

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL CALCUTTA BENCH  
CIRCUIT BENCH AT PORT BLAIR

O.A.No. 25/44/A&N/2016

1. Shri P.V. Krishnan (Rtd.)  
S/o Late P. Veerappan  
Lambaline, Port Blair  
PIN - 744 103  
Retired as MTD (Spl. Grade),  
S/0104  
C/18/1, CPWD Quarter,  
Lambaline, Port Blair

... Applicant

- Versus -

1. The Union of India, Service  
through the Secretary, Govt. of  
India, Ministry of Defence  
Coast Guard Department  
New Delhi - 110001

W.L.

P.V. KRISHNAN

## 2. The Director General

Coast Guard Head Quarter

National Stadium Complex

New Delhi - 110011

## 3. The Commander

Coast Guard Region (A&amp;N)

Port Blair - 744 101

## 4. The Officer-in-charge

Bureau of Naviks

Cheetah Camp, Mankhurd

Mumbai 400 088

## 5. The Commanding Officer

Coast Guard Station

Port Blair - 744 101

## 6. The Principal Controller of

Defence Accounts

Coast Guard Section

No. 1, Cooperage Road

Mumbai - 400 39.

...Respondents.

P.V. KRISHNAN

No. O.A. 351/00414/2017

Date of order: 4.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
 Hon'ble Ms. Minnie Mathew, Administrative Member

For the Applicant : Ms. S. Ganguly, Counsel

For the Respondents : Mr. V.D.S. Balan, Counsel

**O R D E R (Oral)**

**Per A.K. Patnaik, Judicial Member:**

Heard Ms. S. Ganguly, Ld. Counsel appearing for the applicant and Mr. V.D.S. Balan, Ld. Counsel appearing for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging non-settlement of Medical bill claimed on 9.10.2013 which was duly forwarded vide letter dated 25.10.2013 by the Section Officer, Staff Officer (Civilian) for Commanding Officer, Coast Guard Station, Port Blair to the Principal Controller of Defence Accounts (Navy), Coast Guard Pay Section, No. 1, Cooperage Road, Mumbai – 400 039, deduction of Rs. 28, 871/- appearing in intimation slip of IPA issued by Officer-in-charge, Bureau of Navik dated 13<sup>th</sup> October, 2016, non-consideration of representation dated 6.7.2015 along with ex-post facto sanction for reimbursement of medical claim to the applicant vide order dated 24.9.2014 for Rs. 55,190/-, non-consideration of representation dated 15.10.2016 to the Officer-in-charge, Bureau of Navik, Cheetah Camp, Mankhurd, Mumbai-400 088 and non-consideration of representation dated 8.11.2016 to the Officer-in-charge, Bureau of Navik, Cheetah Camp, Mankhurd, Mumbai – 400 088. Through this O.A., the applicant has sought for the following reliefs:-

"a) An order be passed directing the respondent Principal Controller of Defence Account (Navy), Coast Guard Pay Section, Respondent No. 6 to release duly assessed total pensionary benefit as reflected from PAO dated 6<sup>th</sup> June, 2016 (Annexure A-1) forthwith as there was no deduction made when audited service book along with pension calculation sheet and encashment of EL/HPL/CE Part-II No. 44/2016 dated 2.5.2015 forwarded vide Coast Guard Section, Port Blair for finalization of Accounts and issue of PAO No. When no deduction on any account calculated.



b) An order be passed directing the respondent No. 6 the Principal Controller of Defence Accounts (Navy), Coast Guard Pay Section directing him to pay forthwith the remaining sanctioned amount of Rs. 55,190/- which was sanctioned on 24<sup>th</sup> September, 2014 which is debit able under major head 2037/customs, Sub Measure Head-00, Minor Head – 102- Preventive and other function, Sub Head "medical treatment" category code 0/041/16 of Coast Guard Organization which respondent No. 6 admittedly withheld without showing any reason till date with further direction to pay in interest on such amount which is due to the applicant after its sanctioning till realization of the amount.

c) Cost and incidentals of this application may be awarded to the applicants.

d) Any other order/orders further order/orders as the Hon'ble Tribunal may deem fit and proper."

