

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.589/2004

Friday, this the 10th day of December, 2004.

CORAM:

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

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

1. T.V.Joseph,
Junior Engineer(Telecom) (Rtd.),
G3 CRRA, Chalakuzhy Road,
Pattom, Thiruvananthapuram-4.
2. B.Rama Iyer,
Ullas, E-46,
Janvilla Lane,
Sasthamangalam,
Thiruvananthapuram-10.
3. S.Bhaskaran Nair,
Sabarmathi TC 15/1574,
Udarasiaromany Road,
Thiruvananthapuram.
4. All India Organisation of Pensioners
Kerala Unit,
represented by its General Secretary,
T.K.Narayanan,
House No.199, C.S.M. Nagar,
Edapazhanjy, Sasthamangalam.P.O.
Thiruvananthapuram-10.

By Advocat Mr CSG Nair

vs

1. Union of India,
represented by the Secretary,
Ministry of Health & Family Welfare,
Nirman Bhavan,
New Delhi.
2. The Director,
Central Government Health Scheme,
Nirman Bhavan,
New Delhi-1.
3. The Joint Director,
Central Government Health Scheme,
Kesavadasapuram,
Thiruvananthapuram-10.
4. The Chief Medical Officer in-Charge,
Central Government Health Scheme Dispensary,
Kesavadasapuram,

5. The Chief Medical Officer in-Charge,
Central Government Health Scheme Dispensary,
Sasthamangalam,
Thiruvananthapuram-10. - Respondents

By Advocate Mr Thomas Mathew Nellimootttil

The application having been heard on 6.12.2004, the Tribunal on 10.12.2004 delivered the following:

O R D E R

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

The applicants who are Central Government pensioners seek the following main reliefs in this O.A.:

i) To call for the records leading to the issue of A-4 and A-5 and quash the same;

ii) To declare that all Central Government Pensioners are eligible for CGHS facilities irrespective of the Department from which they retired; and

iii) To direct the respondents to grant CGHS facility to all Central Government Pensioners irrespective of the Department from which they retired.

2. The submissions made on behalf of the applicants are follows: The first applicant who retired from the Department of Telecom was issued a CGHS card. However, he was denied CGHS facility since 20.7.2004 without notice. The second and third applicants who retired from the Department of Posts were informed that the CGHS Card is valid upto 31.12.2004. The 4th applicant is the General Secretary of All India Organization

of Pensioners, Kerala Unit. He submitted a memorandum to the first respondent requesting extension of CGHS facility to pensioners of Posts & Telegraph Department. This was reiterated in memoranda dated 19.1.2004 and 19.6.2004 to the respondents. The denial of CGHS facility to the pensioners of P&T Departments has violated their fundamental rights. Chandigarh Bench and Bangalore Benches of this Tribunal in order date 13.11.2003 and 5.2.2004 respectively sustained the plea of the applicants for extension of CGHS facility to the pensioners who retired from P&T Department.

3. The contentions of the respondents advanced in the reply statement are in short as follows: The first applicant was denied CGHS benefit in compliance with the order at A-4. The cards of the 2nd and 3rd applicants were renewed due to oversight till 31.12.2004. The CGHS facility is not admissible to pensioner's of P&T except in Delhi as the P&T has its own ~~expenses~~ ^{dispensary}. The extension of CGHS facility to P&T pensioners will ~~and~~ ^{cost} huge burden on CGHS in terms of the man power and budgetary resources and infrastructure.

4. We heard both sides and perused the pleadings and material on record. The excerpts of the communication of the Ministry of Personnel, Public Grievances and Pensions, which is nodal Ministry on CGHS facilities for civilian Central Government Pensioners are reproduced below:

"1. All Central Government pensioners (except Railway pensioners and armed Forces pensioners) who were eligible for availing CGHS facilities while in service are eligible for availing CGHS facilities

after retirement. The scheme is also applicable to Central Government employees who retired with Contributory Provident Fund benefits. Similarly families of Central Government employees in receipt of Central Government Employees in receipt of family pension are also eligible to avail of these facilities, if the deceased Government servant was eligible for these facilities while in service.

1.2 It is not that only those Central Government employees who were actually availing of CGHS facility during service are eligible to enjoy them after retirement. All retired personnel of Ministries/Departments, offices which are eligible to enjoy CGHS facility while in service are eligible to enjoy them after retirement, even if immediately prior to their retirement, they were not actually availing of never availed the facilities on account of their posting to a station where CGHS facilities were not available.

1.3 Pensioners/family pensioners/CPF retirees whose children are serving Central Government employees and are eligible for CGHS facilities can avail of the CGHS facilities as a member of the family of the said serving employee provided a member of the family of the said serving employee provided their pension/family pension does not exceed Rs.500 on pension/family pension sanctioned after average CPI 608 is not taken into account. As far as Contributory Provident Fund retirees are concerned their monthly income is worked out w.r.t. the pension equivalent of employees contribution to the Contributory Provident Fund along with interest thereon received by them at the time of retirement.

1.4 Even though CGHS facilities are at present available only at specified places and it may not be possible for Central Government Pensioners living away from these places to avail of the CGHS facilities on day-to-day basis as in the case of persons living at these places, it may be in the interest of the pensioners to enroll themselves as beneficiaries of the CGHS scheme, so that at least in the case of major ailments/major surgery they will be able to come to the CGHS station to avail of these facilities if and when such a need should arise."

This communication makes it amply clear that all Central Government pensioners except the Railway and Armed Forces Pensioners are eligible for CGHS facilities after retirement. That being so, the 3 applicants who ~~are~~ ^{are} retired employees of C P&T and Telecom departments are eligible for CGHS benefit, in keeping the aforesaid communication.

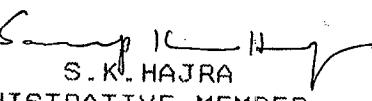
5. This apart, Chandigarh Bench of this Tribunal in order dated 13.11.2003 in O.A.955/CH/2003 and O.A.974/CH/2003 quashed A-4 order and directed continuance of membership under CGHS to the applicants who are retired employees of the Department of Telecom and Department of Posts. The Bangalore Bench of the Tribunal in order dated 20.11.2001 in O.A.704/2001 quashed the impugned letter dated 1.8.96 with consequential benefits. In its order dated 5.2.2004, the Bangalore Bench of the Tribunal in O.A.392/2003 and connected cases, directed extension of CGHS benefit to retired employees of departments of Posts and Telecom. We are in agreement with the aforesaid orders of Chandigarh and Bangalore Benches of this Tribunal.

6. In view of this facts, we are of the opinion that all Central Government pensioners except pensioners of Armed Forces and Railways are entitled to CGHS facility subject to the payment of subscription for this purpose. Accordingly the pensioners of P&T and Telecom Departments are entitled to CGHS benefit.

7. On consideration of the facts and circumstances of the case, the impugned orders at A-4 and A-5 are quashed. The respondents are directed to continue CGHS benefit to applicants 1 to 3 subject to the payment of requisite subscription for this benefit as per rules. All Central Government pensioners (except Railway and Armed Forces Pensioners) including pensioners who retired from P&T and Telecom departments are entitled to CGHS facility subject to

the payment of subscription for availing themselves of this facility as per rules. The respondents are directed to extend CGHS facility to Central Government Pensioners except Railway and Armed Forces pensioners subject to payment of requisite subscriptions accordingly. The O.A. is accordingly disposed of. No costs.

Dated, 10th December, 2004.


S.K. HAJRA
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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