

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.562/1999.

Thursday this the 31st day of January 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. Employees' Provident Fund Pensioners' Association,
Kerala, represented by its President G.Reghunathan,
Retd. Regional Provident Fund Commissioner
Krishnendu, T.C.4/695, Kowdiar,
Thiruvananthapuram.
2. K.R.Raveendranathan Nair,
(Retd. Head Clerk),
'Jayasree', T.C.28/2552,
Dhanya Remya Lane,
Thiruvananthapuram-1. Applicants

(By Advocate M/s Santhosh & Rajan)

Vs.

1. Union of India represented by the
Secretary, Ministry of Labour, New Delhi.
2. The Secretary, Ministry of Health &
Family Welfare, New Delhi.
3. Central Board of Trustees,
Employees Provident Fund, New Delhi,
represented by its Chairman.
4. Central Provident Fund Commissioner,
New Delhi.
5. The Oriental Insurance Company Ltd.,
represented by Senior Divisional Manager,
Divisional Office No.I (Code No.31110),
Jeevan Vihar, 3rd Floor, Sansad Marg,
New Delhi-1.
6. The Joint Director (HQ),
CGHS, Nirman Bhavan,
New Delhi Respondents.


(By Advocate Mr. Mohan C. Menon (R-5)
(By Advocate Mr. KR Rajkumar, ACGSC (R.1&2)
(By Advocate Shri NN Sugunapalan (R.3&4)

The application having been heard on 31st January 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN


The first applicant is the Employees' Provident Fund Pensioners' Association, Kerala, represented by its President and the second applicant is a pensioner under the said organisation. The applicants have approached the Tribunal with the grievance of non-availability of adequate medical reimbursement benefit. Their earlier application, O.A.663/97 was disposed of with a direction to the Central Board of Trustees Employees Provident Fund organisation to consider the grievance of the applicants in their representation after making due reference to the Secretary, Ministry of Health and Family Welfare, New Delhi and with a direction to the Secretary, Ministry of Labour, New Delhi and also with a direction to the Secretary, ministry of Labour and Secretary to Ministry of Health and Family Welfare to give serious thought to the issue involved and to come out with an appropriate decision in the matter within a period of four months from the date of receipt of a copy of that order. The outcome of the above representation is the impugned letter written by the Joint Director (Central Government Health Scheme (CGHS for short) to the Provident Fund Commissioner (HRM) New Delhi, explaining their inability to extend the GCHS benefits to the pensioners of the Employees Provident Fund Organisations (EPFO for short). The applicants allege that not providing adequate facilities for medical treatment and re-imbursement to the pensioners of the EPFO amounts to denial of their fundamental rights in life. The applicants therefore, seek the following reliefs:



- i) Call for the records leading to annexure A9 (a) and set aside the same.
- ii) to declare that the applicants are entitled to CGHS as they are at par with Central Government employees;
- iii) in the alternative, to issue a direction to the respondents 1 to 4 to frame a medical benefit scheme for the benefit of the pensioners of EPFO at par with CGHS after giving the 1st applicant an opportunity of being heard;
- iv) to issue a direction to the 4th respondent to settle the claims of the pensioners who fell ill during the period 7.12.96 to 23.6.98 when there was no medical benefit of any kind to the pensioners of EPFO;
- v) such other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case."

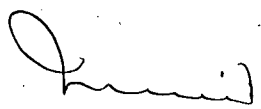
2. The respondents 3 & 4 in their reply statement contend that an alternative medi-claim scheme drafted by the organisation has been forwarded to the respondents 1 & 2 and apart from stating that it is not possible to extend the CGHS Scheme to the pensioners of the organisation, no decision has been communicated. In the reply statement filed on behalf of the respondents 1 & 2, it has been stated that due to resource constraint, it is not possible to extend CGHS benefit to the pensioners of the EPFO.

3. When the O.A. came up for final hearing today, counsel of the parties agree that the application may be disposed of directing the respondents 1 & 2 to consider the approval of the alternate medi-claim scheme promulgated and forwarded by the Executive Committee, Central Board of Trustees of the EPFO on 12.8.1997 and to issue appropriate orders within a reasonable time maintaining the present medi-claim policy in force till an alternative arrangement is made.



4. In the light of what is stated above, we dispose of this application directing the respondents 1 & 2 to consider the approval of the alternate medi-claim scheme formulated and forwarded by the Executive Committee, Central Board of Trustees on 12.8.1997 and to communicate an appropriate decision on that within period of four months from the date of receipt of a copy of this order. We also direct the respondents 3 & 4 to continue the existing medi-claim policy till an alternate arrangement is made. No order as to costs.

Dated the 31st January 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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- 5 -
A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of the authorisation letter dated 5-4-97 of the 1st respondent.
2. A-2: True copy of the Memorandum dated 22-5-96 submitted by the 1st applicant association.
3. A-3: True copy of the judgment in O.A No.663/97 dated 4-6-97 of this Hon'ble Tribunal.
4. A-4: True copy of letter No.P.V/12/2/89/CGHS/Vil.IV dated 18.6.98 of the 4th respondent's office.
5. A-5: True copy of letter No.P.V/12(2)/89/CGHS/ Vil.IV/ 41755-41915 dated 14.8.98 of the Regional Provident Fund Commissioner (RA), Employees Provident Fund Organisation, Head Office, New Delhi.
6. A-6: True relevant extract of the mediclaim scheme for retired employees of Central Provident Fund Organisation and their spouses issued by the 5th respondent.
7. A-7: True copy of the short reply affidavit filed before the Hon'ble Tribunal in C.P.(C) No.50/98 in O.A No.663/97 dated 7-9-98 of the 1st respondent.
8. A-8: True copy of the order in C.P.C No.50/98 dated 10.9.98 of this Hon'ble Tribunal.
9. A-9: True copy of letter No.P.V/Adm(R.III)12/8/95/OIC/Mediclaim/KR/2473 dated 17.4.98 of the 4th respondent.
10. A-9(a): True copy of order No.7-1/149/C&P/Sec./CGHS dated 17-4-2001 of the additional 6th respondent.
11. A-10: True copy of order of the Principal Bench of this Hon'ble Tribunal in OA 288/99 dated 25-5-1999.
12. A-11: True copy of Government of India, Ministry of Health & Family Welfare O.M.No.S-14025/4/96-MS, dated 5-6-1998.
13. A-12: A true copy of letter No.HRM-V/12(1)/95/FMA/34968 dated 25-7-2000 of the Regional Employees' Provident Fund Organisation, New Delhi.
14. A-13: A true copy of letter No.HRM-V/12/2/89/CGHS/Pt./ 103194 dated 21-1-2000 of the Regional Provident Fund Commissioner (HRM), Employee's Provident Fund Organisation, New Delhi.

Respondents' Annexure:

1. R-1: A true copy of the letter No.7-1/149/C&P/Sec/CGHS dated 17-4-2001 issued by the Joint Director.
