

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7048-OF-2019
Reserved on : 14.03.2019
Date of decision : 29.03.2019

Union of India and others

... Petitioners

Versus

Central Administrative Tribunal, Chandigarh Bench, Chandigarh and
another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Sunish Bindlish, Advocate
for the petitioners.

RAJIV SHARMA, J.

This petition is directed against order dated 07.05.2018 rendered by the learned Central Administrative Tribunal, Chandigarh Bench, in O.A. No.063/295/2017 and order dated 14.09.2018 rendered in RA No.063/00042/2018.

2. The brief facts necessary for the adjudication of this petition are that respondent No.2 retired on 29.02.2012 after the age of superannuation. He started residing in non Central Government Health Scheme area at village Chhereda. It was not covered under the CGHS scheme. His wife Shanti Devi aged 60 years was suffering from cancer. She required specialist treatment. She was treated by Dr. Rajeev Bedi at Fortis Hospital, Mohali. It was one of the empanelled superspeciality hospitals. She remained as an indoor patient in the hospital from 14.01.2016 to 15.01.2016 for undergoing procedure (chemotherapy-intravenous).

Respondent No.2 incurred expenditure of Rs.1,42,549/- on the treatment. The medical bills were duly signed by the Medical Consultant of the hospital. His wife was again admitted. She underwent procedure/surgery on 04.02.2016. Respondent No.2 incurred expenditure of Rs.1,17,580/- on the treatment of his wife. He joined CGHS after making prescribed contribution. He became member of the scheme along with his wife on 23.06.2016. He submitted medical bills vide applications dated 07.07.2016 and 25.07.2016. These were rejected on 04.08.2016.

3. The Central Administrative Tribunal allowed the original application of respondent No.2 bearing O.A. No.063/00295/2017 vide order dated 07.05.2018 in view of the judgment passed in O.A. No.060/00737/2015 titled as ***“Dharminder Sharma vs. Union of India & others”***.

4. The petitioners filed review petition against the judgment rendered by the Central Administrative Tribunal, Chandigarh Bench, in O.A. No.63/00295/2017. It was rejected by the Central Administrative Tribunal on 14.09.2018.

5. The law point involved in this petition is no more *res integra* in view of the judgment rendered by this Court in ***Mohinder Singh vs. Union of India, 2008(2) SCT 239***. The similar view has been taken by the Division Bench of this Court in recent judgment in ***Union of India and others vs. Mohan Lal Gupta and another, 2018(1) SCT 686***. The Division Bench in ***Mohinder Singh's*** case (supra) have taken into consideration notification dated 05.06.1998. The Division Bench in ***Mohan Lal Gupta's*** case (supra) have considered the judgment rendered by the Division Bench of Himachal Pradesh High Court in ***Union of India vs. Shankar Lal Sharma,***

2016(1) SCT 414 in which there is reference to O.M. Dated 20.08.2004. As per para 5 of the judgment in **Mohan Lal Gupta's** case (supra) the judgment rendered by the Division Bench of this Court in **Mohinder Singh's** case (supra) was upheld by the Hon'ble Supreme Court. We are bound to follow the judgments rendered by the Division Benches of this Court in **Mohinder Singh's** case (supra) and **Mohan Lal Gupta's** case (supra). Therefore, there is no illegality in the orders dated 07.05.2018 and 14.09.2018.

6. Accordingly, there is no merit in the petition and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

March 29, 2019.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No