

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr. Rajeev Gupta
-----Vice Chairman (A)

CLAIM PETITION NO. 60/DB/2018

Surendra Singh Rawat, Retired Deputy Forest Circle Officer, r/o Swtantrata Senani Bhawan, Deputy Dhara Pauri, Zila Garhwal, Uttarakhand.

.....Petitioner

VS.

1. Secretary, Forest Department, Uttarakhand Government Dehradun.
2. Conservator of Forest, Bhagirathi Circle, Muni-ki-reti, Uttarakhand.
3. Sri Sandeep Kumar, Divisional Forest Officer, Uttarakshi Forest Range.
4. Sri Shashi Ballabh Badoni, Clerk, Office, Uttarkashi, Forest Division, Uttarkashi, Uttarakhand.

.....Respondents.

Present: Sri S.S.Rawat, petitioner in person.
Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: SEPTEMBER 19, 2019

Per: Justice U.C.Dhyani

Petitioner filed a claim petition on 03.10.2018, for realizing medical claim of Rs.31107/-, along with interest pendentelite and future @ 18%, defraying the expenses incurred in coming to Dehradun, compensation for harassment and costs of the claim petition.

2. This Tribunal *vide* order dated 29.10.2018, after ensuring that the medical claim is reimbursed to him, closed the claim petition. Claim of medical

reimbursement to the tune of Rs.30707/- was accounted for in favour of the petitioner, which was the main relief, therefore, this Tribunal thought it fit to close the claim petition on the statement of Sri S.K.Jain, Advocate, who was appointed Amicus Curiae, that the petitioner does not wish to press minor reliefs. Further Ld. Amicus Curiae also stated that petitioner was not keeping well and this Tribunal instructed him not to travel to Dehradun in connection with further hearings of the claim.

3. Judgment dated 29.10.2018 shall be deemed to be part of this order, for avoiding repetition. Soon thereafter, the petitioner, who is suffering from various ailments, appeared in person and prayed that he wants to press other reliefs also. Since this Tribunal thought that no litigant should be allowed to suffer on account of statement made under wrong impression of a Lawyer, therefore, reopened present claim petition on review application moved by the petitioner for the same.

4. Consequently, C.As./ W.Ss. were invited from private respondents, who filed the same, denying such claims, such as interest, cost, compensation etc. to the petitioner. Petitioner filed rejoinders to the same.

5. This fact is under no dispute that medical claim of Rs.10303/-, revised as Rs. 9903/- was given to the petitioner after 5 years and six months (Para 2, pg. 2 of R.A. to C.A. of Respondents No. 1 to 3). Claim for medical reimbursement of Rs.10303/- was sent by petitioner on 08.04.2013, followed by reminders dated 12.05.2014 and 16.02.2015, letter soliciting action against respondent no.4 on 30.06.2016. Letters were written to the higher authorities including Hon'ble Chief Minister, but to no avail. The payment could be made only with the intervention of the Tribunal on 29.10.2018. Documents have been filed to show that the petitioner ran from pillar to post, but, when he approached this Tribunal, only then his grievance was redressed. Respondents, in their C.A./W.S. have given evasive replies and could not satisfactorily account for the delay in payment of impugned medical dues, on time, as also hardship caused to the petitioner.

8. This Tribunal is, therefore, of the view that the petitioner should be compensated for the delay caused by the respondents in releasing his medical claim. We have given anxious consideration to the quantum of such delay and hardship. Drawing analogy from various provisions of Code of Civil Procedure, 1908, we think that the petitioner should be compensated for the delay (ignoring 5-6 months period for normal processing and payment of bills) caused by the respondents in releasing his medical claims by granting simple interest @ 6% per annum which works out to be Rs.2970/- for 5 years delay in payment of Rs. 9903/- and Rs.1248/- for one year delay in payment of Rs.20804/-, totaling Rs.4218/- (rounded to Rs.4200/-) and cost which we quantify as lump sum amount of Rs.3,000/-. The interest of Rs.4200/- and cost of Rs.3000/- shall be paid by Divisional Forest Officer (for short D.F.O.), Uttarakashi, within a period of 12 weeks to the petitioner. If these payments are not made within 12 weeks, then D.F.O., Uttarakashi shall pay further interest on these amounts @ 6% p.a. till the date of actual payment. It will, however, be open to D.F.O., Uttarakashi to realize the aforesaid amount from Respondent No.4, as per law.

9. Order accordingly.

10. The claim petition is, accordingly, disposed of.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 19,2019
DEHRADUN

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