

-16-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 861/2001

This the 15th day of May, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of :

Geeta Tyagi,
W/o Suresh Chand,
Assistant Teacher
Sarvodaya Kanya Uchattar Madhyamik
Vidyalaya, Devan Hall,
Delhi.
(By Advocate: Sh. Amit Saxena proxy for
Sh. M.K. Singh)

Versus

1. N.C.T. of Delhi,
through Secretary Education
Old Secretariat,
Sham Nath Marg, Delhi.
2. Director of Education,
Old Secretariat,
Sham Nath Marg, Delhi.
3. The Education Officer,
Zone-VIII, District North,
Lucknow Road, Delhi.
4. Vice Principal
Sarvodaya Kanya Uchattar Madhyamik
Vidyalaya, Gali Jogdhian, Dewan Hall,
Delhi.
(Sh. N.C. Jain, Head Clerk, departmental representative
on behalf of respondents)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard on OA-861/2001 wherein the applicant has sought a direction to the respondents to provide medical allowance to the applicant since January, 1999. The facts in brief are that the applicant is appointed as Assistant Teacher under Resp.1 and is working at Sarvodaya Kanya Uchattar Madhyamik Vidyalaya, Gali Jodhian, Dewan Hall, Delhi and her husband is also a Government employee who is working in Northern Railway as Electric Driver and is posted at Ghaziabad (U.P). It is not disputed that both of them are residing together. At the time of employment the applicant was allowed medical allowance

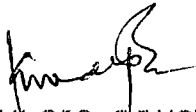
Km

as per rules but later on when it was revealed that both the spouse who are governed by different medical rules and are stationed at one place and both of them are eligible for medical facilities, the medical allowance of the applicant was stopped. Applicant claims that her medical allowance has been illegally stopped and she made a representation to the department for allowing medical allowance as the stoppage of medical allowance according to her is without any justification.

2. According to the respondents applicant has to claim medical allowance as per C.S.(M.A.) Rules, 1944 where both the spouse who are governed by different medical rules cannot avail the medical facility in their respective departments. Resp.4 asked the applicant to give a certificate from her husband's employer whether her husband was availing any medical facility from his office or not. In response to that applicant submitted Annexure A-4, a certificate allegedly issued by Sr. CC/LR/43B. Though the said certificate specifically states that her husband is not availing medical facility but the said certificate was not found satisfactory as the applicant's employer informed the applicant vide Annexure A-5 that the certificate submitted by the applicant dated 27.8.98 is not issued by competent authority i.e. Accounts/Finance Office of the Railways as required as per the letter issued by the respondents on 26.8.98. Thus, it appears that the respondents were justified to hold the medical allowance which was being drawn by the applicant, since there was no satisfactory certificate to the fact that the applicant and her family was not availing medical facility from the office of the husband of the applicant.

km

3. So in these circumstances, I find that OA has no merits and is liable to be dismissed. Accordingly, I dismiss the OA. However, in case the applicant in future furnishes a fresh certificate issued by the competent authority from competent authority of the office of her husband she may again apply for medical allowance, if so advised. No costs.


(KULDIP SINGH)
Member (J)

sd