

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

**OA No.1373/2017
MA No. 1507/2017**

New Delhi this the 25th day of October, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

1. All India Kendriya Vidyalaya Teacher's Association,
Through its President,
KVD Prasad, Aged 56 years,
S/o late Sh. K. Butlhabbh,
R/o Peddarapeti, H.No.97/2
SBI, Vijayawada
2. Smt. Suman Jeet Kaur, Aged 54 years,
W/o Sh. Ajit Singh,
Working as TGT (Hindi) in
KV SPG, Sector 8, Dwarka, New Delhi
R/o 250, Type-III, SPG Complex,
Sector-8, Dwarka, New Delhi
3. Jagvir Singh Gaur, Aged 59 years,
S/o Sh. Hukum Chand,
Working as TGT WE KV,
Shalimar Bagh, Delhi
R/o H.No.25, Shivpuri, Samaypur,
Delh-42
4. Vijender Saini, Aged 35 years,
S/o Sh. Omkar Saini,
Working as Primary Teacher in KV No.1,
Gurgaon (Haryana)
R/o 870/31, Laxman Vihar, Phase-I,
Gurgaon (Haryana) - Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The Secretary,
Ministry of Human Resources Development,
Shastri Bhawan, New Delhi-110011
2. The Director General,

Central Government Health Services (CGHS)
Nirman Bhawan, New Delhi-110011

3. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016 - Respondents

(By Advocates: Mr. S. Rajappa and Mr. B.K. Berera)

O R D E R (Oral)

MA No. 1507/2017 for joining together in a single Application is allowed for the reasons stated therein.

2. This Original Application (OA) has been filed by Kendriya Vidyalaya Sangathan (KVS, for short) working in Delhi/NCR for extending the benefits of CGHS facilities to all the KVS teachers working in Delhi and NCR. The individual applicant nos. 2, 3 and 4 also come from the same area.

3. It is the contention of the applicants that the CGHS facilities are not being extended to those teachers working in Delhi and NCR inspite of the fact that CGHS facilities are available in Delhi and NCR for all the Central Government employees. Hence, they have prayed for the following reliefs:-

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of declaring to the effect the whole action of the respondents not extending the CGHS facilities to the KVS teaching staff posted in Delhi/NCR is illegal, arbitrary and discriminatory and consequently

pass an order directing the respondents to extend the CGHS facilities to the applicants and similarly situated KVS teaching staff posted in Delhi/NCR with all consequential benefits.

(ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

4. The respondents have filed a copy of order dated 19.03.2008 on this matter which reads as under:-

"2. As regards, the extension of the CGHS facilities to all serving and retired employees of KVS in Delhi/NCR is concerned, notwithstanding the affidavit filed by Ministry of Health & Family Welfare before the Hon'ble CAT on 1.2.2018 that the Ministry of Health & Family Welfare, CGHS Policy section OM dated 21.8.2015, CGHS (HQ) is already extending CGHS facilities to both serving & retired employees of KVS irrespective of them being teachers and non-teachers, residing in Delhi & NCR, subject to submission of necessary verified forms by KVS and subscription, the same factual position has already been communicated to KVS vide letter dated 2.2.2018 mentioned above. In this connection, your attention is invited to para 2(i) and 2(ii) of the said letter. No further clarification/approval is required from the Ministry on this aspect.

3. In view of the above position, KVS may take necessary action as already requested in the letter dated 2.2.2018 without any further delay as no further clarification/approval would be forthcoming from this Ministry."

5. The learned counsel for the applicants points out that despite the detailed clarification given by the above letter, KVS has failed to extend the CGHS facilities to the applicants and further draws attention to OM dated 20.03.2018 in which extension of CGHS facilities has only

been given to retired employees of KVS residing in Delhi/NCR and not to other serving teachers and non-teachers who have been permitted those facilities as per letter dated 19.03.2018 quoted above. After receipt of the letter dated 19.03.2018, the KVS has through their office memorandum dated 20.03.2018, issued the following orders:-

“Subject: Extension of CGHS facilities to all retired employees of Kendriya Vidyalaya Sangathan residing in Delhi/NCR.

Consequent upon KVS’s proposal on the subject vide letter dated 29.09.2017, the Deputy Secretary (UT), Ministry of Human Resource Development vide his letter No.F. 3-5/2011-UT-2 dated 02.02.2018 to be read with MHRD’s letter of even number dated 19.03.2018 has conveyed the decision of Ministry of Health and Family Welfare, Government of India, New Delhi regarding extension of CGHS facilities to all retired employees of Kendriya Vidyalaya Sangathan (KVS) residing in Delhi/NR.

2. Accordingly, medical facility under the CGHS is extended to all retired employees of Kendriya Vidyalaya Sangathan residing in Delhi/NCR.

The terms and conditions mentioned in the Office Memorandum of even number dated 21.08.2015 will remain the same.”

6. A perusal of the above orders clearly shows that despite receiving orders to extend the CGHS facilities to all serving as well as retired employees of KVS, both teaching and non-teaching staff residing in Delhi/NCR, the respondents have not complied with the orders of the Ministry of HRD.

7. Hence, it is directed that KVS immediately will extend the facilities of CGHS to all their serving as well as retired employees both teaching and non-teaching staff, residing in Delhi/NCR, as already directed vide the HRD Ministry's order dated 19.03.2018. In view of the fact that the respondents had already received orders in March, 2018 from the Ministry of HRD directing them to extend the facilities of CGHS as prayed for in this OA.

8. OA is allowed.

9. A cost of Rs.10,000/- payable to Kerala Chief Minister's Distress Relief Fund is imposed upon the respondents in view of the fact that the applicants are unnecessarily being forced to wait for the implementation of the order which had already been received by the respondents on 19.03.2018.

(Nita Chowdhury)
Member (A)

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