

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 19 MAR 1989

APPLICATION NO (A) 1819 / 88(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Shri S. Parthivan
To

V/s The Secretary, Department of Telecom, New Delhi
& 3 Ors

1. Shri S. Parthivan
Upper Division Clerk
Office of the Chief General Manager
Telecommunications
Karnataka Circle
No. 327, V Main, Maruthi Complex
Gandhinagar
Bangalore - 560 009

2. Shri L. Sreekanta Rao
Advocate
No. 18, I Main Road
Gandhinagar
Bangalore - 560 009

3. The Secretary
Department of Telecommunications
No. 20, Sanchar Bhavan
Ashoka Road
New Delhi - 110 001

4. The General Manager
Telecommunications
Karnataka Circle
No. 327, V Main, Maruthi Complex
Gandhinagar
Bangalore - 560 009

5. The Director General
Central Government Health Scheme
'D' Wing, V Floor
Nirman Bhavan
New Delhi - 110 011

6. The Chief Medical Officer
Central Govt. Health Scheme
No. 21/2/2A, IX Main,
III Block West
Jayanagar
Bangalore - 560 011

7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM~~/~~STAY~~
passed by this Tribunal in the above said application(s) on 2-3-89.

Issued
K.V. [Signature]
2-3-89

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

DATED THIS THE SECOND DAY OF MARCH , 1989

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice Chairman

Hon'ble Sri L.H.A.Rego

Member (A)

APPLICATION No.1819/88.

S.Parthivan,
UDC, O/o the
Chief General Manager,
Telecom, No.327, V main,
Maruthi Complex,
Gandhinagar,
Bangalore - 9. ...

Applicant

(Sri L.Sreekanta Rao, ... Advocate)

vs.

1. Union of India,
represented by its Secretary,
Deptt. of Telecom,
No.20, Sanchar Bhavan,
Ashoka Road,
New Delhi - 1.

2. General Manager,
Telecom, Karnataka Cle,
No.327, Maruthi Complex,
Gandhinagar,
Bangalore - 9.

3. Director General,
Central Government Health Scheme,
D Wing, V Floor,
Nariman Bhavan,
New Delhi - 1.

4. The Chief Medical Officer,
Central Government Health Scheme,
No.21/2, 2-A, IX Main,
III Block West,
Jayanagar,
Bangalore - 11.

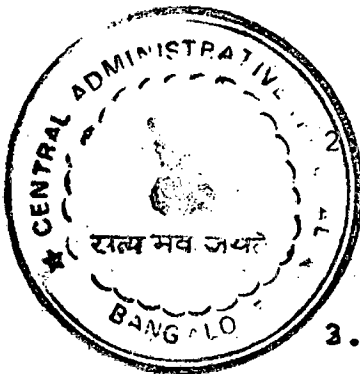
Respondents

(Sri M.Vasudeva Rao Advocate)

This application having come up before the
Tribunal today, Hon'ble Vice Chairman made the
following :

ORDER

This is an application under Section 19 of
the Administrative Tribunals Act, 1985 (Act).



2. Sri S.Parthivan, the applicant before us, is working as an Upper Division Clerk ('UDC') in the Department of Telecommunication, Government of India, Bangalore. He is afflicted by an ailment known as "hereditary spastic paraplegia" for which he underwent medical tests and treatment in the K.J.Hospital, Madras, for the periods from 21.9.1985 to 30.9.1985, 28.10.85 to 24.11.1985, 1.2.1986 to 7.2.1986 and 8.2.1986 to 14.2.1986. On those tests and treatment, Government which had incurred substantial expenditure has recovered a sum of Rs.543/- from the applicant on the ground that the same pertained ^{to} ~~were~~ inadmissible items under the Medical Attendance Rules and as classified ~~in the~~ detailed instructions issued thereto by Government which we will hereafter refer to as 'Medical Rules'. On that recovery, the applicant addressed more than one unsuccessful representation and appeal before more than one authority, who had not acceded to his claim. Hence, this application.

3. In justification of the recovery of the said amount of Rs.543/- from the applicant, the respondents have filed their reply and produced their records.

4. Sri L.Sreekanta Rao, learned counsel for the applicant, contends that the amounts recovered from his client were all paid by Government to the hospital for his treatment and they were not recoverable.

5. Sri M.Vasudeva Rao, learned Additional Standing Counsel for Central Government appearing for the respondents, sought to justify the recoveries.

6. A sum of Rs.543/- has been recovered from the applicant on the ground that their initial payment to the hospital at Madras was inadmissible under the Rules. The break-up of this amount is as hereunder:

	<u>Amount</u> Rs.
(1) Extra diet	403/-
(2) Cost of 170 Becosule tablets	106/-
(3) Phone call charges	34/-

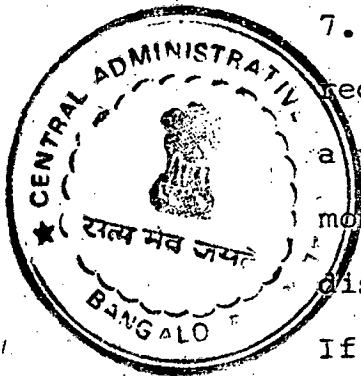
	543/-

We will examine these recoveries itemwise.

7. The extra diet charge of Rs.403/- has been recovered on the ground that the Medical Rules prohibit a person drawing a basic pay of more than Rs.400/- per month for its entitlement. The applicant does not dispute that his basic pay exceeded Rs.400/- per mensem. If so, then the applicant was not entitled to extra diet charges. From this it follows that the recovery of Rs.403/- is legal and justified.

