



CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

...

O.A. No.60/866/2020 Date of decision: 11.11.2020

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

...

Parkash Singh son of Late Sh. Bara Singh, aged about 70 years, R/o VPO Gill, Railway Road, District Ludhiana-141116.

Group C.

...APPLICANT

BY: SH. MUKESH KUMAR BHATNAGAR, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Communication and I.T. Department of Post, New Delhi-110001.
2. Post Master General, Area-II, Sector-17, Chandigarh-160017
3. Senior Supdt. Of Post Offices, Ludhiana City Division, Ludhiana-141001.

...RESPONDENTS



ORDER (Oral)

... SANJEEV KAUSHIK, MEMBER (J):-

1. The pensioner is before this Court for invalidation of the impugned order dated 21.10.2020 (Annexure A-1), whereby his claim for reimbursement of medical expenses incurred by him has been turned down on the ground that pensioners are not covered under Rule 1 of the CS (MA) Rules, 1944.
2. Heard learned counsel for the applicant, who vehemently argued that the impugned view of the respondents is contrary to law settled by this Court and the judgment passed by 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 argued that in a similar matter in the case of **Baldev Raj vs. Union of India & Ors.** vide order dated 18.10.2018, this Court rejected similar contention of the respondents in not disbursing amount to retirees. He also argued that this Court while deciding number of petitions has negated the similar view taken by the respondent department which has been upheld by the jurisdictional High Court by dismissing the writ petition in the case of **Union of India & Anr. vs. Mohan Lal Gupta & Ors.**, 2018 (1) SCT 687. Thus, he pleaded that impugned order be quashed and set aside.



3. I have gone through the pleadings and have seen order relied upon by the applicant in the case of Baldev Raj (supra) and I am of the view that the impugned order cannot sustain in the eyes of law as it is contrary to order passed by this Court in bunch of petition leading case being that of Mohan Lal Gupta (supra) affirmed by the Hon'ble High Court by dismissing the writ petition at the hands of UOI. Accordingly, the present petition is allowed. The impugned order is quashed and set aside and matter may be remitted back to the respondents to re-appreciate the same in terms of policy, without raising plea that retirees are not covered for reimbursement of medical expenses. The above exercise be completed within a period of three months from the date of receipt of a certified copy of this order.

4. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)**

Date: 11.11.2020.

Place: Chandigarh.

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