

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE

Original Applications Nos.130 & 869 of 2000

Indore, this the 14th day of November, 2003

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

(1)Original Application No.130 of 2000

K.U.Jain (Dawar Chand Jain
S/o Shri Ugar Chand Jain),
45-B,Kamala Nagar,Bhopal-462003 - APPLICANT
(By Advocate - Shri Rajendra Tiwari on behalf of
Shri C.B.Patne)

Versus

1. Union of India,through Secretary,
Ministry of Communications,
Department of Posts,Dak-Bhawan,
Sansad Marg, New Delhi-110001.
2. Secretary, Ministry of Health & Family
Welfare, Govt.of India,Nirman Bhawan,
New Delhi-110001.
3. The Director General, Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi-110001. - RESPONDENTS
(By Advocate - Shri V.Saran)

(2) Original Application No.869 of 2000

K.U.Jain(Kawarchand Jain S/o late Shri
Ugarchand Jain) 45-B,Kamalanagar,
Bhopal 462003,Retired Assistant Post
master General, M.P.Circle,Bhopal - APPLICANT
(By Advocate - Shri Rajendra Tiwari on behalf
of Shri C.B.Patne)

Versus

1. Union of India Through Secretary,Ministry
of Communication,Cum Director General,
Department of Posts,Dak Bhawan,Parliament
Street,New Delhi-110001.
2. The Secretary,Ministry of Health & Family
Welfare,Government of India,Nirman Bhavan,
New Delhi-110001.
3. The Chief Postmaster General,M.P.Circle,
Bhopal-462012 - RESPONDENTS
(By Advocate - Shri V.Saran)

COMMON ORDER (ORAL)

By G.Shanthappa, Judicial Member -

As the facts are identical,and issue involved
and grounds raised are identical, both these OAs are
being disposed of by this common order for the sake of

2. In OA 130/2000 the applicant has prayed for a direction to the respondents for payment of medical reimbursement of Rs.73,238/- along with interest. He has also requested it may be declared that he is also eligible for grant of said medical reimbursement under the Central Services (Medical Attendance) Rules, 1944 as extended vide Annexure-A-26.

3. In OA 869/2000 the applicant has sought for a direction to the respondents to grant him the medical reimbursement of Rs.18,603/- and interest from January, 2000 till the date of payment under the CS(MA) Rules, 1944.

4. The learned counsel for the applicant submitted that though the applicant has submitted aforesaid claims of medical reimbursement to the respondents but the same have not been considered. The respondents have issued the letter dated 27.8.1999 (Annexure-A-21), contents of the same are as under -

"The undersigned is directed to refer to the Ministry of Communication (Department of Posts) letter No.7-1/90-Medical dated 11th August, 1999 on the subject mentioned above and to say that the recommendations of the Fifth Central Pay Commission regarding extension of CS(MA) Rules, 1944 to Central Govt. Pensioners residing in Non-CGHS areas is still under consideration of the Government. A decision in this regard, as and when taken, will be communicated to all the Ministries/Departments".

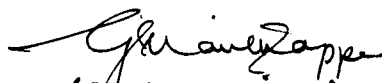
5. The respondents have filed their replies contending that there are some bills pending for consideration. The respondents have to verify the bills and also they have to seek clarifications from the higher authorities on the ground that the Central Government pensioners residing in non-CGHS areas are not entitled for medical reimbursement under the CS(MA) Rules, 1944.

6. We have heard the learned counsel for the parties and perused the pleadings available on record carefully.

7. The learned counsel for the applicant submitted that the applicant is entitled for medical reimbursement in view of the judgment of the Hon'ble Supreme Court in

the case of Consumer Education & Research Centre Vs. Union of India AIR 1995 SC 922 and a decision of Hon'ble Delhi High Court in the case of Narendra Pal Singh Vs. Union of India and others, 1999 III AD (DELHI) 769. In both the judgment the Hon'ble Supreme Court and Hon'ble High Court have directed the authorities to grant medical reimbursement to the employees who are residing in non-CGHS areas, and the medical treatment of the civil servant is a fundamental right under the Constitution.

8. In view of the fact that the case of the applicant is similar to those of applicants before the Hon'ble Supreme Court and Hon'ble High Court we hold that the present applicant is also eligible for grant of medical reimbursement. Since the applicant has submitted his medical bills, the respondents are directed to consider the medical bills and scrutinise the same in accordance with ^{CS} (Medical Attendance) Rules for grant of medical reimbursement. Accordingly, the respondents are directed to consider the case of the applicant for grant of medical reimbursement in accordance with CS(MA) Rules, within a period of three months from the date of receipt of a copy of this order. The respondents are also directed to grant interest to the applicant at the rate of 9(nine) per cent on the admissible medical claim from the date it was due to the date of actual payment. The OAs stand disposed of. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

rkv.

पृष्ठान्त सं. १०/११..... जयपुर, दि.....
प्रतिनिधि १०/११.....

- (1) सचिव, जयपुर, दि. १०/११
- (2)
- (3)
- (4)

सूचना एवं आवश्यक कार्रवाई हेतु


उप सचिव

सचिव C.B. Patil, 10/11/93
सचिव V. Saran, 10/11/93


18/11

18.11.93