

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

OA No.520/2013
OA No.521/2013
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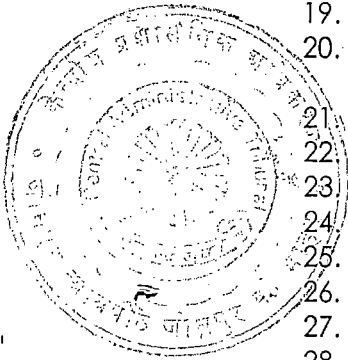
Jodhpur, this the 23rd day of April, 2014

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)

OA No.520/2013

1. Nand Lal s/o Sh. Mirchu Mal, aged about 54 years,
2. S.K.Kaushik s/o Sh. B.S.KAushik aged about 50 years
3. Dharam Paul s/o Sh. Tulsi Ram, aged about 57 years
4. Samsuddin Siddique s/o Sh Nihaluddin aged about 56 years
5. Baljeet Singh s/o Sh Sadhu Singh, aged about 57 years,
6. Prem Chand s/o Sh Phool Chand aged about 56 years
7. Hanuman s/o Sh Chanan Ram aged about 55 years
8. Bhagirath s/o Sh Rugha Ram aged about 56 years
9. Ram Sunder s/o Sh Bhagirath aged about 55 years
10. Jagdish Prasad s/o Sh Sultana Ram aged about 51 years
11. Mani Ram s/o Sh Padma Ram aged about 57 years
12. Dayala Ram s/o Sh Ganpat Ram aged about 59 years
13. Kala Ram s/o Sh Hari Chand aged about 50 years
14. Banwari Lal s/o Sh Battu Ram aged about 50 years
15. Brij Lal s/o Sh Balu Ram aged about 50 years
16. P.M.Mathew s/o Sh Yahannan aged about 50 years
17. Prem Singh s/o Sh Sucha Singh aged about 55 years
18. Nand Ram s/o Sh Shera Ram aged about 56 years
19. Thura Ram s/o Sh Deepa Ram aged about 59 years
20. Om Prakash Meena s/o Sh Bachana Ram aged about 53 years
21. Sarda Ram s/o Sh Mali Ram aged about 50 years
22. Suraj Bhan s/o Sh Datta Ram aged about 50 years
23. Balbir Singh s/o Sh Bhagirath Singh aged about 46 years
24. Raj Kumar s/o Sh Puran Chand aged about 50 years
25. Parshadi Lal s/o Sh Jagan Nath aged about 50 years
26. Rama Shankar s/o Sh Mkhana Pal aged about 50 years
27. Raji Ram s/o Sh Surja Ram aged about 50 years
28. Narayan Ram s/o Sh Hema Ram aged about 50 years
29. Bajrang Lal s/o Sh Makhana Lal aged about 51 years
30. Suresh Kumar s/o Sh Amar Nath aged about 50 years



All the applicants are working under GE (Army) Suratgarh and all are r/o C/o GE (Army) Suratgarh, District Sri Ganganagar, Rajasthan

.....Applicants

By Advocate: Mr. S.K.Malik

Vs.

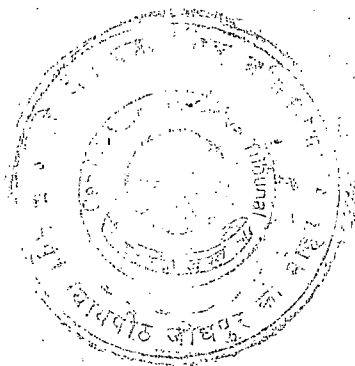
1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer (AF), Bikaner, Rajasthan.
3. Garrison Engineer (Army), Suratgarh, District Sriganganagar (Raj.)

