

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA 2095/2015
MA No.4037/2015**

Reserved on: 03.08.2016
Pronounced on: 20.08.2016

HON'BLE MR. V.N.GAUR, MEMBER (A)

Surender Pal (Retd.Postman),
R/o C-180 Dabua Colony,
Faridabad-121001.

... Applicant

(By Advocate: Mr.G.S.Lobana)

VERSUS

1. Union of India, through
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi-110011

2. Additional Director (HQ),
Central Govt. Health Scheme,
Sector-XII, R.K.Puram,
New Delhi-110022 ... Respondents

(By Advocate: Mr.D.S.Mahendru)

ORDER

The short issue to be decided in this OA is whether the applicant who was not a Member of CGHS Scheme, can be given CGHS Pensioner card for himself and his wife. The applicant retired as a Postman from Faridabad Postal Division on 31.12.2011 after serving the department of posts for 35 years. His application with all the documents and demand draft was rejected by the respondent-2 stating that being a Postal pensioner who did not have CGHS card while in service, was not entitled for issue of CGHS pension card. Learned counsel for the applicant submitted that this issue has already been

decided by this Tribunal in a catena of judgments which have been upheld by High Courts. In this connection, he placed reliance on OA no.1198/2015, OA 372/2011, OA 2834/2015, OA 1020/2014, and OA 1512/2014. The learned counsel further submitted that the respondents have passed speaking order on 16.11.2015 stating that the applicant will be provided CGHS facilities along with his dependant family members on yearly basis till the administrative order is issued against the disposed SLPs at Hon'ble Supreme Court by the competent authority. The applicant had been asked to submit his Pension Payment Order, last pay certificate, address proof etc. According to the learned counsel this was against the spirit of the orders passed by various Tribunals and Hon'ble High Courts. It has already been settled at the level of Hon'ble Supreme Court that the Postal employees are entitled for CGHS coverage post retirement even if they were not Members of CGHS while in service.

2. The learned counsel for the respondents submitted that admittedly, there are various judicial orders directing the respondents to issue CGHS pensioner card and the matter has been decided by the Hon'ble Supreme Court also while disposing of many SLPs. However, administrative order in this regard has not yet been issued. The respondent No.3, therefore, is not in a position to issue CGHS pensioner card to the applicant on regular basis at present. As a via media the authority has decided that the applicant will be issued CGHS card on yearly basis till such time the requisite administrative order is issued.

3. I have considered the submissions made by the learned counsel for the parties and perused the record.

4. From the judgments cited by the learned counsel for the applicant, it is clear that SLPs against the orders of the Tribunal/High Court have been disposed of by the Hon'ble Supreme Court. The Administrative Order following the disposal of SLPs has not yet been issued by the respondents. The retired employee cannot be kept waiting indefinitely for the issue of administrative order. At the same time, learned counsel for the applicant has not placed on record the outcome of the disposed of SLPs by the Hon'ble Supreme Court. Therefore, this Tribunal cannot issue any direction at this stage for issue of a permanent CGHS pensioner card to applicant. The respondents have already taken a decision to issue CGHS card on yearly basis vide order dated 16.11.2015 till such time the administrative orders are issued.

5. OA is, therefore, disposed of with direction to the respondents to issue temporary CGHS pensioner card for which the applicant has already been asked to submit necessary papers, within a period of one month from the date of this order. Further, the respondents cannot sit over the judgment of Hon'ble Supreme Court indefinitely without issuing the requisite administrative order, and make that as ruse to circumvent the judgment. The respondents are further directed to issue the enabling orders to implement the judgment within three months from the date of receipt of a copy of this order. At the time of issuing permanent CGHS card to the applicant in pursuance of the order of the Hon'ble Supreme Court, the fee charge for the issue of

yearly basis CGHS card, if any, will be adjusted against the fee liable to be paid by the applicant for permanent CGHS card.

6. In view of the above order passed in OA, MA No. 4037/2015 is disposed of as having become infructuous.

(V.N.Gaur)
Member (A)

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August 20, 2016