3. As per the Ld. Counsel appearing for the applicant, the sum and substance of the dispute are that the applicant prior to his retirement underwent a surgery in left eye in Dr. Agarwal Eye Clinic, Port Blair on 13.9.2013. The bill relating to his medical treatment was duly submitted on 9.10.2013. He retired from service as Motor Transport Driver (Special Grade) w.e.f. 30<sup>th</sup> April, 2016 from Coast Guard Station, Port Blair. He filled up and submitted the form relating to his medical claim annexing the prescriptions, medical slips and discharge certificate to the concerned Section Officer, Staff Officer (Civilian) for Commanding Officer, Coast Guard Station, Port Blair who duly forwarded the same on 25.10.2013 to the Principal Controller of Defence Accounts (Navy), Coast Guard Pay Section, Mumbai. The Sr. Accounts Officer (N), Mumbai returned his bills with direction to re-submit his application with relevant papers of medical claim. Thereafter the applicant wrote letters addressed to the Principal Controller of Defence Accounts (Navy) sending documents provided by Dr. Agarwal's Eye Hospital regarding the date of Authorized Medical Attendant (AMA) for Central Government employees. In response to the said letters the Civilian Staff Officer vide his communication to the Principal Controller of Defence Accounts (Navy) again returned the bills on two occasions stating that some documents are still required to be submitted. The applicant submitted the requisite papers stating that Agarwal's Eye Hospital was granted permission to function at Port Blair by Directorate of Health

Services, A&N Administration on 15.5.2013 and subsequently the hospital got registered as a clinical establishment under Section 15 of the Clinical Establishment (Registration and Regulation) 2010 and requested to settle his medical claim. The headquarters of the applicant sent a letter on 24<sup>th</sup> March, 2015 for releasing his claim. From the statement of entitlement for 06/2015 it appears that though the applicant had submitted contingent bills amounting to Rs. 59,190/- along with all relevant documents for reimbursement of medical expenses towards Cataract Eye Operation and implementation of micron in cession lens but only Rs. 12,000/- was released in his favour. Subsequently the applicant requested that his medical reimbursement claim may be reconciled taking into account the break-up details submitted by him and the additional amount over and above Rs. 12,000/- which the applicant is entitled to may be released in his favour as per CS (MA) rules, 1944. But the Section Officer for Officer-in-Charge, Bureau of Navik informed the applicant that his IPA account has been settled and finally closed by PCDA (N), Mumbai. The applicant states that on 8<sup>th</sup> November, 2016 he raised objections regarding the IPA slip dated 13.10.2016 stating therein that the duly audited service book along with pension calculation slip and encashment of EL/HPL and CE Part-II No. 44/2016 dated 2.5.2016 was forwarded vide Coast Guard Station, Port Blair for finalization of accounts and thereafter PAO No. was issued by PCDA (P) Allahabad. The applicant further submits that the Principal Controller of Defence Accounts (Navy), Mumbai is very much reluctant to settle his medical claim despite the fact that the Commandant, A&N Region had repeatedly made request for payment of the said amount. The applicant preferred a representation dated 15.10.2016 to the Officer-in-charge, Bureau of Naviks, Cheetah Camp, Mankhurd, Mumbai i.e. respondent No. 4 followed by reminder dated 8.11.2016, which is still pending consideration.

4. Ms. S. Ganguly, Ld. Counsel for the applicant submitted that the applicant is a retired person and further submitted that though the total amount

claimed by the applicant towards his medical expenditure was Rs. 59,190/- but only an amount of Rs. 12,000/- was released in his favour. She prays the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 4 (The Officer in charge, Bureau of Naviks, Cheetah Camp, Mankhurd, Mumbai) to dispose of the representation dated 15.10.2016 within a specific time frame.

6. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 4 that if any such representation have been preferred on 15.10.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

7. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

8. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Ms. S. Ganguly undertakes to deposit necessary cost in the Registry by Friday.

9. With the aforesaid observation and direction, the O.A. is disposed of.

(Minnie Mathew)

Administrative Member

(A.K. Patnaik)

Judicial Member