



2025:DHC:1674-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6800/2024 & CM APPL. 28309/2024****BHARAT SANCHAR NIGAM LTD. & ORS.Petitioners**

Through: Mr. R.V. Sinha, Mr. A.S. Singh, Mr. Amit Sinha, Ms. Nidhi Singh and Ms. Shriya Sharma, Advs.

versus

BANARSI DASSRespondent

Through: Mr. G.D. Bhandari, Adv.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE AJAY DIGPAUL****JUDGMENT (ORAL)**

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12.03.2025**C.HARI SHANKAR, J.**

1. This writ petition emanates from order dated 5 October 2023, passed by the Central Administrative Tribunal¹ in OA 1435/2019. The respondent was the applicant in the OA. The respondent moved the Tribunal against the rejection, by the petitioners, of his prayer for medical reimbursement of the treatment undertaken by his wife in 2010 and 2014.

2. We do not intend to enter into the specifics of the dispute, as we are remanding the matter to the Tribunal for a *de novo* consideration, the impugned order being effectively non-speaking in nature.

¹ "the Tribunal", hereinafter



3. The Tribunal has noted, from paras 2.1 to 2.11, the facts of the case and the rival contentions of the parties. Among the contentions that has been noticed by the Tribunal is the contention of the petitioners, as the respondent before the Tribunal, that the claims of the applicant before the Tribunal were barred by time.

4. There is, however, no finding by the Tribunal on any of the submissions advanced by the parties. The Tribunal has merely reproduced an earlier order passed by it in OA 2277/2018 and has proceeded to allow the respondent's OA on the ground that it could not take a different view.

5. Before us, Mr. R.V. Sinha, learned Counsel for the petitioners has raised various contentions. Among them is the contention that the applicability of the decision of the Supreme Court in *Shiva Kant Jha v UOI*², which was relied upon by the Tribunal in its judgment in OA 2277/2018 (on which the impugned judgment is founded) was contrary to the earlier decision of a Bench of three Hon'ble Judges of the Supreme Court in *State of Punjab v Ram Lubhaya Bagga*³.

6. Mr. Sinha has also placed reliance on the judgments of the Supreme Court in *State of Punjab v Mohan Lal Jindal*⁴, *State of Rajasthan v Mahesh Kumar Sharma*⁵ and the judgment of a Division Bench of this Court in *Balram Sharma v UOI*⁶.

² (2018) 16 SCC 187

³ (1998) 4 SCC 117

⁴ (2001) 9 SCC 217

⁵ (2011) 4 SCC 257

⁶ (2008) 154 DLT 463 (DB)



7. He submits that the aspect of entitlement of the respondent to medical reimbursement, despite the policy of the petitioners, would have to be examined by considering all these decisions of the Supreme Court.

8. Mr. Sinha has also raised a plea of limitation. He submits that the respondent was, claiming, before the Tribunal, the medical reimbursement for the treatment undertaken by his wife in 2010 and 2014. The OA was filed in 2019. The OA claimed to have been predicated on a rejection, by the petitioners, of a representation submitted by the respondent in 2018. Mr. Sinha submits that the claim for the year 2010 was grossly barred by time and could not have been raised for the first time in 2019, and that the claim for the year 2014 was also belated, as, if the respondent had not received any reply to the representation made by him in 2014, he had necessarily to approach the Court within 1½ years of the representation being made and could not rely on the rejection of a belated representation made in 2018 to found a fresh cause of action.

9. Mr. Sinha has placed reliance, in this context, on the judgments of the Supreme Court in *S.S. Rathore v State of Madhya Pradesh*⁷, *D.C.S. Negi v UOI*⁸ and *UOI v M.K. Sarkar*⁹.

10. We are of the opinion that these aspects are required to be

⁷ (1989) 4 SCC 582

⁸ (2018) 16 SCC 721

⁹ (2010) 2 SCC 59



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addressed by the Tribunal before arriving at a conclusion in the matter.

11. Accordingly, we quash and set aside the impugned order dated 5 October 2023 passed by the Tribunal in OA 1435/2019.

12. The OA 1435/2019 is remanded to the Tribunal for consideration *de novo*.

13. Both sides would be at liberty to address all submissions before the Tribunal, preliminary as well as on merits. We express no opinion on the said contentions, one way or the other.

14. Needless to say, the Tribunal would not be influenced by any observation contained in the impugned order dated 5 October 2023 either.

15. In order to expedite matters, we direct both parties to appear before the Tribunal on 2 April 2025. The Tribunal is requested to take up the matter on the said date. Learned Counsel for both sides undertake that they would not seek any adjournment.

16. In order to assist the Tribunal, we direct the parties for both sides to place on record before the Tribunal a short note of their respective submissions not exceeding four pages each after exchanging copies with each other at least 48 hours in advance of the date of hearing.



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17. We also request the Tribunal to decide the matter as expeditiously as possible after hearing and preferably within a period of four weeks thereof.

18. Needless to say, any party aggrieved by the order passed by the Tribunal would be at liberty to avail remedies thereagainst as are available in law.

19. The writ petition stands disposed of in the aforesaid terms with no order as to costs.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 12, 2025/aky

Click here to check corrigendum, if any