

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 6.1.2005

ORIGINAL APPLICATION NO. 438/2003

Lt. Col. Mahaveer Singh Nathawat Retd. NCC/PC-12110 son
of Late Shri Major Prithvi Singh, aged 63, resident of
K-57, Kishen Nagar, Shyam Nagar, Jaipur.

...Applicant

VERSUS

1. Union of India through Secretary Ministry of
Defence, Government of India, South Block, New
Delhi.
2. Director Genral, National Cadet Corps, West
Block, IV R.K. Puram, New Delhi.
3. Director General, Armed Forces Medical Services,
M-Block, New Delhi.
4. The Adjutant General, Army Head quarter, Southy
Block, New Delhi.
5. The Deputy Chief of Army Staff (B), Army Head
Quarters, South Block, New Delhi.
6. AGIF, AGI Bhawan, Rao Tularam Marg, Post Bok No.
14, Post Office Basant Vihar, New Delhi.

....Respondents.

None present for the applicant.
Mr. Kunal Rawat, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed this OA praying for the
following reliefs:-

(1) The respondents be directed to extend the
medical benefits at par with the benefits being
provided to the armed force officers.

(2) The respondents be directed to comply with
the Directions as made by the Union Govt. vide
Annexure -1.

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(3) The respondents be directed to provide future specialised medical treatment at par with the retired armed force officers and their families including membership to CGEI Scheme or any other scheme as applicable from time to time.

4. The respondents be directed to release and reimburse a sum of Rs.22,792/- to the applicant as medical reimbursement.

(5) Cost of the application be awarded in favour of the applicant.

2. The applicant who retired as an NCC Whole Time Officer has submitted his claim to the Authorities for granting medical facilities at par with the officers of the Armed Forces. It is further alleged that he has made a representation in that regard but no action has been taken by the respondents. Further case of the applicant is that even Government of India has issued instructions to the effect that NCC Whole Time Officers and their dependant family members are entitled for medical facilities on the same lines as are admissible to the Armed Forces Officers and their family members after retirement keeping them at par with them. Despite this benefit is not extended to the applicant.

3. Notice of the application was given to the respondents. Respondents have filed reply. In the reply, it has been stated that the representation of the applicant has been duly considered and he been informed vide letter dated 17.9.2002 whereby it has been made clear that applicant will be entitled to medical facilities to the extent which is being provided to Ex-Servicemen of regular Indian armed forces. It will be useful to quote letter dated 17.9,2002 in extenso, which thus reads:-



OFFICE OF THE DGAFMS/
DG-3A 'M' Block,
Ministry of Defence
New Delhi 110001

No. 4686/DGAFMS/DG-3A

Lt. Col. M.S. Nathawat (Retd.)
K-57, Kishan Path,
Shyam Nagar,
Jaipur 302019

GRANT OF MEDICAL FACILITIES TO NCC WHOLE TIME
OFFICERS AFTER RETIREMENT / REIMBURSEMENT MEDICAL
EXPENDITURE ON SPECIAL MEDICAL TREATMENT.

1. Refer your letter No. NCC/PC-12110/Med/02/1 dt.
05 Sept. 2002.

2. Your request for specialized treatment at Armed
Forces Medical Services Hospitals have been studied and
the following observations are made:-

- (a) You have been covered under CGHS while in
service. Under the Central Government
Health Scheme rules a person can derive
medical benefits only from one source
i.e. in your case either from CGHS or
from AFMS.
- (b) Following retirement you have been
entitlement to medical treatment through
AFMS as per the Govt. letter No. 5431/NCC
HQ/PC/TCs/MS(B)/99D(Med) dated 2 Dec.
1999. Hence you will be entitled to
medical facilities only to that extent
which is being provided to Ex-servicemen
of regular Indian Armed forces. The
specialized treatment facilities like
Angiography/Angioplasty etc. are not
extended to the Ex.servicemen and hence
we regret to inform you that the same
cannot be provided under the present
policy. Those ret'd. offts. who are member
of AGIF/AFGIF/NCIF get the treatment
through their recognized hospitals and
get the authorised reimbursement.


3. This is for your information please.

(S.Aditya)
Lt. Col. "

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4. None has put appearance on behalf of the applicant on 28.7.2004, 22.9.2004 and 8.11.2004. When the matter was listed on 8.11.2004, the same was adjourned to 6.1.2005. It was made clear on 8.11.2004 that in case no appearance is made on behalf of the applicant, the matter will be decided accordingly. None has appeared on behalf of the applicant even today. Accordingly, I have heard the learned counsel for the respondents and have gone through the material placed on record.

5. In view of the stand taken by the respondents in their reply that the applicant will be entitled medical facilities only to the extent which is being provided to Ex. Servicemen of Regular Indian Armed Force, nothing survives in this OA and the same has become infructuous, which is accordingly dismissed with no order as to costs.


(M.L. CHAUHAN)
MEMBER (J)

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