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Writ Petition No.5465 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**W.P.No.5465 of 2024 &
WMP.No.6036 of 2024**

- 1.Union of India,
Rep., by the Additional Deputy Director General (HQ),
Directorate General,
Central Govt., Health Scheme (CGHS-III),
Nirman Bhavan, New Delhi – 110 108.
 - 2.The Additional Director,
Central Govt., Health Scheme (CGHS),
No.9, Bikanur House Hutments,
Shahjahan Road, New Delhi – 110 011.
 - 3.The Additional Director,
Central Govt., Health Scheme (CGHS),
South Zone, Sector – VIII,
R.K.Puram, New Delhi – 110 022.
 - 4.The Additional Director,
Central Govt., Health Scheme (CGHS),
Rajaji Bhavan, Chennai – 600 090.
- ... Petitioners

Vs

Mrs.Geetha Kumar

... Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, to call for the records of the Central Administrative Tribunal Chennai Bench in its order dated 21.06.2023, passed in O.A.No.3 of 2023 and quash the same.

For Petitioner :Mr.G.Ilangovan

For Respondent : Mr.R.Malaichamy

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

Heard Mr.G.Ilangovan, learned counsel appearing for the petitioners and Mr.R.Malaichamy, learned counsel appearing for the respondent.

2. The challenge made in the Writ Petition is to an order of the Tribunal whereby it had set aside the order passed by the fourth petitioner dated 22.06.2022, wherein the claim of the respondent for interest for belated reimbursement of the medical claims were negated and a consequential direction to pay interest at the rate of 6% with effect from 06.06.2018 till 31.05.2022.



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3. It is an admitted case that the husband of the respondent was employed in the Department of Telecommunication and during his lifetime, he fell ill and had been treated, for which expenses have been incurred by the respondent. It is also not disputed that the deceased employee, namely, the husband of the respondent, was entitled for medical reimbursement. We do not propose to narrate the various facts as regards to the communication between the respective parties. By an order dated 06.07.2018, the Central Administrative Tribunal in O.A.No.310/0086/2018, had directed the petitioners to consider the representation of the respondent and pass a detailed reasoned and speaking order in accordance with law. Pursuant to the said order, a sum of Rs.9,60,561/- was directed to be reimbursed to the respondent. Since, the claim of the respondent was made in the year 2012 and the payment had been made only in the year 2022, the respondent herein had claimed interest for the delayed payment. It is to be noted that the respondent had also initiated contempt proceedings in CP/310/007/2019, as the earlier direction given by the Tribunal to dispose of the representation within a period of two months from the date of copy of the order has not been com-



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plied with. The said contempt came to be closed by the Tribunal on 20.06.2022, by recording that there has been an compliance passed by the Tribunal. Within two days, the order impugned before the Tribunal came to be passed rejecting the claim of the respondent for interest of delayed reimbursement.

4. The Tribunal after considering the various facts also particularly the judgment relied upon by the learned counsel for the petitioner before us in ***Om Prakash Gargi vs. State of Punjab & Ors*** reported in ***(1996) 11 SCC 399***, had directed payment of interest from 06.06.2018 till 31.05.2022.

5. As rightly held by the Tribunal, the reliance placed upon by the learned counsel for the petitioner in the case of ***Om Prakash Gargi vs. State of Punjab & Ors***, dated 07.10.1996 of the Hon'ble Apex Court would not be applicable to the facts of the case, even though in the said judgment, the Hon'ble Apex Court had noted that on the facts of the present case, the interest could not be granted to the employee. It is also



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noted that such disposal had been made noting the earlier judgment of the Hon'ble Apex Court, where such interest on delayed medical reimbursement had been upheld.

6. Even though a claim for interest had been made for the delayed reimbursement, which the respondent was entitled to from 2012, the Tribunal had restricted the grant of interest from 06.06.2018 till 31.05.2022. It would be relevant to note that the earlier order of the Tribunal directing the petitioners to consider the claim of the respondent was made on 06.06.2018. Even though the claim of the petitioner is that there is no scheme for grant of interest for delayed medical reimbursement, the Tribunal seems to have only awarded interest for the delayed payment from the date of its earlier order only. In view of the said facts, we are not inclined to interfere with the order passed by the Tribunal.

7. In fine, this Writ Petition fails and the same is accordingly dismissed. However, there shall be no order as to costs. Consequently con-



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nected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
pbn

(R.S.K.,J.) (K.B., J.)
05.03.2024

R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

pbn

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