



**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CHANDIGARH BENCH**

O.A.N0.060/00104/2021

Decided on: 3.2.2021

**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

Madan Lal Bhagat

Son of Shri Kesar Dass, aged 78 years,

Assistant Commissioner, Group 'A' (Retired),

Resident of # 266, Avtar Avenue

Majitha Road,

Amritsar-143001 (Punjab).

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Applicant

**(BY ADVOCATE: MR. MANOHAR LAL)**

VERSUS

1. Union of India, Ministry of Finance (Department of Revenue) through Chairman, Central Board of Indirect Taxes and Customs, North Block, New Delhi-110001.

2. Commissioner of Customs (Prev), C.R. Building, The mall, Amritsar-143001 (Punjab).

Respondents

**(BY ADVOCATE: MR. SANJAY GOYAL)**



**O R D E R (ORAL)**  
**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

1. Applicant lays challenge to order dated 30.12.2020 (Annexure A-1) whereby his claim for medical reimbursement of Rs.7,17,446/- for medical treatment of his wife has been returned on the ground that retirees are not covered under CS (MA) Rules, 1944.
2. Heard via video conferencing.
3. Issue notice.
4. Mr. Sanjay Goyal, Sr. CGSC, accepts notice.
5. 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 treatment of his wife.
6. Mr. Sanjay Goyal, Sr. CGSC is not in a position to support the impugned order or cite any law contrary to what has been argued by learned counsel for applicant.



7. 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, the impugned order dated 30.12.2020 (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)**

Place: Chandigarh  
Dated: 3.2.2021

HC\*