



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.NO.060/00989/2020

Decided on: 18.12.2020

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

Harbans Lal, (Retired MES-309828 B/S GDE-I from GE 574 Engr Park) aged about 73 years son of Sh. Bhikham Dass, resident of House No. B-15/323, Sunder Nagar, Near Bua Di Hatti, Pathankot, Tehsil and District Pathankot Punjab PIN 145001.

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Applicant

(BY ADVOCATE: MR. HITESH SOOD)

VERSUS

1. Union of India through its Secretary, Ministry of Defence, Government of India, 101-A, South block, New Delhi, Pin-110011.
2. The Controller General of Defence Accounts, Ulan Batar Road, Palam, New Delhi-110010.
3. The Principal Controller of Defence Accounts, Northern Command, Jammu-18003.
4. The Garrison Engineer, 574, Engr Park, PIN-913574 C/o 56 APO.

Respondents

(BY ADVOCATE: MR. SANJAY GOYAL)



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

1. Applicant lays challenge to order dated 19.8.2020 (Annexure A-7) whereby his claim for medical reimbursement of Rs.83,587/- for medical treatment of his late wife taken from Max Care Hospital, Sunder Nagar, Pathankot/Capitol Hospital, Jalandhar, has been rejected, on the ground that retirees are not covered under CS (MA) Rules, 1944. He has also prayed for grant of interest on the indicated amount, compensation of Rs.50,000/- and litigation expenses of Rs.50,000/-.
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 treatment of his wife.
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 or cite any law contrary to what has been argued by learned counsel for applicant.

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, the impugned order dated 19.8.2020 (Annexure A-7) 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. However, the claim for grant of interest, compensation and litigation costs is declined.

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 18.12.2020

HC*