

Central Administrative Tribunal
Jabalpur Bench

OA No.1095/05

Jabalpur, this the 11th day of July, 2006

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr.A.K.Gaur, Judicial Member

Indrdeo Agarwal
S/o Shri Devi Prasad Agarwal
R/o Shree Shiv Om Tirth Ashram
(Viradh Ashram)
Village Napania, Back of Water World
Indore.

Applicant

(By advocate Shri D.M.Kulkarni)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi.

2. Divisional Rail Manager
Northern Railway
State Entry Road
New Delhi.

Respondents.

(By advocate Shri Y.I.Mehta)

ORDER

By A.K.Gaur, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:-

- (i) Hold that the provision in the medical attendance rules/railway liberalized medical rules not mentioning reimbursement for expenses incurred for Ayurvedic/Homeopathic treatment is illegal.
- (ii) Hold that the applicant is entitled to full reimbursement of his medical bills including Ayurvedic treatment.
- (iii) Direct the respondents to make balance payment claimed by the applicant towards medical reimbursement with interest and also make payment of latest bills submitted by the applicant vide A-7.

2. The applicant who is a retired employee of over 80 years opted for Railway Employees Liberalized Health Scheme framed under

✓

Railway Medical Attendance Rules, 1996. As per this Scheme, the applicant was required to subscribe one time contribution equal to last month's pay at the time of retirement. The applicant earlier filed an OA No.579/200 before this Tribunal seeking a direction to the respondents to make reimbursement of medical expenses as incurred by him for treatment of his wife as per the bills submitted by him. The Tribunal vide its order dated 28th September 2000 directed the respondents to consider and dispose of the representation, if any submitted by the applicant and pass appropriate orders for payment of medical bills. Subsequently, the respondents processed the claim and according to the applicant, they made a part payment. It is admitted by the applicant that as regards claim at S.No.(i), he has received a sum of Rs.7208/- and the balance amount of Rs.777.35/- was denied without assigning any reasons. His claim at S.No.(ii) amounting to Rs.996 +additional bills for Rs.2610/- was rejected on the ground that Ayurvedic medicines do not come under reimbursement scheme. As regards the claim at S.No.(iii), out of Rs.14,921.65 claimed by the applicant, only Rs.7,041.50 was sanctioned by the respondents, which pertained to the period prior to October 1997 limiting it to 50% of the total reimbursable amount. According to the applicant, a total amount of Rs.12,264.50/- has been disallowed by the respondents. Aggrieved, the applicant has approached this Tribunal.

3. We have heard Shri D.M.Kulkarni, learned counsel for the applicant and Shri Y.I.Mehta , learned counsel for the respondents. We have also seen the case of the applicant from various angles. In our considered view, the present OA is barred by the principle res-judicata and order (ii) of Rule 2 of CPC. No affidavit in support of delay condonation application has been filed by the applicant and the reasons for the delay have not been properly explained. The present OA is not legally maintainable in view of 2000 SCC L&S 53 R.C.Sharma Vs. Udhamp Singh Kamal. We cannot look into the merits of the case unless the delay is condoned (JT 1998 8 SCC 29). We are of the considered opinion that the OA is liable to be dismissed on the



ground of delay and laches. The OA is accordingly dismissed. No order as to costs.

A.K.Gaur
(A.K.Gaur)
Judicial Member

Dr.G.C.Srivastava
(Dr.G.C.Srivastava)
Vice Chairman

aa.

पूछांकन ग्रा. ओ/व्हा..... जबलपुर, दि.....
पत्रिलिपि बाबू पिला:-
(1) शहिर, राज्य न्यायालय ग्रा. कान्तिराम, जबलपुर
(2) अधिकारी प्रौद्योगिकी/कु..... ग्रा. कान्तिराम
(3) प्रधार्यी श्री/श्रीतारी/कु..... के कान्तिराम
(4) चंगावला, रोपड़ा, जबलपुर ज्योतिष
सत्त्वा एवं आवश्यक कार्यवाली हेतु

6/9/02

Dr.G.C.Srivastava

DR.G.C.Srivastava

Y.L.Mahato

DR.G.C.Srivastava

DR.G.C.Srivastava
on 6/9/02

DR.G.C.Srivastava