

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTING : GWALIOR**

**Review Application No.202/00001/2018**

(in OA 202/00318/2015)

Gwalior, this Monday, the 04<sup>th</sup> day of February, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

1. Union of India through the Secretary, Ministry of Finance,  
Department of Revenue, Central Secretariat, North Block, New  
Delhi – 110001.

2. The Principal Commissioner of Income Tax, Aaykar  
Bhawan, City Centre, Gwalior (M.P) 474011.

3. The Income Tax Officer (Admn), Aaykar Bhawan, City  
Centre, Gwalior M.P – 474011  
**-Applicants**

**(By Advocate – Shri Akhil Sinha)**

**V e r s u s**

Kaushal Kishore Garg, Retired Income Tax Officer, R/o Kamla  
Kuteer 461, Hargovindpuram, City Center, Gwalior (M.P).

**-Respondents**

**(Respondent in person)**

**O R D E R**

**By Navin Tandon, AM.**

This Review Application has been filed by the applicants  
(respondents in OA) for recalling the order dated 11.07.2017  
passed in OA No.202/00318/2015.

2. The applicants have also filed MA No.202/00169/2018  
for condonation of delay in filing the Review Application.

3. The respondent (applicant in OA), who is present in person and has received the notice of this R.A, vehemently opposes both these applications.

4. This Tribunal on 11.07.2017 in OA No.202/00318/2015 had ordered as below:

“The matter relates to medical reimbursement. The claim of the applicant had been rejected on the ground that he is a retired govt. employee but the Hon’ble Apex Court had time and again held in so many cases that there is no distinction between a serving or a retired govt. employee and all are equally eligible to get the benefit, the only difference being that their regulation must be on the basis of CGHS and CSMA rules when they come under the ambit of this they are eligible for it is so declared.

2. The O.A. is allowed to the extent. Benefits may be made available to the applicant within two months next.”

5. It was brought to our notice that this Tribunal had also passed similar order on 11.07.2017 in OA No.202/167/2014 (**Ram Swaroop Gupta vs. Union of India & Ors.**). The same was challenged in Hon’ble High Court of Madhya Pradesh Bench at Gwalior in MP No.1670/2017. In its order dated 07.02.2018, the Hon’ble High Court has held that;

“The impugned order when adjudged on above analysis deserves to be and is hereby lanced. The matter is remitted to the Tribunal for decision afresh on merit after affording opportunity of hearing to both the parties.”

6. Also, in a similar case in OA No.202/00919/2016 (**Sovaran Singh vs. CAG and others**), this Tribunal on 11.07.2017 has passed similar order. The Hon'ble High Court of Madhya Pradesh Bench at Gwalior in M.P. No.836/2018 (S), has remitted the case back to this Tribunal for taking a decision afresh on merit.

7. Considering the fact that two similar cases have already been remitted by Hon'ble High Court to this Tribunal, not allowing this Review Application would only result in delay, thereby the applicant in the O.A would still be deprived of justice.

8. Considering the overall picture and for the reasons assigned in the Review Application, we allow this RA and recall our order dated 11.07.2017 passed in Original Application No.202/00318/2015.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

am/-