

3

LOK ADALAT

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**



**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

(I) O.A. No.060/00396/14

Decided on: 06.12.2014

Yash Pal Bhambri son of Shri Piara Lal, aged 64 years, Inspector of Income Tax (Retired), resident of House No. 301, Janta Colony, Jalandhar - 144008

.....Applicant

Vs.

1. Union of India, Ministry of Finance and Company Affairs, Department of Revenue (Income Tax) through Chairman, Central Board of Direct Taxes, South Block, New Delhi.
2. Commissioner of Income Tax, Jalandhar - I, Central Revenue Building, Model Town Road, Jalandhar (Punjab).
3. Additional Deputy Commissioner of Income Tax, Range-2, Central Revenue Building, Model Town Road, Jalandhar (Pb.)

.....Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. K.K. Thakur, counsel for the respondents

(II) O.A. No. 060/00558/14

1. Balram Sahai son of Shri Hari Chand, aged 70 years Income Tax Officer (Retired) Resident of House No. B-I/630/10 C, Kundan Puri, Ludhiana

.....Applicant

Versus

1. Union of India, Ministry of Finance and Company Affairs, Department of Revenue (Income Tax) through Chairman, Central Board of Direct Taxes, South Block, New Delhi.

2. Commissioner of Income Tax-II, Aayakar Bhawan, Rishi Nagar, Ludhiana(Pb.)

..... Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. K.K. Thakur, counsel for the respondents

(III) O.A. No. 00795/2014

Sham Lal Sabharwal son of Shri Bihari Lal Sabharwal, aged 72 years, Additional Commissioner of Income Tax (Retired) Resident of Flat No. 25, Geetanjali apartments, Block 'E' Rishi Nagar, Ludhiana (Pb.)

.....Applicant

Versus

1. Union of India, Ministry of Finance and Company Affairs, Department of Revenue (Income Tax) through Chairman, Central Board of Direct Taxes, South Block, New Delhi.
2. Commissioner of Income Tax-III, Aayakar Bhawan, Rishi Nagar, Ludhiana(Pb.)
3. Zonal Accounts Officer, Central Board of Direct Taxes, Income Tax Department, Dandi Swami Chowk, Ludhiana.

..... Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. K.K. Thakur, counsel for the respondents

(IV) O.A. No. 060/00916/2014

Jai Dev Sharma son of Shri Jagan Nath Sharma, aged 69 years, Assistant Postmaster (Retired), resident of House No. 139, Street 3, Nabha Road, Patiala (Punjab) - 147001.

.....Applicant

Versus

1. Union of India through Secretary, Ministry of Tele-communications and Information Technology (Department of Posts), 415, Sanchar Bhawan, Ashoka road, New Delhi-110001.
2. Chief Postmaster General Punjab Circle, Sector 17-E, Chandigarh - 160017.

3. Senior Superintendent of Post Offices, Patiala Division, Patiala.

.....Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. Suresh Verma, counsel for the respondents

(V) O.A. NO. 060/01038/2014

Tarsem Lal son of Shri Babu Ram, aged 69 years, Assistant Postmaster (Retired) resident of House No. 2800/1, Sector 47-C, Chandigarh.

.....Applicant

Versus

1. Union of India, Ministry of Tele-communications and Information Technology (Department of Posts), 415, Sanchar Bhawan, Ashoka Road, New Delhi-110001.
2. Chief Postmaster General Punjab Circle, Sector 17-E, Chandigarh - 160017.
3. Senior Superintendent of Post Offices, General Post Offices, Sector 17, Chandigarh.

.....Respondents

Present: Mr. Manohar Lal, counsel for the applicant
Mr. Deepak Agnihotri, counsel for the respondents

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. Since the facts, issue and the law points involved in the aforementioned five OAs are similar, these are being disposed of by a common order. For the sake of convenience, we take facts from the case of Yash Pal Bhambri Vs. U.O.I. & Others (O.A. NO. 060/00396/14).

↓

2. The applicant has sought issuance of a direction to the respondents to reimburse an amount of Rs.2,12,647/- with 12% interest for delayed payment to him which he had incurred on his treatment at Tagore Hospital and Health Care Pvt. Limited, Jalandhar (Punjab).
3. At the very outset, learned counsel for the applicants submits that he does not press for grant of interest on the amount of medical reimbursement in all the cases.
4. Learned counsel for the applicant submits that the claim of the applicants for medical reimbursement has been rejected solely on the ground that the Central Services (Medical Attendance) Rules, 1944 are not applicable to the retirees.
5. Learned counsel for the parties concede that the identical issue has already been set at rest in the case of R.P. Mehta Vs. U.O.I. & Others (O.A. No. 248/PB/2001) on 25.01.2002 and the orders of this Court have attained finality up to the Hon'ble Supreme Court in SLP NO.10659/2005. Learned counsel also concede that following the ratio laid down in the case aforementioned, many identical OAs have been decided by this Court. It is also not disputed that the applicants in those O.As have been granted the relevant benefits in pursuance of the directions of this Tribunal.
6. Learned counsel for the respondents, however, submits that since the CS (MA) Rules, 1944, which are the very basis of rejection of

the case of the applicant, have not been amended, therefore, the respondents cannot grant the relevant benefits to the applicants at their own. Learned counsel further submits that in view thereof he is not in a position to give his consent to the allowance of the cases.

7. However, learned counsel for the respondents is not in a position to controvert the averment that the issue has already been settled and the relevant benefits have been granted to the similarly situated persons. He could not also cite any law contrary to what has been declared by this Court in the identical issue.
8. In view of the above, we are left with no other option but to dispose of these O.As, with a direction to the respondents to consider the claim of the applicant in the light of law laid down in the case of R.P. Mehta(supra), restricting the claim of the applicants at the CGHS rates. The prayer for interest on the relevant amount stands dismissed as not pressed.
9. Disposed of accordingly.

(UDAYKUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 06.12.2014

'mw'

Certified True Copy/प्रमाणित सत्य प्रतिलिपि
30/12/14
अनुभाग अधिकारी (न्याय)/Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative
चण्डीगढ़ पीठ/ Chandigarh
चण्डीगढ़ / Chandigarh