

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/01257/2018 &
M.A.NO. 060/01602/2018
Chandigarh, this the 22nd day of October, 2018**

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

...

R.K. Bali S/o late Swami Radha Krishan Bali, aged 67 years and resident of 42-A, Rani Ka Bagh, Amritsar – 143001. (Formerly member Income Tax Appellate Tribunal, Chandigarh)

....Applicant

(Present: Mr. Rajiv Sharma, Advocate)

Versus

1. Union of India through the Secretary, Ministry of Law, Justice and Company Affairs, Shastri Bhawan, New Delhi - 110115.
2. President, Income Tax Appellate Tribunal, Lok Nayak Bhawan, 10th Floor, Khan Market, New Delhi -110003.
3. The Director, Director General of Health Services, (CGHS Desk) "A" Wing Room No. 545, Nirman Bhavan, Maulana Azad Road, New Delhi -110011.
4. The Assistant Registrar, Income Tax Appellate Tribunal, Kendriya Sadan, Sector 9, Chandigarh – 160009.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant, seeking quashing of order dated 14.03.2007 (Annexure A-1), whereby his claim for reimbursement of medical expenses was rejected.

2. Heard.

3. Learned counsel submitted that this very impugned order was earlier challenged by the applicant before this Tribunal by filing O.A. No. 259/PB/2007, which was dismissed as withdrawn on 01.05.2007, to enable him to take steps to become a member of CGHS and with liberty to file a fresh one on the same cause of action, if law so permits. He submitted that the applicant did not enroll himself as a member of CGHS. Now, he came to know that

identical issue has been settled in favour of the applicant therein, therefore, the present O.A. has been filed seeking a direction to the respondents to reimburse him the medical expenses incurred by him on his treatment, after condoning the delay of 4182 days in filing the O.A., for which he has filed an M.A. (No. 060/01602/2018).

4. After hearing learned counsel for the applicant and perusing the pleadings on record, we see no reason, whatsoever, to condone the inordinate delay occurred in approaching this Court. The case of the applicant, for reimbursement of medical expenses, had come up before this Tribunal and on his request only it was dismissed as withdrawn so that he could become a member of CGHS. He himself did not choose to become a member of CGHS. Now after a passage of 11 years, he cannot be allowed to come and seek benefit of a judgment allowed in favour of similarly placed employees, when his case had been closed way back in 2007. Though a liberty was granted to file a fresh case on the same cause of action but only with a rider that if law so permits and, of course, approaching the Court after such an inordinate delay of 11 years is not permissible under law. If such belated cases are allowed, it would lead to opening up a flood gates for such cases, which might have been closed or dismissed in the facts and circumstances at that time.

5. In view of the above, the MA for condonation of delay is dismissed. Accordingly, the O.A. also stands dismissed.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.10 .2018

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