



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/0 1582 of 2018

Golam Jikria son of late Abdul Jalil, aged about 59 years presently posted in Order Officer Civ. (Administrative) at Ammunition Depot, Panagarh Personnel Officer (Civilian) Branch, FAD Panagarh Pin Code 900349 C/o 99 APO and residing at Bipinpur (Mankar Road), P.O. & P.S. Bud Bud, Dist. PaschimBardhman, Pin - 713403.

... Applicant

- Versus -

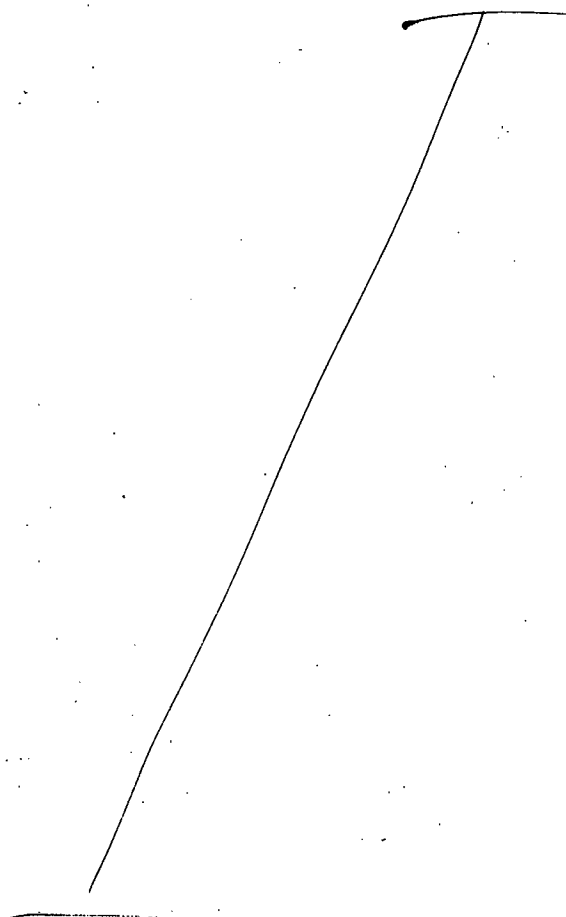
- 1) Union of India, service through the Secretary, Ministry of Defence, Govt. of India, New Delhi - 110011.
- 2) The Director General of Ordnance Services IHQ of MOD (Army). Master General of Ordnance Branch DHQ, New Delhi - 110011.
- 3) MGAOC, Head Quarters, Eastern Command, Fort William, Kolkata - 700 021.
- 4) Controller General, Defence Accounts Ulan Batar Road, Palam, Delhi Cantt., Delhi - 110010.
- 5) Controller of Defence Accounts Rajendra path, Patna - 19, State of Bihar.

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6) Commandant, 31 Field Ammunition Depot, Pin -
901320, C/O 99 APO.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1582/2018

Date of Order: 11.10.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. J. R Das, Counsel

For the Respondent(s): Mr. B. P Manna, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. J.R.Das, Ld. Counsel for the applicant.

2. Mr. B.P.Manna, Ld. Counsel, who usually appears for the Union of India, is present and on my request, Ld. Counsel for the applicant has served copy of the O.A. on him. Heard Mr. Manna in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“i) an order directing the respondents to grant all the CSMA claims pending decision before the respondent authority being due either in part or in full since placed on sincere authentic claims/expenditure made in accordance with existing rules in vogue.

ii) an order directing the respondents to take note of the modification/amendment OMS and rules in vogue as also the judgements cited from time to time and not to sit tight on the 1944 or 1977 rules in the interest of justice.

iii) an order directing the respondent authorities to consider all the pending CSMA claims of the applicant in the light of different Judgment and orders of the Hon'ble Courts that not only allowed the full amount of expenses incurred but also allow treatment from outstation being squarely applicable in the instant case.

iv) an order directing the respondent authority denial of claims/expenditure of the applicant is bad in law and arbitrary as well as in violation of rights guaranteed under Article 14 of the Constitution of India.

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v) an order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal for conscionable justice.

vi) any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

4. The brief facts as narrated by Id. counsel for the applicant are that the applicant is presently posted as Office Superintendent (OS) at Ammunition Depot Panagarh. He had suffered heart attack and underwent treatment at various Hospitals. The applicant submitted medical claims with reflection of only actual claims incurred but the authorities turned down the same and drastically reduced the claim on frivolous grounds and in contradiction to the updated rule positions. The authorities are relying on 1992, 97 rule positions without looking into the amendments/developments made by the Govt. of India from time to time. It has been submitted that although the applicant made several representations reflecting the present/updated rule position and different case laws of Hon'ble Courts but the authorities are not considering the prayer of the applicant.

5. After hearing in extenso, Ld. Counsel for the applicant, prays liberty to file a comprehensive representation before Respondent Nos. 4, 5 and 6 and prayed that specific time frame may be fixed by directing the Respondents to consider the representation. I do not think that it will be prejudicial to either of the sides, if the O.A. is disposed of with such a direction.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make comprehensive representation, enclosing all the required documents, before the Respondent Nos. 4, 5 and 6 within a period of 10 days from the date of receipt of this order and if any such representation is preferred then the said Respondent Nos. 4, 5 and 6 are directed to consider the same keeping in mind rules and regulations

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governing the field and communicate the result thereof to the applicant by way of a well reasoned order within a period of six weeks from the date of receipt of the representation. Although, I have not entered into the merit of the matter and all the points to be raised in the representation are kept open for the authorities to consider as per rules and regulations in force, still then I make it clear that if after such consideration Respondents are quite satisfied that the grievance of the applicant is genuine then expeditious steps will be taken within a further period of eight weeks to reimburse the medical expenses incurred by him.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. Copies of this order be handed over to Ld. Counsel for both the parties. Applicant is granted liberty to annex a copy of this order along with his representation to be preferred within 10 days before Respondent Nos.4, 5 and 6.

(A.K.Patnaik)
Member(J)

RK/PS