

**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA.87/2008

This the 9th of March, 2010

Hon'ble Shri B.L.Khatri, Member (Administrative)

Mr.Kishan Singh Rawat, son of Shri Khem Singh, aged about 57 years, resident of Girish Vihar Colony, Dholpur and presently working as Accountant, Dholpur Head Post Office, Dholpur.

...Applicant

(By Advocate: Shri C.B. Sharma)

- *V E R S U S* -

1. Union of India through its Secretary to the Government of India, Department of Posts Ministry of Communications and Information Technology, Dak Bhawan, New Delhi 110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. Director, Postal Services, Jaipur Region, Jaipur 302007.
4. Superintendent of Post Offices, Dholpur Postal Division, Dholpur.

.....Respondents

(By Advocate: Shri T.P.Sharma)

ORDER(Oral)

This OA has been filed by the applicant against the order dated 11.12.2006 (Annexure A-1), thereby request of the applicant for staying recovery of the amount of reimbursement medical bill has not been acceded to. By this OA, the applicant praying for the following reliefs:-

- (i) that the impugned action of respondents in connection with recovery be quashed and set aside by quashing letter dated 11/12/2006(Annexure A/1) with the Audit objection relating to the medical claim of the applicant with all consequential benefits.
- (ii) That the respondents be further directed to refund the Rs. 36,897/- recovered from the

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applicant till February 2008 alongwith interest at market rate.

- (iii) The respondents be further directed to take action for regularization of sanction from the respondents No. 2 if required and to hold good sanction issued by respondents No. 4 vide Annexure A/5.
- (iv) Any other order/direction of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of the case.
- (v) That the costs of this application may be awarded.

2. Briefly stated facts of the case are that the applicant, Shri Kishan Singh Rawat had submitted medical claim/reimbursement bill for treatment taken by him from 16.11.2005 to 19.11.2005 at Metro Hospital, Faridabad being private hospital for Rs. 1,75,000 as detailed below.

1.	Coronary Angiography	Rs.1,35,000/-
2.	Additional Stunt	Rs. 50,000/-
3.	Non-Gonic DGE	Rs. 8,750/-
		Total Rs.1,93,750/-
	Less Concession	Rs. 18,750/-
		Rs.1,75,000/-

3. In this case it is submitted that Audit Party in the month of May, 2006 objected sanction of medical claim as sanctioned by the respondent No. 4 and also directed to recover irregular payment of Rs. 1,75000/-, Copy of audit report never made available to the applicant. The Audit Party had objected that as per Appendix -VIII to MA rules, the claim for treatment taken at private hospital is required to be submitted to the Chief Postmaster General for approval but the claim has been irregularly approved by S.P.O.'s Dholpur vide sanction NO. E-8/7/68/40 dated 28.3.2006 for Rs. 1,75,000/-. The Audit Party has directed that the irregular payment for the said amount may be recovered from the official and particulars of recovery were intimated to the Director of Accounts

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(Postal) Jaipur. It was submitted by the counsel for applicant that recovery of the amount of Rs. 1,75000/- was started without passing any order for recovery and without communicating audit objection to the applicant.

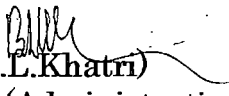
4. Notice of this OA was given to the respondent and respondent has filed reply. In the reply the respondent has opposed the claim of the applicant.

5. It was submitted by the learned counsel for the respondents that applicant had filed an appeal on 24.2.2007 which was forwarded to the Director Postal Services, Jaipur vide this officer letter No. E/2/8/MT/06-07 on 20.3.2007. It is reported by the counsel for respondents that appeal is still pending ~~now~~. The applicant had filed this OA without exhausting departmental remedies. The applicant had filed an appeal on 21.2.2007 before the Director of Postal Services Jaipur. The appeal of the applicant was forwarded by the Superintendent Post Offices, respondent No.4 vide letter dated 20.3.2010. Therefore, respondent No.3 is directed to decide the appeal within a period of two months from the date of receipt of this order.

6. Secondly, I find that objection was raised by the Audit Party on the ground that the claim for the medical reimbursement should have been sanctioned by the Chief Post Mater General instead of Supdt. of Post Office respondents No.4. It is also, therefore, considered necessary to direct the applicant to file self contained representation before the respondent No. 2, Chief Post Master General, Jaipur within 15 days from the date of receipt of a copy of this order. In case representation is filed by the applicant, in that eventuality the C.P.M.G. i.e. respondent No.2 shall decide the same within a period of two months from the date of receipt of representation.

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7. The order dated 19.3.2008 for stay of recovery shall continue till decision is taken by respondent No.2 i.e.Chief Post Master General, Rajasthan Circle, Jaipur, on the representation of the applicant.
8. In terms of these directions, the OA is disposed of with no order as to costs.


(B.L.Khatri)
Member (Administrative)

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