

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

O.A. No. 291/683/2015, O.A. No. 291/684/2015,
O.A. No. 291/685/2015, O.A. No. 291/686/2015,
O.A. No. 291/687/2015, O.A. No. 291/688/2015,
O.A. No. 291/689/2015, O.A. No. 291/690/2015,
O.A. No. 291/691/2015, O.A. No. 291/692/2015,
O.A. No. 291/693/2015, O.A. No. 291/694/2015,
O.A. No. 291/695/2015, O.A. No. 291/696/2015,
O.A. No. 291/697/2015, O.A. No. 291/698/2015,
O.A. No. 291/699/2015, O.A. No. 291/700/2015,
O.A. No. 291/701/2015, O.A. No. 291/702/2015,
O.A. No. 291/703/2015, O.A. No. 291/704/2015,
O.A. No. 291/705/2015, O.A. No. 291/706/2015,
O.A. No. 291/707/2015

Order Reserved on: 02.08.2018

DATE OF ORDER: 24.08.2018

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

O.A. No. 291/683/2015

Durga Lal Sharma S/o Shri Ladu Ram Sharma, aged about 68 years, R/o H.No. 10, Shankar Nagar Ext., Jai Durga School Road, Kagdi Bada, Jaipur, presently retd. as L.A. from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(2)

O.A. No. 291/684/2015

Shyam Sunder Sharma S/o Shri Kali Charan Sharma, aged about 69 years, R/o 7-Ekta Vihar, Govind Nagar West, Amer Road, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/685/2015

Banwari Lal Mishra S/o Shri Ram Sahay Mishra, aged about 78 years, R/o Pl. No. 1, Near Madhav Vilas, Brahmpuri Road, Jaipur, presently retd. Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(3)

O.A. No. 291/686/2015

Shri Krishan Sharma S/o Shri Laxminarayan Sharma, aged about 70 years, R/o 103, Park Street, Govind Nagar East, Amer Road, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/687/2015

Rajendra Prasad Sharma S/o Shri Chagan Lal Sharma, aged about 61 years, R/o Pl. No. 33, Bhawani Niketan Colony, Kamani Road, Jhotwada, Jaipur-12, presently retd. as Deputy Director from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(4)

O.A. No. 291/688/2015

Narayn Singh Chudawat S/o Shri Samral Singh, aged about 62 years, R/o 85, Laxmi Nagar, Magodi Walon Ki Bagichi, Brahmputri Road, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/689/2015

Santosh Kumar Mishra S/o Shri Ram Gopal Mishra, aged about 69 years, R/o H.No. 720-721, Street of Bakshi Hemraj, Girdhar Sharma Road, Pan Ka Dariba, Subash Chowk, Jaipur-02, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(5)

O.A. No. 291/690/2015

Beni Prasad Sharma S/o Shri Shankar Lal Sharma, aged about 66 years, R/o A-2, Nandanam Tilak Marg, C-Scheme, Jaipur, presently retd. as M.A. from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/691/2015

Shri Krishna Sharma S/o late Shri Ram Chandra Sharma, aged about 61 years, R/o B-44, Siddarth Nagar, Jaipur-302017, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/692/2015

Shambu Prakash Sharma S/o Shri Sunder Lal Sharma, aged about 78 years, R/o 159-Mangla Marg, Brahmpuri, Jaipur, presently retd. as O.A. from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/693/2015

Radhey Shyam Mathur S/o Nandlal Mathur, aged about 65 years, R/o 384-Devi Nagar, New Sanganer Road, Sodala, Jaipur, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/694/2015

Sita Ram Sharma S/o Shri Suraj Narain Sharma, aged about 63 years, R/o 152/36, Shipra Path, Agrawal Farm, Mansarovar, Jaipur-22, presently retd. as M.A. from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/695/2015

Girdhari Lal Sharma S/o Shri Bhaunri Lal Sharma, aged about 75 years, R/o 1140/6, Galta Walon Ki Bagichi, Ganga Pole, Jaipur-2, presently retd. as Admin. Officer from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/696/2015

Lok Nath Sharma S/o Badri Narayan Sharma, aged about 65 years, R/o E-123, Bank Colony, Murlipura Scheme, Jaipur-13, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/697/2015

Moti Rai S/o Shri Raja Ram Rai, aged about 64 years, R/o B-11, Sona Apartment, Govind Marg, Baraf Khana, Adarsh Nagar, Jaipur-04, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/698/2015

Om Prakash Sharma S/o Shri Kalyan Prasad Sharma, aged about 63 years, R/o D-45, Sidhart Nagar, Gaitor Nagar Bypass, Jaipur-17, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/699/2015

Naresh Kumar Khemani S/o Shri H.C. Khemani, aged about 61 years, R/o 406-A, Adarsh Nagar, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(10)

