

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00151/2019
Chandigarh, this the 18th 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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Gurmit Singh son of Shri Sunder Singh, aged 79 years, Chief Superintendent, Central Excise and Customs, Group 'B' (Retired) resident of # No. C-2279, Ranjit Avenue, C-Block, Amritsar – 143001.

Applicant

(Present: Mr. Manohar Lal, Advocate)

Versus

1. Union of India, Ministry of Finance, through the Chairman, Central Board of Indirect Taxes and Customs, North Block, New Delhi – 110001.
2. Commissioner of Customs (Prev.), Commissionerate, Central Revenue Building, The Mall, Amritsar – 143001.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is before this Court, assailing the order dated 06.02.2019 (Annexure A-1) whereby his claim for medical reimbursement has been rejected on the ground that retirees/pensioners are not covered under CS (MA) Rules, 1944.
2. Heard.
3. Mr. Manohar Lal, learned counsel argued that despite there being judicial pronouncement by this Court, affirmed by the Hon'ble High Court and Hon'ble Supreme Court, the respondents

are taking the similar plea for frustrating the right of the applicant for medical reimbursement. 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 order is 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, however, 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 above, the impugned order 06.02.2019 (Annexure A-1) being illegal is quashed and set aside. 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 rules, 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: 18.02.2019

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