

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/1049/2017

Date of Order: 13.08.2018

Between:

1. All India MES Admin Cadre & Ministerial
Staff Association (Regd. No.S/24699/93)
Rep. By its Central Head Quarters
Vice President and Chairman,
Visakhapatnam Branch,
Sri K. Appala Raju, S/o. Late Satyam,
C/o. CWE (E) -1, DGNP, Naval Base (PO),
Visakhapatnam – 530 014.
2. Sri K. Appala Raju,
S/o. Late Satyam, aged about 58 years,
Occ: Stenographer, C/o. CWE(E)-1, DGNP,
O/o the Director General Naval Projects,
Naval Base (PO), Visakhapatnam – 530 014.
R/o. Visakhapatnam.

.... Applicants

And

1. Union of India rep. by
The Secretary,
M/o Health & Family Welfare,
D/o Health & Family Welfare,
Maulana Azad Road,
Nirman Bhawan,
New Delhi – 110 108.
2. The Secretary to Government,
Union of India, Ministry of Defence,
South Block, Sena Bhawan, DHQ PO,
New Delhi – 110 001.
3. The Director (Central Government Health Scheme),
Central Government Health Scheme,
Dept. Of Health & Family Welfare,
Maulana Azad Road, Nirman Bhawan,
New Delhi – 110 108.
4. The Additional Director,
O/o The Additional Director,

Central Government Health Scheme,
Begumpet, Hyderabad – 500 016.

5. The Controller of Defence Accounts (CDS),
No.1, Staff Road,
Secunderabad – 500 009.
6. The Officer-in-charge,
O/o the Area Accounts Office (Army),
Railway Station Road,
Chief Engineer (Navy) Compound,
Visakhapatnam – 530 004.
7. Flag-Officer Commanding-in-Chief (East),
Head Quarters, Eastern Naval Command,
Naval Base (PO),
Visakhapatnam – 530 014.
8. Director General Naval Projects,
O/o the DGNP, Naval Base (PO),
Visakhapatnam – 530 014.
9. Chief Engineer (Navy),
Military Engineer Services,
Railway Station Road,
Visakhapatnam – 530 004.

.... Respondents

Counsel for the Applicants	:	Mr. Siva
Counsel for the Respondents	:	Mrs. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER
THE HON'BLE MR. B.V. SUDHAKAR, ADMIN. MEMBER

ORAL ORDER

(Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member)

The present O.A. is filed by the Applicants being aggrieved commonly by the action of the Respondents in deducting contribution towards CGHS with no amenities provided for undergoing treatment under the scheme due to

poor infrastructure in the form of only one Wellness Centre for over 10000 employees and the benefits under the Central Services (Medical Attendance) Rules have been discontinued. Setting forth their grievances, they have submitted representations to the Respondents. According to them they did not yield desired result. Since the Association has the common grievance, it filed the present O.A. on behalf of all its members. They prayed for the following reliefs in the O.A.:

- “ i. Declare the action of the Respondents in deducting amounts towards the contributions for the Central Government Health Scheme which is practically not useful due to the hopelessly inadequate infrastructure and denying the benefits of the Central Services (Medical Attendance) Rules as arbitrary, illegal, unjust, violative of Articles 14, 16 & 21 of the Constitution of India.
- ii. Consequently refrain the Respondents from deducting any amounts towards the contributions towards the Central Government Health Scheme till such time the number of Wellness centres proportionate to the number of the beneficiaries are provided with proper staff and infrastructure facilities and continue to extend the benefits of the Central Services (Medical Attendance) Rules till such time the same is provided for.
- iii. Further direct the Respondents to refund the amounts deducted fromt he pay and allowances of the members of the 1st Applicant including the 2nd Applicant towards the contribution to the Central Government Health Scheme together with the interest from the date on which they have been deducted till the date of actual refunding of the same.

2. An Office Memorandum dated 6.4.2018 is issued by the Director, CGHS to the effect “that in some of the CGHS cities the areas covered under CGHS were not specified resulting in inconvenience to the beneficiaries and, therefore, the matter has been reviewed and decided that the coverage of

CGHS shall be limited to the areas within 5 km (approx.) radius of the CGHS Wellness Centres, in all CGHS covered cities, wherein such demarcations were not specified. The Additional Director, CGHS concerned city shall notify such areas covered under CGHS Wellness Centres. The serving Central Government employees residing outside the CGHS covered areas shall be covered under CS (MA) Rules. However, in all CGHS covered cities the serving Central government employees residing within the municipal limits of the city, shall be given one time choice to opt for CGHS (instead of CS (MA) Rules) from the nearest CGHS Wellness Centre. The same has been reiterated by the Additional Director, CGHS vide Proceedings dated 10.04.2018”.

3. The Respondents filed reply statement contending inter alia that the Ministry vide Office Memorandum dated 6.4.2018 has clarified regarding demarcation of CGHS covered areas under CGHS Wellness Centre. The employees residing beyond 5 km radius from the dispensary will be covered under CS (MA) Rules as per Directorate’s OM dated 6.4.2018. Further, the Memorandum states that the serving Central government employees residing within the municipal limits of the city shall be given one time choice to opt for CGHS instead of CS(MA) Rules from the nearness Wellness Centre.

4. We have heard Shri Siva, learned counsel appearing for the Applicants and Smt. K. Rajitha, learned Senior Central Government Standing Counsel appearing for the Respondents.

5. As regards the prayer that the employees shall be exempted from the applicability of the scheme till such time adequate provisions are made for the employees to get effective medical care under the scheme, we wish to state that the said question cannot be decided by the Tribunal basing on the information available on record as the Respondents have to give a detailed

statement regarding the said issue. Therefore, we wish to dispose of the O.A. in terms of the Proceedings dated 10.04.2018. Consequently, the O.A. is disposed of with the finding that the employees residing beyond 5 kms radius from the dispensary will be covered under the Rules mentioned in the Directorate's Memo dated 6.4.2018 and further the Central Government employees residing outside the CGHS areas will be covered under CSMA Rules. In respect of all CGHS covered cities, the Applicants residing within the municipal limits of the City shall be given one time choice to opt for CGHS of CS(MA) Rules from the nearest CGHS Wellness Centre.

6. It is submitted by the learned counsel appearing for the Applicants that an amount of Rs.600/- per month has been recovered from the pay and allowances of the Applicants and the said amount has to be refunded. As regards this issue, the Respondents are directed to refund the amounts without any interest in respect of the Applicants those who have not so far availed the facility.

7. Thus, the O.A. is disposed of in terms of the Proceedings dated 10.04.2018. No order as to costs.

(B.V.SUDHAKAR)
ADMN. MEMBER

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(JUSTICE R. KANTHA RAO)
JUDL. MEMBER