

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00701/2019
Chandigarh, this the 15th day of July, 2019

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

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Hans Raj Raju son of Shri Jagat Ram, aged 73 years, Income Tax Officer, Group 'B'(Retired) resident of House No. 116, Doordarshan Enclave P-II, Nakodar Road, Near Wadala Chowk, Jalandhar – 144003 (Punjab)

....Applicant

(Present: Mr. Manohar Lal, Advocate)

Versus

1. Union of India through the Chairman, Central Board of Direct Taxes, North Block, Central Secretariat, New Delhi – 110001.
2. Principal Commissioner of Income Tax-2, Range-III, Jalandhar – 144001 (Punjab)

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is before this Court seeking invalidation of the order dated 17.06.2019 (Annexures A-1) whereby his claim for medical reimbursement has been rejected on the ground that the retirees are not covered under CS (MA) Rules, 1944.

2. Learned counsel 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. 060/00453/2019 titled **Sant Ram Vs. Union of India & Another** on 06.05.2019. 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 cases relied upon by the applicant.

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He is not in a position to support the impugned order and cite any law contrary to what has been observed hereinabove. He 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 the above, the impugned order dated 17.06.2019 (Annexure A-1) is quashed and set aside. The matter is remitted back to the respondents to re-appreciate the case of the applicant for reimbursement of medical expenses, in the light of relied upon cases, as noticed hereinabove, within a period of two months from the date of receipt of a copy of this order. No costs.

(A.K. BISHNOI)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 15.07.2019