

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.NO. 060/00558/2018 Date of order:- 05.08.2019

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**

Tulsi Devi widow of late Shri Chaman Lal Batra, r/o H.No.504, Sector 10,) Panchkula.

.....Applicant.

(By Advocate :- Mr. Jagdeep Jaswal, for Mr. Rajinder Singla).

Versus

1. The Secretary (Post), Ministry of Communication of the Govt. of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Post Master General, Punjab Postal Circle, Sandesh Bhawan, Sector 17, U.T.Chandigarhy-160017.
3. The Senior Post Master, General Post Office, Sector 17, U.T. Chandigarh.
4. The District Education Officer, Chandigarh Administration, Chandigarh.

...Respondents

(By Advocate : Mr.K.K.Thakur).

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

Applicant Tulsi Devi has filed the present petition for directing the respondents no.1 to 3 to reimburse the complete amount spent towards medical treatment on her husband excluding any deduction in view of Central Services (Medical Attendance) Rules, 1944 in view of law settled by the Hon'ble Courts.

2. Facts as projected by the applicant are that her husband retired from service on 30.6.2005 from the post of Assistant Post Master from General Post Office, Sector 17, Chandigarh, on attaining the age of superannuation. Applicant has stated that her husband was admitted in Alchemist Hospital, Sector 21, Panchkula, on 28.12.2016 due to severe heart problem and was kept in ICU and ultimately he died in the hospital on 7.1.2017. Applicant had incurred a sum of Rs.2,97,228/- on the treatment of her husband. After completion of last ceremonies of her husband, the applicant made an application and submitted the medical bills for reimbursement to Block Education Officer, Chandigarh (from where she retired as JBT Teacher), which was duly forwarded to the District Education Officer, Chandigarh. Respondent no.4 rejected the application and advised her that she should submit the medical claim to her husband's parent department. Accordingly, applicant submitted an application dated 23.10.2017 along with the medical bill amounting to Rs.2,97,228/- to respondent no.3 for its reimbursement, but till date she has not received any payment. Applicant has relied upon various judgments passed by the Hon'ble jurisdictional High Court and by this Court. Hence the present OA.

3. Pursuant to notice, the respondents have contested the claim of the applicant by filing written statement, wherein they have submitted that the applicant has been declined the reimbursement of medical claim on the ground that CS (MA) Rules, 1944 does not cover the retired government officials.

4. I have heard the learned counsel for the parties and have gone through the averments made in the OA.

5. This matter is no longer res-integra and has already been decided by the jurisdictional High Court in the case of **Union of India** versus **Mohan Lal Gupta & Another** (2018(1) S.C.T. Page 687) decided on 17.1.2018. The relevant part of the judgment reads as follows:-

" We are thus of the opinion that given the judicial finality accorded in an identical petition which is not even remotely deviant from the present one, there is no reason for us not to take a similar view. The judgment relied upon by the learned counsel for the petitioners does not in any way enhance their case. It is pertinent to mention here that we are dealing with the cases of persons who have retired and are in dire need of medical attention in their old age. It is also an accepted fact by the petitioners themselves that CGHS facilities are not available in most of the areas where the respondents reside including an important town like Ambala.

If that be so, then the observations extracted above would be attracted to the present cases in all ferocity. Consequently, we decline interference. Hence instant petitions are hereby dismissed".

Recently, even the Hon'ble Apex Court in the case of **Shiva Kant Jha** versus **Union of India** (W.P.(Civil) No.695 of 2015) decided on 13.4.2018 in para 15 has held as follows :-

" 15) In the present view of the matter, we are of the considered opinion that the CGHS is responsible for taking care of healthcare needs and well being of the central government employees and pensioners. In the facts and circumstances of the case, we are of opinion that the treatment of the petitioner in non-empanelled hospital was genuine because there was no option left with him at the relevant time. We, therefore, direct the respondent-

State to pay the balance amount of Rs. 4,99,555/- to the writ petitioner. We also make it clear that the said decision is confined to this case only.”

The present case is squarely covered by the ratio of judgments passed in the case of Mohan Lal Gupta & Another (supra) and Shiva Kant Jha (supra).

6. Accordingly, the present OA is allowed and the respondents are directed to reimburse the admissible amount of medical claim to the applicant within a period of two months from the date of receipt of a certified copy of this order. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:- 5.8.2019.

Kks

