

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/132/2020

Date of Order: 15.10.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Rina Sil (Ghosh),
Daughter of Late Haripadat Ghosh,
Residing at Subhaspally, Ward No.10,
Near Star Unit Club,
Post Office – Kharagpur,
District – Paschim Medinipur,
Pin – 721302.

..... Applicant.

-Versus-

1. Union of India,
Service through the General Manager,
South Eastern Railway,
11, Garden Reach Road,
Kolkata, West Bengal, India,
Pin Code – 700043.
2. FA & CAO,
South Eastern Railway,
17, Fairly Place, BBD Bagh,
Kolkata – 700001.
3. The Chief Personnel Officer,
11, Garden Reach,
Kolkata – 700043, West Bengal.
4. Dy. CME (Production) WPO,
Kharagpur, Kharagpur Workshop,
Kharagpur,
District – Paschim Medinipur,
Pin – 721302, West Bengal.

..... Respondents.

For The Applicant(s): Ms. A.Kaunda, counsel

For The Respondent(s): Ms. D. Nag, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.



2. The applicant has approached this Tribunal seeking the following reliefs:

"8.(i) A declaration do issue declaring (RELHS - 1997) Retired Employees Liberalized health Scheme as well as for reference Rule No. 612 of Indian Railway medical Board contained therein as ultra vires to the provisions of Article 14, 16 and 21 of the Constitution of India by not considering the medical facility of the applicant extension of split medical card and the respondent cannot act arbitrarily by rejecting the claim of the applicant for grant of such medical facility.

(ii) Sec 602(2) of the Indian Railway Establishment Code Volume "Medical Attendance & Treatment" where it is clearly stated facilities shall be available free of charge to all railway employees and their family members and dependent relatives cannot be overlooked by the respondents is also not tenable in the eye of law by not considering the medical facility of the applicant as a divorcee daughter of an ex-railway employee who diligently served the department at his tenure.

(iii) An order do issue directing upon the respondents to act and proceed in accordance with the provisions and mandates of Constitution of India.

(iv) An order do issue directing the respondents to grant medical facility in favour of the applicant with immediate effect;

(v) Grant of consequential benefits;

(vi) Pass such further or other order or orders."

3. Since an order, dated 18.03.2020, has been issued and served upon the applicant, rejecting the prayer for inclusion of name in pass declaration and Medical card, we feel it appropriate to give liberty to the applicant to challenge the said order in a freshly instituted O.A or to prefer comprehensive representation to the competent authorities, citing rules in support of her claim, within a period of 4 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the same shall be considered and disposed of within a period of 8 weeks thereafter, in accordance with law.

4. The O.A accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)