

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

23.03.2009

OA No. 88/2009

Mr. Abhishek Bhandari, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATTRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of March, 2009

ORIGINAL APPLICATION NO. 88/2009

COUSANS

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER .
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Dr. Jawahar Singh Bapna son of Shri K.L. Bapna, aged about 56 years,
resident of 102, Kishore Apartment, B-24, Prabhu Marg, Tilak Nagar,
Jaipur.

.....APPLICANT

(By Advocate: Mr. Abhishek Bhandari)

VERSUS

1. Union of India through Secretary (HQ), Office of Directorate General of Health Services, Nirman Bhawan, New Delhi.
2. The Director General (HQ), Office of Directorate General of Health Services, Nirman Bhawan, New Delhi.
3. The Additional Director, Office of Directorate General of Health Services, Nirman Bhawan, New Delhi.
4. The Additional Director, Central Government Health Scheme, Kendriya Sadan Parsar, B-Block, Ground Floor, Sector-10, Vidyadhar Nagar, Jaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

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

- (i) That the benefit of the Central Government Health Scheme facilities may be extended to the applicant as the applicant has full right to receive the same.
- (ii) Any other appropriate order or direction which this Hon'ble Tribunal may deem fit and proper may kindly be pass in favour of the applicant.
- (iii) Cost of the Original application may also be awarded in favour of the applicant."

2. The grievance of the applicant is regarding the order dated 10.09.2008 (Annexure A/1) whereby he was informed that he is not entitled to CGHS facility as he has been permanently absorbed in the

Institute of Human Behaviour and Allied Sciences under the State Government of Delhi. It is this order, which has been challenged in this OA.

3. We have heard the learned counsel for the applicant and have gone through relevant provisions of Central Government Health Scheme. As can be seen from the provisions contained CGHS, the same has been made applicable to all employees paid from Civil estimates (other than those employed in Railway service and those employed in Delhi Administration). It is further stipulated in the Scheme that the Central Government pensioners are also entitled for the aforesaid Scheme. Admittedly, the applicant after his absorption under Delhi Administration cannot be said to be Central Government employee to whom the provision of aforesaid Scheme is applicable. Further as can be seen from the pension payment order, the issuing authority for grant of pension is also Delhi Administration, as such he cannot be said to be the Central Government pensioner drawing his pension from ~~under~~ Central Government.

4. In view of what has been stated above, the applicant is not entitled for the CGHS facility. Learned counsel for the applicant contended that similarly situated persons have been extended CGHS facility whereas such facility has been denied to the applicant. According to us, in case provisions of CGHS have been wrongly made applicable in respect of certain persons, who are working in the Institute of Human Behaviour and Allied Sciences under the State Government of Delhi, according to us, this fact ~~ipso facto~~ does not entitle the applicant for any relief. Since the applicant has got no legal right for claiming CGHS facility, as such no mandamus can be issued.

5. In view of what has been stated above, we are of the view that applicant has not made out any case for grant of relief. Accordingly, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAKRAN)
MEMBER (J)

AHQ