

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT AT INDORE

Original Application No. 433 of 2002

Indore, this the 16th day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

1. Balakram Verma, S/o. Shri
Munshiram Verma, aged 65 years,
Station Manager (Retd), r/o.
2065, Babu Galli, Mhow.
2. Western Railway Pensioners' Association,
Mhow, through its Vice President, Shri
Roopsingh, s/o Shri D. Singh, aged 72
years, 55, Ayodhyapuri Colony,
Kodariya, Mhow. ... Applicants

(By Advocate - None)

V e r s u s

1. Union of India, through
Secretary, Railway Board, Ministry
of Railways, New Delhi, 110003.
2. General Manager, Western Railway,
Churchgate, Mumbai,
3. Divisional Rail Manager, Western
Railway, Ratlam.
4. Senior Divisional Accounts Officer,
Western Railway, Ratlam. ... Respondents

(By Advocate - Shri Y.I. Mehta, Sr. Adv. assisted by Shri
Zameer Ahmed Khan)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None is present for the applicant. Since it is a
case of 2002, we are disposing it of by invoking the
provisions of Rule 15 of CAT (Procedure) Rules, 1987.

2. By filing this Original Application the applicants
have sought the following main reliefs :

"8.1 It be declared that the order annexure A-1
issued by the respondent No. 4, the Senior Divisional
Accounts Officer stopping payment of medical
allowance of Rs. 100/- p.m. for the optee pensio-

Gr.

ners is illegal and the same be quashed.

8.2 The respondents be directed to implement the order dated 21.4.99 as amended by annexure A-2 and A-3 be implemented in its true spirit and accordingly, respondents be directed to issue necessary orders to the Banks/Post Offices pension disbursing authorities to make monthly payment of Rs. 100/- as medical allowance to the Railway pensioners who have opted as such from 1.12.1997.

8.3 The respondents be directed to pay interest at the rate of 18% p.a. on the arrears of medical allowance payable to the applicants and railway pensioners/family pensioners who have opted for the same within a specified period as deemed proper."

3. The brief facts of the case as stated by the
applicants are that the applicant^{No. 1} as well as the members
of, applicant No. 2 Western Railway Pensioners'
Association, Mhow^{-door-} have not opted for out/patient dispen-
sary facility and they are also not permitted to claim
medical allowances at the rate of Rs. 100/- per month.
According to them the Railway Board has issued a circu-
lar dated 21.4.1999 conveying the decision of the Govern-
ment on the recommendation of the Vth Central Pay
Commission for grant of fixed medical allowance at the
rate of 100/- per month to the Railway Pensioners/family
pensioners. According to them the Central Government
Health Scheme is applicable to the Railway employees
provided the pensioner becomes its member. This scheme is
applicable only to the persons who are residing at
Jabalpur in Madhya Pradesh. The Railway pensioners residing
in Mhow are^{not} members of the scheme as there is no facility
of CGHS at Mhow or nearby Indore. It is further submitted
by them that at Mhow/Indore there are railway lock-up
dispensaries. These out door dispensaries are opened part-
time in the morning and evening only. Since they are not
getting^{out-door} treatment at this lock up dispensary, they are

entitled ~~for~~ ^{by} this medical allowance at the rate of Rs. 100/-
They have made a representation to the respondents on 24th
January, 2001, but to no avail. Aggrieved by this, they
have filed this Original Application claiming the aforesaid
reliefs.

4. The respondents in their reply have stated that the
applicant No. 2 is neither the aggrieved person nor it is
proper party as held ^{by} ~~the~~ the Ahmedabad Bench of the Tribunal
in OA No. 796/1999 on 18.10.2001. They have submitted that
the circular issued by the Railway Board clearly states
that where there is a non-availability of regular Railway
Medical facilities to such persons within the limits of
Municipal-ity ^{and} /like areas they should be given Rs. 100/- as
fixed medical allowance. Therefore a list of such centres
where any type of medical units were available was given
in Annexure III of Annexure A-5. But the list also inclu-
ded lockup Health Units/Dispensaries within the meaning
of Railway medical facilities. The word lock-up dispensa-
ries meant and were always understood to mean a Railway
Medical facility centre which was not providing regularly
medical facility to the Railway employee on all working
days of a week through-out the year. But Mhow is a place
where regular Railway medical facilities are available
through out the year on all working days and therefore
would be treated as a regular Medical Health unit within
serial No. 'D' of Western Railway at Annexure III of
Annexure A-5. It was due to oversight that Mhow was not
indicated in that Annexure III of Annexure A-5. Vide
circular dated 16.08.2001 the same has been included
(Annexure R-2). As per letter dated 21st October, 1999

GP.

