

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: May 28, 2018

+ **W.P.(C) 5872/2018 & CMs 22870-71/2018**

SWARN SEHGAL Petitioner

Through: Mr. S. Sehgal, Advocate

versus

MINISTRY OF HEALTH AND FAMILY WELFARE AND
ANR. Respondents

Through: Mr. Rajesh Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is widow of an employee of Indian Revenue Service, who seeks reimbursement of her medical expenses.
2. There is an office objection regarding maintainability of this petition. To overcome this objection, petitioner's counsel seeks to place reliance upon Supreme Court's decision in *Shiva Kant Jha v. Union of India*, 2018 (5) SCALE 551 and a decision of Division Bench of this Court in *K.N.S. Bindra v. Union of India & Ors.*, (2009) ILR 1 Delhi 75 to submit that this Court has the jurisdiction to deal with this petition.
3. Upon hearing and on perusal of decisions cited, I find that reliance placed upon Supreme Court's decision in *Shiva Kant Jha (supra)* is of no avail as the said decision has been specifically confined to the facts of that case. So far as decision in *K.N.S. Bindra (supra)* is concerned, the

employee in the said decision was Deputy Controller of Finance Accounts (Air Force) whereas in the instant case, petitioner was in Indian Revenue Service and so, for the relief sought in this petition, petitioner has to approach the Central Administrative Tribunal, New Delhi.

4. In view of aforesaid, this petition and the applications are disposed of while relegating petitioner to seek the remedy, as sought in this petition, by approaching the Central Administrative Tribunal, New Delhi.

(SUNIL GAUR)
JUDGE

MAY 28, 2018

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