

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**KOLKATA BENCH****O.A. No. 350/271 of 2019****IN THE MATTER OF:**

An application under Section 19 of the Central Administrative Tribunal Act, 1985;

PARTICULARS OF THE**APPLICANT**

: Abdur Rahaman, son of Late Atiar Rahaman, residing at vill: Gouribhoje P.O: Gouribhoje, Pin Code-743445. P.S.: Matia (previously Basirhat) , Dist: North 24 Parganas . West Bengal.

.....Applicant

PARTICULARS OF THE**RESPONDENTS**

1. **UNION OF INDIA** service through the Secretary, Ministry of Communication & information Technology, Department of Telecommunication. Government of India, Sanchar Bhavan, 20. Ashoka Road, New Delhi- 110001.
2. **BHARAT SANCHAR NIGAM LIMITED**, service through the Chairman-cum-Managing Director. Bharat Sanchar Bhavan, Harish Chander Mathur Lane. Janpath, New-Delhi- 110001.
3. **The Chief General Manager ,West Bengal Telecom Circle Service** through its Chief General Manager, 1 Council House Street, Kolkata- 700 001.



4. DGM(OP)-MIS, CGMT, WBTC, 1 Council
House Street(2nd floor) , Kolkata- 700 001

5. The Asst.General Manager (HR & Admn),
O/O the GMT, Calcutta SSA, CTO Building, Kolkata-
700 001.

6. Accounts officer (Medical) , O/o the General
Manager Telecom, Calcutta SSA. CTO Building.
Kolkata- 700 001.

.....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/271/2019

Date of Order: 04.03.2019

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

Abdur Rahaman -Vs- Telecommunication

For the Applicant(s) Mr. K.Sarkar, Counsel

For the Respondent(s): Mr. T.K.Choudhury, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. K.Sarkar, Ld. Counsel, leading Mr. A.K.Ghosh, Ld. Counsel for the applicant, and Mr. T.K.Choudhury, Ld Counsel appearing for the Official Respondents, in extenso.

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

"a) Direction do issue upon the concerned respondent quashing and setting aside the purported Medical reimbursement amount to the tune of Rs. 23077/- contained in the pay slip March-2016 of your applicant.

b) Issue direction upon the respondents and their men and agents to pay the actual expenditure in accordance with the bill paid in the hospital by the applicant to the tune of Rs. 2,47,409/- (Rupees Two lakhs forty-seven thousand nine only) forthwith

c) Direction do issue upon the concerned respondent and their men and agents to pay the medical expenditure already incurred for his treatment according to the direction conveyed in the post facto permission of the CGM, WBTC, Kolkata that is as per approved rate of CGHS Kolkata or actual cost which is lower read with BSNL-LMRS clarification order dated 30.11.2015 and clarification conveyed by Asst. General Manager (Admn.IV), Corporate office, New Delhi order dated 20.01.2017 and AIIMS clarification dated 06.05.2014 and dated 08.02.2017 respectively.

d) Direction do issue upon the concerned respondent to produce the entire records of the case at the time of hearing

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e) Cost and costs incidental hereto;

f) And/or pass such other or further order or orders as to Your Lordships may deem fit and proper.”

3. Brief case of the applicant as submitted by Ld. Counsel is that the applicant while working as Sr. TOA(G) under BSNL was suffering from R/K SOL and other ailments and advised by Doctor to undergo treatment at higher specialty hospital preferably at Apollo Hospital, Chennai and, as per advise, he was undergoing treatment at the said hospital. The hospital charged an amount of Rs. 2,47,409/- for the said treatment. Post facto permission of CGM, BSNL, WBTC dated 09.02.2016, for the said indoor medical treatment of the applicant for the period 30.09.2015 to 04.10.2015 was accorded but only Rs. 23,077/- was reimbursed to the applicant. Ld. Counsel for the applicant submitted that no speaking order was ever communicated to him in this regard. Ld. Counsel submitted that the respondents have ignored the repeated Corporate office reminders and violated the rules and guidelines laid down by BSNL and AIIMS Delhi.

4. Ld. Counsel for the applicant fairly submitted that although the applicant has preferred a representation dated 24.05.2018 (Annexure-A/21) before the Nodal Officer, Grievance Redressal Cell for Retired Employee, SR Cell, Corporate Office, BSNL, Janpath, New Delhi, but till date neither any reply has been communicated to him nor his medical claim has been settled. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No.5 in the light of Annexure-A/22, in which the case of the applicant has been recommended by the Chief Accounts Officer (Medical), within a specific time frame.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 5 to consider the representation of the applicant under Annexure-A/21, if the same has been filed

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and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering Annexure-A/21 representation, Respondent No. 5 will also keep in mind Annexure-A/22 in which the case of the applicant has been recommended. It is further made clear that if after such consideration the applicant is found to be otherwise entitled then expeditious steps be taken within a further period of six weeks to reimburse the expenses which have been incurred by the applicant towards his medical tests and other health issues by following the due procedure of law. I also make it clear that if in the meantime the said representation 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 No. 5, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K. Patnaik)
Member(J)

RK/PS