

13

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

26.11.2009

OA No.456/2007

Mr. C.B.Sharma, counsel for the applicant
Mr. T.P.Sharma, counsel for respondent No.1
Mr. B.N.Sandu, counsel for respondent No.2

Heard the learned counsel for the parties.

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


(M.L.CHAUHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 26th day of November, 2009

ORIGINAL APPLICATION No.456/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Bhola Ram Sharma
s/o Shr Gauri Dutt,
r/o 1-B-50, Shiv Shakti Colony,
Shastri Nagar, Jaipur,
Retired as Chief Section Supervisor,
Office of General Manager,
Telecom District, Jaipur

.. Applicant

(By Advocate: Shri 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. Chairman and Managing Director,
BSNL Corporate Office,
Stateman's House,
Barakhambha Road,
New Delhi.
3. Chief General Manager, Telecom,
Rajasthan Circle,
Sardar Patel Road,
Jaipur.

4. Principal General Manager,
Telecom District,
Jaipur

.. Respondents

(By Advocate: Shri Tej Prakash Sharma & shri B.S.Sandu)

ORDER (ORAL)

The applicant retired from Department of Telecommunication on 30.4.1995. His grievance is regarding reimbursement of medical expenses as indoor patient which request of the applicant has been rejected vide the impugned order dated 6.1.2007. The applicant has prayed that respondents may be directed to release payment of Rs.66,653.44 alongwith interest which he has incurred on account of his illness.

2. Notice of this application was given to the respondents. The respondents in the reply have stated that Government pensioners not covered under CGHS are not entitled for reimbursement of medical expenses under CS (MA) Rules, 1944. It is further stated that although the Hon'ble Tribunal has allowed the OA by directing the respondents to reimburse the medical expenses/claims to the pensioners who are not covered under the Rules of 1944 but the matter is pending before the Hon'ble Apex Court by challenging the order of the Hon'ble Ahmedabad Bench of the Tribunal regarding reimbursement of medical claims to the pensioners not covered under the CS(MA) Rules, 1994. It is further stated that the Contempt Petition filed against the judgment rendered by the Tribunal has been kept in abeyance by the Hon'ble Supreme Court till further orders.



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 Hon'ble Apex Court.

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



(M.L. CHAUDHAN)

Judl. Member

R/