

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.60/521/2018

Date of decision: 03.07.2018

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

...

Tilak Raj Sharma son of Shri Badri Nath, aged 78 years, Income Tax Officer, Group 'B' (Retired) resident of #1283, Gali No.2, Lohgarh Road, Islamabad, Amritsar (Punjab)-143001.

... APPLICANT

VERSUS

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue through Chairman, Central Board of Direct Taxes, Room No.460, 4th Floor, Samrat Hotel, Chanakya Puri, New Delhi-110021.
2. Principal Commissioner of Income Tax-I, Central Revenue Bhawan, Maqbool Road, Amritsar-143001.

... RESPONDENTS

PRESENT: Sh. Manohar Lal, counsel for the applicant.
Sh. K. K. Thakur, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 20.03.2018 (Annexure A-1) whereby the respondents have rejected his claim for reimbursement of Rs.2,59,513/- spent on his treatment at Fortis Hospital from 27.04.2017 to 03.05.2018.

2. This Court issued notice of motion on 02.05.2018, which was accepted by Sh. K.K. Thakur, Advocate.
3. Today, when matter came up for hearing, Sh. Manohar Lal, counsel for the applicant apprised this Court that this O.A. can be disposed of in limine by setting aside impugned order based on ratio laid down by this Tribunal in the bunch of cases leading case being **Dharminder Sharma vs. UOI and Ors.** decided on 07.05.2018, where number of OAs were allowed granting the similar benefit which was denied by the respondents on the plea that pensioners are not entitled to grant of reimbursement of medical expenses as they are not covered under Central Services (Medical Attendance) Rules, 1944.
4. We have given our thoughtful consideration to the averment made in the O.A. and have also perused order passed by this Court in the case of Dharminder Sharma (supra) where claim raised by the similarly placed persons like the applicant, who are retirees and their claim was rejected in terms of CS (MA) Rules, 1944, was allowed and retirees were held to be entitled to reimbursement of medical expenses. There is another reason to allow this O.A. because 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) as also relied upon in the case of Dharminder Sharma (supra).
5. Learned counsel for the respondents is not in position to cite any law contrary to what has been cited by counsel for the applicant. He also agree that he was also counsel for the respondents in some of the

cases, which were decided along with Dharminder Sharma case (supra). Since identical objection has been raised by the respondents' counsel in those cases, which have been rejected, therefore, he has no other argument than, which have already taken care.

6. In the light of above, we are left with no option but to quash the impugned order and remit back the matter to the respondents to consider claim of the applicant afresh in the light of ratio laid down in the case of Dharminder Sharma (supra) within a period of one month from the date of receipt of a certified copy of this order and grant him consequential benefit. The O.A. stands disposed of in the above terms.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 03.07.2018.
Place: Chandigarh.

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