

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No. 291/00710/2014

Date of Order: 14/12/2016

CORAM:

Hon'ble Ms. Meenakshi Hooja, Administrative Member

CHANDRA PRAKASH JAIN Son of Shri Suraj Mal Mehta, aged about 70 years, resident of 306, Rajat Grah Colony, Nainwa Road, Bundi (at present at B-604, Jagatpura, Jaipur) and retired on 31/03/2005 from the post of Post Master, Kankroli (Rajasthan).

....Applicant

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

VERSUS

1. Union of India through its Secretary, Labour Department, Central Secretariat, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Sardar Patel Marg, Jaipur-302007.
3. Post Master General, Rajasthan Southern Region, Ajmer-305001.
4. Senior Superintendent of Post Offices, Udaipur Postal Division, Udaipur-313004.

....Respondents

(By advocate: Mr. Abhishek Sharma)

ORDER

This OA has been filed by the applicant under section 19 of the Administrative Tribunal Act 1985 aggrieved with the decision of the respondents not to reimburse the medical claim on the ground that CS (MA) Rules, 1944 are not applicable to



the retired employees of the postal department and thereby seeking the following relief:

- (i) That the respondents be directed to entertain the medical claim of the applicant and to release payment Rs. 1,30,458/- towards medical reimbursement along with interest @ 12 p.a. from June 2015, till payment by quashing letter dated 15/06/2015 and 28/05/2015 (Annexure A/1 & A/2).
- (ii) That respondents be directed to Honour orders passed by Hon'ble Supreme Court in respect of applicability of CS (MA) Rules 1944 to the pensioners of Department of Posts and Hospital recognized/authorised by CGHS.
- (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.
- (iv) That the cost of this application may be awarded.

2. Heard. Learned counsel for the applicant submitted that the applicant retired from the Department of Posts on 31st March, 2015. He was admitted as indoor patient in Narayana Hrudayalaya Multispecialty Hospital for heart problem and he submitted Medical bill of Rs. 1,30,458/- for reimbursement. But it was rejected vide Annexure-A/1 dated 15.06.2015 only on the ground that CS (MA) Rules do not cover retired employees



of the Postal Department. In this regard counsel for the applicant submitted that this issue has already been agitated before the Hon'ble High Court of Gujarat wherein applicability of the CS (MA) rules was upheld. Against this order, the Department went in SLP and thereafter Review Petition before the Hon'ble Apex Court and the same have been dismissed vide Ann.A/7 & Ann.A/8 dated 03.04.2012 and 30.10.2013 respectively. Counsel for the applicant also referred to the order of this Bench of the Tribunal dated 27/08/2013 in OA No. 786/2012 filed by one Shri Ram Swaroop Gupta (Annexure-A/6) wherein a similar case of medical reimbursement was allowed subject to the decision in Review Petition filed by the union of India before the Supreme Court. Counsel for the applicant contended that as now the Review petition has been dismissed vide Annexure-A/8 and payment has already been made to Shri Ram Swaroop Gupta (applicant in that OA). He further submitted that this Bench of the Tribunal in another OA No. 173/2015 decided on 26/05/2016 allowed the medical reimbursement claim to a retired Postal employee keeping in view the order of this Tribunal in OA No. 786/2012 and dismissal of the Review petition and in this case also payment has been made. Therefore, learned counsel for the applicant

submitted that as applicant underwent treatment on emergency basis his claim may be allowed.

3. Per contra, learned counsel for the respondents referred to OM dated 09/11/2014 regarding the fixed medical allowances and further submitted that the case was not one of emergency because the applicant got chest pain on 31/03/2015 and got admitted in the hospital on 06/04/2015 i.e. after seven days and on this ground itself he is not entitled for any reimbursement as there was no emergency. He also referred to Annexure-A/9 filed by the applicant himself wherein Narayana Hrudayalaya Multispecialty Hospital where he got the treatment is not in the list of Hospitals of the Department of Posts and prayed for dismissal of the OA.

4. In rebuttal, learned counsel for the applicant submitted Annexure-A/4 circular relates to payment of Rs. 500/- per month as fixed medical allowance only for meeting day to day medical expenses that did not require hospitalisation and nowhere covers the issue of reimbursement cases of hospitalisation. He also submitted that Annexure-A/9 is a list of 2010 and relates to serving employees and their families and does not cover retired employees. Counsel for the applicant clarified that applicant is living in Bundi and Jaipur after

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retirement, and therefore got admitted in Narayana Hrudayalaya Multispecialty Hospital because of various serious problem relating to heart and prayed for the OA to be allowed.

5. Considered aforesaid contentions and perused records. It is apparent from Annexure-A/6(Order of this Tribunal dated 27.08.2013 in OA No.786/2012), A/7 (Decision of SLP by the Hon'ble Apex Court vide order dated 03.04.2012) and Ann. A/8 (Dismissal of Review Petition by Hon'ble Apex Court vide order dated 30.10.2013) that in view of the dismissal of SLP and thereafter of the Review petition by Hon'ble Supreme Court that cases of the retired employees of the Department of Posts to which applicant also belongs are covered by the CS (MA) Rules 1944. Therefore, the respondents are directed to consider and decide the claim of the applicant for reimbursement filed as Annexure-A/4 including the question whether the treatment was an emergency or not within a period of two months from the date of receipt of a copy of this order.

OA is accordingly allowed to the extent as above. No order as to costs.



(Meenakshi Hooja)
Administrative Member

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