

17.03.2023

WPCT 61 of 2020

Utpal Mitra
-Vs-
Union of India & Ors.

Mr. Sumitava Chakraborty

... for the petitioner

Mr. Brajesh Jha
Mr. Madhu Jana

... for the Union of India

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Chakraborty, Learned Counsel appearing on behalf of the petitioner, submits that the appellant has preferred this appeal against the order dated 25th September, 2020 passed by the Learned Central Administrative Tribunal, Kolkata Bench, wherein the said Learned Tribunal has held as follows:

“Since, it seems that the applicant’s prayer for medical reimbursement has not been rejected by the authorities as yet, we direct the authorities to examine his claim, in accordance with law, and grant reimbursement as he would be entitled to in terms of the CS(MA) Rules 1944. In the event the applicant is entitled for reimbursement, let the same be released within 8 weeks from the date of receipt of this order and pass appropriate order.”

He further submits that the appellant seeks remedy on the ground that the Geological Survey of India, Eastern Region, being the Competent Authority, has accorded

permission as has been prayed for by the appellant *vide* Office Order dated 2nd November, 2017 which has been in turn sanctioned by the Administrative Officer, Geological Survey of India, Eastern Region, Kolkata *vide* Order dated 4th April, 2018. Thereafter, the Controlling Officer, Geological Survey of India (for short, GSI) Eastern Region, has approved reimbursement of Rs.2,708/- to the appellant.

He further submits that in spite of the Office Order and the Sanction Order, the Pay and Accounts Department has not disbursed the same and the said appellant has been suffering since long for no fault of his own.

Learned Counsel appearing on behalf of the Union of India submits that though the Geological Survey of India *vide* its Office Order and thereafter Sanction Order has approved the reimbursement, such sanction and approval is provided by the applicable rules. It is pointed out that the petitioner has availed of medical service from a clinic which is not an empanelled clinic of the GSI.

Having heard the parties and considering the materials placed, it reveals that the GSI has, *vide* its Office Order dated 2nd November, 2017 and subsequently by the Sanction Order in respect of the same dated 4th April, 2018, has accorded sanction to the reimbursement of the medical treatment of the appellant amounting to Rs.2,708.

This Court finds that there is no fault on the part of the petitioner since the medical treatment was availed after obtaining sanction of the competent authority of GSI.

Moreover, the petitioner, now retired, is knocking on the doors of justice for nearly five years to receive his dues. In the view of this the petitioner cannot be denied the medical reimbursement on a technicality after he holds valid sanction and approval orders from the competent authorities of GSI.

Under such circumstance and in the particular facts of this case, The Controller of Accounts, Central Accounts Office, Ministry of Mines, Geological Survey of India/the Respondent No.2, is directed to reimburse the amount to the appellant amounting to Rs.2,708/- which has been sanctioned towards medical expense along with costs assessed at Rs. 10,000/- (Rupees Ten Thousand only) within two weeks from the date of communication of this order.

WPCT 61 of 2020 stands accordingly **disposed of**.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)