

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.3242 of 2016

This the 6th day of August 2019

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

Kailash Prakash Rao, S/o Late Sh. Om Prakash Rao
R/o 39, Bodhraj Sahni Colony, Near SIC School
Jhansi, UP.

....Applicant

(By Advocate : Shri U. Srivastava)

VERSUS

1. Indian Council of Agricultural Research through the Secretary,
ICAR, Krishi Bhawan, Dr. R.P. Road, New Delhi.
2. The Director, IGFRI, Jhansi, UP.
3. Head of Office, IGFRI, Jhansi, UP.

.....Respondents

(By Advocate : Shri Gagan Mathur)

O R D E R (Oral)

Heard learned counsel for the parties.

2. This is the second round of litigation as the applicant had earlier filed OA No.4234/2015, which was disposed of by this Tribunal vide Order dated 19.11.2015 with the following observations:-

“Learned counsel for the applicant submits that this OA may be disposed of at the admission stage itself, without notice to the respondents, with a direction to them to consider and dispose of his representations dated 10.6.2015 and 25.7.2015 (Annexures A-1 and A-3) in a time-bound manner.

2. There seems substance in the above submission. Accordingly, without going into the merits of the matter,

I direct the respondents to duly consider the aforesaid representations and pass a speaking order thereon within a period of four weeks from the date of receipt of a copy of this Order. The respondents shall also communicate their decision to the applicant.

3. The OA is disposed of with the above directions.

3. In compliance of the aforesaid directions of this Tribunal, respondents passed the Office Order dated 5.1.2016, the contents of which are reproduced below:-

“In compliance with the order dated : 19.11.2015 passed on OA No.4243/2015 of the Hon’ble Central Administrative Tribunal on the representations dated: 10.6.2015 and 25.7.2015 of Sh. K.P. Rao, STO of this Institute whereby Sh. Rao has requested that a clear Office-Order/instructions may be issued in favor of him regarding reimbursement of medical claims treatment/medical attendance taken in Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow in r/o his son Mr. kartikeya and CGHS empanelled Hospital i.e. BLK Memorial Hospital, New Delhi in r/o his wife Smt. Rekha Rao and T.A./D.A. in r/o medical grounds.

In this context representations dated: 10.06.2015 & 25.07.2015 given by Sh. K.P. Rao addressed to the Head of Office and Controlling Officer, ICAR-IGFRI, Jhansi and Hon’ble Secretary, Indian Council of Agricultural Research, New Delhi respectively have been considered at the institute level as per the CCS (MA) Rules – 1944 and GOI/GIDs. Accordingly, payment of medical claims ₹2,066, ₹5,444.00 and ₹8943.00 on dated: 08.12.2015, 15.12.2015 and 22.12.2015 respectively have been sent to his account. Rest medical claims, if any, are being processed as per priority of bills received.

As regards reimbursement regarding T.A./D.A. claims in r/o medical claims of Sh. K.P. Rao, these T.A. claims are pending with our Audit Team due to non-availability of fund under T.A. head. As soon as funds or additional allocations under T.A. is received under R.E. 2015-16, the payment of his T.A./D.A. regarding

medical claims will be made to him as per the existing rules on the subject.

This is issued with the approval of the Director, IGFRI, Jhansi."

4. The respondents have also passed the orders dated 1.3.2016 and 27.4.2016. Vide order dated 1.3.2016, the respondents have passed the following orders:-

"Sub:- Your Medical reimbursement claim for Rs.172/- for the illness period from 26.12.2015 to 10.01.16-reg.

In reference to your aforesaid medical reimbursement claim I have been instructed by the officer in-charge to informed you that the wrappers of the medicines referred in your medical reimbursement claim have not been got verified by the checking committee constituted by the institution vide their Office Order No.F. NO.01(11)/Constitution Committee/13-14 dt. 02.05.15 and have been submitted directly for its reimbursement. For that it is submitted that the reimbursement claims is impossible in absence of verification of wrappers.

Thus you are requested to clarify that without verification of wrappers of medicine how the reimbursement claims have been made. It is submitted that you yourself have been following such procedure continuously including the other officers employees of this institution have been following the said procedure."

Further vide Order dated 27.4.2016, the respondents have passed the following orders:-

"Sub:- Your Medical reimbursement claim for Rs.172/- for the illness period from 26.12.15 to 10.01.16-reg.

