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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.2922/2003

This the 17th day of November, 2004

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

D.R.Bhaskar S/O Sadhu Ram,
Retd. Assistant Traffic Supdt.,
Northern Railway, Amritsar.
R/O EC-27, SFS Flats,
Maya Enclave,
New Delhi-110064.

... Applicant

(By Shri G.D.Bhandari, Advocate)

versus

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Chief Medical Director,
Northern Railway, Baroda House,
New Delhi.
3. Medical Director,
Northern Railway,
Central Hospital, Basant Lane,
New Delhi.

... Respondents

(By Shri R.L.Dhawan, Advocate)

ORDER (ORAL)

At the outset, the learned counsel of the applicant sought deletion of relief contained in paragraph 8(ii), which reads as follows:

“(ii) direct/order the Respondents to reimburse the medical expenses of the two claims viz. Rs.52,485.58 and 24,093.30, so submitted with all the ancillary documents and Essentiality Certificate, with 24% p.a. interest till the date of payment.”

He sought liberty to agitate the same through separate proceedings. Allowed.



2. Thus, the present OA is restricted to relief contained in paragraph 8(i) of the OA, which is as follows:

- “(i) Set-aside and quash impugned orders dated 19.11.2002, Annex. A-1, whereby reimbursement claim amounting to Rs.52,485.58 has been rejected in arbitrary and illegal manner.”

3. Applicant retired on 31.7.1979 from the post of Assistant Traffic Superintendent, a Group 'B' gazetted post, from Ferozepur Division, Northern Railway. After his retirement, he is stated to have been residing in Maya Enclave, New Delhi. The learned counsel of the applicant stated that in emergency and critical condition, applicant was admitted to Mata Chanan Devi Hospital, Janak Puri, New Delhi, the nearest hospital to his residence (approximately 5 kms.) on 26.11.1999. He was discharged on 1.12.1999. He underwent surgical operation expenses whereof amounted to Rs.52,485.58. He submitted bills claiming reimbursement vide Annexure A-5. Applicant has challenged Annexure A-1 dated 19.12.2002 whereby his medical reimbursement claim has been rejected allegedly with *mala fide* intention and without application of mind and without providing any reasons for rejection of the claim. The learned counsel pointed out that applicant had undertaken detailed correspondence with the respondents in this connection. The learned counsel referred to Annexure A-10 dated 19.6.2000 by which respondents sought certain details from the applicant in connection with his representation, dated 26.4.2000 and claims. He supplied such information vide Annexure A-12 dated 17.7.2000. Again, vide annexure A-16 dated 14.7.2002, respondents asked for more details. These details were also furnished by the applicant to the respondents vide Annexure A-17 dated 22.7.2002. However, without considering Annexures A-12 and A-17 in which all information sought by the respondents had been provided by the applicant, respondents rejected applicant's claim vide Annexure A-1 without finding any fault with the detailed information submitted by the applicant. Applicant made representation vide

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Annexure A-2 dated 1.2.2003 against annexure A-1, however, the respondents have remained silent upon that.

4. On being pointed out the arbitrariness of the respondents through Annexure A-1 dated 19.12.2002 whereby applicant's claim was rejected by the respondents without furnishing any reasons and without discussing the details furnished by the applicant, the learned counsel for respondents agreed to passing detailed and reasoned orders afresh on the claims of the applicant by taking into consideration the details furnished by the applicant in his claim as well as Annexures A-12 and A-17.

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5. Having regard to the respondents' *consent* to consider applicant's claim afresh as above, Annexure A-1 dated 19.12.2000 is quashed and set aside and respondents are directed to consider applicant's claim in the light of the above observations by passing a detailed and reasoned order, within a period of two months from the date of communication of these orders.

6. OA is disposed of with the above directions.


(V. K. Majotra)
Vice-Chairman (A)

/as/

18.11.04