

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 382 OF 2008

Smt. Ranjana W/o. Anil Patrikar,
Aged about 58 years,
Occupation Retired Government Servant,
R/o. L-8/26, Raghujinagar,
Nagpur.

.... Petitioner

VERSUS

1. The Maharashtra Administrative Tribunal,
Nagpur Bench, Nagpur
Administrative Building,
Civil Lines, Nagpur.
2. The Secretary,
Government of Maharashtra,
Finance Department, Mantralaya,
Mumbai-400032
3. The Director of Accounts & Treasury,
New Government Barrack No. 15 to 16,
Plot No. 176, Free Press Journal Marg,
Mumbai-400031.
4. The Senior Treasury Officer,
Collectorate Compound,
Civil Lines, Nagpur.

... Respondents

Shri A. S. Bhalerao, Advocate for the Petitioner.
Shri N. R. Roade, A.G.P. for Respondent Nos. 1 to 4-State.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATED : 17 FEBRUARY 2022

ORAL JUDGMENT : (PER:- NITIN JAMDAR, J.)

The Petitioner is challenging the order passed by the Maharashtra Administrative Tribunal, Nagpur dated 18 April 2007 in Original Application No. 189/2006 filed by the Petitioner.

2. The Petitioner was working as Deputy Accountant in the office of the Regional Selection Board, Nagpur from January 1994 to April 1997. The Petitioner's daughter was diagnosed with kidney disease and had to be operated. According to the Petitioner, this facility was not available at Nagpur and therefore, the Petitioner's daughter was treated at Jaslok Hospital, a private hospital in Mumbai. According to the Petitioner this was also an approved hospital. The expenditure spent by the Petitioner for treatment of his daughter is ₹3,50,000/-, however the admissible expense was ₹1,70,601/-. Since, the reimbursement of the bill was not done for a long period of time and according to the Petitioner there was shortfall of ₹ 64,097/-, the Petitioner filed Original Application No. 189/2006. The Petitioner claimed interest @ 20% from 28 January 1997 to 23 September 2004 on an amount of ₹ 91,565/- and interest @ 20% from 28 January 1997 to 27 March 2006 for a period of 9 years on an amount of ₹ 59,869/-. The Petitioner also claimed compensation of ₹ 50,000/-.

3. The Petitioner's claim was contested by the Respondents-State in the Tribunal and it was contended that the delay in payment of reimbursement amount was not intentional and there were correspondence between the parties in the light of various peculiar facts of the case and therefore, interest may not be imposed. It was contended that total admissible amount of ₹1,51,434/- was reimbursed to the Petitioner and the only question would arise of ₹ 32,895/- as shown prior to the admission at Jaslok Hospital. The Tribunal further considered the rival contentions and accepted that the amount has been paid and the issue arose regarding payment of ₹32,895/-, which needs to be reconsidered by the Respondents. As regards the interest and compensation, the Tribunal declined to grant the same. Challenging this order, the Petitioner is before us.

4. We have heard Shri A. S. Bhalerao, learned Counsel for the Petitioner and Shri N. R. Roade, learned A.G.P. for Respondent Nos. 1 to 4-State.

5. As regards the entitlement of the Petitioner to claim interest on delayed payment of reimbursement of medical bills, neither before the Tribunal nor before this Court the Petitioner has shown any Rules that mandate the payment of interest. The learned Counsel for the Petitioner also accepted the same and states that even in such case, the Respondents-State is required to take expeditious steps to release the amount and the Court can grant suitable rate of interest. The learned Counsel for the Petitioner relied upon the decision of the Hon'ble Supreme Court in the

case of *Uma Agrawal Vs. State of Uttar Pradesh*¹ . The learned A.G.P. states that delay can be justified and it is not a gross delay.

6. The issue of interest has been considered by the Tribunal. The Tribunal has noted that advance was released by the Respondents and it is not that the Respondents were completely indifferent to the claim of the Petitioner. It is stated that the claim was sanctioned in two phases and thereafter issue arose regarding interpretation of Government Circular whether payment could be made for entire treatment in a private hospital in case of emergency. There was correspondence between different Departments of the State Government and the Regional Selection Service Board, where the Petitioner was working was closed in the year 1999 and the papers were forwarded to a different Departments. The Tribunal has taken this into consideration and has observed that it cannot be said that delay was intentional or wholly attributed to the Government. In the case of *Uma Agrawal (cited supra)*, the Government Servant was a Cancer patient and the issue was payment of pension. Therefore we cannot come to the conclusion that the view taken by the Tribunal is perverse and it is impossible now to take.

7. As regards the claim of ₹64,097/- in Original Application filed by the Petitioner, it has been claimed as balance outstanding amount. But, how it has remained outstanding is not elaborated and we do not find specific argument to the claim in the order of the Tribunal. What we discern from the Original Application is that it is the case of the Petitioner that out of ₹ 1,70,531/- only ₹ 1,06,434/- were released and therefore,

¹ AIR 1999 SC 1212

there is balance. The Tribunal has recorded categorical finding that an amount of ₹ 1,51,434/- including ₹ 45,000/- has been paid and for ₹ 32,895/- the Tribunal has directed reexamination of the issue. The Tribunal after considering the material before it reached to the conclusion regarding payment of ₹ 1,51,434/- and it is a finding of facts. As regards to the claim of ₹50,000/- as compensation, the Tribunal has adopted the same reasoning as was adopted for declining imposition of interest. Since, we have found no error in the order of the Tribunal in declining grant of interest, the question of payment of compensation would not arise.

8. Considering the totality of the circumstance, we find that the Tribunal has considered the material before it and reached possible factual findings and has not exercised its discretion in granting interest due to cogent circumstances and therefore, we do not find any error in the view taken by the Tribunal.

9. The Writ Petition is accordingly dismissed. Rule stands discharged.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

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RR Jaiswal