

OPEN COURT

Central Administrative Tribunal, Allahabad Bench,
Allahabad

Original Application No.330/00384/2012

This the 12th day of September, 2018

Hon'ble Mr. Justice Bharat Bhushan, Member (J)

Kailash Nath Verma s/o Sri Ram Kumar Verma resident of
106 A, Shantinagar Maholi Road, District- Mathura.

Applicant

By Advocate: Sri Vivekanand Rai

Versus

1. Union of India through its Secretary, Ministry of Telecom, New Delhi.
2. General Manager/ Assistant General Manager Admin.I Section corporate Office, Bharat Sanchar Bhawan, New Delhi.
3. Chief General Manager, Bharat Sanchar Nigam Ltd. (A Govt. of India Enterprises) (Medical Section) U.P. (West) Telecom Circle 1st Floor, MDA Building, Meerut.
4. Chief General Manager, Bharat Sanchar Nigam Ltd. (A Govt. of India Enterprises) (Administration Section) 32-Civil Lines, Mathura.
5. Account Officer (Cash) Office of General Manager, T.D. BSNL, Mathura.

Respondents

By Advocate: None

ORDER

HON'BLE MR. JUSTICE BHARAT BHUSHAN, MEMBER (J)

This Original Application (O.A.) has been filed under Section 19 of the Administrative Tribunals Act, 1985 (AT Act) for following reliefs:-

- i) That this Tribunal may be pleased to direct the respondents to provide medical claim to the applicant at an early date, in accordance with law.
- ii) That the respondents may be further directed to decide the representation of the applicant within reasonable time, which may be fixed by this Hon'ble Tribunal.

- iii) That a direction may be issued commanding the respondents to pay compensation to the petitioner for unnecessary delay caused by them in making payment of legitimate claim of the applicant and for putting him in financial hardship.
- iv) That this Hon'ble Tribunal may be pleased to provide any other relief to the applicant which this Hon'ble Court deems and proper in the circumstances of the case.
- v) Award the cost to the applicant.

2. It appears that applicant retired from the Office of General Manager, Door Sanchar Nigam Ltd. Branch Mathura on 31.3.2006. On 21.8.2007, the applicant fell ill and was hospitalized in Bipin Nursing Home, Mathura. From where, he was referred to Apollo Pankaj Hospital, Agra as there was no advance facilities available in Bipin Nursing Home, Mathura. The applicant submitted that Sri N.S. Chaudhari, AGM of the Department visited him in the hospital. Applicant says that he submitted medical bills before Accounts Officer of BSNL, Mathura but his bills have not been cleared by the Department on the ground that Apollo Pankaj Hospital, Agra is not empanelled hospital with the Department.

3. Counter Affidavit has been filed by the Department wherein the same plea has been taken.

4. Heard Sri Vivekanand Rai, learned counsel for applicant and Sri D.S. Shukla, learned counsel for respondents No. 2 to 5.

5. Learned counsel for applicant has submitted Bipin Nursing Home, Mathura was empanelled hospital where the

applicant was admitted for treatment but the Bipin Nursing Home, Mathura was devoid of advance facilities, therefore, Bipin Nursing Home itself referred him to Apollo Pankaj Hospital, Agra. Learned counsel for applicant has also drawn attention of this Tribunal towards the judgment and order passed by this Tribunal in O.A.No. 1376/2011 on 24th November, 2011, wherein the Department was directed to reimburse the medical claim of the applicant.

6. Learned counsel for respondents has disputed this claim saying that the facts of both cases are different.

7. Counsel for applicant has also drawn attention of this Tribunal towards para 8 of the Rejoinder Reply wherein it has been submitted that an amount of Rs. 85000/- has been sanctioned by the General Manager (Copy of Sanction order is annexed as Annexure No. RA-1 to the Rejoinder) but the same has not been released on account of pendency of this O.A.

8. Careful perusal of the record of the case would indicate that applicant has sought direction of this Tribunal to decide the representation of the applicant within a reasonable period of time along with other reliefs.

9. Counsel for applicant has submitted that he would be satisfied and his grievance would be redressed if his representation is decided within a reasonable period of time by the Department.

10. Considering the facts and circumstances of the case, respondents No. 2 and 5/competent authority are directed to decide the representation dated 27.2.2012 (Annexure No. 12) as well as claim of the applicant by means of speaking and reasoned order within a period of 4 months from the date of receipt of certified copy of this order in the light of judgment

and order passed by this Tribunal in O.A.No. 1376/2011 on 24.11.2011. Counsel for applicant is also directed to supply copy of judgment passed by this Tribunal in O.A. No. 376/2011 along with copy of this order to the respondents No. 2 and /competent authority within a month. No order as to costs.

(JUSTICE BHARAT BHUSHAN)
MEMBER (J)

HLS/-