

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7634 of 2022

Ramesh Ch. Pallai

....

Petitioner

Mr. Ramakrishna Bisoi, Advocate
-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P. Babu, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances as narrated above, it is ardently prayed that this Hon’ble Court be pleased to quash the order under Annexure-10, 12 and 13 within a time stipulation as fixed by this Hon’ble Court.

And/or issue any other appropriate writ/writs, order/orders, direction/directions as deem fit and proper in the fitness of the case.”

4. It is submitted by learned counsel for the petitioner that while

considering the medical expenses and for the service condition, he is entitled to get reimbursement of medical expenses and accordingly, a sum of Rs.51,901/- was sanctioned and disbursed in favour of the petitioner. However, after audit objection, the authorities issued a letter for recovery of the said amount. However, on 15.02.2022 the Audit Officer, Office of the Accountant General (Audit) issued a letter to the petitioner intimating him to recover of the objected amount of Rs.51,901/- from the present petitioner. In the said letter, it is stated that the prescription slip from AMA/Government Hospital has not been furnished to the said authority. Therefore, the DDO was requested in the said letter to recover the entire amount from the petitioner and deposit the same in the Government Account under intimation to Accountant General (Audit). Challenging the same the writ petition has been filed by the petitioner.

5. Learned counsel for the State on receiving instruction submits that the petitioner has not submitted prescription slips as required by Audit Officer, office of the Accountant General amount is required to be recovered from the petitioner and it is further submitted that the opposite parties are working under the instruction of the office of the Accountant General.

6. In reply to the aforesaid submission of learned counsel for the State, learned counsel for the petitioner submits that the petitioner has already submitted prescription before the authorities and he also submits that the copies of the prescription slips have been filed to the writ petition under Annexure-7 series. Further learned counsel for the petitioner submits that the petitioner may be given an opportunity to submit all those documents before the authority for further

processing.

7. Considering the submissions made by the respective parties and keeping in view the limited nature of grievance and the interest of the petitioner this Court disposes of the writ petition at the stage of admission quashing the letter dated 15.02.2022 under Annexure-12 and the matter is remanded to the Collector, Angul-Opposite Party No.3.

On instruction, learned counsel for the State further submits that he has received written instruction from the authorities wherein it is stated as follows:-

“To

Sri Ramesh Ch. Pallai,
S/O-Late Brundabana Pallai,
Village-Baligan, P.O.-Praharaipur,
P.S.-Pipli,
Dist-Puri

Sub:- Non-submission of prescription slip in RCM Bill & irregular payment of RCM amount to Rs.51,901/-.

Ref:- Letter No.FAA-2/OB/2021-22/150/dt.12.10.2021.

Sir,

With reference to the letter on the subject cited above, I am to enclose herewith Letter No.FAA-2/OB/2021-22/150/dt.12.10.2021 of Sr. Audit officer/FAA-2 A.G., Odisha, Bhubaneswar which is self explanatory.

I would, therefore, request you to comply the said Audit observations for payment of RCM amount to Rs.51,901/- within 15 days from the date of receipt of their letter positively. Otherwise the entire amount will be recouped from you as per rule.

This may be treated as “Extremely Urgent.”

Yours faithfully

Sd/-

Spl. L.A.O., NTPC, Angul.”

8. In such view of the matter, under Annexures-10, 12 and 13 are setting aside and the writ petition is allowed.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