(Annexure A-6) the list given in Annexure-III, regarding Lock up dispensaries, were deleted mentioning thereby that such persons who are residing in such areas where lock up dispensaries are situated and where no other health unit is available shall be entitled for grant of medical allowance at the rate of Rs. 100/- per month provided they opt for the same. But such deletion has no bearing on the controversy in ~~the~~ hand and impugned order at Annexure A-1 has rightly been passed taking into consideration the spirit of Annexure A-5. As there has been Railway health unit available since the time of British regime, no fault could be found with it. In view of this fact the Original Application is without any merit and the same is liable to be dismissed.

5. Heard the learned counsel for the respondents and have very carefully considered the submissions made by the learned counsel for the respondents and also considered the pleadings.

6. We find that the Railway Board letter dated 21st April, 1999 (Annexure A-5) specifically states as under :

".....
Sanction of the President is hereby accorded to the grant of fixed medical allowance @ Rs. 100/- p.m. to railway pensioners/family pensioners residing outside the City/town/municipality limits of places where a Railway hospital/health unit/Lock up dispensary is situated, subject to fulfilment of the conditions laid down in the following paragraphs.

4. Existing pensioners as well as the future retirees shall have to exercise one time option in the prescribed form (Annexure -I) to avail of medical facilities at OPD of Railway Hospitals or to claim fixed medical allowance of Rs. 100/- p.m."

Annexure-I is an undertaking and option form, annexed with the letter dated 21st April, 1999. The same is as follows :



"I.....
hereby declare that :-

my place of residence lies within the City/
town/municipality limits of the places where
Railway Hospitals/Health Units/Lock up
dispensaries exist hence, I am not entitled
for the grant of Medical Allowance and I will
be availing the existing OPD Medical facili-
ties, the necessary endorsement may please be
made in my PPO in this regard.

OR

I am residing in a place which lies outside
the jurisdiction of City/town/municipality
limits of the places where Railway Hospitals/
Health Units/Lock up dispensaries are availa-
ble as mentioned in Annexure III of Railway
Board's letter No. 86-V/98/I/7/1/1 dated
21.4.99 (S.No. PC-V/167, RBE No. 65/99).
Accordingly, I hereby opt :-

- i) for the OPD medical facility from
railway Hospitals/Health Units/Lock
up dispensaries.

OR


- ii) to claim fixed medical allowance of
Rs. 100/- per month.

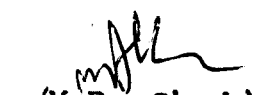
Necessary endorsement may please be made in
my PPO in this regard."

The undertaking and option form clearly indicate that a
person whose residence lies between the city/town, where
Railway hospitals/health units/lock up dispensaries exist,
he is not entitled for grant of medical allowance and will
be availing the existing OPD medical facilities, in these
places. The Railway Board vide its letter dated 21st
October, 1999 (Annexure A-6) has deleted the words lock up
dispensaries from the circular issued on 21st April, 1999,
meaning thereby that the persons who are residing in such
areas where lock up dispensaries are situated and where no
other health unit is available shall be entitled to grant
of fixed medical allowance at the rate of Rs. 100/- per
month. In this case we find that Mhow has a health unit
and not a lock up dispensary. The Railway Board vide its
letter dated 16th August, 2001 which has been circulated
by the DRM Office vide their letter dated 24.09.2001 sta-
tes that Mhow and Bhilwada Health Units should be included

in the list of Health Units at Annexure-II of Annexure A-5, issued by the Railway Board on 21st April, 1999. Since the applicants are residing at Mhow, where there is a regular health unit which is within the municipal limits of Mhow, they can avail the OPD facilities from that unit and thus are not entitled for grant of Rs. 100/- per month as fixed medical allowances.

7. In view of the facts mentioned above the Original Application does not have any merit and is accordingly, dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठान्त सं. ओ/का..... वास्तव्य दि.....
परिचिति

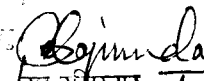
(1) सचिव, न्यायिक विभाग, न्यायिक विभाग, न्यायिक विभाग

(2) अध्यक्ष, न्यायिक विभाग, न्यायिक विभाग, न्यायिक विभाग DM Kulkarni

(3) सचिव, न्यायिक विभाग, न्यायिक विभाग, न्यायिक विभाग Y. Mehta

(4) न्यायिक विभाग, न्यायिक विभाग, न्यायिक विभाग

सूचना एवं आवाज के माध्यम से


रजिस्ट्रार 11/2/04

Filed
on
11.2.04