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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 348 of 1998

Jabalpur, this the 30th day of January, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admn.)

Bhagwandas son of Shri Khokhe Singh,
aged about 76 years, retired Machine
Shop Loco Foreman, Jabalpur, R/o
Uprenganj, Jabalpur (MP)

-APPLICANT

(By Advocate- Mr. S.K. Garg)

Versus

1. Union of India through Ministry of Railway, -Affairs, New Delhi.
2. General Manager, Central Railway, Bombay.
3. Divisional Railway Manager, Central Railway Jabalpur, Distt. Jabalpur (MP)

-RESPONDENTS

(By Advocate- Mr. S.P. Sinha)

ORDER (ORAL)

The applicant has filed this application seeking direction to the respondents to give the benefit of Retired Employees Liberalised Health Scheme, after taking only Rs.500/- basic pay, which was pay ~~scale~~ at the time of retirement to self and of his family members including his daughter Asha Thakur and his son Anuj Singh. He also sought a direction to the respondents not to recover Rs.4600/- and Rs.30/- per year from 1981 to 1988 and also Rs.72/- from 1989 to 1997 from him.

2. It is claimed by the applicant that he was an employee of the Railway Department, working as Machine Shop Keeper Loco Foreman, Jabalpur and retired from service on 31.7.1980. At the time of his retirement, his

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basic pay was Rs.500/- per month. It is further claimed that his daughter Asha Thakur and his minor son Anuj Singh were not recorded dependents at the time of retirement. After retirement, his daughter was married, and subsequently his son-in-law, i.e., Om Pal Singh died in an accident in 1987. The daughter of the applicant Asha Thakur and his son Anuj Singh are living with the applicant. It is further claimed that the applicant has applied for giving the benefit of Retired Employees Liberalised Health Scheme, 1997 vide letter dated 15.1.1998 (Annexure A/1). The applicant has been directed to pay Rs.4600/- as last monthly basic pay and Rs.30/- per year from 1981 to 1988 and Rs.72/- from 1989 to 1997. The learned counsel for the applicant states that the applicant has filed an affidavit in support of his claim that his daughter and son are dependents on him. According to the learned counsel, the direction of the respondents to deposit the amount is unjustified in view of the fact that the applicant's basic pay was only Rs.500/- at the time of his retirement.

3. The learned counsel for the respondents invited attention to the return filed on behalf of the respondents in which it has been stated that the demand from the applicant is based on the instructions issued under Retired Employees Liberalised Health Scheme. According to the learned counsel, widowed daughter is not entitled to any benefit under the Health Scheme or Pass Rules. Besides, the applicant has not furnished the details like age of the widowed daughter, her residence, nor any proof that she is dependent upon the applicant. The contention of the learned counsel is that the applicant

C. J. Narayan

wants to take advantage under the scheme enforced from 15.1.1996, but does not want to comply with the requirement of para 3 of the said scheme. The claim of the applicant is contrary to the provisions of scheme and deserves to be rejected. If the applicant wants to switch over to the new scheme he/ is required to pay all dues under the said scheme.

4. After hearing the learned counsel of both the parties and after perusal of the records, it is held that if the applicant wants to avail the benefit of scheme, he must comply with the provisions of this scheme. The new scheme as per circular letter dated 10.5.1996 (Annexure R/1) requires that after one year of retirement, only those retired employees may be allowed to join, who also pay one time contribution of an amount equal to the last drawn or if a new set of pay scales comes into effect then the equivalent in the relevant scale of pay corresponding to the last pay drawn. This Tribunal does not find any infirmity in the scheme. Therefore, the order of the respondents does not call for any interference. In this view of the matter, this O.A. is dismissed without any order as to costs.

(In 3 yr. Cenrt)

(R.K.Upadhyaya)
Member (Admnv.)

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प्रकाशन संग गो/जा..... जनरल दि.....

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राष्ट्रीय उत्तराधिकार विभाग

*S. K. Ganguli
S. P. Sambal - Adm*

J. M. G. S. A.

*Issued
on 5.2.03*