..... Respondents

By Advocate: Mr. Aditya Singhi on behalf of Ms. K.Parveen

OA No.521/2013

1. Hari Ram S/o Sh. Malu Ram aged about 54 years.
2. Mal Singh S/o Shri Ram Gopal aged about 50 years.
3. Jagroop Singh S/o Sh. Surjeet Singh aged about 52 years.
4. Sheyopat Ram S/o Shri Nathu Ram aged about 50 years.
5. Bhuwal S/o Sh. Khanari Prasad aged about 49 years.
6. Jai Singh S/o Sh. Chanan Ram aged about 50 years.
7. Uma Shanker S/o Sh. Mukhori Pal aged about 47 years.
8. Raju S/o Sh. Hairji aged about 52 years.
9. Krishan Lal S/o Sh. Rang Lal aged about 52 years.
10. Samser Singh S/o Sh. Hardy Lal Singh aged about 51 years.
11. Bhajan Lal S/o Sh. Laxman Ram aged about 48 years.
12. Devi Lal S/o Sh. Birbal Ram aged about 50 years.
13. Laxman Singh S/o Sh. Sapuran Singh aged about 53 years.
14. P. Parsanna S/o Sh. Dwijabar aged about 48 years.
15. Maman Ram S/o Sh. Chanan Ram aged about 47 years.
16. Devi Lal S/o Sh. Ladu Ram aged about 50 years.
17. Shyam Lal S/o Sh. Sita Ram aged about 44 years.
18. Kartar Singh S/o Sh. Rid Mal aged about 60 years.
19. Rajender Kumar S/o Sh. Banwari Lal aged about 52 years.
20. Shyam Sunder S/o Sh. M.D. Rawat aged about 50 years.
21. Bhadur Ram S/o Sh. Badhana Ram aged about 51 years.
22. Inderjeet Singh S/o Sh. Sanwata Ram aged about 55 years.
23. Dharam Pal S/o Sh. Phule Ram aged about 51 years.
24. Teja Singh S/o Sh. Budh Singh aged about 55 years.
25. Suresh Kumar S/o Sh. Chhotu Ram aged about 48 years.
26. Mohan Lal S/o Sh. Talsa Ram aged about 45 years.
27. Rameshwar Lal S/o Sh. Bhanwar Lal aged about 48 years.
28. Subhash S/o Sh. Jeetu Ram aged about 50 years.
29. Raja Ram S/o Sh. Shanker Lal aged about 49 years.



30. Budh Ram S/o Sh. Mani Ram aged about 45 years.

All the applicants are working under GE (Army) Suratgarh and all are resident of C/o G.E. (Army) Suratgarh, District Sri-Ganganagar (Rajasthan).

.....Applicants

By Advocate: Mr. S.K.Malik

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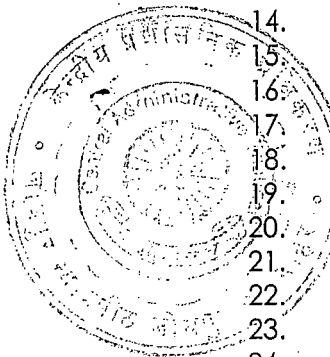
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2. Commander Works Engineer (AF) Bikaner, Rajasthan.
3. Garrison Engineer (Army), Suratgarh, District Sri - Ganganagar (Raj.).

