

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00033/2017

DATED THIS THE 16TH DAY OF JULY, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

B.Parashuram Kini,
Aged about 76 years,
S/o Late Nagappa Kini,
(Retd. Chief Telephone Supervisor,
Residing at "Nandagokulam",
Behind Mahalingeshwar Temple,
Bannanje, Udupi 576 101.Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1.The Union of India,
Rep. by the Secretary,
Department of Telecommunications,
Sanchar Bhavan,
New Delhi 110 001.

2.The Chief General Manager,
Telecom House ,
Swamy Vivekananda Road,
Halasuru, Bangalore 560 008.

3.The Controller of Communication Accounts,
Karnataka Circle,
Palace Road,
Bangalore 560 001.

4.The Principal General Manager,
BSNL, D.K. Telecom District,
Mangalore: 575 001.Respondents

(By Shri V.N. Holla, Sr.Panel Counsel for R2 & 4
Shri N.Amaresh, Sr.Panel Counsel for R 1 & 3)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. The matter relates to medical reimbursement. In fact in similar cases we had granted an order earlier. But, thereafter, the Government had come out with annexures R-1 & R-2 which is a scheme whereby even persons staying in out stations where the actual CGHS facility may not be available can become subscribers and then can avail of indoor patient facility. That being so, under the law of election applicant can now choose. He can either become member of CGHS and get the medication or he can get fixed medical allowance. The applicant has chosen for fixed medical allowance for which a fixed sum will be given to him and no question asked. That being so, since he had chosen he cannot claim both now.

2. At this point of time, even though, *prima-facie*, there may not be a view of allowing the applicant to realize this amount from them. The same benefit has been granted to people who retired after 2000 which is the formation date of the BSNL. Therefore, there now exist 2 types of employees. The entire DOT and BSNL are actually the one and the same. A new entity came into being in 2000 taking up the responsibility and functions of DOT and therefore, they might be termed and seen as one only. Therefore, since a policy decision is to be taken whether the earlier DOT will now come under the ambit of

BSNL or not, we will remit the matter back to the respondents to decide this issue within the next 3 months.

3. OA is disposed of, as above. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.170/00033/2017

Annexure A1: copy of the applicant's pension order dated 24.4.1998

Annexure A2: copy of OM.No.S-14025/4/96-MS dated 5.6.1998

Annexure A3: copy of OM.No.45/57/97-P&PW dated 24.8.1998

Annexure A4: Copy of application with medical bills of the applicant

Annexure A5: Copy of AO[LBA] Telecom Dist. Mangalore .Lr.No.A-5/MED Bill/BPKINI/Rtd/CTS/2016-17/2 dated 14.12.2016

Annexure A6: Copy of the order dated 12.3.2014 in OA.No.469/2013

Annexure A7: Copy of the order dated 5.9.2014 in OA.No.1565/2013

Annexures with reply statement by respondents

Annexure R-1: Copy of OM.No.S-14025/4/96-MS dated 20.8.2004

Annexure R-2:Copy of OM.No.S-14025/23/2013-MS.EHSS dated 29.9.2016