

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

19.03.2013

OA No. 105/2012

Mr. C.B. Sharma, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondent No. 1 & 2

Mr. Neeraj Batra, Counsel for respondent No. 3 to 5.

Heard the learned counsel for the parties.

The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 105/2012

Jaipur, the 19th day of March, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

H.P. Meena son of Shri Ram Swoop Meena, aged about 39 years, resident of 246, Brijpuri, Jagatpura, Jaipur and presently working as Director, Office of Senior Deputy Director General, Telecom Engineering Centre, New Delhi.

... Applicant
(By Advocate : Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary to the Government of India, Department of Telecommunication, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi.
2. Senior Deputy Director General, Engineering Centre, Khurshid Lal Bhawan, Jan Path, New Delhi.
3. Chief General Manager (BSNL), Rajasthan Telecom Circle, Jaipur.
4. General Manager, Telecom District, Ajmer.
5. Telecom District Manager, Jhalawar.

... Respondents
(By Advocates: Mr. Mukesh Agarwal – Respondent nos. 1 & 2
Mr. Neeraj Batra – Respondent nos. 3 to 5)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That the respondents may be directed to entertain the medical claims of mother of the applicant and to release payment of Rs.2,10,720/- towards medical reimbursement along with interest @ 12% p.a. from April, 2008 to till payment by quashing letter dated 14.11.2011 (Annexure A/1).
- (ii) That respondents be further directed not to recover any amount from medial advance of Rs.2,08,000/-

Anil Kumar

sanctioned to the applicant towards treatment of his mother and refund recovered amount alongwith interest by quashing letter dated 15.06.2011 (Annexure A/9).

- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that the mother of the applicant was admitted in Tongia Heart & General Hospital, Jaipur and was operated on 13.03.2008 and thereafter expired on 08.01.2010. The applicant preferred medical claim of Rs.2,10,720/- and the same is pending since 2008.

3. Learned counsel for the applicant argued that vide letter dated 14.11.2011 (Annexure A/1), the respondents have requested certain information from the Telecom District Manager Jhalawar. Therefore, he prayed that the respondents be directed to settle the claim of the applicant at the earliest.

4. On the other hand, learned counsel for respondent nos. 1 & 2 submitted that they are formal parties and the claim is to be settled by the BSNL and not by the Government of India.

5. Learned counsel for respondent nos. 3 to 5 agreed with the submissions made by learned counsel for respondent nos. 1 & 2 and submitted that medical claim of the applicant of Rs.2,10,720/- was rejected by GMTD, Ajmer on 17.04.2009 (Annexure R/7).

Anil Kumar

After rejection of applicant's medical claim by GMTD, Ajmer, the applicant approached to CGMT, Rajasthan for reconsideration of his rejected medical claim on sympathetic grounds (Annexure R/6). On getting the representation through CGMT, H.P., Telecom Circle (Annexure R/6), CGMT Rajasthan called the complete case of the applicant for further examination and consideration under BSNL MRS Policy.

6. Learned counsel for the respondents admitted that the only representation of the applicant dated 08.05.2009 (Annexure R/6) for consideration of applicant's rejected medical claim is pending with respondent no.3 for decision.

7. The learned counsel for the applicant submitted that respondent no. 3 to 5 be directed to consider the representation of the applicant and settle the medical claim of the applicant.

8. In view of the fact that representation of the applicant dated 08.05.2009 (Annexure R/6) is pending for decision with respondent no. 3, I deemed it proper and just to direct respondent no. 3 to take a decision on the representation of the applicant dated 08.05.2009 (Annexure R/6) expeditiously in accordance with the provisions of law but in any case not later than a period of three months from the date of receipt of a copy of this order. It is made clear that the applicant would co-operate with the respondents if any information/clarification is sought by the respondents.

Anil Kumar

9. With these observations, the OA is disposed of with no order as to costs.



(Anil Kumar)
Member (A)

AHQ