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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 1389 of 2018

IN THE MATTER OF:

SUBHASH CHANDRA DAS, son of Late Subodh Chandra Das, aged about 59 years, residing at 87/276, Raja S.C. Mullick Road, Kolkata- 700047 and presently working to the post of Senior Technician (2) in CSIR - Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Kolkata- 700032.

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Secretary, Ministry of Science and Technology, Government of India, having its office at Technology Bhavan, New Mehrauli Road, New Delhi-110016.

2. **THE JOINT SECRETARY (ADMINISTRATION)**, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

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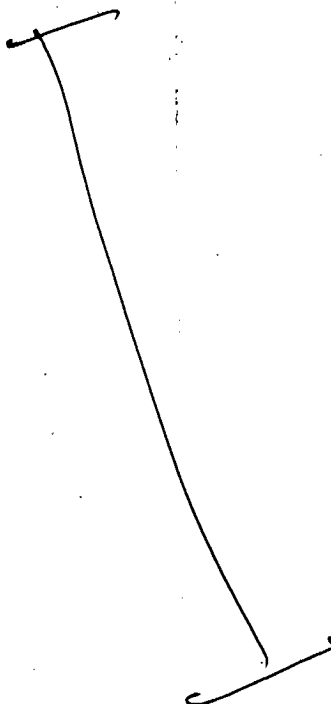
3. **THE DIRECTOR GENERAL**, Council of
Scientific and Industrial Research,
Anusandhan Bhawan, 2, Rafi Marg, New
Delhi- 110001;

4. **THE DIRECTOR**, CSIR-Indian Institute of
Chemical Biology, 4, Raja S.C. Mullick
Road, Kolkata- 700032.

5. **THE ADMINISTRATIVE OFFICER**, CSIR-
Indian Institute of Chemical Biology, 4, Raja
S.C. Mullick Road, Kolkata- 700032.

6. **THE SECTION OFFICER**, CSIR-Indian
Institute of Chemical Biology, 4, Raja S.C.
Mullick Road, Kolkata- 700032.

...Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1389/2018

Date of Order: 27.09.2018

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

For the Applicant(s): Mr. P. C Das, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel appearing for both the parties.

2. This O.A has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- a) To pass an appropriate order directing upon the respondent authority to consider the appeal preferred by the applicant dated 07.02.2012, 06.02.2012, 23.05.2012, 28.05.2012, 05.02.2016, 16.06.2016 against the impugned action of recovery amount of Rs. 54,715/- from the salary of the applicant in respect of the medical expenditure incurred by the applicant in respect of treatment of his wife for Mitral Valve Replacement in the heart surgery and the respondents be directed to refund the said amount of Rs. 54715/- together with interest by violation of the CGHS Rules and also violations of the various orders passed by the coordinate benches of this Hon'ble Tribunal appearing at Annexure A-1 of this original application and further directed the respondents to refund the said amount of Rs. 54,715/- together with an interest @ 12% per annum till the date of actual payment.
- b) To declare that inadmissible amount of Rs. 54,715/- in respect of deduction from the salary of the applicant by the respondent authority which your applicant is entitled in respect of medical expenditure which your applicant has incurred for replacement cost of mitral valve in hear surgery of his wife by setting aside and quashing the impugned orders of recovery dated 23.10.2007 (Annexure A-4) and office orders dated 12.08.2008, 27.10.2008, 10.02.2009 (Annexure A-6), vide office order dated 19.01.2011 (Annexure A-7) and vide office order dated 02.02.2012 (Annexure A-9).

3. Brief facts of the case of the applicant are that although he is entitled for medical reimbursement, as per Annexure-A/5, in respect of expenditure incurred by him with regard to the treatment of his wife, i.e. for replacement of mitral valve,

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the same was not reimbursed and an amount of Rs. 54,715/- has been recovered from his salary as he had taken advance for treatment of his wife.

4. It is submitted by the Ld. Counsel for the applicant that ventilating his grievance the applicant made several representations vide Annexure-A/10 before the Respondents and the last one being dated 27.06.2016 before the Deputy Secretary, Grievance Cell, Room No. 204, 2 Anusandhan Bhawan, Rafi Marg, New Delhi but till date no action has been taken. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if the said Respondent is directed to consider the representation within a specific time frame.

5. Having heard Ld. Counsel for the applicant, without entering into the merit of the matter, we dispose of this O.A. by directing the aforesaid authority, i.e. Deputy Secretary, Grievance Cell, Room No. 204, 2 Anusandhan Bhawan, Rafi Marg, New Delhi to consider the representation dated 27.06.2016 of the applicant and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. I hope and trust that while considering the representation of the applicant the said authority will keep in mind the documents enclosed at Annexure-A/5. I also make it clear that if after such consideration the applicant is found to be entitled for reimbursement of aforesaid medical claim then expeditious steps be taken to refund the money already recovered within next four weeks. We also make it clear that if in the meantime the representation of the applicant has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook, be transmitted to Respondent Nos. 2, 3, 4 and Deputy Secretary, Grievance Cell, Room No. 204, 2 Anusandhan Bhawan, Rafi Marg, New Delhi, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Mr. P.Sanyal, who is present and heard.

(A.K. Patnaik)
Member (J)