

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 26841 of 2018
DECIDED ON: OCTOBER 17, 2018**

PRINCIPAL ACCOUNTANT GENERAL(A&E), HARYANA & ANR.

.....PETITIONERS

VERSUS

CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH & ORS

.....RESPONDENTS

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Barjesh Mittal, Advocate
for the petitioners.

AVNEESH JHINGAN, J

The Accountant General (A&E), Haryana and the Senior Accounts Officer (Admn.II), (A&E) Haryana have filed the present writ petition assailing the order dated 07.05.2018 (Annexure P-7) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh in OA No. 060/00737/2015, whereby, the OA filed by respondent No.2 has been allowed.

2. The Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity 'the Tribunal) and Dharminder Sharma s/o Late Sh. Tilak Raj Sharma, AO (Retd.), have been arrayed as respondents No.1 and 2,

respectively. The Union of India through the Secretary, Ministry of Health and Family Welfare (Department of Health), Nirman Bhawan, New Delhi; The Additional Director (HQ), The Central Govt. Health Scheme (CGHS), Homeopathy Dispensary Campus, Sector 34, Chandigarh and The Financial Commissioner and Principal Secretary to Govt. of Haryana, Finance Department, Haryana Secretariat, Chandigarh, have been arrayed as proforma respondents No.3 to 5 in this writ petition.

3. The issue involved in the instant writ petition is “whether the retired officers/officials of the Central Government Offices/Departments are entitled to medical reimbursement?”

4. The facts emanating from the record are that father of respondent No.2 Sh. Tilak Raj Sharma, had retired as an Account Officer on attaining the age of superannuation on 31.10.1996. He opted for drawal of medical allowance as fixed by the Government. He was drawing his pension continuously alongwith fixed medical allowance. He had not opted to become member of Central Government Health Scheme for availing the medical reimbursement facilities. Tilak Raj Sharma was admitted in Alchemist Hospital, Panchkula on 23.04.2014 with ailment of lungs/bronchial. He remained admitted for more than one month and expired on 27.05.2014. His son (respondent No.2) submitted medical reimbursement bills with the office of petitioner No.1 but the same were rejected on the ground that there is no provision in the Central Services (Medical Attendance) Rules, 1944 for medical reimbursement to retired officers of Central Government Offices/Departments.

5. Aggrieved against the rejection of medical reimbursement bills of

his father, respondent No.2 filed OA bearing No. 060/00737/2015 before the Tribunal. Identical matters were pending before the Tribunal and those matters were adjourned *sine-die* to await the final outcome of CWP No. 26270 of 2015, titled Union of India and others vs. Mohal Lal Gupta & others, as the same was pending before this Court on similar issue.

6. This Court vide order dated 17.01.2018 (Annexure P-6) dismissed the bunch of writ petitions filed by Union of India. Relying upon Division Bench judgment of this Court rendered in the case titled as **“Mohinder Singh vs. Union of India & others” 2008 (2) SCT 239** as well as the Division Bench judgment of Himachal Pradesh High Court in case titled as **“Union of India and another vs. Shankar Lal Sharma: 2016 (1) SCT 413**; the order of the Tribunal was upheld. The relevant portion of the judgment is extracted below:

“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.”

7. On dismissal of writ petition, an application was moved for reviving of OA before the Tribunal. The Tribunal tagged number of OAs together and following the decision of this Court accepted the OAs vide order dated 07.05.2018.

8. Aggrieved of the order dated 07.05.2018 passed by the Tribunal, present writ petition has been filed.

9. Learned counsel for the petitioners could not dispute that the issue involved in the present writ petition is covered by the decision of this Court dated 17.01.2018 passed in CWP No. 26270 of 2015 titled “**Union of India and others vs. Mohan Lal and others**”.

10. In view of the decision of the Division Bench of this Court in Mohan Lal's case (supra), the instant writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

OCTOBER 17, 2018
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<i>Whether speaking/reasoned:</i>	<i>Yes / No</i>
<i>Whether reportable :</i>	<i>Yes / No</i>