

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01025/2019
Chandigarh, this the 30th day of September, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)
...

Tilak Raj Saini, (Retired Superintendent from the office 131 Station Health Organization, C/o 56 APO) aged about 72 years son of Sh. Paras Ram Saini, resident of Rajinder Nager, College Road, Pathankot, Punjab PIN 145001 Mobile No. 098760-66605. Group C
Email: saini_poonamb@yahoo.in

....Applicant

(Present: Mr. Hitesh Sood, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Defence, Government of India, 101-A, South Block, New Delhi - 110011, email defsecy@nic.in
2. The Controller General of Defence Accounts, Ulan Batar Road, Palam, Delhi Cantt, - 110010.
3. AAO Pay, Ministry of Defence, Western Command (WC) Pathakot - 145001 Phone 0186-2252955 email Aaonc-path.cgda@nic.in
4. The Officer Commanding, 131 Station Health Organization PIN-903131 C/o APO, Tele Mil-6398

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The applicant is aggrieved against the order dated 30.07.2019 (Annexure A-9) whereby his claim for medical reimbursement has been rejected on the ground that the retired employees are not covered under CS (MA) Rules, 1944.
2. Heard.
3. Learned counsel vehemently argued that despite various decisions by this Court including the one in the case of **Mohan Lal Gupta Vs. Union of**

India & Others, upheld by the Hon'ble High Court reported as 2018 (1) SCT 687, and the judicial pronouncement by the Hon'ble Supreme Court in the case of **Shiva Kant Jha Vs. Union of India** (W.P. (Civil) NO. 695/2015 on 13.04.2018), upholding the applicability of the pensioners for medical reimbursement under CS (MA) Rules, 1944, the respondents have taken the view that the pensioners are not covered under CS (MA) Rules, 1944, therefore, the impugned order is illegal and is liable to quashed and set aside.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He is not able to cite any law contrary to what has been observed in the cases afore-mentioned. He, however, prays that the respondents be granted time to re-consider the matter in the light of latest law laid down by the Court of law, as noticed in the preceding paragraphs.

6. In view of the above, this Court is left with no other option but to quash the impugned order and remit the matter back to the respondents to re-consider the claim of the applicant in the light of ratio laid down in the case of Shiva Kant Jha (supra) and Mohan Lal Gupta (supra), by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Ordered accordingly.

7. The above exercise be carried out within a period of two months from the date of receipt of a copy of this order. No costs.

(ARCHANA NIGAM)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 30.09.2019