Respondents

By Advocate: Mr. Aditya Singhi on behalf of Ms. K.Parveen

OA No.522/2013

1. Mahaveer Prasad S/o Sh. Manphool Ram aged about 47 years.
2. Mangat Ram S/o Sh. Ramji Lal aged about 45 years.
3. Rameshwar Lal S/o Sh. Parma Ram aged about 49 years.
4. Prahlad Rai S/o Sh. Sultana Ram aged about 48 years.
5. Bishna Ram S/o Sh. Jagdish Prasad aged about 50 years.
6. Hazari Ram S/o Sh. Basti Ram aged about 52 years.
7. Jagdish Prasad S/o Sh. Yad Ram aged about 44 years.
8. Amar Singh S/o Sh. Tara Singh aged about 52 years.
9. Sube Lal S/o Sh. Doman Singh aged about 50 years.
10. Sahab Ram S/o Sh. Rekha Ram aged about 52 years.
11. Bhawani Singh S/o Sh. Peep Singh aged about 55 years.
12. Ram Kishan S/o Sh. Mangali Ram aged about 53 years.
13. Sohan Lal S/o Sh. Mam Raj aged about 56 years.
14. Hanuman Singh S/o Sh. Matadeen Singh aged about 48 years.
15. Ram Sukh S/o Sh. Ram Charan aged about 50 years.
16. Jagdish Ram S/o Sh. Gopi Ram aged about 45 years.
17. Ramvir Singh S/o Sh. Rattan Singh aged about 44 years.
18. Kapoor Singh S/o Sh. Narng Lal aged about 42 years.
19. Mahaveer Prasad S/o Sh. Bharat Singh aged about 49 years.
20. Ram Lal S/o Sh. Mam Raj aged about 52 years.
21. Megha Ram S/o Sh. Ghutha Ram aged about 46 years.
22. Jasvir Singh S/o Sh. Guljar Singh aged about 41 years.
23. Prahlad Kumar S/o Sh. Bhadar Ram aged about 44 years.
24. Ashok Kumar S/o Sh. Shiv Singh aged about 49 years.
25. Om Prakash Meena S/o Sh. Bhagwan Ram Meena aged about 55 years.
26. Bhoora Ram S/o Sh. Mangla Ram aged about 49 years.



27. Basant Kumar S/o Sh. Jawahar Lal aged about 44 years.
28. Amar Singh S/o Sh. Ganga Ram aged about 54 years.
29. Anar Pati Yadav S/o Sh. Raghu Nath Yadav aged about 54 years.
30. Jai Singh S/o Sh. Sawai Singh aged about 48 years.

All applicants are working under GE (Army) Suratgarh and all are resident of C/o G.E. (Army) Suratgarh, District Sri-Ganganagar (Rajasthan).

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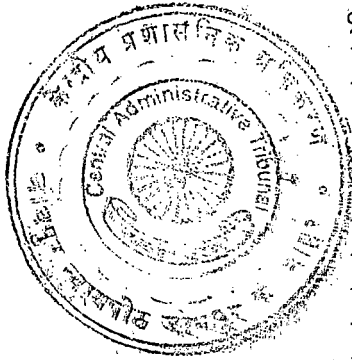
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2. Commander Works Engineer (AF) Bikaner, Rajasthan.
3. Garrison Engineer (Army), Suratgarh, District Sri - Ganganagar (Raj.).

... Respondents

By Advocate: Mr. Aditya Singhi on behalf Ms. K.Parveen

OA No.523/2013

1. Ramesh Chand S/o Sh.Sunder Ram, aged about 51 years.
2. Gurcharan Singh S/o Sh Jeet Singh, aged about 50 years.
3. Kulwant Singh S/o Sh Harnek Singh, aged about 51 years.
4. Madan Lal S/o Sh Manphool Ram, aged about 48 years.
5. Gomand Ram S/o Sh Moola Ram aged about 48 years
6. Maru Ram s/o Sh Surja Ram aged about 53 years
7. Pawan Kumar S/o Sh Muralidhar Singh, aged about 51 years.
8. Resham Singh S/o Sh. Darshan Singh, aged about 51 years.
9. Ram Kishan S/o Sh Tulsi Ram aged about 48 years
10. Kalu Ram s/o Sh Sant Ram, aged about 56 years
11. Pramod Kumar S/o Shri Bishan Swaroop Sharma aged about 49 years
12. Phool Chand S/o Sh Balu Ram aged about 47 years
13. Thakur Ram S/o Sh Jetha Ram aged about 60 years
14. Atma Ram S/o Sh Thura Ram aged about 46 years
15. Anoop Singh S/o Sh Achhar Singh, aged about 52 years
16. Mohinder Singh S/o Sh Karan Singh, aged about 46 years
17. Mohan Lal S/o Sh Santa Singh aged about 45 years
18. Ram Lal S/o Sh Dev Karan, aged about 53 years
19. Ram Niwas S/o Sh Nana Ram aged about 48 years
20. Mahavir Prasad S/o Sh Bal Chand aged about 55 years
21. Suresh Kumar s/o Sh Narain Ram aged about 55 years
22. Chhitar Mal s/o Sh Rameshwar Lal aged about 48 years
23. Chhote Lal s/o Sh Mahagu Ram, aged about 54 years
24. Om Prakash Arya s/o Sh Atma Ram aged about 49 years
25. Inder Prakash s/o Sh Mala Ram aged about 48 years



