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Central Administrative Tribunal
Principal Bench, New Delhi.

DA-1974/96

New Delhi this the 8th day of January, 1997.

Hon'ble Shri S. P. Biswas, Member (A)

Shri Yogendra Pal Singh,
S/o Sh. Gajadhar Singh,
R/o Flat No. 58, Sahyog Apartments,
Mayur Vihar, Phase-I,
Delhi.

.... Applicant

(through Shri Yogesh Kumar Saxena, advocate)

versus

1. Union of India
through Secretary,
Ministry of Health & Family
Welfare, Nirman Bhawan,
New Delhi.

2. The Chief Medical Officer,
C.G.H.S., Head Quarter,
Nirman Bhawan,
New Delhi.

3. The Govt. of National Capital Territory
of Delhi, through Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi.

..... Respondents

(through Shri M. K. Gupta, advocate)

ORDER (ORAL)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, a retired Chief Prosecutor in the Department of Prevention of Food Adulteration, Government of Delhi is aggrieved because the medical facilities of C.G.H.S. Scheme have been denied to him after retirement.

2. The case of the applicant is that before retirement he was a beneficiary of C.G.H.S. Scheme holding Card No. 418708 attached to Laxmi Bai Nagar, New Delhi. Several other persons belonging to the department of the applicant were allowed C.G.H.S. facilities after retirement. The

applicant has cited the case of Shri S.S. Mayar who was granted relief by this Tribunal in OA-835/95 decided on 8.11.1995. The applicant argued that his case is identical to that of Shri Mayar. The facility which was granted to him continued to the applicant till the date of his retirement and could not be unilaterally withdrawn. Besides Shri Mayar, other officers like Shri L.N. Shukla, Sh. C.P. Nanda & Shri K.B. Saxena (all Chief Prosecutors) have been allowed the facilities of C.G.H.S. card and, therefore, the respondents cannot discriminate between the similarly placed persons.

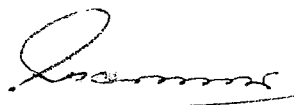
3. In the counter-affidavit filed, the respondents have submitted that consequent upon the availability of medical facilities to these employees under Delhi Health Services under Delhi Administration, it was decided to withdraw the C.G.H.S. facilities from such employees with effect from March, 1995. In other words, as per respondents these employees were to get medical facilities only under Delhi Administration. The respondents have further argued that this original application has been filed subsequent to the Ministry's order in September, 1995 and hence there is a clear distinction between the cases of Shri Mayar and that of the applicant in the instant case.

4. I have heard the learned counsel for the parties and perused the records of the case carefully and I find that there is some weightage in the argument of the applicant. Shri Mayar retired on 31.1.95 earlier than the applicant and, therefore, he had made the application to the respondents for the C.G.H.S. facility. The applicant herein had also filed application for grant of C.G.H.S. facilities in April, 1995 and the decision

of the original application filed by Shri Mayar was taken only on 8.11.95. I also find that the applicant had submitted A-1 representation dated 13.2.96 and the respondents have not cared to send any reply to the applicant indicating their stand on the subject.

5. In the light of what has been stated above, the applicant is directed to file a fresh representation setting out all the facts and circumstances of his case and hardships to the respondents for consideration of his case at par with other similarly situated persons. If a representation is made within a period of three months from the date of issue of this order, the respondents shall examine the same and pass a reasoned order within a period of three months from the date of receipt of the representation from the applicant and communicate the decision to the applicant accordingly.

6. With the above observations, the original application is disposed of but without any order as to costs.


(S. P. Biswas)
Member (A)

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