

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 266/2008

This the 7th day of October, 2008

HON'BLE DR. A.K.MISHRA, MEMBER (A)

Ambar Dass aged about 84 years son of late Ram Charan r/o Malviya Nagar (Punjab Iron Comopound) Aishbagh, District Lucknow retired from the Post of Fitter Grade II on 30.9.1982 from the Office of Northern Railway Locomotive Workshop, Charbagh, Lucknow.

Applicant

By Advocate; Sri L.K. Pathak

Versus

1. Union of India through the General Manager, Northern Railway, Rail Bhawan, New Delhi.
2. The Director of Accounts (Postal), U.P.Circle, Lucknow.
3. Chief Post Master General, U.P. Division, Hazratganj, Lucknow.
4. Assistant Director (Welfare) U.P. Region, Hazratganj, Lucknow.
5. Senior Post Master , Chowk , Lucknow.

Respondents

By Advocate: Sri N.K.Agrawal and Sri Ganga Singh

ORDER

BY HON'BLE DR. A.K. MISHRA, MEMBER (A)

This application has been directed against the order dated 21.2.2006 of respondent No. 5, rejecting the claim of the applicant for grant of medical allowance @ 100/- per month.

2. The applicant is a retired employee of Northern Railway. He filed a claim for monthly medical allowance of Rs. 100/- on the basis of the instructions contained in the circular dated 21.4.1999 of the Ministry of Railways. According to the guidelines , such medical allowance is payable in the event the distance of the residence of Railway pensioner is more than 2.5 Km from the nearest Railway Medical Center. The applicant submitted an undertaking stating that his residence is located beyond 2.5 Km from the nearest Railway Hospital/ Health Unit. His claim is based on the fact that the Indoor Railway Hospital, Charbagh, Lucknow of Northern Railway is at a distance of 3.5 Kms. therefore, he was entitled to the medical allowance as per the circular of Railway Board.



3. The responsibility for disbursement of pension and other allowances to the pensioners of Railways has been entrusted to the Postal Department. On verification of the claim, it was ascertained by the respondent No. 5 that there is a Railway Polyclinic situated at Aishbagh belonging to North Eastern Railway. It was clarified by the Divisional Personnel Officer of the North Eastern Railway that any retired employee of any Railway settled at any place in India can make use of medical facility in any hospital/ medical unit of any other Railway (vide Annexure B of Counter Affidavit). On the basis of such clarification, respondents came to the conclusion that there is a recognized Railway Medical facility located at Aishbagh which is situated at a distance of 0.7 Km. from the residence of the applicant. As such, it was held that he was ineligible for the medical allowance. The applicant made a representation against this order on 17.9.2007 to the Senior authorities of the Postal Department without any favourable result. Hence this application.

4. The applicant submitted that the Polyclinic at Aishbagh belonged to North Eastern Railway but he was a retired employee of Northern Railway. Therefore, he could not avail himself of medical facilities at Aistbagh Polyclinic. Moreover, it does not have Indoor hospital facilities which are provided by the Charbagh Railway Hospital of Northern Railway at Lucknow. The clarification has been issued by an authority of North Eastern Railway. It is not supported by any endorsement from a responsible officer of Northern Railway, hence he could not rely on the clarification issued by the Personnel Officer of North Eastern Railway. He has further stated in the Rejoinder Reply that many employees of the Northern Railway living in close proximity with his residence are in receipt of medical allowance. He failed to understand he claim has been discriminated against and his claim was disallowed.

5. The respondents have maintained their objection on the ground that medical facilities for the applicant were available at the Aishbagh Polyclinic of North Eastern Railway. The distance between the Aishbagh Polyclinic and his residence is less than 2.5 Kms. As such, he does not satisfy the eligibility criterion for grant of medical allowance.



6. Admittedly, the applicant is an employee of Northern Railway and he is getting pensionary benefits from the accounts of Northern Railway. The Postal Department has the responsibility of checking the claims and disbursing the pensionary and other benefits payable to the retired employees of the Railway concerned. In view of the clarification issued by the Divisional Personnel Officer of North Eastern Railway that retired employee belonging to any Railway can get medical facilities of any other Railway Hospital /Medical units, there was no illegality on the part of the respondents in not releasing the medical allowances in favour of the applicant.

7. However, it is open for the applicant to agitate the issue before the competent authority of Northern Railway whether such an interpretation is valid and whether he could not be deemed to be a beneficiary of Charbagh Hospital of Northern Railway, even though there is a Polyclinic belonging to North Eastern Railway at Aishbagh. If advised, the applicant may make a representation in this regard before the competent authority of Northern Railway. Original Application is disposed of with the above observations.


7/10/08
MEMBER (A)

HLS/-