is not disputed by the applicant in Rejoinder Affidavit. The detailed chart indicating the payments made to the applicant for reimbursement bills has been indicated in Annexure S-2 to the Counter Affidavit.

3. The learned counsel for the applicant tried to raise a few other questions which were

1  
for

not germane to the directions given in the O.A. e.g. the compassionate appointment of the applicant etc. The said allegations and counter allegations contained in various affidavits and Supplementary Affidavits, in our opinion, are wholly irrelevant. Despite having perused various affidavits minutely, we have not been able to gather, <sup>(nor has any been pointed out)</sup> ~~in~~ any allegation indicating disobedience on the part of respondents in complying with the directions given in the O.A. The respondents have indicated the provisions of Railway Manual to support the action taken by them. The applicant has failed to indicate violation of any provision of Manual by the respondents.

4. For the reasons indicated hereinabove, order dismissing contempt petition was passed on 23.8.94.

  
ADMN. MEMBER.

  
VICE CHAIRMAN.

Lucknow: Dated; 26<sup>8</sup>/94