

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00438/2014

DATE OF ORDER: 16.04.2015

CORAM**HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER**

Om Prakash Chopra S/o late Shri Rochi Ram Chopra, aged about 79 years, R/o 80-G-2, Lagpath Naghar, Jagatpura, Jaipur. Voluntarily retired in the year 1991 from the post of Post Master Bharatpur Head Post Office, Bharatpur.

...Applicant

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

VERSUS

1. Union of India through its Secretary, Department of Posts, Ministry of Communication and Information Technology, Sanchar Bhawan, New Delhi – 110001.
2. Chief Post Master General, Rajasthan Circle, Sardar Patel Marg, Jaipur – 302001.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER

The present Original Application is filed by the applicant praying that the respondents be directed to entertain the medical claim of the applicant and to release payment of Rs. 32,311/- towards medical reimbursement along with interest @ 12% p.a., from January 2013 till payment by quashing letter dated 16.06.2014 (Annexure A/1).

2. The applicant challenges the letter dated 16.06.2014 (Annexure A/1) issued on behalf of the respondent no. 2 by which it has been informed to the applicant that medical

claim preferred by him for self treatment for the period from 08.12.2012 to 12.12.2012 and further follow-up treatment has not been entertained on the ground that the claims cannot be sanctioned under the provisions of CS (Medical Attendance) Rules, 1944.

3. The applicant took voluntarily retirement from the Postal Department while holding the post of Post Master Bharatpur Head Post Office, Bharatpur in the year 1991. The applicant was under treatment due to 'Hernia & Kidney Stone' problem at Apex Hospitals Private Limited at Malviya Nagar, Jaipur and remained as indoor patient from 08.12.2012 to 12.12.2012. He underwent surgery for 'Hernia & Kidney Stone' and incurred Rs. 32,311/- towards treatment expenses. The applicant submitted a medical claim before the 2nd respondent. The respondent no. 2 rejected the medical claim of the applicant on the ground that the provisions of CS (Medical Attendance) Rules, 1944 are not applicable to the retired employees. Annexure A/1 is the order dated 16.06.2014 passed on behalf of the respondent no. 2.

4. Similar cases claiming very same reliefs came up for consideration before this Tribunal, Hon'ble High Courts as well as before the Hon'ble Supreme Court. The Principal Bench of this Tribunal at New Delhi in the case of **Chander**

Shil Bhatia (OA No. 1988/2004) decided on 06.09.2005 directed the respondents to reimburse the medical claim in similar circumstances. A similar order has also been passed by the Hon'ble High Court of Delhi vide order dated 07.11.2008. Annexure A/3 is the order dated 27.08.2013 passed by this Bench in the case of **Ram Swarup Gupta vs. Union of India & Ors.** (OA No. 786/2012). In that case, the applicant filed OA being aggrieved by the order of the respondents dated 21/25.06.2012 vide which the reimbursement claim for medical expenses of Rs. 2,38,941/- incurred due to total knee replacement of both the legs of applicant's wife has been rejected by the respondents on the ground that as per rules, this reimbursement is not admissible. This Bench examined the matter in detail, considered the orders passed by this Bench in similar matters namely OA No. 456/2007, OA No. 631/2011 and the order passed by the Hon'ble Supreme Court in the Special Leave to Appeal (Civil) No(s). 10659/2005 and allowed the claim.

5. Shri Mukesh Agarwal, Senior Central Government Standing Counsel submits that as per Rule 2, Note 2 (iv) of the Central Services (Medical Attendance) Rules, 1944, the benefits are not applicable to the retired Government officials as these rules are only applicable to the Government servants. It is also submitted that the

applicant did not take prior permission from the competent authority for his treatment and, therefore, he is not entitled for reimbursement of medical bills.

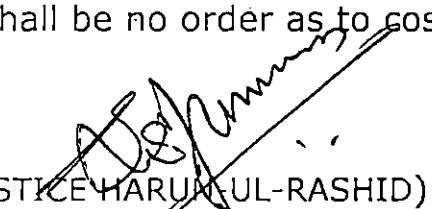
6. This Bench vide Annexure A/3 order dated 27.08.2013 in the case of **Ram Swarup Gupta vs. Union of India & Ors.** (OA No. 786/2012) observed that the ratio decided by the Tribunal, Hon'ble High Courts and the Hon'ble Supreme Court in the cited cases are squarely applicable in that case, but in view of the fact that the Union of India has filed a Review Petition before the Hon'ble Supreme Court and this fact was not disputed by the learned counsel for the applicant, therefore, no positive direction was given to the respondents to entertain the claim of the applicant for reimbursement of medical bills. However, the only direction which was given is that in case the Review Petition filed before the Hon'ble Supreme Court is dismissed, in that eventuality, the respondents shall process the claim of the applicant for reimbursement of medical bills in question and pass necessary order(s) within a period of three months from the date of judgment rendered by the Hon'ble Supreme Court of India.

7. Learned counsel for the applicant submits that the SLP filed by the Union of India before the Hon'ble Supreme Court has been dismissed. Subsequently, the Review

Petition was also filed by the Union of India before the Hon'ble Supreme Court, which has also been dismissed vide Annexure A/5 order dated 30th October, 2013 in the case of **U.O.I. & Anr. Vs. Prabhakar Sridhar Bapat** (Review Petition (C) No. 1258 of 2013 in SLP (C) No. 10659/2005).

8. In view of the above facts and circumstances of the case, I am inclined to extend the relief sought for in this O.A. directing the respondent no. 2 to process the claim of the applicant for reimbursement of medical bills in question and pass appropriate order(s) within a period of two months from the date of receipt of a copy of this order. The applicant is directed to furnish a copy of this order before the respondent no. 2 within a period of fifteen days from today.

9. Accordingly, the present Original Application is disposed of with the said extent. There shall be no order as to costs.


(JUSTICE M. A. HARUN-UL-RASHID)
JUDICIAL MEMBER