

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 2834/2015

Hon'ble Shri Raj Vir Sharma, Member(J)

Pronounced on:20.07.2016

Harnarayan Yadav (Retd. Postman)
S/o Sh. Raghunath
Aged about 65 years)
R/o RZ-9A Block, Old Maharani Enclave,
Hastsal, Delhi -110059

...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: Ms. Bhaswati Anukampa)

Order

The applicant has filed the present O.A. seeking the following reliefs :-

“(i) direct the respondent No.1 to immediate withdraw their illegal memo dated 1.8.1996 which is grossly discriminatory and patently arbitrary and in gross violation of Articles 14, 16 and 21 of the Constitution of India.

(ii) Direct the respondents to issue permanent CGHS Pensioners Card to the applicant and his wife to enable them to get much needed

medical treatment in their old age, when they need the same.

- (iii) to pass any other or further order or direction as the Hon'ble Tribunal may deem just and proper.

2. Shorn of unnecessary details the brief facts of the case are that the applicant retired on superannuation as Postman on 30.06.2010. The applicant did not have CGHS card while in service because his job was transferable within his Postal Division.

3. On 24.6.2015, applicant visited the Office of Additional Director (HQ) CGHS and requested for the form for issue CGHS card for self and for his wife but the same was refused on the ground that he was a Postal Pensioner who did not have CGHS card while in service. He was handed over Health Ministry Memo dt. 1.8.1996 and declared the applicant ineligible for issue of CGHS pension card for self and wife.

4. In their reply, respondents admitted the fact that applicant retired as a Postman on 30.06.2010. They have also admitted that applicant approached the Office of Additional Director (HQ) CGHS for issue of CGHS pensions card for self and wife which was refused in terms of OM No. S.11011/16/95-CGHS-D-II/CGHS (P) dated 01.08.1996. Respondents have further stated that on 24.06.2015, the

official may have refused the applicant on the ground that in the aforesaid OM which mentions that Post & Telegraph pensioners who were not participating in CGHS while in service may not be extended this facility. According to the respondents, the administrative order in respect of disposed SLP have not been issued by the competent authority, as yet.

5. In view of the above the petitioner has been requested vide letter No. 2/19/2015-CGHS/VC/C&P/8952-55 dated 30th November, 2015 (Annexed as **Annexure R-I**) that he will be provided CGHS facility along with his dependent family members on yearly basis till the administrative order issued by the competent authority so that he may avail CGHS facility during this period.

5. No rejoinder has been filed by the applicant.

6. I have perused the records and heard the learned counsel for the parties.

7. Learned counsel for both sides argued the case on the line of their pleadings. Learned counsel for the applicant also placed reliance on the order passed in O.A. No. 372/2011 Raj Kumar Jain vs. UOI dated 14th July, 2011. It transpires from the pleadings of the parties that the matter was carried up to the Hon'ble Supreme Court and as per pleadings of the parties now Hon'ble Supreme Court has decided that SLP. From the

perusal of Annexure R-I, it reveals that during the pendency of this Original Application, the respondents have passed following order:-

Speed Post/Urgent
F.No. 2-19/2015-CGHS/VC/C&P/8952-55
Office of the Additional Director (HQ)
Central Government Health Scheme
R.K. Puran, Sector-XII, New Delhi
Dated : 30th Nov 2015

Subject : Speaking Order in respect of OA No. 2834/2015 filed by Sh. Harnaryana Yadav s. UOI & Others before CAT, Principal Bench, New Delhi.

It has been decided that you will be provided with CGHS facility Along with your dependent family members on yearly basis till the Administrative order is issued against the disposed SLP at Hon'ble Supreme Court by the competent authority. As such, you are requested to visit the office of CGHS (HQ), New Delhi along with your Pension Payment Order. Last Pay Certificate, address proof, one pass port size Photo of each of your dependent family members for issue of CGHS card. CGHS subscription will be calculated on the basis of your Last Pay/Pension.

(Dr. Pradeep Kumar)
Additional Director (HQ)

7. It is clear that the respondents have decided to provide CGHS facility to the applicant and his dependent family members on yearly basis till the administrative order is issued against the disposed SLP by the Hon'ble Supreme Court by the competent authority.

8. By passing this order, the respondents have partially redressed the grievance of the applicant for issuance of the CGHS Card. Now what is required is to pass an order by the respondents in accordance with the directions of the order passed by the Hon'ble Supreme Court in the said SLP.

9. Considering the aforementioned facts this OA may be disposed of by giving direction to the respondents to pass appropriate orders in compliance of the order of the Hon'ble Supreme Court in the aforesaid SLP.

10. Accordingly, this OA is disposed of with the direction to the respondents that they will issue appropriate orders in respect of applicant and his dependent family members for issue of a permanent CGHS card as per decision in the aforesaid SLP within a period of three months and issue on yearly basis CGHS card as per their own order dated 30.11.2015 to the applicant, if not already issued within a period of one month. No costs.

(Raj Vir Sharma)
Member (J)

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