

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 57/2008

This the 13th day of August, 2009

Hon'ble Dr. A.K. Mishra, Member(A)

Khem Singh Arya, Aged about 77 years, S/o late Sri H.L. Arya,
R/o B-223 Rajajipuram, Lucknow.

.....Applicant

By Advocate: Sri A.A. Khan

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Chief Medical Superintendent, N.E.R., Badshah Nagar, Lucknow.

.....Respondents

By Advocate: Sri V.K. Srivastava

ORDER

The applicant has challenged the order dated 11.1.2008 of respondent no.2, in which his medical reimbursement claim for Rs. 152504/- in respect of angiography with angioplasty undergone by him in 2006 was rejected.

2. The applicant retired from Railway service on 30.11.1991. He had to undergo invasive heart surgery on 12.12.2006 in the Cardiology Department of K.G.M.C., Lucknow. The original claim for reimbursement had contained a few defects, which were rectified subsequently and the claim was resubmitted on 14.8.2007. However, the claims were finally rejected in the impugned order dated 11.1.2008 of respondent no.2 on the ground that the applicant was not registered as a beneficiary under Railway Employee Liberate Health Scheme (RELHS)-1997, nor was he a holder of health identity card during the period from 5.12.2006 to 6.3.2007 when he incurred the expenditure relating to heart surgery.



3. The applicant has submitted that the Railway Board had agreed to provide a fresh opportunity to retired employees for registering themselves under the scheme during 1.1.2007 to 31.12.2007. Accordingly, the applicant deposited Rs. 7806/- on 20.4.2007 and he was allotted RELHS no. 1537/BNZ, which was entered in his medical identity card issued on 21.4.2007. His contention in the O.A., is that he should have been given the benefit of RELHS 1997 Scheme retrospectively once he was admitted to it during the year 2007.

4. The learned counsel for the respondents submitted that the applicant became entitled to all the benefits of the scheme only after he deposited the requisite lumpsum amount and was registered as a beneficiary under it w.e.f. 21.4.2007; therefore, any claim relating to a prior period was not admissible and correctly rejected by the respondent authorities.

5. The applicant filed Supplementary affidavit on 2.5.2009 stating that he had deposited Rs. 3820/- vide office voucher no. 2064/11/R dated 16.11.1991, which included one month's salary meant for issue of medical card. He filed a copy of his representation to the DRM, NER, made on 24.1.1992 regarding settlement of his outstanding dues payable to him on his superannuation. Item 2 of his pending claims enumerated in this representation speaks about settlement of his salary for November, 1991 amounting to Rs. 3820/- having a reference to office voucher no. 2064/11/R dated 16.11.1991. There is an entry 'for medical card' written by hand inserted at the end of the typed sentence. The learned counsel for the applicant fairly states that if the deposit of one month's salary during 1991 towards medical benefits under the retired employees' scheme is not established, then the applicant will not have a case.

6. The respondents have filed Supplementary Counter Reply denying that the applicant had ever deposited Rs. 3820/- for issue of medical card. It was argued that, had it been a fact, it did not stand to reason why the applicant again deposited Rs. 7806/- in the year 2007 following which medical identity card was issued in his name. Further, no mention about the deposit of this amount had ever been made either in the O.A. or in the



RA filed by the applicant earlier. The representation dated 24.1.1992 speaks about the settlement of his outstanding dues. It narrates all the items against which dues were payable to him. This list of claims included item no.2 towards his salary for the period 1.11.1991 to 30.11.1991. The word 'for medical card' appears to be an interpolation, which has been inserted later-on. Similarly, the sentence 'please arrange to issue medical card' was also inserted by hand at the end of last paragraph of the typed representation. This again appears to have been made on after-thought. The applicant has not produced a copy of office voucher no. 2064/11/R dated 16.11.1991 to support his claim that the deposit was made for issue of medical card. He does not clarify what happened to his representation for settlement of his pre and post retiral dues and whether this amount was paid to him by the respondents. He has not made any claim for the benefit under RELHS-1997 Scheme at any time prior to reimbursement claim made in 2006.

7. I find that the applicant is not able to prove that he was registered as a beneficiary under RELHS-1997 scheme when he made the claim for reimbursement. He has not made any mention about deposit of money towards issue of medical card during 1991 either in the O.A. or in the RA filed in the application. His consistent plea was that he was entitled to the benefit of RELHS 1997 Scheme with retrospective effect after having been admitted to the scheme in 2007. According to him, since the old scheme was revived its benefits could not be denied to retired employees, even though they were were registered later-on. He had never agitated for issue of medical card under the RELHS- 1997 scheme, his representation dated 24.1.1992 notwithstanding. The reliability of this representation, which was filed with the Supplementary Affidavit is itself open to question, inasmuch as the phrase 'for medical card' against item no.2 and the sentence 'please arrange to issue medical card' at the end of representation seem to have been interpolated by hand. The main purport of the representation was for settlement of his outstanding dues and

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was not for issue of medical card; therefore, no reliance can be placed on such a doubtful representation.

8. In the circumstances, I find that the applicant was not a registered member of RLEHS-1997 scheme during 2006 when he incurred expenses for heart surgery and claimed reimbursement.

9. Resultantly, I find no infirmity in the impugned order of respondent no.2. The application is accordingly dismissed. No costs.


(Dr. A.K. Mishra)
Member(A)

Girish/-