26. Rajender Singh S/o Sh Sumer Singh aged about 48 years
27. Ram Kumar s/o Sh Dunder Ram aged about 49 years
28. Dharam Pal s/o Sh Mani Ram aged about 50 years
29. Sahi Ram s/o Sh Mukh Ram aged about 59 years
30. Rameshwar Lal s/o Sh Bachna Ram aged about 50 years

All applicants are working under GE (Army) Suratgarh and all are resident of C/o G.E. (Army) Suratgarh, District Sri-Ganganagar (Rajasthan).

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By Advocate: Mr. S.K.Malik

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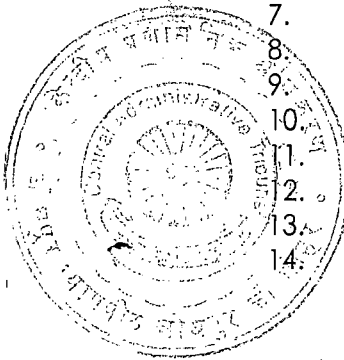
1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer (AF) Bikaner, Rajasthan.
3. Garrison Engineer (Army), Suratgarh, District Sri – Ganganagar (Raj.).

.. Respondents

By Advocate: Mr. Aditya Singhi on behalf of Ms. K.Parveen

OA No.524/2013

1. Sohan Singh s/o Sh Amar Singh aged about 50 years
2. Sher Singh s/o Sh Dhana Ram aged about 50 years
3. Om Prakash s/o Sh Dheru Ram aged about 52 years
4. Gopal Sain s/o Sh Jutha Ram aged about 48 years
5. Devi Lal s/o Sh Gopal Ram aged about 50 years
6. Smt Sukhjeet Kaur w/o Sh Rudlu Ram aged about 53 years
7. Smt Kamla Devi w/o Sh Het Ram aged about 50 years
8. Devi Lal s/o Sh Madan Lal aged about 50 years
9. Ram Kumar s/o Sh Malu Ram aged about 50 years
10. Mani Ram Khayalia s/o Sh Kashi Ram aged about 60 years
11. Ram Dev s/o Sh Jamna Lal aged about 50 years
12. Ved Prakash Sharma s/o Sh Hajari Ram aged about 52 years
13. Ved Prakash s/o Sh Chandu Lal, aged about 47 years
14. Mohan Lal s/o Sh Tulsu Ram, aged about 40 years



All applicants are working under GE (Army) Suratgarh and all are resident of C/o G.E. (Army) Suratgarh, District Sri-Ganganagar (Rajasthan).

.....Applicants

By Advocate: Mr. S.K.Malik

Vs.

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
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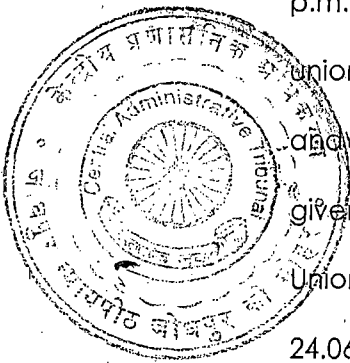
ORDER (ORAL)Per Justice K.C.Joshi, JM

Controversy involved in all the Original Applications filed by the employees working under various offices of Military Engineering Service (MES) is common and all the applicants have sought common relief relating to rate of Fixed Medical Allowance. Therefore, we shall decide O.A. Nos. 520, 521, 522, 523 and 524 of 2013 by a common order.



