

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01126/2019
Chandigarh, this the 04th day of November, 2019

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

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Joginder Kaur s/o Sh. Mohan Singh, aged 69 years, r/o House No. 139, Maharaja Enclave, Sullar, District Patiala(Punjab) Group C

....**Applicant**

(Present: None)

Versus

1. Union of India through Secretary, Ministry of Information Technology, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Punjab Circle, Sector 17, Chandigarh - 160017.
3. Sr. Superintendent of Post Offices, Patiala Division, Patiala (Punjab) - 147001.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Today, the Members of C.A.T. Bar Association are abstaining from work in the wake of a call given by the Bar Council of India.
2. I have perused the pleadings on record.
3. In this O.A., the applicant has sought issuance of a direction to the respondents to reimburse the medic expenses incurred to the tune of Rs.81,127/- on her treatment.
4. Applicant retired as Postal Assistant from the Sub Post Office, Tripuri, and while in service she was in receipt of fixed medical allowance under CCS (Medical Attendance) Rules, 1944. After her retirement, she settled at Amritsar, which is a non-CGHS area. She

took treatment from Akai Hospital w.e.f. 16.05.2018 to 22.11.2018 and incurred an expenditure of Rs.81,127/- . Thereafter, she submitted bills to the tune of Rs.81,127/- for reimbursement to the respondents. Vide letter dated 18.04.2019, the respondents asked the applicant to provide provisions under which she is entitled to reimbursement of medical expenses, after retirement. Applicant submitted a representation dated 27.08.2019 (Annexure A-7) citing the judgment of Hon'ble Punjab and High Court in the case of **Union of India & Others Vs. Mohan Lal Gupta** decided on 17.01.2018, with a request to reimburse the medical expenses incurred on her treatment, but the same has not been decided till date. Hence, the applicant filed the present O.A. before this Court.

5. It has been settled by this Court in the case of **Mohan Lal Gupta Vs. Union of India Others** which has been upheld by the Hon'ble Jurisdictional High Court vide its order dated 17.01.2018 while dismissing the CWP filed against the order of this Court, that the retirees are governed by CS (MA) Rules, 1944 and are entitled to medical reimbursement. An identical controversy has also been decided by the Hon'ble Apex Court in the case of **Shiva Kant Jha Vs. Union of India** (Writ Petition (Civil) No. 694/2015 decided on 13.04.2018), holding the retirees entitled to reimbursement of medical expenses.

6. In the view of judicial pronouncements aforementioned in favour of persons like the applicant, I deem it appropriate to dispose of this O.A., in limine, with a direction to the Competent Authority amongst

the respondents to decide the representation (Annexure A-7) within a period of four weeks. Ordered accordingly. If she is found entitled to the relevant benefit in view of the law laid down in the case of Mohan Lal Gupta (supra), she be given admissible reimbursement of medical expenses incurred on her treatment, otherwise a reasoned and speaking order be passed. No costs.

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 04.11.2019

