

**Central Administrative Tribunal
Principal Bench**

OA No.88/2017

New Delhi, this the 19th day of July, 2018

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

Rohtas Kumar, Aged 63 years,
Group 'C', Sub: Medical Reimbursement,
S/o Late Shri Dhan Singh,
R/o Vill. & PO: Asaudah, Teh-Bahadurgarh,
Distt.- Jhajjar, Haryana.

...Applicant

(By Advocate : Ms. Neelima Rathore for Shri U. Srivastava)

Versus

1. Mahanagar Telephone Nigam Ltd. through its CMO,
Mahanagar Doorsanchar Sadan,
CGO Complex, Lodhi Road,
New Delhi.
2. The Executive Director, MTNL,
Khursheed Lal Bhawan,
New Delhi-50.

...Respondents

(By Advocate : Shri Neeraj Kumar Gupta)

ORDER (ORAL)

This OA has been filed by the applicant seeking the following reliefs :

- (a) Directing the Respondents to place the relevant records pertaining to the O.A. before the Hon'ble Tribunal for proper adjudication in the matter.

- (b) Quash and setting aside the impugned order dt 08.05.15 (Annexure A/1) read with orders dt. 15/30.11.16 (Annexure A/2) issued by the respondents declining the request of the applicant for medical reimbursement with all other consequential benefits after declaring the same is a non speaking, unreasoned, bald and cryptic order issued without application of their mind, in such a manner is illegal, biased, perverse, unjust arbitrary malafide unconstitutional, against the principles of natural justice, violative of articles 14,16 & 21 of the constitution of India and unfair too.
- (c) To allow the present OA of the applicant with all consequential benefits and costs.
- (d) Any other fit and proper relief may also be granted."

2. It is not disputed that the applicant was an employee of the MTNL, which had introduced a Contributory Group Health Insurance Scheme for MTNL Retired Employees 2008 - Extension of Scheme from 01.10.2013 to 13.09.2014 as noted from Annexure-A/1. As per the decision of MTNL, they were providing Contributory Group Health Insurance Scheme for their retired employees. Accordingly, the stand of the MTNL as stated in Annexure-A/1 of this OA is as follows :-

"Kindly refer your representation on the above cited subject. In this connection your case has been forwarded to TPA and the reply received from TPA that the coverage date started w.e.f. 01.10.14, but the treatment period Aug. 2014 does not pertain to the above policy period. The claimant is not enrolled in last year policy so that they could not entertain this case. A copy of the reply is enclosed for your reference."

3. This reply is not acceptable as it was the duty of the MTNL to have back to back retired employees health insurance scheme and they cannot take a stand that simply because there is a break in the continued period, the concerned retired pensioner's case should fall through the cracks and he should be denied medical insurance. Therefore, the argument of the learned counsel for respondents that this being an insurance scheme managed by Third Party Agency (TPA), it does not shift the onus of deciding to sort out the problems of its employees who are pensioners and entitled to group health scheme is rejected. Hence, the right of the applicant to obtain relief/medical reimbursement in case of his claims is allowed with the directions that the respondent MTNL shall examine the claim themselves or with the TPA - as legally permissible, and make payment of the entitlement of the applicant within a period of 45 days from the date of receipt of a certified copy of this order.

4. Accordingly, the OA stands disposed off. No costs.

(Nita Chowdhury)
Member (A)

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