



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
O.A. No.060/00150/2020

Chandigarh, this the 14th February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Sohan Singh S/o Late Sh. Gulzara Singh, aged 70 years, Ex-Supervisor (Group C), presently resident of H. No. 183, Sunder Nagar, Dhangu Road, Pathankot – 145001.

....Applicant

(BY: MR. JAGDEEP JASWAL, ADVOCATE)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110001.
2. Commanding Officer, 'A' Coy, 5471 ASC Battalion (MT) C/o 56 APO
3. Principal Controller of Defence Accounts, Narwal Pain, Satwari, Jammu – 180003.

... .Respondents

(BY: MR. SANJAY GOYAL, ADVOCATE)

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. Applicant lays challenge to orders dated 13.10.2018, 28.09.2018 and 24.09.2019 (Annexure A-1 to A-3) whereby his claim for medical reimbursement of Rs.1,84,566.10 has been rejected.
2. Heard.



3. Learned counsel vehemently argued that the view taken by the respondents to reject the claim of the applicant, on the plea that the retirees are not entitled to medical benefits under CS (MA) Rules, 1944, is contrary to the law settled by this Court which was further upheld by the Hon'ble High Court in the case of **Union of India & Others Vs. Mohan Lal Gupta & Another**, 2018 (1) SCT 687, and as per the judgment of the Hon'ble Supreme Court in the case of **Shiva Kant Jha Vs. Union of India** (W.P. (Civil) No. 695/2015 decided on 13.04.2018). He, therefore, prayed that the impugned order be quashed and the respondents be directed to reimburse the amount incurred by the applicant on his treatment.
4. Issue notice.
5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He is not in a position to support the impugned order and cite any law contrary to what has been observed hereinabove.
6. In the wake of above noticed judicial pronouncements, the impugned orders (Annexures A-1 to A-3) cannot sustain and are hereby quashed and set aside. The O.A. is allowed. The matter is remitted back to the respondents to re-appreciate the claim of the applicant



and reimburse the admissible amount against his medical claim, in the light of judicial pronouncements in the case of Mohan Lal Gupta (supra). Let the above exercise be carried out within a period of one month from the date of receipt of a certified copy of this order. No costs.

**(Sanjeev Kaushik)
Member (J)**

Place: Chandigarh
Dated: 14.02.2020.

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