

**Central Administrative Tribunal
Principal Bench**

OA No. 1371/2018

New Delhi this the 2nd day of July, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Anju (Aged about 41 years, housewife)
W/o late Shekhar Chander,
D-127, Madhu Vihar,
Near Dwarka, Sector-5,
New Delhi-110059
 2. Baby Priya (Aged about 9 years, student)
Through her mother and Guardian Anju
D/o Late Shekhar Chander,
D-127, Madhu Vihar,
Near Dwarka, Sector 5,
New Delhi-110 059
- Applicants

(By Advocate: Mr. Anurag Pratap))

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi – 110 001
 2. Bharat Sanchar Nigam Limited,
Through its Chairman and Managing Director,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110001
 3. Bharat Sanchar Nigam Limited,
Through the CGM, NTR,
Eastern Court, New Delhi-110001
- Respondents

(By Advocate: Mr. Pavan Kumar)

ORDER (Oral)

The applicant has filed the present OA, seeking the following reliefs:-

- a. A direction quashing the letter dated 22.08.2017 issued by the Respondents to the Petitioners rejecting the bonafide claims of Petitioner towards reimbursement of medical expenses for treatment of cancer.
- b. A direction directing the Respondents to act upon and allow the medical reimbursements of the Petitioners by clearing the medical claims of the Petitioners towards treatment of cancer.
- c. Grant interest till date on the claim of Rs.13,91,011.87/- as per directions contained in the succession certificate dated 12.08.2015 issued to the Petitioners.
- d. Direct the Respondents to pay to the Petitioners towards medical reimbursements an additional sum of Rs.20,48,568/- with interest.
- e. An order directing the respondents to pay damages to the tune of Rs.1 crore to each petitioner for running their lives.
- f. Direct the respondents to produce all the records of the case along with their reply for perusal by this Hon'ble Tribunal.
- g. Allow the cost of this application to the applicant.
- h. Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in the favour of the applicant and against the respondent."

2. Heard both the parties at length.

3. It is the claim of the applicant that the BSNL is unnecessarily delaying the disposal of medical claims, which she is entitled to as the wife and heir of an employee of BSNL, on the ground that there is no provision for indoor medical treatment/medical reimbursement of medical expenses without valid MRS card. In this regard, counsel for the applicant submitted that respondents in their counter reply have themselves stated that previous medical card was valid up to 31.12.2014 and she was informed verbally that after succession certificate, the settlement of the claim will be initiated and

after issuance of PPO, the process to issue the new MRS Card will be initiated. Counsel further submitted that the copy of the PPO issued to the applicant on 09.05.2016 was submitted by her to the respondents. Thereafter, they have issued new MRS Card on 18.11.2016 only. Therefore, there is no fault on the part of the applicant in not getting new MRS card after the death of her husband, as the respondents have stated that the new MRS card in her case can only be issued after issuance of the PPO only.

4. Counsel for the BSNL submitted that at the time when the applicant took the treatment she was not having a valid MRS card and there is no provision for indoor medical treatment/medical reimbursement of medical expenses without valid MRS card as her husband died on 31.12.2014 and after the retirement, BSNL employees or dependants are eligible for treatment only on the valid MRS card. As such, the applicant was required to get a new MRS card. Hence, there was no deliberate act on the part of the respondents to delay in settling the matter on urgent basis.

5. This Court is not inclined to pass any comments on the merits of the medical bills submitted by the applicant. However, it finds that the claim of the applicant for reimbursement of medical bills has to be considered by the respondent – BSNL, especially given the facts that the respondents have themselves conceded that they have found the applicant to be the wife of the deceased employee on account of the determination by the Court in the matter of the succession certificate and they have paid her all other dues on the said

grounds. Hence, we do not find any reason to deny the applicant the benefits of medical claims made by her simply on the ground that there was delay in the issue of the valid MRS Card. A delay in issue of medical card cannot take away the right of the applicant for treatment on medical grounds, as she was otherwise eligible for the same and the respondent has duty to provide the same to all such eligible persons. In the CA, in Para 9, it has been conceded that all MRS Cards issued earlier were valid up to 31.12.2014. It is further stated in Para 10 that this applicant was informed verbally that after issue of succession certificate, the settlement of the claims will be initiated and after issuance of PPO, the process of issue of new MRS Card will be initiated. Hence, from the said paras of the CA, it is clear that while the respondents helped the applicant with settlement of all her dues, they cannot now deny her medical dues simply because after the death of an employee, there was delay in issue of the said MRS Card. We direct that the said medical claims be considered as per rules and a speaking order be passed on the same within 30 days of receipt of a copy of this order. Whatever medical dues are permissible as per rules are also to be paid to the applicant within 15 days thereafter, as she is said to be suffering from stage four of Cancer as informed by the counsel for the applicant and not contested by the respondents.

6. With the above directions, the OA is allowed. No order as to costs.

(Nita Chowdhury)
Member (A)

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