

Central Administrative Tribunal, Principal Bench

Original Application No.1215 of 1999

New Delhi, this the 8<sup>th</sup> day of May, 2001

Hon'ble Mr.V.K.Majotra, Member (Admnv)  
Hon'ble Mr.Shanker Raju, Member(J)

C.G.Vishwanath, S/o Late Shri C.Y.Chintamani,  
Flat-I, Sagar Apartments, Tilak Marg, New Delhi- Applicant

(By Advocate Ms.Shyamla Pappu with  
Sh.M.R.Krishnamurthi)

Versus

1. Union of India, through Secretary,  
Ministry of Civil Aviation, Rajiv Gandhi  
Bhavan, Safdarjung Aerodrome, New  
Delhi-110003.
2. Director General of Civil Aviation,  
Technical Centre, Opposite Safdarjung  
Aerodrome, New Delhi.
3. Director General of Health Services,  
Nirman Bhavan, New Delhi-110001.
4. Union of India through Secretary,  
Ministry of Personnel, Public Grievances  
& Pension, Central Secretariat, North  
Block, New Delhi-110001. - Respondents

(By Advocate Shri V.K.Rao through proxy counsel  
Ms.Anuradha Priyadarshini)

O R D E R

By V.K.Majotra, Member(Admnv) -

The applicant is seeking revival of full pension along with other attendant benefits for medical facilities on the basis of a decision of the Hon'ble Supreme Court in the matter of Absorbed Central Government Employees in Public Enterprises and others Vs. Union of India and another, (1996) 2 SCC 187 (W.P.No.11855 of 1985) read with Contempt Petition No.530/1997 in Writ Petition(C) No.1188/95. The applicant has claimed that denial of the facility of CGHS to him is violative of Rule 37-A of Central Civil Services (Pension) Rules.

2. The applicant took retirement from the Department of Civil Aviation and was absorbed in the International Airport Authority of India - now known as Airports Authority of India: International Airports

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Division (for short 'AAI-IAD') on 1.5.1974 as Assistant Director. He retired from AAI-IAD on 15.5.1981. He has stated that at the time of his retirement there was no post retirement benefit scheme in vogue. It was introduced only in 1989 after 8 years of his retirement. He applied for benefit under the said scheme on 27.11.1996 which was rejected. His appeal to the Chairman, AAI-IAD was also rejected on 31.12.1997. Applicant's representation dated 21.10.1998 to the Director General Health Services, respondent no.3 remained unreplied.

3. In their counter, the respondents have stated that vide order dated 14.7.1999, a copy whereof has been filed by the respondents as Annexure-B, 1/3rd commuted portion of pension of the applicant has been restored. Accord of this part of the relief has been accepted by the learned counsel of the applicant.

4. The only issue before us, therefore, is regarding the extension of CGHS facilities to the applicant. As regards this, the respondents have stated that the same issue has been raised in two contempt petitions, namely, 178/99 and 255/99 filed by the Welfare Association of Absorbed Central Government Employees in Public Enterprises and the other by Shri P.V.Sundera Rajan before the Hon'ble Supreme Court which are still subjudice and it may not be desirable to extend the CGHS facilities in the present case, in view of the matter being subjudice before the Hon'ble Supreme Court.

5. No rejoinder has been filed by the applicant.

6. We have heard the learned counsel of both sides and perused the material on record.

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7. The learned counsel of applicant brought to our notice an order of the Hon'ble Supreme Court in Contempt Petition No.530/1997 in Writ Petition (C) No.11855/85 (Annexure-P-1) in which it was held that respondents are liable to restore not only the pension as ordered by the Hon'ble Supreme Court in the matter of Welfare Association of Absorbed Government Employees in Public Enterprises but also all the attendant benefits as given to the Central Government pensioners. She maintained that the expression 'attendant benefits' includes CGHS facilities for the absorbed Government employees in public enterprise.

8. On the other hand, learned counsel of respondents maintained that attendant benefits do not include CGHS facilities. She relied on an order dated 26.4.2000 passed in Interlocutory Application No.1 for clarification in Writ Petition(C) No.567/95 in the matter of Shri P.V.Sundera Rajan and another Vs. Union of India and others, in which in addition to the pension, grant of benefit of dearness relief on full pension has been permitted to ~~these~~ public sector absorbees at par with Central Government pensioners. She pointed out that CGHS is not included among the attendant benefits to Government absorbees under public sector undertaking rules.

9. We are of the considered view that in view of the pendency of Contempt Petitions Nos.178/99 and 255/99 before the Hon'ble Supreme Court, which have been referred to above, it may not be appropriate for this Tribunal at this stage to adjudicate the matter relating to grant of CGHS facilities to absorbees in public sector enterprises.

10. In the conspectus of aforesaid facts and circumstances, we dispose of this O.A. with an observation that in case the Hon'ble Supreme Court in aforesaid CPs holds that CGHS facility is to be included among attendant benefits to the absorbees in Public Sector Enterprises, the applicant would be at liberty to file a representation to the respondents for grant of CGHS facility, and in case he still remains aggrieved, then he may approach this Tribunal by filing a Miscellaneous Application to revive the O.A. No order as to costs.

S. Raju  
(Shanker Raju)  
Member (J)

V.K. Majotra  
(V.K. Majotra)  
Member (Admnv)

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