

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00796/2018

Date of Order: 11th July, 2018

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

G.L.Chawla s/o Sh.K.L.Chawla, r/o House No.342, Tilak Nagar, Amritsar (Punjab) 143 001.

**....Applicant
By Advocate : Mr. K.B.Sharma)**

versus

1. Union of India the Secretary, Ministry of Finance, Department of Revenue, New Delhi-110 001.
2. The Secretary, Ministry of Health & Family Welfare Director General of CGHS Room NO.746, A Wing, Nirman Bhawan, New Delhi-110 001.
3. Zonal Accounts Officer, CBDT, Central Revenue Building, Ayyakar Bhawan, Maqbook Road, Amritsar-143 001.

..... Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. Learned counsel for the applicant, inter-alia, contended that the action of the respondents in rejecting the claim of the applicant for reimbursement of the medical expenses, on the plea that the pensioners are not covered under CS(MA) Rules, 1944, vide order dated 5.3.2018 (Annexure A-1) is bad in law. He submitted that despite there being various judicial pronouncements in favour of the applicant, his claim has been rejected. In support thereof, he relied upon order of this Court in a 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 bunch of OAs, leading one being O.A.No.060/00884/2014 titled Baldev Singh versus Union of India & Ors. decided on 25.2.2016 as upheld by Jurisdictional High Court granting similar benefits to the retirees like the applicant, vide its judgment dated 17.01.2018 in the case of **UOI and Others Vs. Mohan Lal Gupta and Others** (2018 (1) SCT 687) 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). Therefore, he prayed that the impugned order dated 5.3.2018(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. In view of the above factual position and various judicial pronouncements, on the issue, in favour of the applicant, we set aside the impugned order dated 5.3.2018 (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 judgments. Let the above exercise be carried out within a period of four weeks 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 her, 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 in limine, with the above directions.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.07.2018

KKS