

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Sri Rajendra Singh,

-----Vice Chairman (J)

CLAIM PETITION NO 131/NB/SB/2023

Vichitra Narayan Kandpal (Male) Aged about 63 years s/o Late Shri Aanand Ballabh Kandpal r/o Gayatri Nagar Phase -2, Gas Godam Road, Kusumkhera Haldwani District Nainital

.....Petitioner

Vs.

1. State of Uttarakhand Through its Secretary, Medical Health and Family Welfare, Government of Uttarakhand, Dehradun.
2. Director General, Medical Health and Family Welfare, Government of Uttarakhand, Dehradun.
3. Chief Medical Officer Nainital District Nainital.
4. Chief Medical Superintendent, Community Health Centre Bhimtal District Nainital.

----Respondents

Present: Sri Harish Adhikari, Advocate for the petitioner
Sri Kishor Kumar, A.P.O. for the respondents

JUDGMENT

DATED: JANUARY 10, 2024

By means of present claim petition, the petitioner seeks the following reliefs:

(i) To issue order or direction appropriate in nature and set aside the impugned orders dated 29.10.2020, 31.05.2022 and 01.12.2022 (Contained as Annexure No. 1 (Colly)) to the claim petition) and further direct the respondents to make payment of medical bills ignoring the delay if any, with 18% interest, after calling the entire records from the respondents or in alternate pass any

appropriate orders keeping in view of the facts highlighted in the body of the claim petition or mould the relief appropriately.

(ii) To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. The facts of the case in brief are that the petitioner applied for voluntary retirement, which was accepted by the respondent department and the petitioner was superannuated on 31.03.2018. At the time of superannuation, the petitioner was posted at Community Health Centre Bhimtal, District Nainital. The petitioner met with an accident and suffered severe injuries and became unconscious and admitted in the nearby hospitals namely Central Hospital. The petitioner remained hospitalized from 29.05.2018 to 08.06.2018. Thereafter, due to his condition, the aforesaid hospital referred the petitioner to higher centre Sri Ram Murti Hospital, Bareilly. After recovering from the treatment, the petitioner got the entire bills and after getting the same, he submitted the bills before the respondent no. 4 on 17.07.2018 under the government orders, which provides that the medical claim to the retired/serving employees of the State Govt. The respondent no. 4 forwarded the same to the respondent no. 2 vide letter dated 18.06.2019. It is the submission of the Ld. Counsel for the petitioner the orders have been passed without considering the factual circumstances as mentioned the application dated 17.07.2018 of the petitioner (Annexure no.3) about his accident treatment and intimation to the authorities. Ld. Counsel for the petitioner also submitted that the petitioner has moved representation dated 01.01.2021 to the Director General of Medical and Health mentioning the fact that the bills pertaining to the hospital where the petitioner was immediately rushed by the people after the accident has been paid, but the bills pertaining to the treatment at the higher centre in continuation of illness cannot be rejected on the ground of late submission of the bill, particularly when the person himself was unwell and the delay was also due to the departmental formalities.

3. Learned A.P.O. stated that the petitioner submitted the medical bills after a delay of one year, therefore his medical claim was rightly rejected by the competent Authority on the ground of delay.

4. After arguing the claim petition at some length, learned Counsel for the petitioner confined his prayer to the extent that he will make a fresh representation mentioning all the facts regarding treatment as narrated by him in the earlier representations, to the Respondent no. 1 (Secretary, Medical Health and Family Welfare, Government of Uttarakhand, Dehradun), who may kindly be directed to decide the same, keeping sympathetic view, within a reasonable time. However, learned A.P.O. has no objection if a direction is given to the Govt. (respondent no. 1) to consider and decide fresh representation of the petitioner, as per law.

5. Innocuous prayer of learned Counsel for the petitioner, in the given circumstances, is worth accepting.

6. This Tribunal, therefore, in the peculiar facts of the case, deems it appropriate to relegate the matter to the competent authority to decide the claim of the petitioner.

7. The claim petition is, accordingly, disposed of by directing Respondent no. 1 to consider and pass appropriate orders, ignoring the earlier orders, on the fresh representation of the petitioner, on his medical claim, in accordance with law, without unreasonable delay, preferably within a period of eight weeks on presentation of certified copy of this order along with fresh representation, enclosing relevant documents in support thereof. No order as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

DATE: JANUARY 10, 2024
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KNP