

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01499/2018

Chandigarh, this the 19th day of December, 2018

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

...
Joginder Singh Bhatia son of Late Sh. Harnam Singh aged about 77 years r/o H. No. 56, Ward No. 16, Uchha Vehra, Khana (Punjab) Pin – 141401 (Group C)

....Applicant

**(Present: Mr. V.K. Sharma, Advocate for Mr. Mukesh
Bhatnagar, Advocate)**

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 – 160001.
3. Supdt. of Post Offices, Ludhiana (M) Division, Ludhiana. Pin – 141001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The applicant is aggrieved by the order dated 26.10.2018 and 31.10.2018 (Annexures A-1 and A-2) whereby his claim for medical reimbursement has been turned down by quoting that “according to para (iv) below note 2 of rule 1 of CS (MA) rules 1944, the pensioners are not covered under CS (MA)rules and reimbursement is not admissible”.
2. Mr. V.K. Sharma, learned counsel for the applicant submitted that the issue involved in this O.A. has already been settled by this Court, negating the view of the respondents with regard to non-applicability of C.S. (MA) Rules, 1944 to retirees and the Hon'ble Jurisdictional High Court has approved the view taken by this Court granting similar benefit to retirees like the applicant, vide

judgment dated 17.01.2018 in the case of **Union of India & Ors Vs. Mohan Lal Gupta and Another**, 2018 (1) SCT 687. He has also placed reliance on a decision dated 18.10.2018 of this Tribunal in a similar case of **Baldev Raj Sharma Vs. Union of India & Others** (O.A. No. 060/00668/2018). Learned counsel submitted that since the ground taken by the respondents denying the claim of the applicant has already been rejected in similar O.A. aforementioned, therefore, this O.A. may be allowed in the same terms.

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Advocate, appears and accepts notice. He is not in a position to controvert the averments made on behalf of the applicant and is not able to cite any law contrary to what has been settled in the indicated cases.

5. In the wake of above, the O.A. is allowed. The impugned orders rejecting the claim of the applicant on the ground of non-applicability of pensioners for medical reimbursement under CS (MA) Rules, 1944, is hereby quashed. The respondents are directed to reimburse the admissible medical expenses to the applicant, as per AIIMS Rates, within a period of one month from the date of receipt of a certified copy of this order. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 19.12.2018

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