O.A. No. 291/700/2015

Satyendra Mohan Tiwari S/o Shri Madan Lal Tiwari, aged about 65 years, R/o H.No. 1679, Baba Harish Chandra Marg, Chandpole, Jaipur-01, presently retd. as UDC from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/701/2015

Hemant Kumar Kushwah S/o Shri Mohan Lal Kushwah, aged about 63 years, R/o 81/100, Nil Giri Marg, Mansarovar, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/702/2015

Chandan Mal Jain S/o Shri Heera Lal Jain, aged about 61 years, R/o 93, Vidhyut Nagar 'B', Ajmer Road, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/703/2015

Vinod Kumar Gotecha S/o Shri Bhanwar Lal Gotecha, aged about 61 years, R/o Plot No. 77, Braghu Marg, Bani Park, Jaipur-16, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/704/2015

Ram Avtar Sharma S/o Moti Lal Sharma, aged about 67 years, R/o H.No. 38, Krishna Nagar, Brahmpuri Road, Jaipur, presently retd. as X-Ray Technician from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/705/2015

Ganga Ram S/o Shri Gopal Lal Meena, aged about 70 years, R/o Pl. No. 179, Shankar Nagar, Choudhary Colony, Jaipur, presently retd. as L.A. from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(13)

O.A. No. 291/706/2015

M. Dinker Sharma S/o Shri M.L.N. Sastri, aged about 61 years, R/o 61/67, Pratap Nagar, Seopur Road, Jaipur, presently retd. as Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

O.A. No. 291/707/2015

Mohan Shankar Dasora S/o Durlabh Ram Dashora, aged about 65 years, R/o C-97, Jagan Path, Chomu House, Jaipur-01, presently retd. as Associate Professor from the National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Ayush, B-Block, GPO Complex, INA, New Delhi-110023.
2. Director National Institute of Ayurveda, Madhav Vilas, Amer Road, Jaipur-2.

....Respondents

Mr. Rajendra Vaish, counsel for respondent no. 1.

Mr. Satish Pareek, proxy counsel for

Mr. M.D. Agarwal, counsel for respondent no. 2.

(14)

ORDER

Per: Suresh Kumar Monga, Judicial Member

With the consent of learned counsels for both the parties, O.A. No. 291/683/2015, O.A. No. 291/684/2015, O.A. No. 291/685/2015, O.A. No. 291/686/2015, O.A. No. 291/687/2015, O.A. No. 291/688/2015, O.A. No. 291/689/2015, O.A. No. 291/690/2015, O.A. No. 291/691/2015, O.A. No. 291/692/2015, O.A. No. 291/693/2015, O.A. No. 291/694/2015, O.A. No. 291/695/2015, O.A. No. 291/696/2015, O.A. No. 291/697/2015, O.A. No. 291/698/2015, O.A. No. 291/699/2015, O.A. No. 291/700/2015, O.A. No. 291/701/2015, O.A. No. 291/702/2015, O.A. No. 291/703/2015, O.A. No. 291/704/2015, O.A. No. 291/705/2015, O.A. No. 291/706/2015 and O.A. No. 291/707/2015 are taken up together for disposal as a common question of law and facts is involved in all these cases. For the sake of convenience, the facts are taken from OA No. 291/00683/2015.

2. After attaining the age of superannuation, the applicant herein retired from the services of National Institute of Ayurveda, Jaipur. His pleaded case is that his services had been treated as the services of the Central Government. At the time of his retirement, he was governed by the CCS (Pension) Rules, 1972. The Government of India vide its Office Memorandum dated 25.08.1983 approved the introduction and implementation of the Pension-cum-GPF-cum-Death-cum-Retirement Gratuity Scheme, including Family Pension Scheme for the employees of the National Institute of Ayurveda. The said Scheme was made applicable with effect from 01.04.1983, as contained in the CCS

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(Pension) Rules, 1972. It has further been averred that the Government of India vide its Resolution No.45/86/97-P & P.W. (A) dated 30.09.1997 sanctioned the Fixed Medical Allowance to Central Government Pensioners drawing pension as per the CCS (Pension) Rules, 1972 and not covered by Central Government Health Services (CGHS) or any other corresponding health scheme. The aforesaid Office Memorandum has further been clarified vide letter dated 30.12.1998. As the applicant is also a retiree and at the time of his retirement, he was governed by the CCS (Pension) Rules, 1972 and not being covered by the CGHS or any other corresponding health scheme, nor was receiving Rs.100/- as Fixed Medical Allowance, therefore, he requested the respondents to release Fixed Medical Allowance at the rate of Rs.100/- per month in terms of Resolution dated 30.09.1997 and Office Memorandum dated 19.12.1997. The representation dated 28.06.2014 submitted by the applicant was not considered by the respondents for a long time and, therefore, he preferred Original Application No.14/2015 before this Tribunal. The said Original Application was disposed of vide order dated 06.01.2015 with a direction to Respondent No.1 to pass a speaking order in accordance with law over the applicant's representation within a period of three months. Pursuant to said order, the representation submitted by the applicant was considered by Respondent No.1 and the same was rejected vide order dated 04.03.2015 (Annexure A/1). Aggrieved by the said order, the applicant has preferred the instant Original Application under Section 19 of the Administrative Tribunals Act, 1985.

