

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/518/2019**

**Chandigarh, this the 18<sup>th</sup> day of May, 2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

...

Balwinder Singh son of late Sh. Arjun Singh aged about 63 years, r/o H. No. 292, New Kot Atma Ram, Gali No. 4, Sultanwind Road, Amritsar (Punjab). Pin 143006 (Group-C).

....APPLICANT

( By Advocate: Shri M.K. Bhatnagar)

**VERSUS**

1. Union of India through the Secretary to the Government of India, Ministry of Communication and I.T. Department of Post, Dak Bhawan, New Delhi 110001.
2. Postmaster General Punjab, West Region, Sector 17, Chandigarh 160017.
3. Senior Supdt. of Post Offices, Amritsar Dn. Amritsar Pin 143001.

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

**ORDER (oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

Heard Mr. Bhatnagar, learned counsel for applicant.

2. By means of present Original Application the applicant has impugned the action of respondents whereby his claim for grant of medical reimbursement to the tune of Rs. 1,40,000/- has been turned down vide impugned order dated 2.5.2019 (Annexure A-1) on the ground that the Central Services (Medical Attendance) Rules, 1944 do not cover the retired government officials.

3. Learned counsel appearing on behalf of applicant vehemently argued that the view taken by the respondents while rejecting claim of applicant for reimbursement of medical expenses is based upon a decision in the case of **Satya Devi vs. Union of India & Ors.** - O.A. No. 060/00526/2015 decided on 6.4.2017 (Annexure A-6), which is illegal. He submitted that subsequent to that decision, this Tribunal has decided number of O.As leading one being O.A. No. 60/353/2018- **Mohan Lal Gupta and Ors. Vs. UOI & Ors.** invalidating the view taken by the respondents that pensioners are not entitled for grant of medical expenses. The said decision of this Tribunal has been affirmed by the jurisdictional High Court in judicial review at the hands of respondents in the case titled **Union of India and Ors. vs Mohan Lal Gupta and Ors.** reported in 2018 (1) SCT 687, by remitting the matter back to respondents to give fresh look to the matter. He has also placed reliance on decision of this Tribunal rendered in O.A. No. 60/668/2018- **Baldev Raj Sharma vs. UOI & Ors.** decided on 18.10.2018 (Annexure A-5). Therefore, the learned counsel for applicant submits that the impugned order be quashed and the respondents be directed to re-consider his claim in the light of the latest judicial pronouncements of this Court.

4. Notice to respondents.

5. At this stage, Mr. Sanjay Goyal, learned Sr. CGSC, present in Court, appears and accepts notice on their behalf.

6. Counsel representing the respondents is not in a position to cite any law contrary to the judgment noticed hereinabove, which is based upon the judgment of Hon'ble Supreme Court in the case of **Shiv Kanta Jha vs Union of India** –W.P. (Civil) NO. 605/2015 decided on 13.4.2018.

7. In the wake of above, once the issue has already been decided by this Tribunal in the case of **Mohan Lal Gupta** (supra), and affirmed by the Hon'ble High Court in judicial review, Court is left with no option, but to quash and set aside the impugned order and remit the matter back to the respondents, to reconsider the case of the applicant for medical reimbursement, in the light of above noted judgment, by passing a reasoned and speaking order. Let the above exercise be carried out within a period of two months from the date of receipt of certified copy of this order. The O.A. stands disposed of in limine accordingly with no order as to costs.

**(SANJEEV KAUSHIK)  
MEMBER (J)**

**Dated: 18 .05.2019**  
`SK'

