

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.148/2005

Monday...., this the 5th..December, 2005

C O R A M:

**HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

**M.V.Somarajan (retired Town Inspector, telecom)
'Sangamam' P.C. Road, Azad Road, Kaloor,
Ernakulam, Cochin-682017.**

Applicant.

(By Advocate Mr.T.C.Govindaswamy)

Vs.

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

Respondents

(By Advocate Mr.George Joseph, ACGSC)

O R D E R

HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

**The applicant is a Central Govt Pensioner who had voluntarily retired
from the Department of Telecommunications. His request to the 3rd**

respondent for conversion of his CGHS Card to a permanent one which was sent alongwith the prescribed lumpsum amount by Bank Draft was rejected by the impugned Annx.A4 letter. His prayer is to set aside the same and to direct the respondents to issue a permanent CGHS Card accepting the amount as per the rules.

2 In the reply statement the respondents contend that they have a direction from the CGHS Directorate to issue Cards only on provisional basis to the entitled categories. A decision has been taken by the Department of Health that the CGHS facilities should be extended only to those Post and Telegraph pensioners who were members of the CGHS prior to their retirement. This decision has been arrived at keeping in view that there are about 6 lakhs employees in the Post & Telegraph Department and it will place a huge burden and work load on the CGHS both in terms of infrastructure and resources. They are, therefore, of the view that the State can provide the facilities only within the limited resources and hence their action cannot be held to be violative of Article 21 of the Constitution of India and no right could be absolute in a welfare State.

3 Rejoinder has been filed denying that the applicant is a Post & Telegraph pensioner and that he never belonged to the Department of Posts. He is a pensioner of the Department of Telecom ever since it was created in 1984. The Tribunal in its various orders and the latest one in OA 589/04 have held that 'All Central Govt pensioners (except Railways 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. The respondents though they challenged the order in OA

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589/04 before the Hon'ble High Court of Kerala could not succeed in getting a stay and they had earlier failed in Karnataka High Court also and no SLP has been filed so far. The applicant is already having a temporary CGHS Card and the question here is whether the applicant is an eligible Central Govt Pensioner and that aspect has been conclusively decided by this Tribunal in OA 589/04.

4 The respondents have filed Additional reply stating that the applicant has already been availing the CGHS facilities and hence the O.A is premature.


5 We have heard the learned counsel for the parties and have perused the records. As stated, we have decided this issue in a number of earlier judgments categorically holding that all the Central Govt Pensioners, except Railways and Armed Forces Pensioners are eligible for CGHS facilities. The temporary card issued to the applicant shows that he was a beneficiary of the CGHS since its inception in Kerala State. He is entitled to a permanent CGHS Card by paying the prescribed amount in lumpsum as per the rules. The applicant has stated that he is at present under the medical treatment of Sree Chitra Tirunal Institute of Medical Sciences, Trivandrum through he is a resident of Ernakulam. The respondents have themselves admitted that the applicant is availing all the CGHS facilities therefore all their contentions about the nonapplicability of this Scheme to the Post & Telegraph Department, etc. are irrelevant.

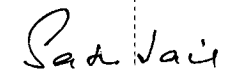
6 We, therefore, direct the 3rd respondent, who is the competent authority in this regard, to consider the request of the applicant for a permanent CGHS Card on payment of the lumpsum amount as per the

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procedure prescribed in the rules and to issue a permanent CGHS Card to the applicant within a period of one month from the date of receipt of this order. The O.A is allowed accordingly. No costs.

Dated the 5th day of December, 2005


(George Paracken)
Judicial Member
kkj


(Sathi Nair)
Vice Chairman.