

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

10.01.2012

OA No. 11/2012

Mr. C.B. Sharma, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of January, 2012

ORIGINAL APPLICATION No. 11/2012

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Bhola Ram Sharma son of Shri Gauri Dutt, aged about 75 years, resident of 1-B-50, Shiv Shakti Colony, Shastri Nagar, Jaipur. Retired on 30.04.1995 from the post of Chief Section Supervisor, Office of General Manager, Telecom District, Jaipur.

... Applicant

(By Advocate : Mr. C.B. Sharma)

Versus

1. Union of India through its Secretary, Department of Telecommunication, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi.
2. Union of India through its Secretary, Department of Health, Ministry of Health and family Welfare, Government of India, Nirman Bhawan, New Delhi.
3. Controller of Communication Accounts, Department of Telecommunications, Rajasthan Telecom Circle, Sanchar Lekha Bhawan, Jhalana Dungari, Jaipur.
4. Chief General Master, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
5. Principal General Manager, Telecom District (BSNL), M.I. Road, Jaipur.

... Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That the respondents be directed to entertain the medical claim of the applicant and to release payment Rs.13,541/- towards medical reimbursement alongwith interest @ 12% p.a. from December, 2010 till payment by quashing letter dated 08.02.2011 and 11.01.2011 (Annexure A/1 & A/3).
- (ii) That respondent no. 1 & 2 be directed to made applicable directions in O.M. dated 05.06.1998 in

Anil Kumar

respect of applicability of CS (MA) Rules 1944 to the pensioners of Department of Telecom.

- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case."

2. Learned counsel for the applicant argued that the controversy involved in this case is squarely covered by the order passed by this Tribunal in OA No. 456/2007 dated 26.11.2009 (Annexure A/8). Para nos. 3 & 4 of the order dated 26.11.2009 is quoted below:-

"3. I have heard the learned counsel for the parties. Since the applicant is not entitled to the medical reimbursement as indoor patient as per CS(MA) Rules, 1944 and the matter is pending before the Apex Court, I am of the view that no positive direction can be given to the respondents to grant medical facilities to the applicant dehors the rules, especially when the Hon'ble Apex Court is seized of the matter.

4. In view of what has been stated above, the only direction which can be given in the facts and circumstances of this case is that in case the SLP pending before the Hon'ble Apex Court pursuant to the order passed by the Ahmedabad Bench of the Tribunal is dismissed and it is held that the respondents in the SLP are entitled for medical reimbursement as per CS (MA) Rules, 1944 as indoor patient, in that eventuality the respondents shall process claim of the applicant and pass necessary order within a period of three months from the date of the judgment to be rendered by the Apex Court."

3. Learned counsel for the applicant further stated at bar that the said SLP is still pending before the Hon'ble Supreme Court.

Anil Kumar

4. In view of this fact, if it is held in the SLP that the respondents are entitled for medical entitlement as per CS (MA) Rules 1944 as indoor patient, in that eventuality, the respondents shall process the claim of the applicant and pass necessary order within a period of three months from the date of the judgment to be rendered by the Hon'ble Supreme Court.

5. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