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Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE TRIBUNAL


07 July, 2009

OA 21/2006

Present: Shri Rajeev Sharma, counsel for applicant
Shri Gaurav Jain proxy for Shri Hemant Mathur,
counsel for respondents

Due to paucity of time, the case is adjourned to

29.09.2009.


(B.L. Khatri)
Member (Administrative)

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29.09.2009

OA No. 21/2006

Mr. Rajveer Sharma, Counsel for applicant.
Mr. Hemant Mathur, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is
disposed of.


(B.L. KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 29th September, 2009

ORIGINAL APPLICATION NO. 21/2006

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Nandlal Rai aged about 68 years, son of Shri Uttam Chand Rai, by caste Khatri, resident of Near Rajendra Hotel, Bheemganj Mandi, Kota Junction (Rajasthan).

.....APPLICANT

(By Advocate: Mr. Rajveer Sharma)

VERSUS

1. Union of India through its Secretary, Department of Finance (Revenue & Insurance), North Block, New Delhi.
2. Secretary to the Government of India, Ministry of Health and Family Welfare, Department of Health, Nirman Bhawan, New Delhi.
3. Narcotics Commissioner of India, 19, The Mall Morar, Gwalior (M.P.).
4. Dy. Narcotics Commissioner, Narcotics Building, Jhalawar Road, Kota (Rajasthan).

.....RESPONDENTS

(By Advocate: Mr. Hemant Mathur)

ORDER (ORAL)

The applicant, while working on the post of Superintendent Grade II, retired on superannuation on 30.09.1997. The applicant submitted a medical claim of Rs.2,49,463/- incurred on his Bypass surgery. The respondents have not entertained the said claim of the applicant in absence of any instructions/provisions regarding reimbursement of medical expenses of retired officials. Respondents nos. 3 & 4 referred the matter to the Ministry of Health & Family Welfare, Department of Health vide letter dated 03.04.2004. The

Ministry of Health & Family Welfare vide its letter dated 25.11.2005 clarified that the Pensioners are not covered under the CS (MA) rules, 1944 and no orders extending CS (MA) Rules to Pensioners were issued so far. It was also informed by the Ministry that Hon'ble Supreme Court vide order dated 02.05.2005 in SLP regarding reimbursement of Medical Claims to the pensioners under CS(MA) Rules, 1944 had ordered that the contempt proceedings initiated shall remain kept in abeyance till further order. The applicant was informed accordingly.

2. After hearing the learned counsel for the parties, I find that since the matter is sub-judice before the Hon'ble Supreme court, therefore, the respondents are hereby directed to extend the same benefit to the applicant of this OA in case the benefit is extended by the Hon'ble Supreme in the SLP.

3. With these observations, the OA is allowed with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