

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:GWALIOR

Miscellaneous Application No.202/00625/2018
(in O.A. 202/00501/2014)

Gwalior, this Tuesday, the 23rd day of October, 2018

HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

J.L Prasad,
S/o Shri Lalaram Aged 54 years
Occupation Sr. Engineering Astt.
In the O/o Door Darshan Relay Kendra Kailaras
Distt. Morena M.P. 476001
R/o G.M-4 Kushwah Market D.D. Nagar,
Gwalior 474020 M.P.

-Applicant

(By Advocate –**Shri S.C. Sharma**)

V e r s u s

1. Director General
All India Radio
Akashwani Bhawan,
Sansad Marg
New Delhi 110001

2. Chief Executive Officer (CEO)
Prasar Bharti Secretariat
2nd Floor, PTI Buidling
Sansad Marg
New Delhi 110001

3. Station Engineer/ Dy. Director
(Engg.) All India Radio
Gandi Road
Gwalior 474002

- Respondents

(By Advocate –**Shri Akshay Jain**)

O R D E R (ORAL)**By R. Ramanujam, AM:-**

Heard. This execution petition has been filed by the applicant seeking execution of the order passed by this Tribunal in O.A. No.202/501/2014 dated 22.03.2017 whereby the impugned order dated 21.02.2014 of the respondents therein was quashed and set aside and the respondents were directed to release a sum of Rs.2,40,108/- which the applicant incurred for his own treatment, within a period of one month from the date of receipt of certified copy of the order.

2. It is alleged that respondents had reimbursed an amount of Rs.2,03,100/- only through PFMS and withheld the remaining amount for no valid reasons. Accordingly, it is submitted that the order is liable to be executed against the respondents.

3. Shri Akshay Jain, learned counsel appearing on behalf of the respondents submits that the respondents had complied with the order of this Tribunal in respect of bills which were received valid and an amount of Rs.2,03,100/- had already been released to the applicant. However, the balance amount pertaining to seven (07) bills could not be released as the applicant had not submitted the said seven (07) bills to the respondents.

4. It is further submitted that in the O.A., the contention of the respondents that the applicant did not take prior permission for taking treatment in a private hospital had only been over-ruled. There was no finding on the exact amount legitimately reimbursable to the applicant in terms of such claim although it appears that the figure of Rs.2,40,108/- was indicated in the operative portion of the order on the basis of the averments of the applicant. As the respondents had opposed the O.A. on the ground of admissibility as the applicant had not taken prior permission, the dispute, if any, regarding the exact aggregate amount payable to the applicant had not been gone into. It is further submitted that the respondents would release the balance amount once the applicant produced the remaining seven (07) bills.

5. Learned counsel for the applicant would, however, allege that the applicant had submitted all the bills and he had no more bills to submit to the respondents. He had not retained any copy thereof and, therefore, the bills could not be produced now.

6. We have considered the submissions by the rival counsel and perused the documents. It is seen that the respondents had released the amount of Rs.2,03,100/- against the sum of Rs.2,40,108/- . The applicant had filed a Contempt Petition No.202/43/2017 before this Tribunal on the same grievance and cause of action which was

disposed of by an order dated 09.05.2018 wherein it was noted that a letter had already been issued to the petitioner for providing the remaining bills for releasing the payment. Accordingly, the Tribunal was of the opinion that there was substantial compliance of the order dated 22.03.2017 and there was no willful or intentional disobedience of the Tribunal order. Resultantly the Contempt Petition was closed.

7. A perusal of the order of this Tribunal dated 22.03.2017 does indicate that the matter was mainly decided on the issue of applicant's failure to obtain prior permission for taking treatment in a private hospital. There was no discussion regarding the breakup of amount payable and how the amount of Rs.2,40,108/- was arrived at. The Contempt Petition, in this regard, has also been closed as there has been substantial compliance of the order.

8. Learned counsel for the applicant would argue that this Tribunal was not competent to revisit its own order and look into whether the operative portion of the order indicating the exact amount reimbursable flowed from a discussion of the veracity of the claim or otherwise. Once an order is passed, there has to be full compliance and not merely substantial compliance, it is contended.

9. It is submitted on behalf of the respondents that they are willing to pay the balance amount if remaining seven bills are

presented by the applicant. We are unable to see how a person making a claim of reimbursement for such a large amount and engages in litigation to secure his relief would not retain copies of the bills.

10. The respondents are a public authority and there is nothing unreasonable in requiring the applicant to submit copies of the bills for medical reimbursement. The execution petition appears to be misconceived and is, therefore, liable to be dismissed. The applicant is, however, at liberty to produce the copies of the remaining bills to the respondents. On receipt of such bills, respondents shall process the same and pass appropriate orders.

11. Execution Petition is disposed of as above. No costs.

(Ramesh Singh Thakur)
Judicial Member

(R. Ramanujam)
Administrative Member

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