

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01206/2019
Chandigarh, this the 3rd day of December, 2019

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

....

Kashmiri Lal son of Sh. Sadhu Ram aged about 65 years r/o Village Bakala,
Post Office Rasulpur, Tehsil Sadhora, District Yamuna Nagar (Haryana) –
133204 (Group C)

....Applicant

**(Present: Mr. Sandeep Kumar Siwatch , Advocate for Mr. M.K.
Bhatnagar, Advocate)**

Versus

1. Union of India through the Secretary to the Government of India,
Ministry of Communication and IT Department of Post, New Delhi –
110001.
2. Chief Post Master General, Haryana Circle, Ambala – 133001.
3. Superintendent, Railway Mail Service, "HR" Division, Ambala –
133001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant, who is a retiree, has sought quashing of order dated
12.09.2019 (Annexure A-1) whereby his claim for medical reimbursement
of Rs.155038/- has been rejected on the ground that the retirees are not
covered under CS (MA) Rules, 1944. He has also sought issuance of a
direction to the respondents to reimburse the expenses incurred by him on
his treatment.
2. Heard.



3. Mr. Sandeep Siwatch, learned counsel argued that the view taken by the respondents to deny medical reimbursement to the applicant on the ground of non –applicability of retirees under CS (MA) Rules is arbitrary and illegal in view of decision of this Court, on the basis of judicial pronouncement by the Hon'ble Supreme Court, in the case of **Mohan Lal Gupta Vs. Union of India and Others**, which has been upheld by the Hon'ble Jurisdictional High Court and reported as 2018 (1) SCT 687. Reliance has been placed upon a decision of this Court in the case of **Baldev Raj Sharma Vs. Union of India & Others** (O.A. No. 060/00668/2018) decided on 18.10.2018. He further argued that despite strictures passed by this Court on the respondents (Postal Department) in identical case for denying the claim of medical reimbursement to a retiree, in a mechanical manner, the respondents, while taking same plea, have rejected the claim of the applicant.

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 held in the relied upon case, as noticed herein above.

6. In the wake of the above, the O.A. is disposed of in terms of order passed in the case of Baldev Raj Sharma (supra), the operative part of which is reproduced here under.

“In the wake of above position under the law and for the parity of reasons given in indicated decisions, we are left with no other option but to allow this O.A. Impugned order, Annexure A-1 and A-2 are quashed and set aside. The respondents are directed to reimburse the admissible amount of medical claim of the applicant within a month from the date of receipt of a certified copy of this order. No costs ”



7. As a result thereof, the impugned order dated 12.09.2019 is quashed and set aside. Respondents are under a direction to release the admissible payment within a month.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 03.12.2019

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