

**Central Administrative Tribunal
Principal Bench**

MA No.1839/2016

In

OA No. 2460/2012

Order Reserved on: 19.11.2016
Order Pronounced on: 21.11.2016

Hon'ble Dr. B.K. Sinha, Member (A)

H.C. Chawla

- Applicant

(Applicant in person)

VERSUS

M/s India Tourism Development
Corporation Ltd. & Anr.

- Respondents

(By Advocate: Amith Seth)

O R D E R

When this Misc. Application was taken up for hearing, the applicant, appearing in person, submitted that his counsel is not available and sought permission of the court to argue his case by himself, which was duly granted. Accordingly, the applicant argued his case.

2. The instant M.A. has been filed for implementation of the order dated 29.06.2015 in OA No. 2460/2012, which had been disposed of in the following terms:-

“6. Albeit the medical reimbursement scheme, i.e., ITDC (Retired Employees) Medical Benefit Scheme was introduced by the Corporation and the representative

of the Trade Union Federations could have no control over the same, but since in terms of the provisions contained in paragraph 6.1 of the Scheme, the funds for the same were to be arranged from the amount earmarked for the welfare activities under ITDC Employees Welfare-cum-Incentive Scheme and for utilization of the funds, the Trade Union Federations were consulted and in consultation with the Trade Union Federations only, the post-retirement medical scheme for the retired employees was kept under suspension, no fault can be found with the impugned order. The minutes dated 20.7.2001 recorded in the meeting of the Office of the General Manager (Personnel) and the representative of the three Trade Union Federations read thus:-

“The issue pertaining to reimbursement of medical expenses to those employees/officers who have retired from the services has been discussed. The Management representatives informed the Federations that the financial position of ITDC is very critical and it is not possible for us to make the medical payments to those employees who have retired under the Post Retirement Medical Scheme at the cost of the existing employees. Various options were discussed and finally it has been decided that:-”

“a) The Post Retirement Medical Scheme for the retired employees shall be suspended for one year.

b) The implementation of the Scheme may be review before one year only, if the ITDC shows financial profit before that one year.

c) All pending medical bills of those employees who have retired may be reviewed only after one year.

d) The one year period shall start from 20th July 2001.”

6. Nevertheless, it is seen from the reply given to applicant under Right to Information Act that after 2000 medical expenses incurred by certain retired employees were reimbursed. It is not clear from the pleadings of the parties that

whether the reimbursement made was of the expenses incurred during the period when the Scheme was under suspension or of the expenses incurred during a different period. It is also not so that the reimbursement scheme itself has been scrapped. The scheme was kept only under suspension and subsequently since no part of the amount earmarked for welfare activities under the ITDC Employees Welfare-cum-Incentive Scheme was allocated for reimbursement of expenses incurred by retired employees on their treatment, the expenses incurred by the applicant on his treatment could not be reimbursed.

7. In the facts and circumstances, the Original Application is disposed of with direction to the respondents to reimburse the expenses incurred by the applicant on his treatment (ibid) as and when the portion of funds mentioned in paragraph 6.1 of the Scheme are restored. No costs.”

3. The applicant, appearing in person, argued that the scheme cannot be suspended under its constitution; and a sum of more than Rs,100 crore had been provided by the scheme to the welfare fund (out of which the charge of medical claim in respect of retired employee could easily be liquidated). It would appear from Annexure ‘E’ that indeed there is a provision in various years for the welfare in expenses, including the welfare fund. The applicant has further drawn my attention to his rejoinder application, which shows that sum of Rs. 64.7 crores had been provided between years 1901 to 1911 to the staff welfare fund. The applicant has further argued that funds have been provided. It is only that the respondents do not want to

honour the medical bill of retired employee. The amount of Rs.45,000 demanded by the applicant is not a big amount, but still the respondents are determined for not providing this amount to him.

4. Learned counsel for the respondents has argued that this MA is only for implementation of the order of this Tribunal dated 29.06.2015 in OA No. 2460/2012 and other extraneous material cannot be brought into consideration. He has also drawn the attention of the Tribunal to the additional affidavit wherein it has been provided that the Post Retirement Benefit Scheme, 2000 came into existence on 15.06.2000 and was served from the welfare fund of the employees. It was operative between 15.06.2000 to 20.07.2001 and had sufficient funds at that point of time. The retired employees eligible under this Scheme had availed medical benefits during this period. However, this Scheme, i.e., ITDC Employees Welfare cum Incentive Scheme was scrapped in the year 2004. As such, there is no way that bills can be honoured, except when the bill is restored.

5. I have considered the pleadings of rival parties as also the documents adduced and have patiently heard the arguments advanced by the parties.

6. The MA is only for execution of the order of this Tribunal dated 29.06.2015 in OA No. 2460/2012, which has been extracted hereinabove. It appears from the perusal of the OA No. 2460/2012 that the arguments raised by the applicant, including the availability of the funds and grants made from the welfare scheme had been noted by this Tribunal, yet the Tribunal, in its wisdom, passed the order dated 29.06.2015, which provides for payment when the Scheme is restored. Therefore, sympathize much, as we may, with the plight of the applicant, there is no way that reliefs sought in the OA can be given in implementation. Hence, the MA is dismissed without costs.

(Dr. B.K. Sinha)
Member (A)

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