

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 68 of 2004

Jabalpur, this the 22nd day of April 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Subhash Kumar Chouksey,
S/o Late Shri J.N. Chouksey,
Aged about 48 years,
Working as Labour, Ticket
No. 4854, Section - M.M. of
Gun Carriage Factory,
Jabalpur (M.P)

APPLICANT

(By Advocate - Shri Arvind Chouksey)

VERSUS

1. The Union of India,
Through the Secretary to
the Ministry of Defence,
Production, New Delhi.
2. The General Manager,
Gun Carriage Factory,
Jabalpur.
3. The Controller of Defence,
Accounts (Fys),
10-A Auckland Street,
Kolkata.
4. The Chairman,
Ordnance Factory Board,
10- Auckland Street,
Kolkata.

RESPONDENTS

(By Advocate - Shri Gopi Chourasia on behalf of
Shri S.B. Dharmadhikari)

O R D E R

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

- (i) to pass an appropriate direction to the respondents that no deduction be made from the actual amount of expenditure incurred by the applicant for his treatment at Dr. Balabhai Nanawati Hospital, Mumbai.
- (ii) the amount deducted so far be reembursed to the applicant."

2. The brief facts of the case are that the applicant is working as Labourer in Gun Carriage Factory Jabalpur. From the pay slip dated 7.11.2003 for the month of October, 2003 an amount of Rs.1,367/- has been

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by the respondents deducted/without assigning any reason and without providing to the applicant any opportunity of hearing/ He has made a representation dated 12.11.03 against the said deduction/ but instead of taking any action in the matter the respondents have again recovered Rs. 1,367/- from the salary/for the month of November, 2003.

The respondents are illegally and arbitrarily deducting the amount spent on medical treatment of the applicant as he is suffering from RHD with M S/with M.R.. He was referred to Nanawati Hospital, Mumbai as the facility of treatment of Heart surgery is not available in the State of Madhya Pradesh. The Director of Medical Education M.P. vide order dated 17.6.2003(Annexure-A-6) granted permission for treatment out-side the State of Madhya Pradesh. The factory management had issued a cheque of Rs. 1,90,000/- as an advance amount for treatment payable to the Nanawati Hospital, Mumbai. The total expenditure incurred in treatment is Rs.28,490/-. Hence, the applicant has refunded the balance amount of Rs.1,62,200/- in the account of Government and the bills of medical expenses have been submitted by him to the management. The applicant is entitled for free Medical Treatment or specialized treatment in Government hospital or at any such hospital approved by the Government. The respondents have suddenly started deduction of Rs.1,367/- per month from the salary of the applicant without issuing any notice or any opportunity of hearing. Aggrieved by this, the applicant has filed this OA.

3. Heard the learned counsel for the applicant and respondents.

4. The learned counsel for the applicant has stated that according to Nanawati Hospital Mumbai total expenditure incurred in treatment is Rs.28,490/-. The applicant was entitled for this amount and refunded the balance amount to the respondents immediately. But, inspite of this the respondents have suddenly started deduction of Rs.1,367/- from the salary of the applicant, which is against the rules.



5. The learned counsel for the respondents has stated that the applicant was sanctioned medical advance of Rs. 1,90,000/- for his treatment at Nanawati Hospital Mumbai. After undergoing the treatment, the applicant submitted that final reimbursement medical claim for Rs. 28,490/- and deposited the balance amount of Rs. 1,62,200/-. The audit authorities out of the left out amount of Rs. 27,800/- admitted the claim for Rs. 14,148/- only, as per the CSMA limits prescribed, and requested the respondents to recover the balance of Rs. 13,652/- from the applicant. The learned counsel for the respondents further states that this Tribunal has already dismissed similar applications in OA No. 293/02 vide order dated 3.10.2002 and OA No. 827/01 decided on 21.10.2002. Hence the relief sought by the applicant is not maintainable and liable to be dismissed.

6. After hearing the learned counsel for the parties, I find that the applicant was only entitled for Rs. 14,148/- as per the rules. Whereas he has claimed Rs. 28,490. Though the amount of Rs. 1,90,000/- was given to the applicant as advance money for alleged treatment from Nanavati Hospital Mumbai after his treatment he has refunded Rs. 1,62,200/- to the respondents but as per rules he was entitled for Rs. 14,148. Hence he cannot claim more than Rs. 14,148/- He can only claim as to his entitlement. I have also perused order passed in the aforesaid OAs, by this Tribunal, as submitted by the respondents in support of their claim. I do not find any merit in this OA. Accordingly, the same is dismissed.


(Madan Mohan)
Judicial Member