

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.222/2009

Dated this the 8th day of November, 2010

CORAM

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

1 P.R.K. Nair
Regional Provident Fund Commissioner (Retd)
H.No. 212, Krishna Vihar
Gandhi Nagar, Vazhuthacaud
Thiruvananthapuram-14

2 Employees Provident Fund Pensioners Association
represented by its Secretary
C.V.Gopinathan Nair, Saroja Bhavan
Devaswom Lane, Kesavadasapuram
Pattom Palace PO
Thiruvananthapuram-695 004

Applicants

By Advocate Mr. CSG Nair & Chandini G. Nair

vs

- 1 Union of India represented by its Secretary
Ministry of Labour, New Delhi-1
- 2 The Central Board of Trustees
Employees Provident Fund Organisation
represented by its Chairman
New Delhi.
- 3 The Central Provident Fund Commissioner
New Delhi-66
- 4 The Regional Provident Fund Commissioner
Pattom, Thiruvananthapuram- 695 004 Respondents

● By Advocate Mr. N.N. Sugunmapalan Sr. with Girija for R 2-4
Advocate Mr. Sunil Jacob Jose SCGSC for R-1

The Application having been heard on 29.10.2010, the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The 1st applicant is a retired employee of the Employees Provident Fund Organisation and the 2nd applicant is the Association of EPFO Pensioners in Kerala. The grievance of the applicants is that though they were covered by Mediclaim Policy issued by the Oriental Insurance Company and the expenses for inpatient treatments were reimbursed by the company, since the last two years they are given reimbursement as per CS(MA) Rules, 1944, substantially reducing the actual expenses.

2 Though the employees of the EPFO are on par with Central Government Employees in all other respects, as regards medical benefits, they were not covered by CS(MA) Rules, 1944. Therefore, the the 2nd respondent had taken out an insurance coverage with the Oriental Insurance Company Ltd., known as the 'Group Mediclaim Policy' for inpatient treatment of the EPF pensioners. The EPF Board had to pay the premium fixed by the Insurance Company which in turn will reimburse the expenses for inpatient treatment of the pensioners and their spouses and that there was no provision for out patient treatments. The pensioners were entitled to reimbursement of the medical expenses in accordance with the terms and conditions of the policy. However, for the last two years, the mediclaim policy was not being renewed and all the EPF Pensioners are given medical reimbursements under the CS(MA) Rules, 1944 for inpatient treatment.

TY

Accordingly, the 3rd respondent issued an order Annexure A-2. While so, the 1st applicant was admitted to PRS Hospital Thiruvananthapuram which is an approved hospital under CGHS and recognised by the State Government. He underwent a surgery and was discharged on 20.6.2008. Though he submitted a medical claim Rs. 13,276/- an amount of Rs. 5721/- only was reimbursed to him. Aggrieved, he submitted a representation (A-5) to which he received A-6 reply to the effect that the claim was settled as per CS(MA) Rules. Hence the applicants filed this O.A to quash A-6 and for a direction to reimburse the CGHS rates to the 1st applicant within a stipulated period.

3 The respondents filed reply statement in which they submitted that CGHS facilities are available for subscribing Central Government employees under Central Govt. Health Scheme. That facilities are available for serving employees of the EPFO located in a few cities on subscribing to the Scheme. The employees of EPFO located in other stations are enjoying the benefits available under CS(MA) Rules, 1944. As regards outdoor treatment, the EPFO personnel are getting fixed monthly allowance of Rs.600/- They stated that the retired employees are governed by CCS Pension Rules. They are enjoying fixed medical allowance of Rs. 100/- per month w.e.f. 1.12.97. The proposal for extending the facility of CGHS to the pensioners of the organisation was turned down by the Government due to resource constraints and as an alternative, Group mediclaim policy with the Oriental Insurance Company was introduced w.e.f. 6.12.1994. The 2nd applicant has been representing for providing adequate medical coverage during hospitalisation and extension of medical cover under CS(MA) Rules as CGHS facility is not available to them. Accordingly, the benefits available under CS(MA) Rules 1944 was extended to EPFO w.e.f.

ty

24.10.2006. They submitted that the claim of the applicant for treatment in PRS Hospital Trivandrum from 18th to 20th June, 2008 was processed in accordance with the CS(MA) Rules 1944 and the eligible amount was reimbursed to him. They stated that as per the extant rules, a Central Government employee and the members of their family are permitted to avail medical facility in any of the Central Govt./State Govt. and the Hospitals recognised by the State Govt./CGHS Rules/CS (MA) Rules, 1944 or the actual expenditure incurred whichever is less. They further submitted that the benefits under CS(MA) Rules is free whereas the benefits under CGHS are contributory and that the applicant is not contributing to CGHS to claim benefits under it.

4 The respondents have also filed a statement showing itemwise amount claimed by the applicant and the amount allowed under the CS (MA) Rules. They have also produced the file in which the claim was processed.

5 The applicants filed rejoinder and a statement enclosing Annexure A-12 rates of treatment under the CGHS.

6 We have gone through the documents produced before us.

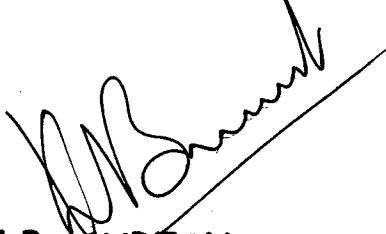
7 The applicants had earlier approached this Tribunal through O.A.236/2003 for a declaration that they are entitled to CGHS benefits as they are Central Government pensioners and in the alternative direct the respondents to frame a scheme on par with CGHS or on the basis of Annexure A-8 therein in consultation with Pensioners Association and to grant the benefits under A-6 to all the pensioners equally till a new scheme is introduced. That O.A was disposed of by the Tribunal on 29.10.2004 with a direction to the Central Board of Trustees to consider the case. In compliance with the above order, the FMA granted to retired employees were enhanced to Rs. 600/- on par with the serving

7/

employees of EPFO. Therefore, as things stand now a retired EPFO employee is getting a monthlyl medical allowance of Rs. 1200/-(revised) whereas, a retired Central Government employee on payment gets the facility of CGHS wherever available or Rs. 300/- as medical allowance (revised). The retired employees of the EPFO receive the FMA and reimbursement of expenditure for in-patient treatment. CGHS beneficiaries whether serving or retired have to contribute to the CGHS Scheme and are not entitled for FMA. All reimbursement for in patient medical treatment is met by CGHS authorities and not the parent Department of the employee. Hence, the applicants who are not contibutors to the CGHS scheme, cannot be put on par with the CGHS beneficieies for in patient treatment.

8 The medical claim of the 1st applicant was considered under the CS(MA) rules as his case is governed by the same and not by CGHS as he was not a contributory for the same. As per CS(MA) Rules, the claim is to be restricted to the rate of the Govt. hospital or the actual claim whichever is less. A perusal of the same would show that the reimbursement of the medical bill is in accordance with the CS(MA) Rules. We do not find any infirmity with A-6 order. The O.A is accordingly dismissed. No costs.

Dated 8th November, 2010


DR. K.B. SURESH
JUDICIAL MEMBER


K. NOORJEHAN
ADMINISTRATIVE MEMBER

Kmn