

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/368/2018

Date of decision: 01.11.2018

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

Subhash Kakkar aged about 61 years, Ex. Head Postman, son of Late Sh. Ram Krishan, resident of H. No.57, Chandan Pur Road, Kirti Nagar, Sirsa. (Group-C).

**... APPLICANT
VERSUS**

1. Union of India through its Secretary, Ministry of Communication, Department of Information and Technology, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Chief Post Master General, Haryana Circle, Ambala.
3. Superintendent of Post Offices, Hisar Division, Hisar.

... RESPONDENTS

PRESENT: Sh. Sandeep Siwatch vice Sh. Rajesh Khandelwal, counsel for the petitioner.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present Original Application (O.A.) has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief(s):-
 - 8(i) Present O.A. may kindly be allowed by quashing/setting aside the impugned orders/letters dated 12.01.2017 and 24.03.2017 (Annexures A-3 and A-4).

(ii) Respondents be directed to grant/reimburse the medical expenses/claim of the applicant along with interest keeping in view various judgments passed by the Tribunals and upheld by the Hon'ble High Courts, especially in view of Annexure A-5).

2. Learned counsel for the parties are in agreement that the objection raised by the respondents that retired employees do not come within the ambit of CS(MA) Rules, 1944, has already been negated by this Court, and further the jurisdictional High Court has approved the view taken by this Court granting similar benefit to retirees like the applicant vide their judgment dated 17.01.2018 in the case of **UOI and Ors. vs. Mohan Lal Gupta and others** (2018 (1) SCT 687). The issue has been settled up to the Hon'ble Supreme Court by dismissing the petition filed by Union of India and upholding the order of the High Court, which has upheld order of this Court. Also, this Court in a bunch of cases with main case being O.A. No. 060/00396/2014 titled **Yash Pal Bhambri Vs. Union of India & Others**, decided on 06.12.2014 and also a latest decision of this Court in O.A. No. 060/00737/2017 and connected matters titled **Dharminder Sharma Vs. Union of India & Others**, rendered on 07.05.2018, wherein similar plea of the respondents has been rejected, in view of the ratio of law laid down by the Hon'ble Supreme Court in the case of **Shiva Kant Jha Vs. Union of India** (W.P. (Civil) No. 695/2015 decided on 13.04.2018).

3. In the wake of the aforesaid legal position that stand of the respondents qua non-applicability of CS (MA) Rules, 1944, to the retirees has been negated, the impugned orders cannot sustain in the

eyes of the law and are accordingly hereby quashed and set aside. As prayed by learned counsel for the parties, this O.A. stands disposed of in the same terms as in the case of Shiv Kant Jha (supra). The respondents are directed to reimburse the admissible amount of medical claim to the applicant within a period of one month from the date of receipt of a certified copy of this order.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 01.11.2018.
Place: Chandigarh.

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