

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 798 of 2002

Jabalpur, this the 6<sup>th</sup> day of September, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

William Aekley, Son of late Shri R.  
Aekley, aged about 50 years, Occupation-  
Service, Resident of Quarter No. H-type,  
6/20, OFK, Khamariya Estate, Jabalpur. ... Applicant

(By Advocate - Shri A.L. Patel)

V e r s u s

1. Union of India, through  
Chief Controller of Accounts  
(Fys.) 10-A Auckland Road,  
Calcutta.

2. General Manager, Ordnance Factory  
Khamariya, Jabalpur.

... Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has  
claimed the following main relief :

"(A) quash the impugned order dated 7.9.2002  
Annexure A-1."

2. The brief facts of the case are that the applicant is  
working on the post of D.B. Worker, Ordnance Factory,  
Khamariya, Jabalpur. In the year 1998 the daughter of the  
applicant Ku. Monika Ackley was a patient of Apidabic Anaemia  
and was under going treatment under the Central Govt.  
Health Scheme at Jabalpur Khamaria Hospital. But the  
disease was not controlled, therefore, she was referred to  
Medical College, Jabalpur but to no effect and was further  
referred to Appollo Hospital, Hyderabad for her treatment.  
When the daughter of the applicant was sent to Hyderabad for  
treatment the respondents had sent a cheque of Rs. 1,57,500/-  
and after treatment the hospital authorities settled the

claim of the applicant after deducting a sum of Rs. 1,41,679/- from the cheque which was sent by the respondents and returned the balance amount by Account payee cheque to the office of the respondent No. 2. However, after submission of the final bill Annexure A-1 the respondent No. 1 intimated the applicant that they have decided to recover a sum of Rs. 69,644/- from the salary of the applicant. The monthly salary of the applicant is Rs. 4797/- and if such deduction is permitted for continue then the applicant will become hand to mouth and he will be unable to maintain his family. Hence, this Original Application.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the applicant's daughter had undergone the treatment in the Appollo Hospital, Hyderabad because her treatment was not possible at Jabalpur and even in the Medical College, Jabalpur. A cheque of Rs. 1,57,500/- was sent by the respondents for her treatment at Appollo Hospital, Hyderabad and the hospital authorities settled the claim after deducting Rs. 1,41,679/-. The remaining amount was sent back to the respondents by the hospital authorities. An amount of Rs. 69,644/- is being recovered from the salary of the applicant. The applicant is legally entitled for the medical treatment of his daughter. The order of recovery is against the rules and law.

5. In reply the learned counsel for the respondents argued the case of the applicant's daughter has been referred to the Appollo Hospital, New Delhi for treatment of Aplitic Anemia by the P.M.O. Ordnance Factory Hospital, Khamaria Jabalpur. Her case was also recommended by the Govt. Medical




College, Jabalpur vide letter dated 1.8.2001. The Senior Consultant of the Apollo Hospital, New Delhi intimated the respondent No. 2 vide letter dated 13.8.2001 that the approximate expenditure for the aforesaid treatment would be around Rs. 1,75,000/-. As per rules 90% of the estimated amount was sanctioned by the competent authority and the same was remitted to the Hospital authorities vide DD dated 24.8.2001. After completion of the treatment, the applicant has refunded a cheque of un-utilised amount of Rs. 29,400/-. The applicant submitted his final medical reimbursement claim of Rs. 1,41,679/-. The audit authority intimated the respondent No. 2 vide letter dated 9.5.2002 about the aforesaid recovery of Rs. 69,644/- on the <sup>final</sup> medical claim of the applicant accepted. The applicant was intimated to deposit the debit balance of recovery amount of Rs. 69,644/- vide letter dated 7.8.2002. The recovery has already been started from the month of September, 2002 and an amount of Rs. 28,226/- has already been recovered upto the month of March, 2003 from the salary of the applicant. <sup>daughter of the</sup> The applicant was referred to Apollo Hospital, New Delhi and not to Apollo Hospital, Hyderabad. Hence, the action of the respondents is perfectly legal and justified.

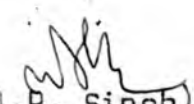
6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that daughter of the applicant underwent the treatment at Apollo Hospital, Hyderabad. The authorities of the hospital settled the claim of the applicant at Rs. 1,41,679/- and the balance amount was sent back to the respondents by the hospital authorities. The applicant submitted his final medical reimbursement claim of Rs. 1,41,679/-. The audit authority while passing the medical reimbursement claim made a recovery against the applicant for an amount of Rs. 69,644/- and passed the bill for an amount of Rs. 87,856/-. The audit authority intimated

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the respondents vide letter dated 9.5.2002. Thereafter, an amount of Rs. 69,644/- was decided to be recovered from the salary of the applicant and it started from the month of September, 2002 and an amount of Rs. 28,226/- has already been recovered upto the month of March, 2003. We have perused Annexure A-4 dated 1.8.2001 submitted by the applicant through MA No. 1677/2002. This is a document issued by the Netaji Subhash Chandra Bose Medical College, Jabalpur in favour of the applicant, wherein it is mentioned that the applicant's daughter is suffering from Apidatic Anaemia and she was referred to "Appollo Hospital, New Delhi" for further investigation and treatment. The Senior Consultant of the Appollo Hospital, New Delhi <sup>when</sup> intimated the respondent No. 2 vide letter dated 13.8.2001 about the approximate expenditure of the treatment, the respondents sanctioned the 90% of the estimated amount and remitted the same to the Appollo Hospital, New Delhi vide DD dated 24.8.2001. The argument of the respondents seems to be correct that the applicant's daughter was not referred to Appollo Hospital, Hyderabad, on the basis of Annexure A-4 filed by the applicant. The applicant could not show us any document, wherein her daughter was referred to the Appollo Hospital, Hyderabad. Thus, no irregularity or illegality has been committed by the respondents while passing the impugned order of recovery. The action of the respondents in passing the impugned order of recovery is proper and justified.

7. In view of the aforesaid, we do not find any merit in this Original Application and the same is accordingly dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman