

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.344/2000

Thursday this the 31st day of May, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.Sreedharan
S/o Narayana Menon
Retired Assistant Collector of Customs
Leela Nivas, Edappally North
Cochin.
2. R. Sreekantan Nair
Son of Raman Pillai
Retired Assistant Commissioner of Income Tax
'Santhisree', Chackola Colony,
Perumannur
Cochin.
3. T.M.Balakrishnan
S/o Kunjukrishnan Nair
Retired Chief Accounts Officer
Central Excise, 'Prasanth', Kausalya Nagar
Cochin.
4. P.Mahadevan
S/o Parameswara Iyer
Retired Senior Accounts Officer, Telephones
residing at Swathi, Alappat Cross Road
Cochin.
5. K.P.Damodaran
S/o K.S.Parameswaran
Retired Licensing Assistant
Ministry of Commerce, 39/2730
Kizhakke Illom, D.H.Road, Cochin. ...Respondents.
By advocate Mr. M.V.Somarajan

Versus

1. Union of India represented by the Secretary
Ministry of Personnel
Public Grievances & Pension
Department of Pension and Pensioner's Welfare
New Delhi.
2. The Secretary, Ministry of Finance
New Delhi.
3. The Secretary, Ministry of Health & Family Welfare
New Delhi.
4. The Joint Director
Central Government Health Scheme
Kesavadasapuram, Trivandrum. ...Respondents.
By advocate Mr.A. Sathyanathan, ACGSC

The application having been heard on 31st May, 2001,
the Tribunal on the same day delivered the following:

O R D E R

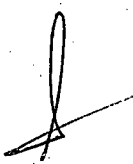
HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicants seek to direct the 3rd and 4th respondents to de-link the two CGHS dispensaries forthwith from the city of Trivandrum to appropriate cities in Central and Northern regions of the State of Kerala in the light of the orders at A-1 and A-2 and also to grant the medical benefits which are available to similarly situated pensioners in the cities like Madras and Bangalore by recognising eligible private hospitals for inpatient treatment in the State of Kerala.

2. The applicants are Central Government Service pensioners.

3 dispensaries were set up in Trivandrum city. Those dispensaries are of no use to pensioners scattered elsewhere in the State of Kerala. The Staff Inspection Unit found that 2 out of 3 dispensaries set up in Trivandrum are under attended and liable to be shifted to suitable places. Many of the pensioners who are permanent residents of Ernakulam and Kozhikode regions are CGHS card holders on payment of monthly contributions. Inaction in carrying out the recommendations in A-2 is illegal and arbitrary. Non-operation of CGHS dispensaries in Kochi and Kozhikode amounts to discrimination.

4. Respondents say that as per A-2 report, the norm for opening a CGHS dispensary is 2000 card holders which when multiplied by 5 comes to 10,000 beneficiaries. However, for extension of CGHS to a new city, it would require a minimum of 3 dispensaries so that the administrative cost gets distributed among them. Therefore, extension of CGHS to a new city would require 6,000 card holders which when multiplied by 5 comes to 30,000 beneficiaries. Opening of new CGHS dispensaries and delinking of existing dispensaries to other cities require policy decisions and have to be approved by various ministries. No such proposal has been approved by the Ministry of Health so far. It would not be possible to open additional administrative offices in the new cities of Kerala if the two dispensaries



were shifted out of Trivandrum. There is no proposal for opening a CGHS dispensary at Kochi and Kozhikode. The recognition of private hospitals for CGHS, Trivandrum is under consideration of the Ministry of Health.

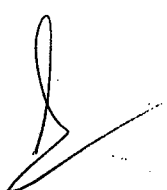
5. At the very outset, we would like to point out that we are not happy with the way in which the reply statement dated 23rd February, 2001 has been filed by the 4th respondent. We take strong exception to what is contained in para 8 of the reply statement which reads thus:

"Keeping in view the position explained in para 6 above, we may inform the Hon'ble Court that it is not possible to shift two dispensaries out of the existing three dispensaries in Trivandrum to relocate them in two other cities of Kerala since it would not be administratively feasible to manage the day to day administrative requirements of the dispensaries from the administrative office of the CGHS which is presently located in Trivandrum."

6. The applicants are relying on A1 & A2. A-1 is the common order passed by this Bench of the Tribunal in OA No.1341 of 1995 and OA No.33 of 1996. There it is stated thus:

"Respondents will consider the possibility of locating the dispensaries at three different, preferably at equi-distant points in the State, so that the benefit will reach the beneficiaries residing in different areas, without having to go to Trivandrum for treatment."

7. So it is quite clear that the direction is not to locate three dispensaries at three different centres but only to consider the possibility of locating ~~the~~ dispensaries at three different centres. So based on A-1, the applicants cannot insist on delinking the 2 CGHS dispensaries from Trivandrum to appropriate cities in the Central and Northern regions of Kerala.



8. A-2 is the report of the Staff Inspection Unit on the Norms study of CGHS (Allo) dispensaries dated 2nd November, 1999. Reliance is placed by the applicants at para 5.1.5 of the A-2 report wherein it is stated that immediate action is required either to close down or to relocate the dispensaries not having enough workload to justify even one Medical Officer (i.e. less than 75 attendance per day) to other cities/towns. So that is only in the nature of recommendation. It is for the authorities concerned to consider it and to accept or not to accept the recommendation. In the reply statement it is stated that there is no proposal for opening of CGHS dispensaries at Kochi and Kozhikode. As far as opening or delinking of CGHS dispensaries is concerned, it is for the authorities concerned to consider all the relevant aspects. It is not for the Tribunal to direct that CGHS dispensary should be located in a particular place or ^{Ex} particular places. It is also stated by the respondents that opening of new CGHS dispensaries and delinking the existing ones to other cities would require policy decision and the proposal has not been approved by the Ministry of Health so far.

9. As far as the claim of the applicants for recognising eligible private hospitals for in-patient treatment as far as Trivandrum is concerned, it is stated that it is under consideration of the Ministry of Health. It cannot be a case of recognising any private hospitals, for, the applicants say that only eligible private hospitals are to be recognised.

So, going by the applicants' own case, the private hospitals should be eligible hospitals. That eligibility is to be decided by the authorities concerned, considering all the various aspects.

10. For the reasons stated, the reliefs sought for cannot be granted.

11. Accordingly the OA is dismissed.

Dated 31st May, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-1: True copy of the final order in OA 1341/95 and in OA 33/96 (combined) of the CAT, Ernakulam dated 24.4.96.
- A-2: True copy of the letter of 2nd respondent enclosing report of the Staff Inspection Unit as per letter No.25/1/97-SIU dated 2.11.99 forwarded to the 3rd respondent.