

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUROriginal Application 460 of 2000

Jabalpur, this the 31st day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya- Member (Adminv.)

J.K. Jotwani, Administrative Officer,
Office of Assistant, Commissioner of
Income Tax (TDS), Bhopal.

-APPLICANT

(By Advocate- Mr. M.N. Banerjee)

Versus

1. Union of India through
the Secretary, Ministry of
Finance, Government of India,
New Delhi.
2. Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.
3. Chief Commissioner of Income Tax,
Aaykar Bhawan, Hoshangabad Road,
Bhopal.
4. Commissioner of Income Tax,
Aaykar Bhawan, Hoshangabad Road,
Bhopal.

-RESPONDENTS

(By Advocate- Mr. B. Dasilva)

O R D E R (ORAL)

The applicant is aggrieved by the order dated 28.5.1998 as communicated to him vide ~~order dated 28.5.1998~~ on 30.5.1998 (Annexure-A-1) by which part of his claim regarding medical reimbursement has been rejected.

2. It is stated that the applicant working as Administrative Officer in Income-tax Department had to undergo bypass surgery on 8.5.1996 at Apollo Hospital, Madras. For this purpose he was given due permission of Directorate of Medical Education, Madhya Pradesh, Bhopal as per order dated 25.4.1996 (Annexure-A-4). According to the learned counsel, the applicant being a Central Government employee should have been reimbursed the full medical expenses incurred by him.

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3. The respondents in their reply have stated that the permission to get treatment was allowed with the condition that the reimbursement ^{would} ~~will~~ be limited to the admissible amount. It is further stated by the respondents that the entitled amount has already been reimbursed to the applicant as per existing circulars on the subject.

4. The learned counsel of both the parties have been heard and the material available on record has been perused.

5. The Hon'ble Supreme Court in the case of State of Punjab and others Vs. Ram Lubhaya Bagga & others, 1998 (2) ATJ 154 have held that payment of medical reimbursement to the extent of package deal cannot be assailed. Therefore, the impugned order cannot be questioned on that account. However, it is noticed that the treatment was taken by the applicant on 8.5.1996 whereas the payment has been made on the basis of Government instructions dated 31.10.1994. In case there is any enhancement of the entitlement after the issue of instructions on 31.10.1994 up to the date of taking of treatment, the applicant should be given benefit thereof. This Tribunal in some other similar cases have directed the applicant to file a representation for reimbursement of full expenses. In the case of J.B.Mitra Vs. Union of India & others, O.A.316/2001 decided on 21.5.2002, this Tribunal observed that the applicant will be at liberty to make a representation to the Ministry of Health and Family Welfare praying for full reimbursement. It was also directed that if such a representation was made, the same was to be forwarded by the controlling officer for consideration of the Ministry. Similar liberty is provided to the applicant in this case also. If the applicant makes any representation for full reimbursement, the same may be forwarded to the concerned

Ministry by the Income-tax Department.

6. Subject to the remarks in the preceding paragraph, this O.A. is disposed of without any order as to costs.

(Signature)

(R.K. Upadhyaya)
Member (Admin.)

rkv.

पूरांकन सं ओ/न्या..... जयलपुर, दि.....

प्रतिनिधि

(1) *(illegible)*

~~(2) *(illegible)*~~

~~(3) *(illegible)*~~

(4) *(illegible)*

सूचना एवं आदेश

mr. Barshi ACLO

B. Ch. Silva - ACU

(Signature)
5/2/03

*Issued
on 5.2.03
BS*