

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00156/2019

Chandigarh, this the 19th day of February, 2019

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

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Banarsi Dass Gupta son of Shri Brij Lal, aged 73 years, Postmaster- Group 'C' (Retired) resident of Ward No. 4, BHUCHO Mandi, Bathinda- 151101 (Punjab)

....Applicant

(Present: Mr. Manohar Lal, Advocate)

Versus

1. Union of India through Secretary, Ministry of Communication and Information Technology, Department of Posts, Room No. 415, Sanchar Bhawan, Ashoka Road, New Delhi – 110001.
2. Chief Postmaster General, Punjab Circle, Sector 17, Chandigarh – 160017.
3. Superintendent of Post Offices, Bathinda Division, Bathinda – 151005.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. Applicant Banarsi Dass Gupta is before this Court seeking invalidation of the orders dated 17.10.2016 & 12.07.2017 (Annexures A-1 and A-2) whereby his claim for medical reimbursement has been rejected on the ground that the retirees are not covered under CS(MA) Rules, 1944.
2. Learned counsel submitted that earlier the respondents rejected the claim of the applicant vide letter dated 17.10.2016, which was quashed by this Court in O.A. NO. 1032/2016 in a bunch of petitions decided by a common order dated 06.04.2017, with a direction to the respondents to decide the claim of the

applicants by passing a reasoned and speaking order. However, the respondents, in compliance with the order of this Tribunal, passed the order dated 12.07.2017, rejecting the claim of the applicant taking the same plea that the retirees are not covered under CS (MA) Rules, 1944. He argued that this Court has already negated the view of the respondents in not extending the benefit of medical reimbursement to the pensioners, which has been affirmed by the Hon'ble High Court by dismissing the Writ Petition in the case of **Union of India & Others Vs. Mohan Lal Gupta & Another**, 2018 (1) SCT 687, based upon a judgment of 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). It is further submitted that based upon judicial pronouncements, this Court disposed of various cases, including O.A. No. 060/00644/2018 titled **Paramjeet Kaur Vs. Union of India & Another** on 03.12.2018. Learned counsel contended that the impugned orders are illegal, being in violation of judicial pronouncements aforementioned, and, therefore, be set aside. He prayed that the matter be remitted back to the respondents for grant of benefit in view of the ratio laid down in the case of Paramjeet Kaur (supra).

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Sr. SCCG, appears and accepts notice. He is not in a position to cite any law contrary to what has been observed hereinabove. He submitted that the cases of retirees are being examined in the light of the ratio laid down by this Court with regard to applicability of CS (MA) Rules, 1944 to the retirees, and they have been granted the admissible medical

expenses, as per the rules. He prays for grant of sufficient time to the respondents to consider and grant the benefits in view of the relied upon case.

5. In the wake of the above, the impugned orders dated 17.10.2016 and 12.07.2017 (Annexures A-1 and A-2) are quashed and set aside. The O.A. is allowed and the matter is remitted back to the respondents to re-consider the case in the light of relied upon cases and grant the admissible medical reimbursement to the applicant, as per AIMS/PGI rates, within a period of two months from the date of receipt of a copy of this order. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 19.02.2019

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