

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/646/2018

Date of decision: 17.11.2018

...

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

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Sumer Chand S/o Late Sh. Lachhi Ram, aged 69 years, Ex-Sorting Asstt. (Group-C), resident of 11, Dayal Nagar, Near Hanuman Mandir, Ambala Cantt.

**... APPLICANT
VERSUS**

1. Union of India, through Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Haryana Postal Circle, Ambala-133001.
3. Superintendent of Post Offices, RMS HR Division, Ambala-133001.

... RESPONDENTS

Present: Sh. P.M. Kansal vice Sh. Jagdeep Jaswal, counsel for the applicant.
Sh. T.S. Hundal vice Sh. Ram Lal Gupta, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Though a written request for adjournment has been circulated by the counsel for the respondents, however, since, this issue has already been settled in the case of **Mohinder Singh vs. Union of India & Ors.** (2008 (2) SCT 239), which has subsequently followed by this Court in the case of **Madan Lal Sharma vs. Union of India & Ors.** (O.A. No.591/PB/2013), therefore, no fruitful purpose would be served by adjourning the matter as the stand taken by the respondents has already been negated by this Court and the view of

this Court has been affirmed by the Hon'ble High Court and then Hon'ble Supreme 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), taking a similar view.

2. 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 order cannot sustain in the eyes of the law and is accordingly hereby quashed and set aside. The 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: 17.11.2018.
Place: Chandigarh.

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