

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

O.A. No.60/83/2017

Date of decision: 28.03.2018

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

Jaswinder Kaur wife of Ram Asra Singh (Retired CTS, office of BSNL Ferozepur), Resident of Village Sahuke, Saho Ke, Tehsil Bagha Purana, District Moga, Punjab (Group C). Age 57 years.

VERSUS ...APPLICANT

1. Union of India, through Chief Secretary, Ministry of Communications and Information Technology, Department of Telecommunication, Sanchar Bhawan, 20 Ashok Road, New Delhi.
(Deleted vide order dated 24.01.2018).
2. The Chief General Manager Telegraph (BSNL), Sanchar Bhawan, Sector 34-C, Chandigarh.
3. The General Manager Telegraph (BSNL) Ferozepur, District Ferozepur (Punjab).
4. The Dealing Head (HRD Branch) Office of G.M.T., B.S.N.L. Ferozepur, District Ferozepur (Punjab).

...RESPONDENTS

PRESENT: Sh. Vishal Satija, counsel for the applicant.
Sh. Rajesh Gupta, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 30.07.2016 (Annexure A-1) whereby respondents have rejected her claim for reimbursement of medical expenses incurred on treatment of her husband, who was employee of the respondent department, on the plea that the same has been submitted beyond the stipulated period mentioned in the policy.
2. Facts are not in dispute.

3. Against the action of the respondents in not deciding representation filed regarding her claim for medical reimbursement, applicant earlier approached this Tribunal by filing OA No.60/399/2016, which was disposed of vide order dated 05.5.2016 by directing the respondents to take a view on pending claim of husband of the applicant within a period of three months from the date of receipt of a certified copy of that order. It is in furtherance thereto, the respondents have passed impugned order where they have partly accepted her claim, which was submitted within time i.e. within six months from the date of treatment. With regard to remaining period, they have rejected as having been filed beyond the time. Hence against their action for not reimbursing the amount, which was actually incurred on treatment of her husband, on the ground that the same has not been submitted within time, applicant is before this Court.

4. A perusal of the impugned order Annexure A-11 makes it clear that medical treatment of husband of the applicant was from January 2014 to December 2014 and the applicant submitted claim in the month of January 2016 and since it was submitted beyond six months period, therefore, as per policy it has been rejected. Even for the medical claim for the period from July 2015 to December 2015, the same very objection has been taken.

5. Learned counsel for the respondents submitted that in terms of BSNL policy dated 13.01.2006, time limit has been prescribed for submission of medical bills. Since those bills have been submitted by the applicant beyond six months period, therefore, they have rightly been rejected.

6. I have given my thoughtful consideration to the entire matter and are of the view that while rejecting her claim, respondents have not spelt out reason in the impugned order. Once policy itself gives right to employee to seek waiver, if he/she is suffering from chronic disease then respondents are under obligation to pass reasoned and speaking order. Since husband of the applicant was suffering from Chronic Kidney disease, therefore, she is within the clause to seek waiver.
7. Considering the fact that respondents have not given reasons for not exercising their power given under Rule 2.1.3 of 2006 policy, therefore, impugned order rejecting her claim for waiver of time limit cannot stand. Accordingly, the same is quashed and set aside and matter is remitted back to the respondents to reconsider request of the applicant for waiver of time limit for submitting claim for reimbursement in terms of Clause 2.1.3 of the Policy. Let the above exercise be carried out within a period of one month from the date of receipt of a certified copy of this order.
8. The OA stands disposed of in the above terms.

**(SANJEEV KAUSHIK)
MEMBER (J)**

Date: 28.03.2018.
Place: Chandigarh.

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