3. The Respondents No. 1 and 2 by way of filing their separate replies have opposed the claim of the applicant. It has been pleaded by Respondent No.1 that the Ministry of Ayush had considered and examined the matter in detail for extending the facility of Fixed Medical Allowance of Rs.100/- in consultation with the CGHS Division, Ministry of Health & Family Welfare, Department of Pension & Pensioners Welfare and the Department of Expenditure on the representations received in the year 2008 from the National Institute of Ayurveda Pensioners' Association, Jaipur. As per the existing CGHS policy, no new Autonomous Bodies are being extended CGHS facilities. The said decision was conveyed to the National Institute of Ayurveda Pensioners' Association, Jaipur and the Director, National Institute of Ayurveda, Jaipur vide letter dated 04.03.2013. It has been submitted that pursuant to order dated 06.01.2015 passed by this Tribunal in OA No.14/2015, Ministry of AYUSH examined the representations of retired employees of the National Institute of Ayurveda, Jaipur and found that this matter was already examined in detail and as per the existing CGHS policy, no new Autonomous Bodies are being extended CGHS facilities. The National Institute of Ayurveda is an Autonomous Body, whose day to day functions are regulated by its Memorandum of Association, Bye-Laws, Rules & Regulations and implementation of any facility having financial implication requires prior approval of the nodal Ministeries/Department. The Institute is not a part of the Central Government where allowances applicable to the Central Government Employees get applicability automatically. The Respondent No.1 has also placed on record a note-sheet dated 08.02.2013 (Annexure R/2) stating

that since the pensioners of the Institute are not entitled to CGHS facilities and serving employees of the Institute are covered under Central Services (Medical Attendance) Rules, 1944, the Fixed Medical Allowance cannot be made applicable to the pensioners of the said Institute. With these assertions, the Respondent No.1 has prayed for dismissal of the OA.

4. Respondent No.2 while filing its separate reply pleaded that the applicant is a retired employee of the National Institute of Ayurveda and not of the Central Government but some of the provisions of the Central Government Rules are applicable as per the provisions of Bye-Laws, Memorandum of Association of the said Institute. It has further been pleaded that the OM dated 19.12.1997 is not applicable in the case of the applicant and the applicant is not entitled to Fixed Medical Allowance. In fact, the said Resolution and the Office Memorandum has been introduced for the Central Government pensioners. It has been denied by Respondent No.2 that the said Scheme is applicable to all those employees, who are governed by the CCS (Pension) Rules, 1972. Repeating the plea as taken by Respondent No.1, it has also been asserted that the National Institute of Ayurveda is an Autonomous Body registered under the Rajasthan Societies Registration Act and only those Central Rules and Office Memorandum etc. are applicable to it, which are made applicable as per the direction of the Central Government. The payment of Fixed Medical Allowance is not applicable in the National Institute of Ayurveda, as no such direction has been given by the Central Government. It has also been denied that all the provisions governing the Central Government servants are applicable to the employees of the National Institute of Ayurveda. Justifying the

order dated 04.03.2015 (Annexure A/1) on the basis of above plea, Respondent No.2 has also prayed for dismissal of the OA.

5. Shri P.N.Jatti, learned counsel for the applicant while initiating his arguments produced a copy of the Government of India order dated 25.08.1983, which is taken on record and marked as Annexure A/10. Shri Jatti contended that as per the said decision of the Government, the Pension-cum-GPF-cum-Death-cum-Retirement Gratuity Scheme, including Family Pension Scheme, as contained in the CCS (Pension) Rules, 1972 was made applicable to the employees of the National Institute of Ayurveda with effect from 01.04.1983. He further contended that the applicants in all these Original Applications are retirees of the National Institute of Ayurveda and their retirement orders were passed under CCS (Pension) Rules, 1972. During the tenure of their employment, they were not covered by the CGHS and they were getting the benefits under CS (MA) Rules 1944. After their retirement, they are not being paid the Fixed Medical Allowance. Whereas, in terms of the Government Resolution dated 30.09.1997 and the Office Memorandum dated 19.12.1997, they are entitled to get Fixed Medical Allowance at the rate of Rs.100 per month. He while referring to a judgment of the Hon'ble High Court of Karnataka in the case of

A.B.Colaco S/o Late HPD Colaco vs. Coffee Board (Annexure A/9) contended that Note 2 (iv) sub Rule (2) of Rule 1 of the Central Services (Medical Attendance) Rules, 1944 was held to be unconstitutional, and, therefore, the respondents cannot deny the Fixed Medical Allowance to the applicants herein. