

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00396/2019
Chandigarh, this the 24th day of April, 2019

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

Gurbhagwan Dass Goyal son of Shri Karam Chand, aged 75 years, Postal Assistant Group 'C' (Retired) resident of Factory Road, Rampura Phul (Bathinda) – 151103 (Punjab).

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....Applicant

(Present: Mr. P.M. Kansal, Proxy 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 West Region, Chandigarh – 160017.
3. Superintendent of Post Offices, Bathinda Division, Bathinda – 151005.

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Respondents

(Present: Mr. V.K. Arya, Proxy Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. I have gone through the pleadings. The present O.A. is directed against the orders (Annexure A-1 and A-2), passed by the respondents rejecting the claim of the applicant for medical reimbursement on the plea that the CS (MA) Rules are not applicable to the retirees.

3. Issue notice.

4. The members of the CAT Bar Association are abstaining from work today, on a call from the High Court Bar Association. Mr.

V.K. Arya, Advocate, who has been deputed to appear on behalf of the respondents by the CAT Bar Association, accepts notice.

5. The solitary issue that the applicant has raised in this O.A. is that the impugned orders, rejecting the claim of the applicant for medical reimbursement, on the plea that the pensioners are not covered under CS (MA) Rules, 1944, is bad in law, in view of the ratio laid down by this Court, as further upheld by the Hon'ble High Court in the case of **Union of India & Others Vs. Mohan Lal Gupta & Others** 2018 (1) SCT 687. Reliance has been placed upon a decision rendered by this Court on the similar issue in the case of **Surinder Kumar Vs. Union of India & Others** (O.A. No. 060/01407/2018 decided on 13.03.2019). It is prayed that the impugned orders be quashed and the matter be remitted back to the respondents to reimburse the admissible amount of medical expenses incurred by the applicant on his treatment, in the light of law laid down in the relied upon case.

6. Both the counsel are not in dispute that the pensioners have been declared entitled for medical reimbursement under CS (MA) Rules 1944 by this Court in the case of **Mohan Lal Gupta Vs. Union of India & Others**, while relying 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). The order of this Court has also been affirmed by the Hon'ble High Court by dismissing the Writ Petition titled **Union of India & Others Vs. Mohan Lal Gupta & Another**, 2018 (1) SCT 687. On the basis thereof, this Court has disposed of various O.As,

including the one titled **Surinder Kumar Vs. Union of India & Others** (O.A. No. 060/01407/2018 decided on 13.03.2019) They are in agreement that the matter be remitted back to the respondents for re-consideration in the light of ratio laid down in the cases aforementioned.

7. In the wake of above, the impugned orders dated 12.03.2019 (Annexure A-1) and dated 14.03.2019 (Annexure A-2), rejecting the claim of the applicant on the ground of non-applicability of CS (MA) Rules, 1944 to the pensioners for medical reimbursement under CS (MA) Rules, 1944, are hereby quashed. The matter is remitted back to respondents to re-consider the matter, in the light of judgments aforementioned and observations noticed herein above. If the applicant is found similarly situated like the applicants in the relied upon cases, as mentioned hereinabove, the admissible amount, incurred towards medical expenses, be reimbursed to him, as per AIIMS/PGI rates, within a period of six weeks from the date of receipt of a certified copy of this order.

8. The O.A. stands disposed of in limine, in the above terms. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.04.2019

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