

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/00367/2015

Date of Order: 19.08.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Shri G.S.Rathore S/o Late Shri Rewat Singh, aged 57 years, Residing at 238/45, Gulab Bari, Ajmer-305007 working as Deputy Chief Electrical Engineer, Head Quarter North Western Railway, Jaipur (Mob. 9001195304).

.....Applicant
(By Applicant himself)

VERSUS

1.Union of India, through the General Manager, North Western Railway, Jaipur-302017.

.....Respondent
(By Advocate Mr. Anupam Agarwal)

ORDER

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved with denial of reimbursement of claim of Rs.19943/- against the Laptop repair vide communication dated 29.5.2015 (Ann.A/1) and return of claim Rs.10,500/- dated 23.11.2015 (Ann.A/5) vide letter dated 03.06.2015 (Ann.A/6), thereby seeking the following reliefs:-

8. i) That this Hon'ble Tribunal be graciously pleased to quash and set aside the impugned order dated 29.05.2015 and issue directions to the respondent for reimbursement of the claim of Rs.19943/- and Rs.10500/-.
- ii) That cost of this OA may be provided.
- iii) That grant any other and further orders deemed fit in the nature and circumstances of the case.

2. Heard. When the case had come up for hearing earlier on 16.2.2016, the following directions were recorded:

"During the course of the arguments, it was deemed appropriate to get certain clarifications to appreciate the case better. Accordingly Counsel for respondents may clarify the position regarding sanction of repair bills of laptops with reference to RTI information dated 13.11.2014, 02.12.2014 (page 16, 17 and 18 of the OA part of Annexure A/7) made available to the applicant, with reference to para 3.1.2(a) of the Railway Board Policy letter No.2011/C&IS/Committee/Laptops/Pt.II dated 23.01.2012."

The counsel for respondent sought time to submit the information but today he appeared and informed that he is not able to get the relevant information from the respondent department and OA may be decided on the basis of information available on record.

3. Thereafter the applicant appearing in person, commencing the arguments, submitted that he submitted the Bills for repair of Laptop firstly of Rs.19,943/- dated 16.7.2014 vide Ann.A/3 and thereafter of Rs.10,500/- vide Ann.A/5 dated 20.5.2015 but the first Bill was refused and the second Bill was returned. The first Bill was refused on the ground that the Bill submitted by the applicant was not from the Original Equipment Manufacturer (OEM) and hence the condition of Para 3.1.2(a) of the Railway Board policy letter No.2011/C&IS/Committee/Laptops /Pt.II dated 23.1.2012 was not fulfilled and therefore, the claim was not found eligible to be reimbursed. The second Bill of Rs.10,500/- was also returned on similar grounds.

4. In this context applicant submitted that he got the laptop of HP make repaired from M/s Navkar Infotech because OEMs are just interested in selling laptops and cover warranty only but do not take repair and maintenance of laptops after expiry of

warranty. He further submitted that many similar other cases of other officers were cleared for reimbursement/payment even when the repairs were got done from non-OEM. In this context he referred to the information obtained under RTI as at Ann.A/7 in which in a number of cases the repair of the laptops was done by non-OEM and in one case even the repair was done by the officer himself i.e. self repair but the Bills were reimbursed but in his case it was not passed. Applicant contended that as there can be no basis for discrimination the applicant is entitled to reimbursement because of his genuine claim and prayed for the OA be allowed.

5. Per contra, the counsel for respondents submitted that as per Railway Board instructions contained in letter No. 2011/C&IS/Committee/Laptops /Pt.II dated 23.1.2012, repair of Laptops only can be get done through OEM. The relevant instructions read as under:-

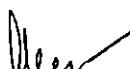
"Procurement repairs & maintenance can be done by the officer concerned directly from the Original Equipment Manufacturer (OEM) or their authorized outlets by paying the amount himself/herself, and then claim for reimbursement thereof."

As the applicant submitted the first Bill of non-OEM (Ann.A/3) and even submitted a fresh Bill directly to the Accounts Department (Ann.A/5) same were rejected and returned vide Ann.A/1 and Ann.A/6 respectively and, therefore, no claim of the applicant is made out for reimbursement of the same and relief sought for in the OA is not permissible.

6. Considered the aforesaid contentions and perused the record. Though as brought out in para 4.2 of the reply, the policy of

Railway Board communicated vide letter dated 23.01.2013 as per para 3.1.2(a) stipulates that "*Procurement repairs & maintenance can be done by the officer concerned directly from the Original Equipment Manufacturer (OEM) or their authorized outlets by paying the amount himself/herself, and then claim for reimbursement thereof*" but it is noted from the RTI information furnished by the applicant as at Ann.A/7 that in a number of cases the reimbursement of payments have been made for repair of laptops even when the same were got repaired from non-OEM, therefore, it is for the respondents to follow their policy uniformly for all the officers. It is further noticed that the respondents have not filed any denial of the information produced by the applicant at Ann.A/7. Therefore, it appears just and proper to direct the respondents to verify and reimburse the claim of the applicant made as per Bills at Ann.A/3 and Ann.A/5 as has been done in other cases, within 3 months from the date of receipt of this order.

OA is allowed as above, with no order as to costs.


(Ms. Meenakshi Hooja)
Administrative Member

Adm/