Ref: Reference your letter PME Cell IGFRI, Jhansi dt. 02.03.16 and reminder dt. 22.04.16 regarding.

Please refer to your aforesaid claims for medical reimbursement it is submitted that this is a procedural

matter further vide this institution's office order No.5/OM/F/15-16 dt. 01.03.16 you have already been informed that the verification of wrappers of medicine including the medicine is essential. In this reference the officer in-charge has again issued that order and therefore on this ground the reimbursement is impossible. The reason has already been explained to you earlier.

This information is submitted for your information.

This is issued with the approval of the officer in-charge."

5. Feeling aggrieved by the aforesaid order, the applicant has preferred his appeal dated 7.3.2016. Thereafter the respondents have passed the order dated 27.4.2016 reiterating the same stand as taken by them vide order dated 1.3.2016.

6. In these circumstances, the applicant has preferred the instant OA seeking the following reliefs:-

- "(a) Directing the respondent to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter in the interest of justice and thereafter.
- (b) Quash and setting aside the impugned order dt. 01.03.16 (Annexure A/9) read with order dt.27.4.2016 (Annexure A/11) being contrary to the law laid down by the Hon'ble Tribunal in OA No.410-CH/1987-CAT Chandigarh; further
- (c) Directing the respondent No.1 to consider and finalize the appeal of the applicant submitted in the shape of a detailed representation dt. 07.03.16 through proper channel as it reveals from the fact of records that the Hon'ble Tribunal especially directed the respondents on 19.11.15 in OA No.4234/15 to consider and dispose of the representations dt. 10.06.16 addressed to the respondent No.2 & the appeal dt. 25.07.15 addressed to the respondent No. 1 but there was

nothing, within some stipulated period as the same is still pending.

- d) To allow the present OA of the applicant with all other consequential benefits and costs admissible to the applicant in accordance with the relevant rules and instructions on subject, in the interest of justice.
- e) Any other fit and proper relief may also be granted.”

7. When this matter is taken up for consideration, learned counsel for the applicant submitted that there is no need or necessity of production of wrapper, foils, empty bottles etc. for reimbursement of medical claims as held by the Chandigarh Bench of this Tribunal in OA No.410-CH/1987-CAT (**Murari Lal, Postal Assistant, Chandigarh H.O. v. Union of India**) and as such the impugned order dated 1.3.2016 is not sustainable in the eyes of law.

8. On a query raised by this Tribunal as to under what rules or instructions, the claimants are required to produce wrapper, foils, empty bottles etc. for reimbursement of medical claims, counsel for the respondents drew our attention to a Circular dated 30.09.2013, which reads as under:-

It has been observed that most of the medical claims submitted by staff members/retired personnel of IGFRI in respect of indoor patient are lacking in non-availability of medicine certificate (in case of Government Hospitals/Institutions). Similarly, the attachment of medical investigation reports, if any, with medical claims, is not being followed. Henceforth, it has been decided by the Competent Authority that all such

medical claims should have the non availability certificate which has to be received from concerned hospital during the period of treatment and investigations reports may also be attached with their claims, if these investigations are prescribed by the Doctors. It has also been decided to get the medicines checked from the designated members of wrapper verification committee, if the total medical claim exceeds Rs10,000/- on any single occasion.”

9. From a plain reading of the aforesaid circular, it is quite clear that verification of wrappers of medicines from the designated members of wrapper verification committee is necessary only when the total medical claim exceeds Rs.10,000/- on any single occasion, whereas in the instant case, the applicant's medical reimbursement claim appears to be less than Rs.10,000/-. As such the stand taken by the respondents in the impugned orders dated 1.3.2016 and 27.4.2016 are not sustainable in the eyes of law having regard to the aforesaid circular of 2013.

10. However, the applicant is required to provide a copy of documents to the respondents to enable the authorities to adjudge the genuineness of the medical reimbursement claims submitted by him, i.e., prescription slips, essential certificates duly signed/countersigned by the medical authorities. Counsel for the applicant undertakes to supply all the relevant information to the respondents to back his claim within a period of 30 days. Thereafter the respondents are directed to consider and decide the same by passing a

detailed reasoned and speaking order within a period of 90 days thereof and make payment for amounts found payable.

11. The present OA is disposed of in above terms. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

/ravi/