

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.18540 of 2014.
Date of Decision: January 28, 2015

Union of IndiaPetitioner
versus
Gurbax Singh and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Ajay Kaushik, Advocate, for the petitioner.
Mr.J.N.Gupta, Advocate, for respondent No.1.
Mr.D.R.Sharma, Adv.,for respondent Nos.3 to 5.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The order dated 21.01.2013 passed by the Central Administrative Tribunal, Chandigarh Bench in accepting the claim of respondent No.1 for medical reimbursement to the tune of Rs.1,90,366/-, is under challenge in the instant writ petition filed by Union of India.

[2] The undisputed facts are that the first respondent retired from the post of Accounts Officer on 31st March, 1990 and is now stated to be more than 81 years old. While residing at Mohali, which was not covered under the Central Government Health Scheme, the medical facilities were admissible to first respondent under the Central Services (Medical Attendance) Rules, 1944. The first respondent is said to have discontinued the medical allowance under the aforesaid Scheme from February, 2013 as according to him, he

became member of the Central Government Health Scheme which became applicable in purported compliance to an order dated 23.01.2013 passed by the Central Administrative Tribunal in the case of Smt.Harsh Bala and another versus Union of India and others. The first respondent claims to have sent a written request to this effect on 15.04.2013 which was duly acknowledged.

[3] The first respondent was admitted to Fortis Hospital, Mohali on 01.12.2012 where he was underwent to angiography/angioplasty single vessel. He incurred the expenditure of Rs.2,65,540/- on treatment and sought its reimbursement vide letter dated 6.02.2013. The original medical bills were also sent. The aforesaid claim having been turned down, the first respondent approached the Central Administrative Tribunal, who vide its order under challenge accepted the respondent's claim after referring to various previous decisions of the Tribunal and this Court, where in similar circumstances, such like medical reimbursement claims were accepted.

[4] Union of India has assailed the Tribunal's order primarily on the ground that the case of Jaspal Singh with whom the first respondent sought parity, is totally distinguishable as the former was not drawing any revised fixed medical allowance of Rs.300/- per month which the first respondent has been regularly receiving.

[5] We have heard learned counsel for the parties and gone through the record.

[6] It may be noticed at this stage that Union of India has already complied with the order under challenge passed by the Tribunal though subject to final outcome of this writ

petition and a sum of Rs.1,90,366/- has since been disbursed to the first respondent.

[7] Having heard learned counsel for the parties, it appears to us that the issue is no longer res-integra. In somewhat similar circumstances this Court in the case of Darshan Singh Rai versus Union of India and others, 2008 (2) SCT 242, accepted the claim after observing that the fixed medical allowance is meant for outdoor medical facilities and is does not cater the requirement of treatment as an indoor patient. In the cited case, the retiree had undergone by-pass surgery of heart from Escort Heart & Research Institute, New Delhi and he too was getting the pre-revised fixed medical allowance of Rs.100/- per month. The earlier decisions of this Court and other persuasive or binding precedents were also followed by this Court before accepting the claim in Darshan Singh Rai's case (Supra). We see no reason to take a different view in the instant case also.

[8] For the reasons afore-stated, we decline to interfere with the order passed by the Tribunal.

[9] Dismissed.

[SURYA KANT]
JUDGE

January 28, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE