

Date of Decision: 09.02.1999

OA 379/98

Smt. Chanda Nuwal widow of Late Shri Krishna Swaroop Nuwal, Asstt. Supdt. in National Sample Survey Organisation, Ajmer, r/o 17/265, Jatiawas, Madargate, Ajmer.

... Applicant

Versus

1. Union of India through the Secretary, Deptt. of Statistics, Sardar Patel Bhawan, Sansad Marg, New Delhi.
2. Chief Executive Officer, NSSO (FOD), Sardar Patel Bhawan, Sansad Marg, New Delhi.
3. Director, NSSO (FOD), Pushpa Bhawan, Madangir Road, New Delhi.
4. Asstt. Director, NSSO (FOD), Sogani Bhawan, Naya Bazar, Ajmer.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. S. R. Chourasia

For the Respondents

... Mr. Gopal Das Vaza, Supdt.,
NSSO (FOD) Jaipur,
departmental representative

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Smt. Chanda Nuwal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, for quashing the orders dated 5.11.1997 and 7.4.1998, at Annexures A-1 and A-2 respectively, by which the claim for medical reimbursement of late Shri Krishna Swaroop Nuwal, her husband, was rejected. She has also prayed for a direction to the respondents to pay medical expenses amounting to Rs. 193409/- to her.

2. Heard the learned counsel for the applicant and Shri Gopal Das Vaza, Superintendent, National Sample Survey Organisation, FOD, Jaipur, departmental representative for the respondents. No reply has been filed by the respondents.

3. Applicant's case is that her husband, Shri Krishna Swaroop Nuwal, while working as Assistant Superintendent in the National Sample Survey Organisation, Ajmer, fell sick on 31.5.1997 and got himself treated at the

..... Contd.

6

Jawahar Lal Nehru Government Hospital at Jaipur. But since his condition was serious and the treatment of his disease was not available in any Government Hospital in the State of Rajasthan, Shri Krishna Swaroop Nuwal was admitted in the Bombay Hospital, Bombay. Shri Krishna Swaroop Nuwal remained in the Bombay Hospital, Bombay, from 12.7.1997 to 5.8.1997 and 12.8.1997 to 21.8.1997. The Bombay Hospital is a recognised public hospital and approved for treatment of Central Government employees under the Central Government Health Scheme. The deceased had submitted his claim for reimbursement of his medical expenses amounting to Rs.193409/- incurred by him during the period of his treatment in the Bombay Hospital. But the said claim was arbitrarily rejected vide order dated 5.11.1997, at Annexure A-1. The deceased again reiterated his claim on 4.2.1998 but his claim was again rejected vide order dated 7.4.1998, at Annexure A-2. The deceased had expired on 6.8.1998. His widow Smt.Chanda Nuwal, the applicant, was therefore compelled to file this application. It has been stated by the learned counsel for the applicant that an amount of Rs.182356/- has already been paid to the applicant in December, 1998 by way of medical reimbursement. The learned counsel for the applicant states that an amount of Rs.11053/- remains to be paid to the applicant.

4. In the circumstances, the present OA is disposed of, at the stage of admission, with a direction to the applicant to make a representation for payment of the balance amount of Rs.11053/- to respondent No.3 within a period of one month from today and the respondent No.3 is directed to decide the representation within a month of its receipt as per rules. If the applicant is aggrieved by any decision taken on the representation, she may file a fresh application. No order as to costs.

G.Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK