

CENTRAL ADMINISTRATIVE TRIBUNAL,

3

CHANDIGARH BENCH

O.A.No.060/00215/2014

Orders pronounced on: 20.3.2014

(Orders reserved: 12.03.2014)

CORAM: **HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

1. Chaman Lal Aggarwal son of Shri Om Parkash, aged 65 years, Deputy Postmaster (Retired), resident of House No. 2246, Sector 44-C, Chandigarh.
2. Krishan Lal Sachdeva son of Shri Jawala Das, aged 65 years, Sub Postmaster (Retired), resident of House No. 1244, Sector 15, Panchkula (Haryana)
3. Jaspal Sharma son of Shri Ram Sharan Das, aged 61 years, Senior Postmaster, (Retired), resident of House No.67, Sharab Mangal Society, Logad Road, Zirakpur, District Mohali (Punjab).
4. Bishahhar Nath son of Shri Sarban Kumar, aged 67 years, HSG, PA (Retired), resident of House No. 2063/1, Pipliwala Town, Mani Majara, Chandigarh.
5. Umesh Kumar son of Sh. Kala Dhar, aged 65 years, Assistant Postmaster General (Retired), resident of House No. 911-B, Himshikha, Pinjore, Tehsil Kalka, District Panchkula.
6. Jaspal Singh son of Shri Bhagwan Singh, aged 60 years, Assistant Director (Retired), resident of House no. 2287, Sector 27-C, Chandigarh.
7. Faquiria Ram son of Shri Hari Lal, aged 68 years Sorting Assistant (Retired), resident of House No. 39, Golden Estate, Baltana, Zirakpur, Distinct Mohali.

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Applicants

By : Mr.Manohar Lal, Advocate.

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Applicant

Versus

1. Union of India through Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Director, Central Government Health Scheme, Room No. 545, 5th Floor, A-Wing, Nirman Bhawan, New Delhi.
3. Additional Director, Central Government Health Scheme, 4th Floor, Kendriya Sadan, Sector-9, Chandigarh.

By: None.

Respondents

ORDER
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. The applicants who are retirees from the P&T Department have approached this Tribunal challenging the action / instructions of the respondents which prohibits their enrolment as beneficiaries of CGHS and to direct the respondents to extend them benefit of CGHS facilities on payment of usual subscription by issuing CGHS Cards at with other Central Government Pensioners.

2. In support of their claim, the applicants submit that their case is squarely covered by view taken by Bangalore Bench of this Tribunal in O.A.No. 704 of 2001 – **N. Nanjundaiah Vs. Union of India & Others** (A-2), as upheld by the jurisdictional Hon'ble High Court in WP No. 6061/2002 alongwith other petitioners on 31.7.2009, in which the letter

dated 1.8.1996 in respect of P&T pensioners, depriving them of benefit of CGHS facilities, was invalidated and directions were issued to extend the applicants therein benefit of CGHS facilities. Similar cancellation of CGHS Cards in respect of number of persons came to be challenged in this Tribunal in a number of cases starting from O.A.No. 833-CH-2005 and lastly in O.A.No. 1642-HR-2013 which were allowed directing the respondents to enroll them or to continue their membership of CGHS, subject to payment of subscriptions etc. The applicant No. 1 had submitted a representation dated 20.2.2014 but to no avail.

3. Apparently the applicants have not made any specific representation to the respondents. It is only applicant no. 1 who has submitted an application for becoming member of CGHS on 20.2.2014. The O.A. has been filed on 11.3.2014, within a short span of 19 days only. In view of scheme of things provided under the A.T. Act, 1985, the applicants were expected to wait at least for a period of 6 months before rushing this Tribunal for redressal of their grievance. They have not even made any specific representation qua the relief claimed in this O.A. to the authorities. Thus, on the face of it the Original Application is pre-mature and cannot be entertained at all.

4. Be that as it, however, finding that the issue raised in this case is no longer res-integra and stands settled by this Tribunal in a number of cases and it is also well settled law that benefit of a decision to

a similarly situated person should be extended by the authorities, we would dispose of this Original Application with liberty to the applicants to firstly make a representation to the authorities for claiming the benefit as claimed in this Original Application and if such a plea is filed, the competent authority amongst the respondents is directed to consider the same in the light of law relied upon by the applicants within a period of two months from the date of receipt of such representation.

5. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)**

**(UDAY KUMAR VARMA)
MEMBER (A)**

Place: Chandigarh
Dated: 20.3.2014

HC*