
(2018) 10 CAT CK 0113

In the Central Administrative Tribunal

Case No : Original Application No. 586 Of 2017

Paramjeet Kaur

APPELLANT

Vs

Chief Secretary And Ors

RESPONDENT

Date of Decision : 09-10-2018

Acts Referred:

Citation : (2018) 10 CAT CK 0113

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Vijay Pandita

Final Decision : Dismissed

Judgement

When this matter is taken up for hearing on 3.10.2018, counsel for the applicant is not present. This Court perused the previous ordersheets from which it transpires that on 10.8.2018 and 31.8.2018, there was also no appearance on behalf of applicant and further on 26.9.2018 when proxy counsel appeared and requested for another date, this Tribunal imposed a cost of Rs.2000/- on the applicant for unnecessary delaying the matter and it was also made clear that on the next date of hearing, this matter will be heard positively. However, when this case listed on 27.9.2018, again proxy counsel made a request for adjournment on the ground of illness of main counsel of the applicant and this case was listed for hearing on 3.10.2018. In these circumstances, by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987, this Court proceeded to adjudicate this matter. Accordingly, arguments of learned counsel of the respondents heard.

2. By filing this OA, the applicant is seeking the following reliefs:-

"8.1 That the Hon'ble Tribunal may be graciously pleased to direct the respondents to pay interest on the amount of Rs.9,72,218 @ 12% per annum from the date when the said amount was due till 31 March, 2016.

8.2 That the Hon'ble Tribunal may further graciously be pleased to pass any

other or further order as may be deemed fit and proper on the facts and circumstances of the case.

8.3 That the Hon'ble Tribunal may further be graciously be pleased to grant costs against the respondents and in favour of the applicant."

3. The grievance of the applicant in the instant OA is with regard to delayed payment of amount of Rs.9,72,218, which was incurred by her towards the treatment of her mother in 2008. When the medical reimbursement bills were submitted for reimbursement, the same was rejected. However, applicant approached the Public Grievance Commission of Govt. of NCT of Delhi and on 21.7.2015, in its meeting the Public Grievance Commissioner observed that the applicant had spent a huge amount towards treatment of her mother and on 29.7.2015, Secretary (H&FW) was requested to take a lenient view. Accordingly on 31.3.2016, reimbursement of Rs.9,72,218/- was paid after 9 months.

3.1 According to the applicant, the delay was on the part of the respondents. So the applicant is entitled for interest on delayed payment.

4. Counsel appearing for the respondents submitted that the instant OA was liable to be dismissed on the ground of delay and laches, as the Retired Principal Mrs. Kulwant Kaur never opted for DGEHS card during 15 years after retirement. It took time to issue new DGEHS card to the petitioner because some amount (Rs.9000/-) was required to be deposited by the petitioner after which DGEHS card could be issued and the petitioner has deposited the required amount for issuance of Medical Card on 27.6.2014, which was very late. However, the applicant's mother late Smt. Kulwant Kaur had retired on 31.3.1993 and expired on 31.7.2008. The medical card issued earlier was not as per norms of the DGEHS as she has deposited Rs.6000/- while the full amount of Rs.9000/- required which had not been deposited for issuance of Medical Card.

4.1 Counsel further submitted that the file was re-submitted by HOS on 10.8.2015 to Dy. Director of Education (Zone-VIII), as Smt. Paramjeet Kaur has filed the case to PGC case No.969 for reimbursement of medical bills. The PCG has directed for payment of Rs.9,12,569 to claimant Smt. Paramjeet Kaur vide order dated 1.3.2016, subject to submission of documents viz. affidavit on stamp paper by claimant no objection of other legal heirs. The cheque dated 30.3.2016 of amount of Rs.9,12,568/- was issued to Smt. Paramjeet Kaur after receiving the above papers copies on 5.4.2016. Hence, the claim of interest cannot be acceded to in view of the above facts.

4.2 Counsel also placed reliance on the Hon'ble Supreme Court's judgments in the cases of Union of India vs. M.K. Sarkar, (2010) 2 SCC 59 and D.C.S. Negi vs. Union of India and others, in support of his contention that instant OA is barred by limitation.

5. After hearing the learned counsel for the respondents and also perusing the pleadings on record, this Court unable to accept the contention of the

respondents that the instant OA is barred by limitation, as the claim which was submitted by the applicant in 2008 was vigorously pursued by her and ultimately by intervention of Public Grievance Commission vide order dated 21.7.2015, the claim of amount of Rs.9,72,218/- was directed to be considered sympathetically by the Secretary, H&FW), Govt. of NCT of Delhi, which they considered and accordingly a cheque dated 30.3.2016 was issued by the respondents, which was received by the applicant on 5.4.2016 as the requisite formalities were done on the said date by the applicant. From the document at page 62 of the paper book, it is evident that requisite documents as required for release of payment were made available by the applicant to the respondents only on 5.4.2016 and cheque dated 30.3.2016 was issued on receipt of the said documents on 5.4.2016. As such the applicant is not entitled to interest on the alleged delayed payment of medical reimbursement.

6. In the result, for the foregoing reasons, the present OA, being devoid of merit, is dismissed. There shall be no order as to costs.