

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 860/2018 (S.B.)

Kiran Suresh Raut,
Aged about 45 years, Occ. Service,
R/o City Police Station Quarters, Khamgaon,
District Buldhana.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Department of Home,
Mantralaya, Mumbai -32.
- 2) Special Inspector General of Police,
Amravati Region, Amravati.
- 3) Superintendent of Police,
Buldhana.

Respondents.

Shri R.V. Shiralkar, Advocate for the applicant.

Shri A.M.Khadatkar, P.O. for respondents.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Date of Reserving for Judgment : 8th July, 2019.

Date of Pronouncement of Judgment : 19th July, 2019.

JUDGMENT

(Delivered on this 19th day of July,2019)

Heard Shri R.V. Shiralkar, learned counsel for the applicant and A.M. Khadatkar, learned P.O. for the respondents.

2. The applicant is serving as Police Naik. In the year 2007 the applicant had undergone hip joint replacement Surgery at Sancheti Hospital, Pune. The applicant incurred upon Rs.2,75,000/- for his Surgery and the same amount was reimbursed by the respondents together with interest.

3. In the year 2011 the applicant was facing trouble, it was relating to the hip joint surgery, consequently he again visited Sancheti Hospital, Pune and he was advised revision surgery to change the femoral stem. For the purpose of this second surgery, the applicant requested the respondents to pay him advance Rs.1,00,000/-, but it was not paid to the applicant.

4. Thereafter on 22/3/2011 the applicant again undergone the surgery for changing femoral stem and after the surgery the Hospital issued bill Rs.1,38,346/-. The applicant presented the bill to the office of respondent no.3 and requested to reimburse the amount. There were so many objections raised by the respondent nos. 1 to 3. Ultimately he was directed to appear before the Civil Surgeon, the Civil Surgeon examined the applicant and thereafter the bill was proceeded.

5. It is contention of the applicant that vide order dated 10/9/2015 the respondent no.1 sanctioned the medical bill of the

applicant to the tune of Rs.1,22,338/-. It is grievance of the applicant that in spite of this sanction, no steps were taken by the respondent no.3 to pay this amount to the applicant, consequently the applicant made representation to the respondents, but it was in vain and ultimately he filed present application to recover the amount together with interest till the date of realization.

6. The respondent no.3 submitted reply and tried to justify the delay in not paying amount to the applicant. It is submitted that on 24/3/2015 the respondent no.3 forwarded proposal to the respondent no.1 for the sanction order. The respondent no.2 forwarded the proposal of the respondent no.3 to the respondent no.1 for the sanction. Thereafter the respondent no.3 wrote reminders to the respondent no.1 on 23/6/2017 & 14/7/2017, but the respondent no.1 did not send the sanction order to the respondent no.3. It is contended by the respondent no.3 that unless the respondent no.3 received the copy of the sanction, it was not possible for the respondent no.3 to pay the amount.

7. The learned counsel for the applicant invited my attention to Annex-A-8. It is written by the Section Officer, Home Department of Government of Maharashtra. In this order, it is specifically mentioned that considering the nature of the illness of the applicant and the amount paid by him as per the G.R. dated 19/3/2005 issued by the

Public Health Department and guidelines there under, sanction was granted by the Government to reimburse amount Rs.1,22,338/- to the applicant and the concerned were directed to do the needful. The copy of this letter was also sent to the respondent no.3 and copy of this letter was addressed to the applicant and it is filed by the applicant in Court. It is pertinent to note that though copy of this letter was also forwarded to the Superintendent of Police, Buldhana (R/3), but no action was taken. It appears that in this matter the respondent nos. 1&2 remained silent, they have not submitted any reply and denied these facts alleged by the applicant. It also appears that time to time thereafter requests were made by the applicant to pay and reimburse the bill as per the sanction order dated 10th September,2015, but it was not done.

8. In view of this discussion, I have no hesitation in holding that the Government of Maharashtra accorded sanction to reimburse amount Rs.1,22,338/- to the applicant on account of his medical treatment and there was no satisfactory reason available with the respondent no.3 for not complying this order. In the result, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The respondents are directed to pay amount of Rs.1,22,338/- to the applicant together with the interest @7% p.a. from 1st October,2015 till realization.

(iii) The respondents are directed to comply this order within a period of three months from the date of this order.

(iv) No order as to costs.

Dated :- 19/07/2019.

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(A.D. Karanjkar)
Member (J).

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 19/07/2019.
and pronounced on

Uploaded on : 19/07/2019.