CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.3060/2002

This the 8th day of July, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Sadhu Ram S/O Basant Lal,
Administrative Officer (Retd.),
Directorate of Training &
Technical Education, Delhi,
R/O 4/206 Padam Nagar,
Delhi-110007. ... Applicant

(In person)

versus

1. Lt. Governor of NCT of Delhi,
Raj Niwas, Delhi-110054.

2. Secretary, NCT of Delhi
(Health & Family Welfare Deptt.),
Delhi Secretariat,
Delhi-110002.

3. Director, Directorate of Training
& Technical Education, NCT of Delhi,
Muni Maya Ram Marg,
Pitampura, Delhi-110034. ... Respondents

(By Smt. Rashmi Chopra, Advocate)

O R D E R (ORAL)

Applicant retired as Administrative Officer on 31.12.1994 from the Directorate of Training and Technical Education, Government of N.C.T. of Delhi. According to applicant, Government of N.C.T. of Delhi introduced a scheme for providing medical facilities to the employees/ pensioners of Delhi Government on 13.3.1997. He applied for enrolment in the scheme on 14.8.1997 and deposited the prescribed contribution under the scheme on 21.10.1999 with respondents. He had fallen ill in 1999. He submitted a medical claim for a sum of Rs.10,615/- on 20.9.1999 with the authorities. His claim was rejected by respondents on 12.9.2000 (Annexure A-8) stating that since he had become a member of the scheme w.e.f 21.10.1999, his claim "in retrospective aspect before becoming the member may not be considered" and that he would be eligible to claim reimbursement only after acceptance of his membership, if need arises.

2. Earlier on applicant had filed OA No.1301/2002 on the same issue which was disposed of by order dated 16.5.2002 (Annexure A-2) directing respondents to consider applicant's appeal by passing a detailed and speaking order in the light of the Government of N.C.T. of Delhi letter dated 26.9.1997. In pursuance of the Tribunal's aforestated directions, respondents have rejected applicant's claim once again by the impugned order. Respondents have stated in Annexure A-1 dated 9.9.2002 that as per the terms and conditions of the health scheme, it is an optional scheme whereunder one may or may not enrol oneself as its member. Those willing to become its members were required to pay the prescribed amount in lump sum or through monthly contributions. Applicant applied for enrolment only after incurring medical expenditure in July, 1999, i.e., prior to the date of becoming member of the scheme. It has also been stated in Annexure A-1 that in the clarification dated 22.7.1997, it had been clarified, "reimbursement facility will be available only to those employees who have become members of this Scheme". Respondents have denied to have received any application of applicant dated 14.8.1997 and as such, applicant's membership is stated to have become effective w.e.f. 21.10.1999.

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3. Applicant who argued his case in person stated that in circular dated 26.9.1997 (Annexure A-17) respondents had not asked for any contribution from the pensioners and that respondents had not published any public notice in regard to introduction of the medical scheme. He came to know about the scheme only through his friends and thereafter applied for enrolment in the scheme on 14.8.1997 (Annexure A-3).

4. On the other hand, the learned counsel of respondents stated that under the scheme one is entitled for the benefits only on fulfilment of certain norms. A pensioner is accepted as a member under the scheme only after he deposits a lump sum. Applicant deposited the lump sum amount of Rs.1,800/- on 21.10.1999 while he had submitted his medical claim for reimbursement for a treatment received earlier than 21.10.1999. The learned counsel denied on behalf of respondents to have received any application from applicant for enrolment under the scheme on 14.8.1997. She stated that in case applicant had submitted any application for enrolment in 1997 and when his enrolment was taking long, he would have made some correspondence with respondents after submission of his application on 14.8.1997. He did not, and he deposited the lump sum in terms of the scheme on 21.10.1999 only after he had become ill, received medical treatment and submitted his claim on 20.9.1999. The learned counsel stated that a beneficiary can avail of the facilities under the scheme only prospectively, i.e., after becoming its member on depositing the requisite

contribution. The learned counsel stated that respondents have rejected applicant''s claim by Annexure A-1 by passing a detailed and reasoned order.

5. It is observed that various circulars relating to the scheme for providing medical facilities to employees/pensioners have been given wide publicity. Their copies have been forwarded to all departments of Government of NCT of Delhi, Director Health Services and all Medical Superintendents of Hospitals, among other several authorities. It is not obligatory on the part of the Government to have informed all pensioners individually or to have published a public notice as demanded by applicant. In my view, Government had given sufficient publicity to their scheme. The terms and conditions of the scheme lay down that pensioners have to make five-yearly contribution or at least one year contribution at the prescribed rate. The scheme is also optional and reimbursement facility has been made available to only those employees/pensioners who become members of the scheme. The scheme is certainly prospective and does not have retrospective affect. Respondents have denied to have received any application for enrolment under the scheme from applicant during 1997. Even if for the sake of argument it is believed that he had made an application in 1997, he has not supplied any explanation for remaining silent till he had received treatment and submitted his claim for medical reimbursement in 1999. Enrolment under the scheme has been only an afterthought of applicant, in my view. Respondents have in Annexure A-1 rejected applicant's

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claim by giving cogent reasons, one of which is that the reimbursement facility is available only after enrolment as a member of the scheme.

6. Having regard to the discussion made above as also reasons stated by respondents in rejecting applicant's claim, I do not find any infirmity in Annexure A-1 whereby applicant's claim has been rejected. Accordingly, this OA is dismissed being devoid of merit. No costs.

V.K. Majotra

(V. K. Majotra)
Member (A)

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