

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00882/2019
Chandigarh, this the 26th day of August, 2019

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

...
G.L. Chawla, s/o Sh. K.L. Chawla, aged 76 years, r/o House No. 342,
Tilak Nagar, Amritsar (Punjab)- 143001. Group B

....Applicant

(Present: Mr. K.B. Sharma, Advocate)

Versus

1. Union of India the Secretary, Ministry of Finance, Department of Revenue, New Delhi – 110001.
2. The Secretary, Ministry of Health & Family Welfare Director General of CGHSS Room No. 746, A Wing, Nirman Bhawan, New Delhi – 110001.
3. Principal Commissioner of Income Tax-1, Ayykar Bhawan, Maqbool Road, Amritsar – 143001.
4. Zonal Accounts Officer, CBDT, Central Revenue Building Ayyakar Bhawan, Maqbool Road, Amritsar – 143001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is aggrieved against the order dated 30.07.2019 (Annexure A-1) whereby his claim for reimbursement of expenses occurred on his treatment has been rejected on the ground that he being retiree is not covered under CS (MA) Rules, 1944.
2. Learned counsel for the applicant vehemently argued that the view taken by the respondents is contrary to the law settled by this Court in the case of Mohan Lal Gupta Vs. Union of India and Others, further upheld by the Jurisdictional High Court 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).

3. Learned counsel further submitted that earlier also the applicant approached this Tribunal, by way of O.A. No. 060/01363/2018, challenging the same very plea take by the respondents to deny him reimbursement of medical expenses, occurred by him at an earlier point of time. That O.A. was disposed of vide order dated 11.01.2019, with a direction to consider the case of applicant for reimbursement of medical expenses in view of law laid down by the Hon'ble High Court in the case of Mohan Lal Gupta (supra). It was informed that the respondents considered the case of the applicant and reimbursed him the admissible amount. Learned counsel argued that once it has been accepted by the respondents that the applicant is covered under CS (MA) Rules, 1944 while reimbursing him the admissible medical expenses, they cannot be allowed to take the same plea once again, to deny the claim of subsequent medical bills.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice on their behalf. He could not cite any law contrary to what has been settled by the Court of law in the indicated cases. He is also not able to support the impugned order passed by the respondents rejecting similar claim of the same applicant on the same plea, which has already been negated by this Court. Learned counsel for the respondents prays for time to re-appreciate the matter and reimburse the admissible medical expenses.

6. In the wake of above, the O.A. is allowed. The impugned order dated 30.07.2019 (Annexure A-1) is quashed and set aside. The respondents are directed to re-appreciate the matter in the light of observations afore noticed and reimburse the admissible amount towards medical claim, within a period of two months from the date of receipt of a copy of this order. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 26.08.2019

'mw'

