

Review Application NO. 291/00020/2014

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

REVIEW APPLICATION NO. 291/00020/2014
IN
ORIGINAL APPLICATION No. 291/00321/2005

DATE OF ORDER : 02.12.2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Smt. Chameli Devi Kothari wife of Late Shri B.L. Kothari about 67 years, resident of 13, Kalyan Colony, Tonk Phatak, Jaipur and family pensioner of Central Government after death of her husband on 22.02.2005.

(Deceased)

1/1 Dinesh Kumar Kothari son of Late Shri B.L. Kothari, aged about 55 years, resident of 13, Kalyan Colony, Tonk Phatak, Jaipur.

... Applicant

VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.

ORDER (CIRCULATION)

The applicant has filed the present Review Application for reviewing/modifying the order dated 15.10.2014 (Annexure RA/1) 2014 passed in OA No. 321/2005.

2. The applicant had filed the OA for reimbursement of the medical claim of the applicant and to release payment of Rs.1,44,614/- towards medical reimbursement along with interest.

Anil Kumar

3. The learned counsel for the applicant has submitted in the RA that the late mother of the applicant after death of father of the applicant approached this Tribunal for medial reimbursement on account of treatment of self (Mother) of Rs.1,44,614/- and this Tribunal sine die and directed that the case be regulated as per decision of Hon'ble Supreme Court and during the pendency of the OA, mother of the applicant also expired.

4. That the controversy regarding applicability of CS (Medical) Attendant Rules, 1944 attained finality as per various orders and upheld by Hon'ble Supreme Court and OA decided vide order dated 15.10.2014 and in Para 5 of the order inadvertently it has been mentioned that Shri B.L. Kothari (father of the present applicant) was admitted, whereas correct fact is that mother of the present applicant (Smt. Chameli Devi) was admitted. In fact medial claim is relating to mother of the present applicant and not father of the applicant. However, father of the applicant preferred claim during his life time.

5. The learned counsel for the applicant argued that in view of this position, order dated 15.10.2014 may kindly be reviewed/recalled/modified to the extent of admission in the hospital of mother of the applicant instead of father of the applicant and further time for preferring claim may kindly be extended.

6. I have carefully perused the Review Application and the grounds taken therein. I have also perused pleadings and the order dated 15.10.2014 passed in OA No. 321/2005. I do find

Anil Kumar

an inadvertent typing error in the order dated 15.10.2014 passed in OA No. 321/2005. In the OA, the prayer for reimbursement for medical claim is with regard to mother of the present applicant whereas in the order dated 15.10.2014 passed by this Tribunal, it has been inadvertently mentioned as the case of father of the applicant. Thus apparently it is a typographical error. Therefore, it needs to be modified.

7. Accordingly, the order passed in the OA may be read as under:-

(i) The second sentence of Para 5 is quoted below:-

"Shri B.L. Kothari due to the sudden heart problem was admitted in emergency in Tongia Heart and General Hospital, Jaipur and after treatment submitted a medial claim of Rs.1,44,614/-."

It may be read as under:-

"Smt. Chameli Devi due to the sudden heart problem was admitted in emergency in Tongia Heart and General Hospital, Jaipur and after treatment submitted a medial claim of Rs.1,44,614/-."

(ii) The second sentence of Para 10 is quoted below:-

"The case of medical reimbursement of father of the present applicant was returned by the respondents on the ground that there is no provision for indoor treatment for pensioners."

This should be read as under:-

"The case of medical reimbursement of **mother** of the present applicant was returned by the respondents on the ground that there is no provision for indoor treatment for pensioners."

(iii) Para 11 of the order is quoted below:-

"Therefore, in my considered opinion, the case of the present applicant's father can now be considered afresh by the respondents in view of the decision taken by the Hon'ble Supreme Court in the SLP (C) No. 10659/2005 – Union of India vs. Prabhakar Sridhar Bapat."

Anil Kumar

Now Para 11 be read as under:-

"Therefore, in my considered opinion, the case of the present **applicant's mother** can now be considered afresh by the respondents in view of the decision taken by the Hon'ble Supreme Court in the SLP (C) No. 10659/2005 - Union of India vs. Prabhakar Sridhar Bapat."

(iv) Para 12 of the order is quoted below:-

"Accordingly, the present applicant is directed to submit the claim of the medical reimbursement of his father before the respondents afresh within a period of one month from the date of this order and the respondents are directed to process the claim of the applicant and pass necessary orders within a period of three months from the date of receipt of the medical reimbursement claim from the applicant."

It should be read as under:-

"Accordingly, the present applicant is directed to submit the claim of the medical reimbursement **of his mother** before the respondents afresh within a period of one month from the date of this order and the respondents are directed to process the claim of the applicant and pass necessary orders within a period of three months from the date of receipt of the medical reimbursement claim from the applicant."

8. In view of the order passed in the present Review Application, the applicant is directed to submit the claim of medial reimbursement of his mother before the respondents afresh within a period of one month from the date of order passed in the Review Application.

9. With these observations & directions the Review Application is disposed of.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

Abdul