CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

OA No. 060/1051/2019

Chandigarh, this the 18th day of December, 2019

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

Janak Raj Sharma son of Late Sh. Jagdish Chander aged about 76 years r/o H. No. 1439/18. Gali No. 2, Islamabad, Amritsar (Punjab). Pin-143 002.

…….Applicant

BY ADVOCATE: **NONE**

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Communication and I.T. Department of Post, New Delhi-110 001.
2. Post Master General, Area-II, Sector 17, Chandigarh-160 017.
3. Senior Superintendent of Post Offices, Amritsar Division, Amritsar-143 001.

……..Respondents

BY ADVOCATE: **SH. SANJAY GOYAL**

ORDER (ORAL)

MR. SANJEEV KAUSHIK, MEMBER(J):-

1. The present OA has been by the applicant, assailing the order dated 07.09.2019 (Annexure A-1) whereby his claim for medical reimbursement to the tune of Rs. 44841/- has been rejected on the ground that the case of pensioners is not covered under C.S. (M.A.) Rules 1944.

2. Reply has not yet been filed by the respondents.

3. On a query made by this court whether the case of the applicant is covered by decisions of this court in a number of O.As, against the same very respondents while invalidating their view as raised in order dated 07.09.2019 (Annexure A-1)

impugned by the applicant in this O.A. that pensioners are not allowed reimbursement of medical claims, learned counsel for respondents answered in affirmative. This Court, while disposing of number of O.As, as upheld by Hon'ble Jurisdictional High Court in a bunch matters leading one being **Mohan Lal Gupta & Ors. vs Union of India & Ors**., **C.W.P. No. 26270 of 2015** decided on 17.1.2018 reported as 2018(1) SCT 687 and Hon'ble Supreme Court in the case of **Shiv Kant Jha Vs. UOI, Writ Petition (Civil) No. 694 of 2015 decided on 13.04.2018, by Hon'ble Supreme Court of India** have negated the view of the respondents, holding that respondents cannot discriminate, while allowing the bill for medical reimbursement between retirees and persons in service.

3. The learned counsel appearing on behalf of the respondents is not able to cite any law contrary to indicated one and submits that there is no other view, contrary to what has been held by this court, which has been further reiterated upto the level of Hon'ble Supreme Court.

4. Considering the above, I am of the view that the ends of justice would be met if the present OA is disposed of by quashing the impugned order. Hence, the impugned order dated 07.09.2019 (Annexure A-1) is hereby set aside and the matter is remitted back to the respondents to consider the case of the applicant for admissible medical reimbursement claim without taking into account the fact that the applicant is a pensioner. This 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)

Dated: 18.12.2019
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