

**Central Administrative Tribunal
Principal Bench**

OA No. 2126/2017
MA No.1457/2018
MA No.2364/2018

Order reserved on: 08.08.2018
Order pronounced on : 20.08.2018

Hon'ble Mr. Pradeep Kumar, Member (A)

S.D.Windlesh,
Retd. Dy. Labour Commr.
Aged 65 yrs, Group B,
C4/155, Yamuna Vihar,
Delhi-110053.

... Applicant

(Applicant in person)

Versus

1. The Labour Commissioner,
5, Alipur Road,
Govt. of NCT of Delhi,
Delhi-110054.
2. The Lt. Labour Commissioner (Admn.),
5, Alipur Road,
Govt. of NCT of Delhi,
Delhi-110054.

... Respondents

(By Advocate: Sh. Amit Anand)

ORDER

Heard the applicant and the learned counsel for respondents.

2. The present OA has been filed by the applicant for issuance of medical card known as Delhi Government Employees Health Scheme (DGEHS) which allows the retired employees to avail medical facilities at Delhi Govt. Hospitals and other health

institutions authorised by Government of National Capital Territory of Delhi (GNCTD). Since the decision on the OA was taking time, the applicant also filed a MA No.1457/2018 seeking issue of a provisional card under DGEHS having validity till the disposal of the case. Applicant also filed MA No.2364/2018 for early hearing of the case.

3. Now, since the case has been heard, the MAs as well as OA have been decided as follows:

3.1 Applicant had retired from GNCTD on 29.02.2012. The applicant pleads that his service record was misplaced and it was traced only in the year 2009. However, despite their being no vigilance case pending against him and despite his request to fix his retiral dues, his pay fixation under 5th CPC, thereafter under 6th CPC could not be done by the time he retired. The applicant further mentioned that as of now the pension will need to be revised under 7th CPC also. All these pay fixations are still pending.

3.2 The applicant pleads that, as per the extent instructions when he retired he had paid the requisite amount for issuance of DGEHS card for life time validity. However, the same has not been issued to him on the plea that he needs to pay Rs.33,000/- more on the reasoning that this amount would have become due, had his pay been fixed under 6th CPC by the time he retired.

3.3 The applicant further pleaded that he is willing to pay this additional amount as soon as his pension is refixed and this was the reason why he filed MA for issuance of provisional card till the decision of the OA.

4. Learned counsel for respondents was also heard. He pleaded that the applicant is not foregoing pay fixations under 5th CPC and 6th CPC, accordingly the membership and the fee required for life time DGEHS card has to be paid assuming as if his pay were fixed in 6th CPC and applicant needs to deposit Rs.33,000/- more.

5. The matter has been heard. It is taken that a retired employee is a senior citizen and he is entitled for medical facilities under DGEHS scheme which could not be availed by him for the reason of non-issuance of DGEHS card, as brought out above. Since availing medical facilities is inherent to the right of a retired employee and is an important ingredient to right to life, the same cannot be denied to the applicant on any technical ground.

6. OA is disposed of with the following directions:

(a) Respondents shall immediately issue a DGEHS card to the applicant without payment of additional Rs.33,000/- within a period of four weeks. This card will have validity till such time his pay is fixed under 6th CPC as well as three months thereafter and pension be revised as on 29.02.2012 when he retired.

(b) Applicant is directed to deposit the balance amount of Rs.33,000/- within this period of three months of his pay fixation under 6th CPC.

(c) The respondents are directed to revise the pension of the applicant as per 5th CPC and onwards, as due, as per rules in force at the earliest.

7. Accordingly, MAs and OA are disposed of with the above direction. No order as to costs.

(Pradeep Kumar)
Member (A)

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