

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**OA. No. 060/00307/2014**

**(Reserved on 28.10.2014)**

**Chandigarh, this the 30<sup>th</sup> day of October, 2014**

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)  
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J)**

Kharati Lal son of Sh. Charan Dass r/o F/9, 2143, Shastri Nagar,  
near Kali Mata Mandir, Amritsar.

...Applicant

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Communication and I.T. Department of Post, New Delhi.
2. Post Master General, Area-II, Chandigarh.
3. Senior Superintendent of Post Offices, Amritsar, Dn. Amritsar.

...Respondents

**Present:** Sh. M.K. Bhatnagar, counsel for the applicant.  
Ms. Nimrat K. Gill, counsel for the respondents.

**ORDER**

**HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

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“(i) The present application is being filed against the action of the respondents and against the order dated 24.1.2014 (Annexure A-1) whereby the claim of the applicant for medical reimbursement for emergent treatment of the Hip Joint of his handicapped fully dependent paralyzed son namely Sunil Kumar has been declined being illegal, arbitrary and against the medical reimbursement rules and respondents be directed to reimburse Rs. 1,89,162/- to him being the expenses incurred by applicant on emergent treatment of his son with 12% interest for delayed payment.”

2. Averment has been made in the OA that the applicant retired from service on superannuation on 28.2.2011 from the Postal Department. The son of the applicant is unemployed and is fully dependent on the applicant. The son of the applicant had a fall due to which his hip joint was damaged and he had to undergo emergency surgery on 9.10.2013 and was discharged on 15.10.2013. The applicant spent Rs. 1,89,162/- on the emergency treatment of his son and being a retired Central Government employee, he applied for reimbursement of the medical expenses incurred (Annexures A-2 to A-5 colly.). However, the claim for reimbursement had been rejected through the impugned order dated 24.1.2014 stating that there was no provision in the Medical Attendance Rules vide which the treatment from private hospitals.

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by retired Government employees and their families are reimbursed. Hence this OA.

3. In the grounds for relief, it has inter alia been stated as follows:-

- (i) The respondent department has not taken into consideration the fact that the son of the applicant is 50% handicapped on account of Polio and a certificate in this regard had been issued by the Civil Surgeon, Amritsar (Annexure A-6).
- (ii) The respondents had not taken into consideration that under the medical rules, dependency has been defined and as per the rules, the son of the applicant suffering from any permanent disability irrespective of age was dependent upon the employee and was fully eligible to be covered for medical treatment (Annexure A-7).

4. In the written statement filed on behalf of the respondents, it has been stated that the medical reimbursement bill of the claimant could not be considered because CS(MA) Rules, 1944, do not apply for medical reimbursement to retired Government official (Annexure R-1). Further, the son of the claimant, Sh. Sunil Kumar, in whose respect the medical reimbursement bill was submitted, is having permanent disability of 50% due to shortening of 1" of left lower limb. The son of the applicant is married and is maintaining a family. Further, the applicant, Sh. Kharati Lal, has not declared anywhere in his

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pension papers or otherwise that his son Sh. Sunil Kumar, is fully dependent on him and has not nominated him to receive any benefits in case of his death.

5. It is further stated that the applicant is not entitled to medical reimbursement even for himself as per Rule 1 below note 2(iv) of CS (Medical Attendance) Rules, 1944. These rules are framed by the Government of India and hence, cannot be overlooked. Further, the Department has taken up the matter with Ministry of Health & Family Welfare for examination and to convey policy decision for dealing with medical claims of the retired Government officials. The Ministry of Health & Family Welfare vide letter No. C. 18018/2/2012-MS dated 10.03.2014 has stated that matter is still under examination and decision will be taken in consultation with Law Ministry, Department of Expenditure, DoP&PW etc. Hence, the decision is awaited. Only on receipt of the policy decision, appropriate action may be taken on medical claims of retired officials (Annexure R-5).

6. Arguments advanced by the learned counsel for the parties were heard when learned counsel for the applicant asserted that since the son of the applicant was permanently disabled, he

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was dependent upon his father and the expenditure incurred on medical treatment in an emergency even from a private hospital was to be reimbursed.

7. Learned counsel for the respondents stated that perusal of documents annexed as Annexures R-2 and R-3 showed that the applicant's son Sh. Sunil Kumar, born on 1.5.1979 was a married man. There was no material on record to show that Sh. Sunil Kumar was dependent upon the pensioner Sh. Kharati Lal. In the absence of such dependency having been established, the applicant was not entitled to claim reimbursement on account of surgery performed upon Sh. Sunil Kumar in a privately managed hospital.

8. We have given our thoughtful consideration to the matter. The fact that Sh. Sunil Kumar, son of the applicant in the present OA is 50% disabled on account of Polio, is not adequate to establish the fact of dependency upon his father. Sh. Sunil Kumar is over 35 years of age and is a married man and there is no documentation to show that the applicant Sh. Kharati Lal has ever filed declaration in the respondent department that his son Sh. Sunil Kumar is dependent upon him. Hence, the claim for medical

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reimbursement in respect of surgery performed upon Sh. Sunil Kumar is held to be non-maintainable. The OA is rejected. No costs.

**(RAJWANT SANDHU)**  
**MEMBER(A)**

**(DR. BRAHM A.AGRAWAL)**  
**MEMBER(J)**

**Dated: October 30, 2014.**

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