

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1303/2017

with

O.A. No. 1366/2017

New Delhi this the 26th day of April, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

O.A. No.1303/2017

Chand Singh Tanwar

(Postal Pensioner)

Group 'C'

S/o Shri Bhagmal Singh Tanwar,
R/o H.No.343-Old Housing Board Colony,
Palwal (Haryana) State-121102.

.. Applicant

(By Advocate: Shri G.S. Lobana)

Versus

1. Union of India through
Its Secretary,
Ministry of Health & Family Welfare,
Govt. of India, Nirman Bhavan,
New Delhi-110011.
2. Additional Director (HQ),
Central Govt. Health Scheme,
Sector XII, R.K. Puram,
New Delhi-110022. .. Respondents

O.A. No.1366/2017

Sunder Lal Yadav,

Aged 63 years,

S/o Shri Parthvi Singh,

R/o Vill-Dhorka, PO : Bhanguraula,

Distt. Gurgaon.

.. Applicant

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through
The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhavan,
New Delhi.
2. The Additional Director CGHS (HQ),
Sector 12, R.K. Puram,
New Delhi. .. Respondents

ORDER (ORAL)

Both the O.A. Nos. 1303/2017 and 1366/2017 have been heard together, as the facts and issue involved is the same, and are being disposed of by a common order.

2. The applicants, who are Postal Pensioners, have filed the OAs seeking the relief that they and their dependent family members, who are eligible, should be issued permanent CGHS Pension Card. In this regard, they have challenged the order dated 01.08.1996 of the Ministry of Health & Family Welfare which clarified that the Post and Telegraph Pensioners, who have not participated in the CGHS while in service, would not be extended the facility after retirement. The learned counsels for the applicants have filed the following in support of their claim:

(i) Order dated 20.07.2016 in O.A. No.2834/2015, in which the same order of 1996 had been challenged, while the applicant was also a retired Postman and the O.A. was disposed of with a direction to the respondents to issue appropriate orders in respect of applicant and his dependent family members for issue of a permanent CGHS Card as per decision in O.A. No.372/2011 – Raj Kumar Jain vs. Union of India dated 14.07.2011, which litigation was ultimately decided in an SLP before the Hon'ble Supreme Court.

(ii) Order dated 03.01.2017 in O.A. No.423/2016 filed by a Postal Pensioner and relying on the order passed in O.A. No.2834/2015 referred to above. The Tribunal held that the applicant in this O.A. and his dependent family members were entitled for issue of a permanent CGHS card and directed the respondents to issue a permanent CGHS card in respect of applicant and his wife as per respondents own order dated 30.11.2015, which was passed by the respondents in compliance of direction of this Tribunal in O.A. No.2834/2015 - Harnarayan Yadav vs. Union of India & Anr., in which it was communicated that the applicant in that case and his dependent family members would be provided with the CGHS facility on yearly basis, till the administrative order is issued

against the disposed SLP by the Hon'ble Supreme Court by the competent authority.

(iii) Order dated 19.01.2015 in O.A. No.108/2016 filed by another Postal Pensioner, which was also disposed of by this Tribunal by directing the respondents to pass a speaking order in this regard.

3. Learned counsel for the applicant also placed before me order dated 24.03.2017, which is a copy of the speaking order issued by the CGHS in compliance of direction of this Tribunal in O.A. No.213/2017 – Shri Satbir Singh (Postal Pensioner) vs. Union of India & Ors. This order also provides CGHS facility to the applicant along with the dependent family members on yearly basis till the administrative order is issued against the disposed SLPs by the Hon'ble Supreme Court by the competent authority. Here it is also mentioned that in regard to permanent CGHS card, the matter is being examined in consultation with Department of Expenditure, who has advised to await the decision of the Govt. on 7th CPC recommendations.

4. In view of above judicial findings and orders dated 24.03.2017 and 30.11.2015 issued by the respondents themselves, both the

O.As. are disposed of at the admission stage itself, with a direction to the respondents to provide CGHS facility to the applicants along with their dependent family members on yearly basis, till they finally take a decision in consultation with Department of Expenditure regarding permanent CGHS card. This exercise shall be completed by them within a period of one month from the date of receipt of a certified copy of this order. No order as to costs.

**(P.K. BASU)
MEMBER (A)**

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