



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 4128/2018

This the 13th day of February, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

Mahabir, aged 62 years, Group 'C'
S/o Sh. Prahlad,
Retired Keyman from Delhi Division,
Northern Railway, New Delhi.
R/o village Mahariaws, Post Khalilpur,
Tesh. Pataudi, Distt. Gurgaon.

... Applicant

(By Advocate: Sh. Yogesh Sharma)

VERSUS

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.
3. The Divisional Finance Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.

... Respondents

(By Advocates: Sh. Krishna Kant Sharma with
Ms. Kanishka Singh)

ORDER (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

The applicant herein had voluntarily retired on 18.04.2013 under LARSGESS Scheme. The applicant is



not being paid the fixed medical allowance. He applied for it on 19.12.2016 and thereafter again on 04.07.2017, when it was advised to him on 09.06.2017 that his application is not available.

2. When the matter was heard earlier on 08.01.2020, it was brought out by applicant that certain policy directives were in force vide Railway Board letter R.B.E. No. 45/2004, R.B.E. No. 168/2009 and R.B.E. No. 22/2008, wherein even if somebody was not a member of Retired Employees Liberalized Health Scheme (in short, RELHS), he was still entitled for fixed medical allowance. The respondents were directed to argue on next date.

However, subsequently on 05.02.2020 and on date, the respondents drew attention to a policy circular which was issued on 31.05.2012, wherein for all those who were retiring from March, 2009 onwards, had to mandatorily become a member of RELHS.

Apparently, this circular has not yet been implemented in case of the applicant even though he retired in the year 2013. In this context, respondents pleaded that since applicant did not become member of RELHS by paying one month salary as per last pay



drawn, he is not entitled for Fixed Medical Allowance now, even though earlier instructions permitted so.

3. Matter has been heard at length. Sh. Yogesh Sharma, learned counsel appeared for the applicant. Sh. Krishna Kant Sharma, learned counsel appeared for the respondents.

4. Learned counsel for the applicant pleads that he has never been advised that RELHS was made mandatory and it is this scheme which was applicable to him. Accordingly, the applicant is ready if last month's salary, before his retirement, is required to be paid by him to become a member of RELHS as well as to be eligible for payment of fixed medical allowance.

Tribunal also notes that once the membership of RELHS was mandatory for all those who retired w.e.f. March, 2009 onwards, there was no question of asking options or consent otherwise. The amount of RELHS membership ought to have been recovered from retiral dues at that time.

5. In view of the foregoing, OA is disposed off with directions to the respondents to advise the applicant within next 15 days, the last one month's salary before the applicant retired, which is now to be deposited by him with the respondents and the mode thereof.



On receipt of such information, the applicant shall make a deposit within subsequent four weeks and submit details to respondents. Thereafter, the respondents are directed to make the payment in respect of fixed medical allowance at applicable rates for the period since when the applicant retired and continue such payment at currently applicable rates. No interest shall be payable on such arrears.

6. In view of the aforesaid directions, OA stands disposed of. No order as to costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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