

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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No. O.A. 1109 of 2018

Date of order: 26.11.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Amarendra Nath Dey,
Son of Late Gokul Chandra Dey,
Retired Telecom Mechanic,
H. R. No. 197606280, Calcutta Telephones,
Bharat Sanchar Nigam Limited,
Residing at 1/1/1, Gopal Bose Lane,
Kolkata – 700 009.

... Applicant.

Versus

1. Bharat Sanchar Nigam Limited,
Service upon the Chairman and
Managing Director, Sanchar Bhawan,
Corporate Office, Harish Chandra
Mathur Lane, Janpath,
New Delhi – 110 001.
2. The Chief General Manager,
Calcutta Telephones,
Bharat Sanchar Nigam Limited,
Telephone Bhawan, 34, B.B.D. Bag,
Kolkata – 700 001.
3. The Deputy General Manager (NWP&D),
CFA, Calcutta Telephones,
Bharat Sanchar Nigam Limited,
Telephone Bhawan, 34, B.B.D. Bag,
Kolkata – 700 001.
4. The Divisional Engineer,
Health Care Unit,
Calcutta Telephones,
Bharat Sanchar Nigam Limited,
Telephone Bhawan, 34, B.B.D. Bag,
Kolkata – 700 001.
5. The Sub-Divisional Engineer/Staff/PLG-I,
Calcutta Telephones, BSNL,
Telephone Kendra, 7th Floor,
P-10, C. I. T. Road,
Kolkata – 700 073.
6. The Accounts Officer,
(W&B)/ Plg. Office of the PGM,
(NWP), Calcutta Telephones,
BSNL, Telephone Kendra,
P-10, C. I. T. Road, TBZ,

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Kolkata – 700 073.

7. The Ruby General Hospital Ltd.,
Service upon the Administrative Officer/Manager,
Kasba, E. M. Bypass,
Kolkata – 700 107.

... Respondents.

For the Applicant : Mr. D. Mukherjee, Counsel

For the Respondents : Mr. C.S. Bag, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

i. To pass an appropriate direction upon the Respondent authorities particularly the Respondent Nos. 2 and 6 herein directing the said authorities to pay the outstanding reimbursement bills of the applicant which he spent for the treatment expenses for his deceased wife as the applicant is fully entitled the said amounts as per provisions of the BSNLMRS Scheme amounting in total to Rs. 7,14,611.63/- forthwith without deducting any amount for any reasoned and/ground in any manner whatsoever.

ii. To pass an order, directing the Respondent Authorities to make payment of the entire amounts of Rs. 25374/- which was most illegally deducted while paid a small portion amounting to Rs. 52168/- to the applicant out of the said outstanding bills for reimbursement along with interest forthwith;

iii. To direct the Respondent Authorities to make payment of the entire outstanding amounts of the reimbursement bills to the applicant which are outstanding from the year 2016 along with interest at the rate of 12% P.A. forthwith;

iv. To direct the Respondent Authorities to produce all the records of the case and particularly the calculation of the total outstanding reimbursement bills of the applicant along with interest so that consionable justice may be rendered on perusing and considering the same;

v. Cost of this application;

vi. To pass such other or further order or orders and/or direction or directions as this Hon'ble Tribunal may deem fit and proper."

2. The applicant's submissions, as articulated through his Ld. Counsel, is that the applicant has superannuated from Calcutta Telephones, BSNL and is a

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pension holder. The applicant, along with his wife is covered by the BSNL Employees Medical Reimbursement Scheme.

That, the wife of the applicant was admitted twice in Ruby General Hospital for her treatment of Cancer and expired despite prolonged treatment. The applicant had submitted his claims to the respondent authorities as per the Scheme for reimbursement but was only reimbursed a very small amount of such medical expenses. The respondent authorities vide their letter dated 28.3.2018 had directed the applicant to submit the certificate of the attending doctor in response to which the applicant had submitted the required certificate. In spite of submitting all relevant documents for the purpose of reimbursement, however, the reimbursements remain pending at the level of the respondent authorities and, hence, being aggrieved, the applicant has approached the Tribunal in the instant O.A.

3. The matter is taken up in the admission stage wherein both Ld. Counsel were heard.

Ld. Counsel for the respondents submits that, vide communication dated 28.3.2018 (Annexure A-10 to the O.A.); the applicant had been requested to provide necessary certificates in the absence of which nine bills could not be settled against his claims made in his letter dated 16.3.2018 (Annexure A-9 to the O.A.) and that the respondent authorities are awaiting the submission of relevant documents from the applicant.

4. As contended by the Ld. Counsel for the applicant and, as perused from the documents on record and from the original application, it is seen that the applicant has submitted the requisite certificate vide his letter dated 17.4.2018. The following is further deciphered:-

(a) The applicant had submitted his claim initially on 26.7.2016 in the requisite proforma of the respondent authorities. He followed it up vide his letters dated 14.2.2018, 17.2.2018, 12.3.2018, 16.3.2018, 17.4.2018, 16.5.2018 and finally with an advocate's notice dated 18.6.2018 prior to approaching the Tribunal.

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(b) The respondent authorities have not denied that the claims have been made as per their extant rules of the BSNL Employees Medical Reimbursement Scheme. As the doctor's certificate has been submitted with the applicant's letter dated 17.4.2018, the respondents should not delay the matter any further so that the pensioner is relieved of endless wait for medical reimbursement.

5. Accordingly, with the consent of the parties and without entering into the merits of the matter, we direct the respondent No. 2, who is the Chief General Manager, Calcutta Telephones/BSNL, to examine the claim of the applicant as per rules and, given the fact that the necessary documents have been submitted as claimed by the applicant, to arrange for reimbursement of the claim to which the applicant is entitled, within a period of four weeks from the date of receipt of this order.

The decision arrived at should be communicated to the applicant forthwith and the reimbursable amount should be remitted to the applicant within a further period of four weeks of the decision arrived at by Respondent No. 2.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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