

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 436 of 2006

Date of order : 31.1.07

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Bijendra Prasad Keshri S/o Late Bisheshwar Prasad, retired Superintendent, National Sample Survey Organisation (Field Operation Division) Ministry of Statistics and P.I and resident at Panchvati Changar Road, Kankarbagh, Patna.

....Applicant

By Advocate : Applicant in person

Vs.

1. The Union of India through the Secretary, Ministry of Health, Nirman Bhawan, New Delhi.
2. The Deputy Director General, Central Government Health Scheme, Nirman Bhawan, New Delhi.
3. The Director, Central Government Health Scheme, Nirman Bhawan, New Delhi.
4. The Additional Director, Central Government Health Scheme, Frazer Road, Opp. Radio Station, Patna - 1.

....Respondents

By Advocate : Shri Sarvesh Kumar Singh on behalf of Shri M.K. Mishra, Sr.Standing Counsel

O R D E R

By Sadhna Srivastava, M (J):-

The applicant seeks direction upon the respondents to fix amount of contribution made towards availing medical facilities under Central Government Health



Scheme (CGHS in short), in accordance with the revised Circular dated 20.9.2004 instead of the Circular dated 4.9.1998.

2. The facts of the case are that the applicant, while working as Superintendent in the office of National Sample Survey Organization, Ministry of Statistic and Programme implementation, superannuated on 30.4.2004. After retirement he applied for CGHS pensioner's card under the then existing Rules, 1998 for availing CGHS facilities. Since he was drawing the basic pension of Rs. 5170/- and Rs. 10,500/- as salary at the time of retirement, he paid Rs. 12,000/- as contribution for availing medical facilities under the CGHS scheme for whole life. Thereafter, a circular dated 20.9.2004 applicable with effect from 01.04.2004 was issued. The said Circular provided contribution of Rs. 70/- per month for the pensioners drawing the pension at the rate of Rs. 6000-10,000/- per month (after merger of 50% D.A.) His contention is that he is entitled to pay the contribution at the rate of Rs. 70/- per month. Therefore, he seeks refund of excess amount of contribution already paid at the rate of Rs.



100/- per month.

3. The respondents have alleged in the reply that the applicant himself deposited contribution of Rs. 12,000/- on the basis of one time payment. Hence no refund can be made and no change of option also can be made in this case. They further allege that in the circular dated 27.6.2001 issued by the office of Director General of Health Services, New Delhi, it has been clarified that there is no provision for refund of any subscription received for issue of permanent CGHS card, and in this case the applicant had already been issued a permanent CGHS card for 10 years / life time. Therefore, no refund can be made. His case is, therefore, closed.

4. Heard the parties and perused the pleadings. The only question is whether those who have been granted the benefit under the then existing CGHS Scheme, can their cases be reopened under the revised circular of 2004. On perusal of the circular of 2004, I do not find any such clause wherein the earlier optee can be provided an opportunity to claim refund on the basis that the amount of contribution has



been reduced under the revised circular of 2004.

5. On perusal of pleadings and documents on record, it transpires that the respondents had issued CGHS Card to the applicant on the basis of his basic salary which was mentioned as Rs. 10,500/-. The slab of contribution, according to the Circular of 1998, was Rs. 100/- per month on the said amount. The CGHS card issued to the applicant on the basis of basic salary carried higher benefits. If the CGHS contribution was made on the basis of basic pension in a lower slab as compared to payment on the basis of last basic pay, such pensioners would correspondingly get a lower entitlement of ward (i.e., general ward/private ward etc). It is also relevant to mention that the applicant himself opted to pay contribution of Rs. 13,000/-. The CGHS card issued to him also reflected that the card was issued on the basis of basic salary of Rs. 10,500/-. The CGHS card was issued to the applicant on 10.5.2004. the Circular dated 20.9.2004 has been made effective with effect from 1.4.2004. However, it would not amount to saying that those who have already been issued CGHS card prior to 20.9.2004 can again opt



and revise their option.

6. Therefore, I am of the considered opinion that the employees / pensioners who have already paid contribution under the then existing circular of 1998 cannot claim the benefit under the revised circular of 2004. The applicant has been made to pay the contribution of Rs. 100/- per month for 10 years, amounting to Rs. 12,000/-. Since the slab of contribution on the said amount of pension as well was Rs. 100/-, therefore, there was no illegality committed by the respondents in issuing the CGHS card on the basis of basic salary of Rs. 10,500/- as drawn by the applicant at the time of retirement.

7. In view of the above, I do not find any ground to interfere in the matter. It is, accordingly, dismissed without any order as to the costs.


[Sadhna Srivastava] M [J]

/cbs/