



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No. 60/416/2020      Date of decision: 06.7.2020**

...

**CORAM: HON'BLE MRS. AJANTA DAYALAN, MEMBER(A).**

...

Naresh Kumar Jain, son of Shri Madan Lal, aged 73 years, Senior Postmaster, Group B (Retired), resident of #136, Ram Bagh Road, Ferozepur Cantt-152001 (Punjab).

**...APPLICANT**

**BY: SH. MANOHAR LAL, COUNSEL FOR THE APPLICANT.**

**VERSUS**

1. Union of India through Secretary, Ministry of Telecommunication and Information Technology, Department of Posts, 415, Sanchar Bhawan, Ashoka Road, New Delhi-110001.
2. Chief Postmaster General, Punjab Circle, Sector 17-E, Chandigarh-160017.
3. Senior Superintendent of Post Offices, Chandigarh Division, Chandigarh-160017.

**...RESPONDENTS**

**BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.**

**ORDER (Oral)**

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**AJANTA DAYALAN, MEMBER (A):-**

1. Applicant lays challenge to orders dated 01.6.2020 (along-with letters dated 29.9.2016, 19.7.2017, 18.12.2019 and



06.1.2020 attached collectively as Annexure A-1) whereby his claim for medical reimbursement of Rs.4,84,404/- for his medical treatment taken from DMCH, Ludhiana, has been rejected, on the ground that retirees are not covered under CS (MA) Rules, 1944 etc.

2. Heard via video conferencing.
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 a judgment of the Hon'ble Supreme Court in the case of **Shiva Kant Jha Vs. Union of India** (2018(2) SCT 529). He further argued that a number of similar OAs filed against the same department have been allowed and despite that the respondents have taken the same view that the retirees are not covered under CS (MA) Rules, 1944. 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 orders or cite any law contrary to what has been observed hereinabove.
6. Since the plea taken by the respondents while passing the impugned order has already been negated by the Court of law in a number of cases, it is not deemed necessary to seek reply from the respondents and keep the claim of a retired person pending. In these circumstances, and in the wake of above noticed judicial pronouncements, the impugned orders dated 01.6.2020 (Annexure A-1) is quashed and set aside. The matter is remitted back to the respondents to re-appreciate the claim of the applicant and reimburse the genuine and admissible amount as per rules and instructions but in the light of judicial pronouncement in the case of Mohan Lal Gupta (supra), within a period of two months from the date of receipt of a certified copy of this order. No costs.

**(AJANTA DAYALAN)  
MEMBER (A)**

Date: 06.7.2020.

Place: Chandigarh.

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