

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/110/2019

Chandigarh, this the 29th day of May, 2019

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

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Gurbax Singh Kalra s/o S. Bakhat Singh aged 73 years, Income Tax Officer (retd) r/o H. No. 16-C, Dr. Kitchlu Nagar, Rajpur Rod, Civil Lines, Ludhiana 141001 (Group-B).

....APPLICANT

(By: Applicant in person)

VERSUS

1. Union of India, Ministry of Finance & Company Affairs, Department of Revenue (Income Tax) through Chairman, Central Board of Direct Taxes, North Block, New Delhi-110001.
2. Chief Commissioner of Income Tax, Aayakar Bhawan, Rishi Valmiki Nagar, Ludhiana 141001.
3. Administrative Officer-DDO-4 O/o the Chief Commissioner of Income Tax, Aayakar Bhawan, Rishi Valmiki Nagar, Ludhiana 141001.

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

The present Original Application (O.A.) has been filed by the applicant aggrieved by the action of the respondents in not reimbursing him the medical claim amounting to Rs. 5,78,313/- incurred by him on account of treatment of Open Heart Surgery and treatment of cancer of his wife.

2. The applicant appearing in person states that the persons, who are getting fixed medical allowance, are entitled for

reimbursement of medical expenses and this issue involved in the present O.A. has been put to rest by the court of law in the case of **Krishan Chand vs Govt. of NCT and Others-** 2010 STPL (Web) 625 DEL. He also submitted that based upon the judicial pronouncements, this Tribunal has also rendered a decision dated 2.3.2016 in O.A. No. 060/839/2015- **Smt. Santosh Kumar vs. Union of India & Another**, invalidating the similar view taken by the respondents for rejection of claim of applicant therein and while allowing the O.A. directed the respondents to reimburse the medical expenses incurred by the applicant therein. Thus, he submitted that this O.A. be disposed of in the same terms.

3. The respondents in their written statement controverted the claim of the applicant alleging that he is not entitled to reimbursement under the rules. However, learned counsel for respondents is not in a position to cite any contrary law what has been cited by the applicant as stated above. He only raised an objection that since the applicant has opted for getting fixed medical allowance, at the time of his retirement, therefore, he cannot be allowed reimbursement of medical expenses.

4. I have considered the matter and taken into consideration the judicial pronouncements relied upon by the applicant and finding that the issue involved in the present O.A. has been put to rest in favour of applicant in the case of **Smt. Santosh Kumari** (supra) by relying upon various judicial pronouncements, I have no other option, but to allow this O.A. by quashing the impugned order. Accordingly, the impugned order is quashed and set aside and the

matter is remitted back to the respondents to consider the claim of applicant for reimbursement of medical expenses within a period of 2 months from the date of receipt of certified copy of this order in the light of the indicated judicial pronouncements. The O.A. stands disposed of accordingly. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 29.05.2019

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