

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01107/2019
Chandigarh, this the 29th day of October, 2019

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

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Om Parshad Sharma son of Sh. Sain Dass Sharma, aged 73 years, r/o Lane No. 2, Prem Nagar, Near Happy Public School, College Road, Pathankot – 145001, (Group B Non Gazetted)

....Applicant

(Present: Mr. Rishav Sharma, Advocate)

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block, Raisina Hill, New Delhi – 110011.
2. Headquarters, Chief Engineer, M.E.S. Jalandhar Zone, Jalandhar Cantt, Pin – 144005.
3. The Principal Controller of Defence Account (Western Command), Sector 9, Chandigarh – 160009.

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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 orders dated 11.10.2019 (Annexure A-7), 03.08.2016 and 01.12.2016 (Annexure A-1 colly) whereby his claim for reimbursement of medical expenses is denied to him, being a retiree and therefore, 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, and the 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). He, therefore, prayed that the impugned orders be quashed and 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 orders 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 cases.

5. In the wake of the above, the impugned orders dated 11.10.2019 (Annexure A-7), 03.08.2016 and 01.12.2016 (Annexure A-1 colly) are 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.

(SANJEEV KAUSHIK)

MEMBER (J)

Dated: 29.10.2019

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