
(2019) 08 CAT CK 0091
In the Central Administrative Tribunal
Case No : Original Application No. 365 Of 2019

S.P. Singh

APPELLANT

Vs

UOI And Ors. Through

RESPONDENT

Date of Decision : 30-08-2019

Acts Referred:

Citation : (2019) 08 CAT CK 0091

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

Bench : Single Bench

Advocate : R.K. Shukla, Amit Sinha, R.V. Sinha, Dr. Ch. Shamsuddin Khan

Final Decision : Dismissed

Judgement

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

(a) Direct the respondents to pay the interest pm the delayed payment of entire amount of Rs. 6,64,621/-w.e.f. 20.11.2014 @ 12% per annum.

(b) To allow the O.A. with all consequential benefits.

(c) Any other relief which this Hon"ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant.

2. The grievance of the applicant is that he was denied medical reimbursement claim on 20.11.2014. Aggrieved by rejection, he had filed OA 2267/2014 before this Tribunal, which was disposed of by this Tribunal vide Order dated 11. 7.2014 with directions to the respondents to take a final decision in the case of the applicant. Thereafter the respondents vide order dated 20.11.2014 rejected the claim of the applicant for full medial reimbursement on the basis of report of Technical Standing Committee and passed order dated 6.2.2015 vide which full reimbursement of medical claim of the applicant was denied but payment to the tune of Rs.1,74,538/- only against the actual expenses of Rs.6,64,621/- was made by applying package rate policy, which should not have been applied in his case, since it was an emergency. Aggrieved by non grant of full medical

reimbursement vide orders dated 20.11.2014 and 6.2.2015, the applicant filed another OA 1931/2015, which was decided by this Tribunal vide Order dated 5.4.2018 with the following directions:-

"15. I, therefore, set aside the impugned orders dated 20.11.2014 and 06.02.2015 and allow the O.A. The respondents are directed to reimburse full medical expenses incurred by the applicant on the treatment of his son minus the amount of Rs. 1,74,538/- already received by him. This, of course does not preclude the respondents from carrying out the necessary verifications etc. before making the final payment to the applicant. This may be done within a period of two months from the date of receipt of a certified copy of this order. No costs."

In compliance of aforesaid order of this Tribunal, respondents have passed order dated 9.8.2018 (Annexure A-2 (Colly)) vide which full reimbursement amount of medical claim, i.e., 6,64,621/- was passed vide cheque dated 27.7.2018 to the applicant.

2.1 Thereafter on 26.9.2018, the applicant submitted his representation to the respondents seeking payment of interest on reimbursement of medical claim paid after six years from the date of submission and when no response was received by the applicant on the said representation, he has filed this OA seeking the reliefs as quoted above.

3. During the course of hearing, learned counsel for the applicant submitted that from the facts of this case, it is clear that reimbursement of medical claim Rs.6,64,621/- was paid to him only after 6 years from the date of submission to retired Government servant after lengthy harassment and that too on the directions of this Tribunal, as such, the applicant is entitled to interest on the delayed payment of his full medical reimbursement claim. In support of the claim of the applicant, counsel placed reliance on the decision of the Hon"ble High Court of Punjab and Haryana at Chandigarh in R.S.A. No.3524/2012 (O&M) in the case of State of Haryana and others vs. Ranbir Singh decided on 8.8.2012.

4. On the other hand, learned counsel for the respondents submitted that in the earlier two OAs filed by the applicant, he has not sought the relief of interest on the amount of medical reimbursement claim and as such, the instant OA is barred by principal of waiver and acquiescence. Counsel further submitted that after the decision of this Tribunal dated 5.4.2018 passed in OA 1931/2015, the respondents after taking appropriate steps in the matter have made the payment to the applicant vide cheque dated 27.7.2018, which fact has not been disputed by the applicant. As such there is no delay in processing the payment. The claim of the applicant was forwarded to CGHS and CDA (Army) Meerut promptly and payment was made by them as per policy/guidelines.

4.1 Counsel for the respondents further submitted that applicant"s request for payment of interest on reimbursement amount of medical expenses cannot be acceded to as there is no provision in the relevant rules for such payment.

Moreover, he placed reliance on the decision of the Apex Court in the case of Om Prakash Gari vs. State of Punjab & others, reported in (1996) 11 SCC 399, wherein in para 4 the Apex Court held that it is inexpedient and not proper to direct the State to pay interest for delay in payment of the reimbursement amount.

5. Thereafter in rebuttal, counsel for the applicant submitted that the Hon"ble High Court of Punjab and Haryana in Ranbir Singh (supra) also considered the aforesaid judgment of the Apex Court in the case of Om Prakash Gari (supra) and observed as under:-

"As regards the judgment delivered by the Apex Court in Om Parkash Gargi vs. State of Punjab and others, (1996) 11 SCC 399 their Lordships did not lay down the abstract and absolute rule that no payment could be made for the delayed payment, but it only observed that some time could be spent on verification of amounts spent by the petitioner, as such the petitioner was not entitled to receive payment on interest for the said period. That period at the most, could be treated as three months. It is extremely a hardship for a person to wait for months and years to receive amount of expenses incurred by him for his treatment and he is forced to enter into long correspondence, making representations, time and again making rounds of the office for seeking his right, therefore, certainly after a reasonable period of three months which the office could spend for completion of formalities, it would be just and expedient to direct payment of interest on the amount. In the similar circumstances, the Division Bench of this Court in case Waryam Singh vs. State of Punjab 1996 (2) S.C.T. 495 awarded interest @ 15% per annum from the date of expiry of three months.

In the instant case, the appellate court has not awarded interest @ 15% per annum, but in all its reasonability, it only awarded interest @ 12% per annum on the delayed payment, after deducting the period of three months, which appears to be quite reasonable."

6. Having heard learned counsel for the parties and perusing the pleadings available on record, it is observed that this is not a simple case in which there has been a delay in payment of medical reimbursement claim due to inaction of the respondents. The applicant has already stated as noted in para 2 above that in compliance of Order of this Tribunal dated 11.7.2014, the respondents on the basis of Technical Standing Committee report restricted the payment to the tune of Rs.1,74,538/- vide orders dated 20.11.2014 and 6.2.2015. When the applicant felt aggrieved by partial reimbursement, he preferred OA 1931/2015 and the said OA was decided by this Tribunal vide Order dated 5.4.2018 in which the direction was given to the respondents to re-examine the case of the applicant and carry out necessary verifications etc. before making the final payment to the applicant within a period of two months from the date of receipt of certified copy of the said Order. Hence, subsequent to that Order, the respondents have passed an order placed at Annexure A-2 (Colly) by which full reimbursement of the medical claim of the applicant has been passed. Hence, the claim of the applicant

seeking payment of interest from 20.11.2014 i.e., the date on which he firstly submitted his medical is without merit, as the respondents have passed final orders in compliance of the aforesaid decision of this Tribunal of 5.4.2018 and issued a cheque dated 27.7.2018. Hence, we do not find any delay at all after the adjudication of the claim of the applicant and, therefore, there is no merit to grant any interest as asked for by the applicant of this OA.

7. In the result, and, for the foregoing reasons, the instant OA is accordingly dismissed being devoid of merit. There shall be no order as to costs.