

Central Administrative Tribunal
Principal Bench, New Delhi

CP No. 61/2017
OA No. 3736/2014
MA No. 657/2018

New Delhi this the 27th day of February, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Mahesh Kumar Bharti,
S/o Late Shri Ram Gopal,
Retired from the post of Accounts Assistant,
From the office of Senior Divisional Finance Manager,
Northern Railway, State Entry Road,
DRM Office, New Delhi
R/o 4013, Gali Barna, Basti Mansa Ram,
Sadar Bazar, Delhi-110006

- Applicant

(By Advocate: Ms. Sonika for Mr. Yogesh Sharma)

Versus

1. Sh. A.K. Puthia,
General Manager,
Northern Railway, Baroda House,
New Delhi
2. Sh. Sunil Kapoor,
Chief Medical Officer, Northern Railway,
Baroda House, New Delhi
3. Dr. Sanjay Kumar,
Chief Medical Superintendent,
Northern Railway Divisional Hospital,
Near Old Delhi Railway Station, Delhi

- Respondents

(By Advocate: Mr. Satpal Singh)

O R D E R (Oral)

Justice Permod Kohli:

The applicant claimed medical reimbursement in OA No. 3736/2014. This OA came to be disposed of vide order dated 27.09.2016 with the following directions:-

“5. This O.A. is, therefore, disposed of with a direction to the respondents to scrutinize the medical bill of the applicant keeping in view the principle laid down by the Hon'ble Supreme

Court in Suman Rakheja (supra) and in case balance payment is due to him after recalculation, same be paid to the applicant within a period of 90 days from receipt of a certified copy of this order. No order as to costs.”

2. On account of non-compliance of the aforesaid directions, the present Contempt Petition has been filed.

3. It seems that the respondents approached the Hon’ble High Court by filing W.P.(C) 5663/2017 – Union of India & Anr. v. Mahesh Kumar Bharti. The Hon’ble High Court, in CM No. 23704/2017, passed the following orders on 02.02.2018:-

“1. Subject to the petitioners releasing in favour of the respondent the medical claim for a sum of Rs.42,400/-, without prejudice to its rights and contentions, within four weeks from today, the respondent shall not press the contempt petition filed against the petitioners.

2. Further, the respondent shall file an affidavit within two weeks from today undertaking *inter alia* that in the event the petitioners succeed in the present Petition, he shall refund the entire amount paid to him in terms of the orders passed above.

3. The application is disposed of.”

4. In view of the above, Mr. Satpal Singh, learned counsel for the respondents, submits that the payment of Rs.42,400/- has already been sent to the account of the applicant. The applicant is required to file an affidavit undertaking therein that in the event the Writ Petition succeeds, the applicant shall be liable to refund the entire amount paid to him. Let such affidavit be filed before the Tribunal within two weeks. With these directions/observations, the contempt proceedings are dropped. All the pending ancillary applications also stand disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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