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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 23/2010
JODHPUR THIS DAY 05th April, 2010**

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

Dinesh Kumar S/o late Shri Om Prakash Agarwal, aged about 48 years, R/o-C/o Subhash Chandra Sharma, House No.218/5, Gali No.10, Than Singh Nagar, Annand Parvat, New Delhi-5.

Presently working on the post of JE (Civil) in the office of GE Project, Air, Force, Gurgaon, Haryana.

.... Applicant

For Applicant : Mr. S.K. Malik, Advocate.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

2. The Garrison Engineer, Air Force, Nal, Bikaner.

3. The Principal Controller of Defence Accounts, South-Western Command, (PCDA) (SWC), Khatipura Road, Jaipur (Raj.).

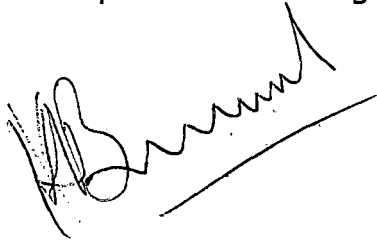
.... Respondents.

For Respondents 1 to 3 : None present for respondents.

**ORDER (ORAL)
[PER Dr. K. B. SURESH, MEMBER (JUDL.)]**

Heard learned counsel for the applicant.

2. Notices were issued to the respondents No.1, 2 & 3. As per report of the Registry notice sent to the respondent No.1 is received back unsigned, but indicating that the copy of the Original Application has been received by him. Respondents No. 2 & 3 has not appeared either in person or through any counsel before this Court on today.



3. In the light of the order which I propose to pass, the juncture may not be required. The medical assistance is not a bounty which is provided to an employee at the whims and desires of each Government officers. But which forms part and parcel of his service condition. Whether or not a fixed medical allowance is given or not and till that time person who were covered by the Central Government Scheme can be kept in animated vacuum or not is the question. On transfer of an employee under CGHS to non CGHS area employees cannot be negatively prejudiced. Otherwise an employee, is entitled to the medical assistance as the need be whether in the form of fixed medical assistance or cover under the Central Government Scheme or some other mechanism. It is positive that one or other medical aid is available as medical care is also part of an expect of service conditions of a Government employee.

4. Therefore, in the light of observation made above, an opportunity is given to the respondents to consider Annexure -A/10 within one month from the date of receipt of this copy of the order. At the end of one month period, whether or not, the claim of the petitioner is settled finally, the claimed amount shall be released to him. The OA is allowed as above. No order as to costs.


(Dr. K.B. Suresh)
Judicial Member

See
S. K. Mallick
8/4/10.

Regd.A.D.

No. 31

Dated 21/4/2001

FORM:-

The Registrar
Central Administrative Tribunal
Jodhpur Bench, Jodhpur.

To,

The Garrison Engineer

Air Force, NAE,

BIKANER

OA/TAAMA/CP/RA No. 93/2010

Dinesh Kumar

Applicant(s)

G.O.I. 20.

Respondent(s)

Sit,

I am directed to forward herewith a copy of Judgment / Order dated 5/4/2010
passed by this Bench, in the above noted case for information and necessary
action if any.

Please acknowledge receipt

Yours faithfully

HGO
Section Officer [J]

Encl:- Copy of Order dated 5.4.10
alongwith copy of O.A. & its
Annexures(s) page 1 to 4