

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL**

**AT DEHRADUN**

**CLAIM PETITION NO. 10/SB/2022**

Om Prakash Arya, aged about 63 years s/o Sri Nand Lal Arya, r/o Yamunotri Enclave, Lane No. 1, Sewla Kalan, Chandrabani Road, Dehradun

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Urban Development Department, Uttarakhand Secretariat, Subhash Road, Dehradun
2. Director, Urban Development Department, Uttarakhand, Dehradun
3. Nagar Ayukt, Nagar Nigam, Roorkee, Uttarakhand

..... Respondents

Present : Dr. N.K. Pant, Advocate, for the petitioner

Sri V.P. Devrani, A.P.O., for the respondents

**JUDGEMENT**

**Dated: 14<sup>th</sup> January, 2022**

**Justice U.C. Dhyani (Oral)**

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

“(i) Issue an order or direction calling for the record and directing the respondents to reimburse the medical bills.

(ii) Issue an order or direction calling for the record and to direct the respondent to pay the interest on the reimbursement amount as per market rates.

(iii) The petitioner is aggrieved by unruly and irresponsible behaviour of the respondent and sought such sum as the Hon’ble Tribunal thinks fit for causing mental harassment and pain.

(iv) Issue any suitable claim, order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(v) Award the cost of claim petition in favour of the petitioner."

*[Emphasis Supplied]*

2. Relief clause of the claim petition, which has been reproduced herein above would indicate that present claim petition is for reimbursement of medical bills.

3. Learned Counsel for the petitioner, at the very outset, confined his prayer only to the extent that respondent no. 3 may kindly be directed to decide the representations of the petitioner, within a time bound manner, in accordance with law. Petitioner has given a reference of such representations in para 5(h) of the claim petition.

4. Learned A.P.O. submitted that the medical bills, which are more than one year old, should not be adjudicated by this Tribunal, in view of the bar created under Section 5(1)(b)(i) of the U.P. Public Services (Tribunal) Act, 1976. He, however, submitted that bar is for the Tribunal and not for the Govt., who can decide any claim of the public servant at any point of time.

5. Without elaborating further, claim petition is disposed of, at the admission stage, by directing respondent no. 3 to decide the representations of the petitioner for

reimbursement of medical bills by reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay, on presentation of the certified copy of this order, along with (fresh) representation.

6. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

7. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: 14<sup>th</sup> January, 2022*  
*DEHRADUN*  
*RS*