

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(CIRCUIT SITTING AT PORT BLAIR)

No. O.A. 441/AN/2019

Date of order: 27.3.2019

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Gupteshwar Lall,
S/o. Late Mohan Lall,
R/o. Opp. MSM Hotel,
Diary Farm Junction,
Port Blair,
South Andaman,
Andaman & Nicobar Islands.

... Applicant

V E R S U S –

1. The Union of India
Service through the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110 011.
2. The Lieutenant Governor,
Raj Niwas,
Port Blair,
Andaman & Nicobar Islands,
Pin – 744 101.
3. The Chief Secretary,
A&N Administration,
Port Blair,
Pin – 744 101.
4. The Secretary (Information & Publicity),
A&N Administration,
Port Blair – 744 101.
5. The Director (Information & Publicity),
A&N Administration,
Port Blair – 744 101.
6. The Manager,
Government Press,
Port Blair – 744 101.

Appl
.. Respondents

For the Applicant : Ms. A.S. Zinu, Counsel

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

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

(a) A mandatory order directing the Respondents, more particularly to the Respondents No. 4, 5 & 6 to allow the entire medical claim of the Applicant in tune of Rs. 9,42,500/- (Rupees Nine lakhs forty two thousand five hundred only) and thereby set aside or cancel or quash the Order No. 501 dated 07.11.2017 and Memorandum dated 30.11.2018 issued by the Respondent no. 6.

(b) An order to issue commanding the Respondents authorities to remit and certify the entire relevant records pertaining to the instant case before this Hon'ble Tribunal so as to adjudicate and render conscientious justice to the applicant.

(c) Any other order or orders (direction or directions, which the Tribunal may deem fit and proper in the present case also may pass."

2. Heard Ld. Counsel for both sides. The matter is taken up at the admission stage.
3. Ld. Counsel for the applicant submits that the applicant is presently working as Automatic Machineman with the respondent authorities. That, in 2015, having been diagnosed with certain ailments, the applicant was admitted in G.B. Pant Hospital and that he was referred to CGHS hospital at Chennai for further investigation and treatment. That, the applicant underwent Graft Surgery for the period from 3.4.2015 to 7.7.2015 and, upon recovery and discharge, submitted his medical claims for reimbursement. That, the respondent authorities, instead of releasing the claim amount, asked the applicant to refund

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the amount of Rs. 4,66,535/- which was dehors to various judicial pronouncements in this regard.

Ld. Counsel for the applicant draws attention to the fact that, a detailed representation was made by the applicant on 22.11.2017 (Annexure A-7 to the O.A.), referring to various judicial pronouncements and their applicability to the case of the applicant. The respondent authorities, however, issued a cryptic order without commenting on the contents of the applicant's representation and, in particular, without any reference to the applicability of the judicial pronouncements in his context. Ld. Counsel further submits that the applicant, on receiving the cryptic order of the respondent authorities dated 30.11.2018 (Annexure A-8 to the O.A.), preferred a further representation on 3.12.2018 (Annexure A-9 to the O.A.), in which he had referred to his earlier detailed representation and had requested the respondent authorities to consider the said representation dated 22.11.2017 so as to decide on his medical claims accordingly.

4. Ld. Counsel for the respondents does not dispute that the order passed by the respondent authorities on 30.11.2018 is indeed cryptic without any analysis of the contents of the representation of the applicant dated 22.11.2017.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby set aside the orders of the respondent authorities dated 30.11.2018 and direct the competent respondent authority to issue a detailed reasoned and speaking order, in response to the applicant's representation dated 22.11.2017, if received at his end, within a period of six weeks from the date of receipt of a copy of this order. While deciding upon the representation, applicability of the judicial pronouncements referred to by the applicant, are to be duly examined.

6. It is made clear that there should be no demand for recovery of the balance amount of Rs. 4,66,535/- till the disposal of representation with a reasoned order. Upon disposal of the representation, the applicant should be

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released/reimbursed his medical claims to which he is entitled under the existing provisions of the respondent authorities.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

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