8. A sum of Rs.105/- has been recovered towards the supply of BECOSULE tablets.

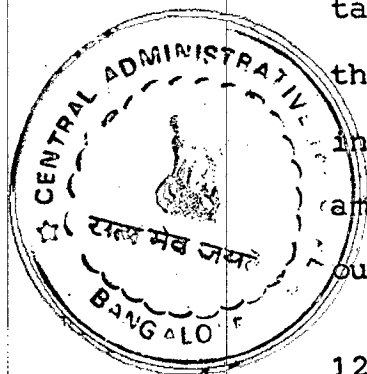
9. Appendix XXI (Schedule) of Medical Attendance Rules stipulate that the amounts spent towards certain foods, tonics, tablets and other medicine are inadmissible for re-imbursement. In that Schedule, one of the items stipulated is BECOSULE tablets. On the terms of this provision, payment of Rs.105/- was not authorised. If that is so, then the recovery of the same was authorised and legal.



10. A sum of Rs.34/- paid for telephone charges at the K.J.Hospital has been recovered from the applicant on the ground that the same was not authorised by the Medical Rules. This is so and therefore its recovery is legal and justified.

11. On the foregoing discussion we cannot take exception to the recoveries from the applicant though it is true the same should have been effected in easy instalments instead of lumpsum. But as the amounts have already been recovered, the question of our allowing instalments now does not arise.

12. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss the same. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN 2/21

Sd/-
MEMBER (A) 2.3.1989

an.

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : **10 APR 1989**

REVIEW APPLICATION NO (S) 16 / 89
IN APPLICATION NO. 1819/88(F)
W.P. NO (S) _____

Applicant (s)

Respondent (s)


Shri S. Parthivan
To

V/s The Secretary, Dept of Telecom, New Delhi & 4 Ors

1. Shri S. Parthivan
Upper Division Clerk
Office of the Chief General Manager
Telecommunications
Karnataka Circle
Maruthi Complex
No. 327, Vth Main
Gandhinagar
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said ^{Review} application(s) on 31-3-89.


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE, BENG
BANGALORE

DATED THIS THE THIRTY FIRST DAY OF MARCH , 1989 .

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman

Hon'ble Sri L.H.A.Rego

Member (A)

REVIEW APPLICATION No.16/89.

S.Pamhivan,
UDC, O/o the
Chief General Manager
Telecom, No.327, Vth Main,
Maruthi Complex,
Gandhinagar,
Bangalore - 9.

...

Applicant

vs.

1. Union of India
represented by its Secretary,
Department of Telecom,
No.20, Sanchar Bhavan,
Asoka Road,
New Delhi - 1.

2. Chief General Manager,
Telecommunications,
Karnataka Circle,
No.327, Vth Main,
Maruthi Complex,
Gandhinagar,
Bangalore - 9.

3. Director General,
Central Government Health Scheme,
D wing, 5th Floor,
Nirman Bhavan,
New Delhi-1.

4. The Chief Medical Officer,
Presently Deputy Director,
Central Government Health Scheme,
No.21/2, 2A, IXth Main,
Third Block West,
Jayanagar,
Bangalore - 11.

...

Respondents

This application having come up before the
Tribunal, today, Hon'ble Vice Chairman made the
following :

...2/-



ORDER

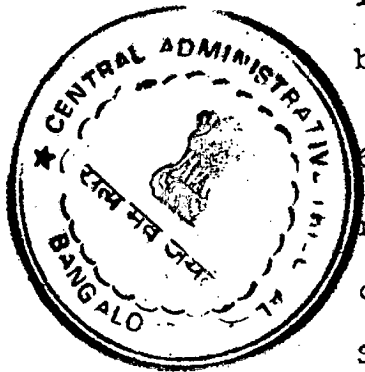
I In this application made under Section 22(3)(f) of the Administrative Tribunals Act, 1985, (the Act), Sri Parthivan, the applicant has sought for a review of our order made on 2.3.1989 dismissing his application No.1819/88.

2. In A.No.1819/88, the applicant had contested the recovery of a sum of Rs.543/- detailed in para 6 of our order. One Sri L.Srikanta Rao, Advocate argued the case on behalf of and in the presence of the applicant exhaustively for more than two hours. On hearing Sri Srikanta Rao and the learned counsel for the respondents we dictated our order in the open court dismissing the said application.

3. But the applicant who claims that he had "discovered" thereafter, important matter/evidence, which was not within his knowledge and therefore could not be produced, by him earlier despite due diligence on his part has now presented this review application, which is nearly twice in length as compared to his original application as it runs to 12 pages. He appeared in person and argued his case.

4. We have carefully perused the review application and considered the submissions of Sri Parthivan.

5. We are of the view that every one of the facts and the documents now relied upon by him therein, is nothing but a repetition of what was stated by him earlier, and they do not constitute discovery of new and important matter of evidence, which after exercise of due diligence was not within his knowledge when he filed the application and an order thereon was made by us. On this short ground alone, the review application is meritless and calls for its dismissal in limine by us.



6. Every one of the grounds urged by him in this review application does not disclose a patent error of facts and/or law, as to justify review under Section 22(3)(f) of the Administrative Tribunal Act 1985 read with Order 47 Rule 1 of the Civil Procedure Code.

7. We notice that this is truly a case, where "he to whom more is granted than is just, wants more than is granted" - cuī plus licet quam par est plus vult quam licet, as the applicant is making fetish of a trivial claim of Rs. 543/- when the Government has been more than liberal, in reimbursing medical expenses to him, to the tune of thousands of rupees. The applicant should realise, in this context, that the secret of contentment, is wanting what one has, and not having what one wants.

8. In the light of the foregoing, we hold that this application wholly bereft of merit. We, therefore, reject the same at the admission stage itself, without notice to the respondents.



sdl-
VICE CHAIRMAN
31-3-70

sdl-
MEMBER (A) 1-5-79

an.

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[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE