

23.04.2014

O A No. 360/2013

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

Mr. Mukesh Agrawal, Counsel for respondent Nos. 1 & 2

Mr. Sudarshan Sharma, Proxy Counsel for

Mr. Neeraj Babu, Counsel for respondent Nos. 3 & 4.

Heard learned Counsel for the parties.

O.A. is disposed of by a separate order on the separate-sheets for the reasons recorded therein.

Anil Kumar,
[Anil Kumar]
Member(A)

For the Bench
Mr. P. N. Rao
(Mr. P. N. Rao)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 360/2013

DATE OF ORDER : 22.04.2014

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

M.D. Pareek son of Late Shri Ganga Dahr Pareek, aged about 76 years, resident of 135, Subhash Colony, Shastri Nagar, Jaipur and retired on 16.08.1991 from the post of Senior Section Supervisor, PGMTD, Jaipur.

... Applicant

(By Advocate: Mr. 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. Controller of Communication Accounts, Department of Telecommunications, Rajasthan Telecom Circle, Sanchar Lekha Bhawan, Jhalana Dungari, Jaipur.
3. Principal General Manager, Telecom District, Jaipur.
4. Chief Post Master General, Rajasthan Circle, Jaipur.

... Respondents

(By Advocates:

Mr. Mukesh Agarwal, Counsel for respondent nos. 1 & 2.

Mr. Sudharshan Sharma, Proxy counsel for

Mr. Neeraj Batra, Counsel for respondents nos. 3 & 4.

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The brief facts of the case, as stated by the learned counsel for the applicant, are that the applicant retired on superannuation on 16.08.1991 while holding the post of Senior Section Supervisor in the office of erstwhile General Manager, Telecom District, Jaipur and now PGMTD.

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2. That the applicant got admitted in Subh Hospital, Vidhyut Nagar, Jaipur and remain indoor patient from 18.11.2012 to 24.11.2012 and incurred Rs.13,558/- towards treatment.

3. The applicant submitted medical claim of Rs.13,558/- before respondent no. 3. Respondent no. 3 returned the medical claim stating therein that the applicant retired from DOT, so payment of medical claim can be entertained by DOT Cell.

4. Thereafter, the applicant made request to respondent no. 2 to settle his medical claim. Respondent no. 2 also returned the medical claim vide their letter dated 11/19.03.2013 on the ground that CS (Medical Attendance) Rules, 1944 is not applicable to the retired officials. They have also stated that however, if Govt. of India issued orders allowing re-imburement of medical expenses to retired officials under CS (Medical Attendance) Rules, 1944 on pronouncement of decision by the Hon'ble Supreme Court in the SLP (C) No. 10659/2005 titled Union of India versus Prabhakar Sridhar Bapat in similar cases and if the applicant's case is covered under that orders, he may submit his claim as per rule to his parent office/CPMG, Jaipur under whom the P&T Dispensary is functioning.

5. The learned counsel for the applicant submitted that this controversy has been settled by the Hon'ble Supreme Court and now retired officials of the DOT are also entitled for medical reimbursement as per CS (Medical Attendance) Rules, 1944. The

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Review Petition filed before the Hon'ble Supreme Court against the judgment of the Hon'ble Supreme Court in the SLP has also been dismissed by the Hon'ble Supreme Court.

6. He further submitted that this Tribunal in the case of **Sarishti Pal Bhalla vs. Union of India & Others in OA No. 631/2011 decided on 01.11.2012** directed the Department of Telecommunication to process the medical claim in similar circumstances. Therefore, he prayed that the OA be allowed and the respondents be directed to reconsider the case of the applicant for medical reimbursement.

7. The respondents have filed their reply. In their reply, they have stated that the CS (Medical Attendance) Rules, 1944 are applicable to the serving employees of the Central Government and not to the pensioners. Therefore, the letter dated 19.03.2013 (Annexure A/1) has been issued as per the relevant rules. They have also stated that Union of India has filed a Review Petition No. 1258/2013 in the case of **Union of India vs. Prabhakar Sridhar Bapat**. Hence the matter is sub-judice before the Hon'ble Supreme Court. Thus the applicant has no cause of action to file the OA. The applicant was also advised that in case in future, the Government of India issues any order in favour of the retired government officials in the light of decision given by the Hon'ble Supreme Court, he will be entitled to submit his medical bills as per rules.

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8. Heard the learned counsel for the parties, perused the documents on record and the case law referred to by the learned counsel for the parties.


9. During the course of arguments, it was not disputed by the learned counsel for the parties that the Review Petition filed by the Union of India against the judgment of the Hon'ble Supreme Court in the case of **Union of India vs. Prabhakar Sridhar Bapat** has been dismissed by the Hon'ble Supreme Court. Thus the decision of the Hon'ble Supreme Court in the case of **Union of India vs. Prabhakar Sridhar Bapat** has attained finality.

10. I have perused the order of this Tribunal dated 06.11.2012 in OA No. 631/2011 in the case of **Sarishti Pal Bhalla vs. Union of India & Others** (Annexure A/12) and I am of the opinion that the facts & law point involved in this OA are similar to the facts & law point involved in the present OA. Therefore, the present OA is being disposed of in terms of the order of this Tribunal in the case of **Sarishti Pal Bhalla vs. Union of India & Others in OA No. 631/2011 decided on 01.11.2012**. Thus in my opinion, the case of the applicant can now be considered afresh by the respondents in view of the decision taken by the Hon'ble Supreme Court in the SLP No. 10659/2005 (Union of India & Another vs. Prabhakar Sridhar Bapat) and other similar SLPs.

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11. The applicant is directed to file his claim for medical reimbursement afresh with the respondents within a period of 15 days and respondents are directed to process the claim of the applicant and pass necessary orders within a period of three months from the date of receipt of the claim by the applicant.

12. With these directions, the OA is disposed of with no order as to costs.


(ANIL KUMAR)
MEMBER (A)

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