2. For sake of convenience, we would take into account facts of the case as averred in OA No. 520/2013 for adjudication of all these OAs. The short facts as averred by the applicant in OA No. 520/2013 are that all the applicants are working at 15 kms away from Suratgarh city under GE (Army) Suratgarh and there is no State Government/local body hospital or dispensary within 5 kms from radius of their place of working. There is also no qualified private hospital/practitioner available who can be appointed as Authorized Medical Attendant. Therefore, as per Govt. of India, Ministry of Health and Family Welfare (MoH&FW) OM. No. 514025/33/98-MS dated

18.01.1999 all the employees of GE (Army) Suratgarh are entitled for Fixed Medical Allowance as per Central Services (Medical Attendance) [CSMA] Rules, 1944, therefore, the applicants are being paid Fixed Medical Allowance (FMA) @ Rs 100/- per month w.e.f. 01.09.2008 to 31.10.2010 vide letter dated 07.02.2009 (Annex. A/1). After implementation of 6th Central Pay Commission, FMA for Central Govt. pensioners/family pensioners residing in areas not covered by CGHS administered by MoH&FW, is enhanced from Rs 100 p.m. to Rs 300 p.m. vide OM dated 26.05.2010 (Annex. A/2). The respondent No. 2 vide letter dated 26.09.2010 brought the same to notice of respondent No. 3 and others who are working under him and the respondent No. 3 obtained required certificate for grant of fixed medical allowance from the office of Chief Medical & Health Officer (CMHO), Sriganganagar (Raj) for a period of 3 years i.e. w.e.f. 01.01.2011 to 31.12.2013. Thereafter, the competent authority vide letter dated 07.02.2013 (Annex. A/5) accorded sanction for grant of FMA for the period 01.01.2011 to 31.12.2013. The respondents should have made the payment of FMA @ Rs 300/- p.m. instead of Rs 100/- p.m. according to Annex. A/2, therefore, the applicants through their union letter dated 18.06.2013 took up the matter with the respondents and requested the respondents to grant FMA @ Rs 300/- p.m. as being given to pensioners employees. The representation of MES Workers Union was forwarded to the Respondent No. 2 vide letter dated 24.06.2013 but still the applicants have not been granted the FMA @ Rs 300/- p.m. equal to the rate of pensioners employee. Aggrieved by non-action on the part of the respondents, the applicants seek direction to the respondents for making payment at the enhanced



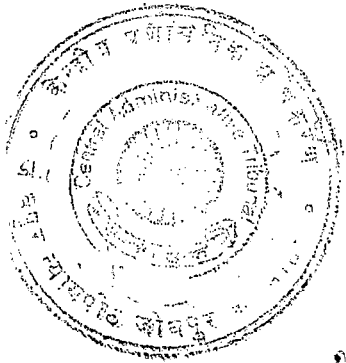
amount of FMA @ Rs 300/- p.m. w.e.f. 01.09.2008 instead of Rs 100/- p.m. alongwith interest @ 12% per annum on the arrears.

3. By way reply in OA No. 520/2013, the respondents have averred that the applicants are eligible to draw FMA @ Rs 100 p.m. in terms of MoH&FW, Govt. of India letter dated 18.01.1999 and the respondent department on the advice of PCDA (SWC) Jaipur has already taken up the matter with the competent authority i.e. Engineer-in-Chief Branch, Army Headquarters for grant of FMA @ Rs 300/- per month. The respondents have further averred that Annexure A/2 dated 26.05.2010 issued by Ministry of Personnel, Public Grievances & Pensions is applicable to pensioners/retired persons and not for all civilian employees working under Govt. of India at present. The representation of the MES Workers' Union has been forwarded to higher authority vide letter dated 18.01.2013 and reply to the same is still awaited.

4. Heard both the parties. Counsel for the applicant contended that the Govt. of India vide it O.M. Annex. A/2 enhanced the rate of FMA from Rs 100 to Rs 300 w.e.f. 01.09.2008 and this O.M. is applicable to Central Govt. Pensioners/family Pensioners residing in the area not covered under CGHS administered by MoH&FW corresponding health schemes administered by other Ministries/Departments for the retired employees for meeting expenditure on their day-to-day medical expenses that not require hospitalization. Counsel for the applicant contended that present applicants are working under GE (Army) Suratgarh 15 kms away from Suratgarh city and there is no State Government/local body hospital or dispensary within 5 kms from radius



