

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00743/2018

Chandigarh, this the 2nd day of July, 2018

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

...

P.P. Makkar s/o Sh. Mangal Sain, aged 77 years, Income Tax Officer (Retired) resident of 298, Basant Nagar, Kashmir Avenue, Majith Road, Amritsar (Group B)

....Applicant

(Argued by: Applicant in person)

Versus

1. Union of India, Ministry of Finance and Company Affairs, Department of Revenue (Income Tax) through Chairman, Central Board of Direct Taxes, North Block, Central Secretariat, New Delhi.
2. Secretary, Ministry of Health & Family Welfare, Director General of CGHS Room No. 746, A Wing Nirman Bhawan, New Delhi.
3. Commissioner of Income Tax-I, Ayyakar Bhawan, Maqbool Road, Amritsar.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. Applicant, who appeared in person, inter-alia, contended that the action of the respondents in rejecting his claim for reimbursement of the medical expenses incurred on the treatment of his wife, on the plea that the pensioners are not covered under CS(MA) Rules, 1944, is bad in law. He submitted that despite there being various judicial pronouncements in his favour, his claim has been rejected. In support of his claim, he relied upon order of this Court in bunch of cases with leading case O.A. NO. 060/00396/2014 titled **Yash Pal Bhambri Vs. Union of India & Others**, decided on 06.12.2014 (Annexure A-7) 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. Therefore, he prayed that the impugned order (Annexure A-1) be quashed and the respondents be directed to re-consider his claim, in the light of the latest judicial pronouncement of this Court.

3. After going through the pleadings and on a thoughtful consideration of the matter, we are in agreement with the applicant that his claim is squarely covered by the law laid down by this Court in the aforementioned decisions and 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). The operative part of the order of this Court in the case of Dharminder Sharma (supra) is extracted hereunder.

"In the light of the aforesaid prismatic reasons, the instant OAs are accepted. The impugned orders (in all the cases) are, accordingly, hereby set aside. As a consequences thereof, the respective competent authorities are directed to verify and reimburse the amount of medical claim of the applicants, within a period of one month, in the same terms and manner, as directed by the Honble Apex Court in Shiva Kant Jhas case (supra). However, the parties are left to bear their own costs."

4. Accordingly, we set aside the impugned order (Annexure A-1) and remit the matter back to the respondents, to re-consider the case of the applicant for medical reimbursement, in the light of the above noted decisions. Let the above exercise be carried out within a period of 45 days from the date of receipt of a certified copy of this order, and if the applicant is found entitled to the relevant benefits, the same be extended to him, within a period of one month thereafter, otherwise a reasoned and speaking

order be passed. The order so passed be communicated to the applicant.

5. The O.A. stands disposed of, with the above directions.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 02.07.2018

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