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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

O.A.No.1162 of 1999.

DATE OF ORDER:8-9-1999.

BETWEEN:

1. K.R.Raghava Raj.
2. K.Satya Rao.
3. P.Narayana Rao.

....Applicants

a n d

1. Comptroller General of Defence Accounts, West Block-5, R.K.Puram, New Delhi-66.
2. Controller of Defence Accounts, No.1, Staff Road, Secunderabad.
3. Chief Engineer(Navy), Station Road, Visakhapatnam.
4. Commander Works Engineer, Station Road, Visakhapatnam.
5. Garrison Engineer, Naval Depot, Industrial Estate, Visakhapatnam-7.
6. The Secretary, Ministry of Defence, New Delhi.Respondents

COUNSEL FOR THE APPLICANTS :: Mr.N.R.Devaraj

COUNSEL FOR THE RESPONDENTS :: Mr.V.Rajeshwar Rao

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

: O R D E R :

ORAL ORDER (PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

Heard the learned Counsel Mr.Devaraj for the Applicant as well as the learned Standing Counsel Mr.V.Rajeshwar Rao for the Respondents.

2. No reply has been so far filed by the respondents inspite of the fact that three weeks time had been given for filing the reply at the initial stage when the matter came up for admission on 6-8-1999.

3. By this OA, the respondents are sought to be directed by this Tribunal to allow medical reimbursement claims of the applicants made during 1998 as stated in Annexures.VI, VII & VIII at pages.21, 23 and 25 of the OA and to direct the Respondent No.2 to pass the claims of the applicants forthwith and arrange for payment of the same immediately.

4. From the submissions made by the Counsel for either-side, it emerges that the reimbursement of medical claims has been withheld on the ground that large scale irregularities were allegedly committed in preferring medical reimbursement claims and therefore according to the respondents it was not considered desirable to release the payment so long as the genuineness and correctness of the bill submitted by the applicants was not enquired into and finally decided.

5. The learned Counsel Mr.Devaraj for the Applicants submits that it is possible that some of ~~the applicants~~ ^{claimants at} may have advanced fraudulent and false claims but in such circumstances it would not be legal and proper for the respondents to deny the reimbursement claims of the applicants.

6. With the above situation in view, I believe that the ends of justice would be served if the Respondent Nos.2 and 3 are directed to consider the claims of the three applicants before us in this OA expeditiously by making necessary enquiry into the genuineness of the bills.

7. This OA is therefore disposed of with a direction to the Respondents 2 and 3 to examine the legality and genuineness of the medical reimbursement claims of the applicants as expeditiously as possible but not ~~before~~ ^{later than} the completion of two months from the date of receipt of a copy of this Order.

8. It is further directed that 50% of the claims advanced by the present applicants be paid to them forthwith and the remaining amounts be paid after the investigation is carried out and the applicants' claims are found to be genuine and correct. The 50% claim is directed to be paid within two weeks from the date of receipt of a copy of this Order subject to the result of the investigation which may be carried out by the respondents.

9. The OA is disposed of accordingly. No order as to costs.

D.H.Nasir
(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 8th day of September, 1999

Dictated in the Open Court

DSN

Amj
17/9/99

1st AND 2nd COURT

COPY TO:-

1. HON. J.

2. H.H.R.P M(A)

3. H.B.S.J.P M(J)

4. D.R. (A)

5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD;

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD.
MEMBER (ADMN)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (ADMN)

THE HON'BLE MR. D.S. JAI P. PARAMESHWAR :
MEMBER (JUDL)

ORDER: Date. 8/9/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN
DA.NO. 1162/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

(11 copies)