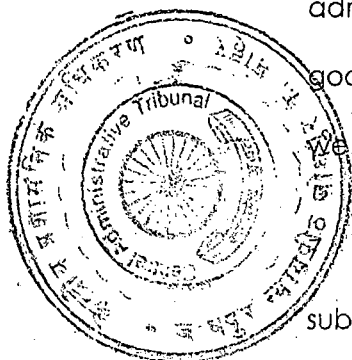
of their place of working. There is also no qualified private hospital/practitioner available who can be appointed as Authorized Medical Attendant. Therefore, as per Govt. of India, Ministry of Health and Family Welfare (MoH&FW) OM No. 514025/33/98-MS dated 18.01.1999 all the employees of GE (Army) Suratgarh are entitled for Fixed Medical Allowance as per CSMA Rules, 1944. The respondent-department sanctioned fixed medical allowance w.e.f. 01.01.2011 to 31.12.2013 vide letter dated 07.02.2013. Counsel for the applicant contended that when the Central Govt. enhanced this amount for pensioners/family pensioners, the applicants through their Union letter dated 18.06.2013 took up the matter with the respondent to grant them FMA @ Rs 300/- p.m. equivalent to the pensioner/family pensioner and the same was forwarded to the higher authority for taking necessary action. He contended that as the applicants fulfill the condition for grant of FMA as is evident from letter dated 07.02.2009 (Annex. A/1) and letter dated 07.02.2013 (Annex. A/5), the applicants are entitled to get FMA @ Rs 300/- p.m. w.e.f. 01.09.2008. The O.M. Annex. A/2 not including the applicants who are serving in the office of GE (Army) Suratgarh is unreasonable, arbitrary, unreasonable and violative of Article 14 and 16 of the Constitution of India.



5. Per contra, Mr Aditya Singhi, counsel appearing on behalf of Ms K. Parveen, counsel for the respondents contended that Annex. A/2 issued by Govt. of India is not applicable for all civilian employees, therefore, the applicants are not entitled for FMA @ Rs 300 p.m. He further contended that the representation submitted by the MES


Workers' Union was forwarded to the CWE Bikaner for the decision on the issue.

6. Considered rival contentions of both the parties. It is an admitted fact that Annex. A/2 is not applicable to the applicants but it has been averred in the application itself that by not including the serving persons in Annex. A/2 is violative of Article 14 & 16 of Constitution of India and in our considered view when the pensioners/family pensioners are getting the enhanced FMA @ Rs 300 p.m. there is no reason to not to pay the similar amounts to the applicants although it is a prerogative of Govt. of India to apply its OM to any particular category of persons but it is definite that it requires serious consideration and controversy/distinction between working civilian employees of defence department and Central Govt. Pensioners/family Pensioners residing in the area not covered under CGHS administered by MoH&FW corresponding health schemes administered by other Ministries/Departments is not reasonable or good. Therefore, in view of the averments made by both the parties, we propose to dispose of the OA with certain directions.



The respondents are directed to consider the representation submitted by the applicants in the light of observations made by us that no reason has been explained by the respondent-department in their reply to not to include the applicants from applicability for Annex. A/2 and revise FMA to Rs 300 p.m. when they are being paid FMA @ Rs 100 p.m. as per earlier rate applicable to pensioners/family pensioners. The respondents are directed to decide the representation of the applicant within 4 months from the date of receipt of this order.

8. In terms of above direction, OAs are disposed of with no order as to costs.

	<p><i>[Signature]</i> [Meenakshi Hooja] Administrative Member</p>	<p><i>[Signature]</i> [K.C. Joshi] Judicial Member</p>
<p>COMPARED & CHECKED <i>[Signature]</i></p>	<p>ORIGINAL TRUE COPY Dated 01/5/2014 <i>[Signature]</i> J.R. Sharma Joint Secretary (Admin) Secretary (Admin) Joint Secretary (Admin) Joint Secretary (Admin) Joint Secretary (Admin) Joint Secretary (Admin) Joint Secretary (Admin)</p>	