

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1005/2022 (S.B.)

Rohini Namdeo Dhane,
(After marriage Mrs. Rohini Sameer Telang),
Aged about 43 years,
Occ. Service, R/o 7, Karve Nagar,
Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
Department of Finance,
Mantralaya, Mumbai-32.

- 2) Additional Commissioner,
Goods and Service Tax,
Opposite High Court,
Civil Lines, Nagpur.

- 3) Joint Commissioner (Administration),
Goods and Service Tax,
Opposite High Court,
Civil Lines, Nagpur.

Respondents

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

Shri H.K.Pande, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 28.08.2023.

JUDGEMENT

Heard Shri R.V.Shiralkar, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

2. The case of the applicant in short is as under:-

The applicant is working as a Deputy Commissioner, G.S.T. at Nagpur. Father and mother-in-laws of the applicant are dependents. Therefore, she had given the details of family in the office on 11.10.2021. Her father-in-law is now no more. Her mother-in-law is residing with her and she is dependent. Her mother-in-law was admitted in the hospital for knee replacement surgery. The applicant had incurred expenditure more than three lakh. The Civil Surgeon, General Hospital, Nagpur has given certificate stating that applicant is entitled for reimbursement of Rs.2,82,912/-. All the documents were submitted to the Civil Surgeon, those documents were verified by the office of respondent no. 2. Respondent no. 2 issued letter dated 21.09.2022 stating that husband of applicant is also in service and he could have claim that amount.

3. It is stated in the letter dated 21.09.2022 that mother-in-law of the applicant namely Neela Ashok Telang is dependent on her husband Sameer Ashok Telang. Proposal for grant of medical reimbursement was neither rejected nor allowed but it was suggested

that it will be proper to get the medical bill sanctioned from the office of husband of the applicant. Hence, applicant approached to this Tribunal.

4. Ld. Counsel for the applicant has pointed out material documents on record. As per Maharashtra State Service (Medical Reimbursement) Rules, 1961, definition of family means that "Government (female) employee is having freedom to opt mother-in-law and father-in-law instead of her mother and father, whomsoever is totally dependent on her". The applicant opted that her mother and father-in-law are dependent and she had given family details in her office on 11.10.2021.

5. There is no dispute that husband and wife both are in Government Service. So, either of them can claim medical reimbursement. Applicant has incurred medical expenditure more than 3 Lakh, Civil Surgeon, General Hospital, Nagpur has sanctioned of Rs. 2,82,912/-. There was no hurdle for respondent no. 2 to pass the bill. The applicant is entitled to get the said medical bill. The respondent no. 2 is Head of the Department and as per G.R. dated 16.03.2016; Head of the Department is authorised to sanction medical reimbursement bill upto Rs. 3,00,000/-. Hence, following order:-

O R D E R

A. The O.A. is allowed.

- B.** The communication issued by respondent no. 2 dated 21.09.2022 is hereby quashed and set aside.
- C.** The respondent no. 2 is directed to sanction the bill of medical reimbursement of Rs. 2,82,912/- within a period of two months from the date of receipt of this order.
- D.** No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 28/08/2023.
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 28/08/2023.
and pronounced on

Uploaded on : 29/08/2023.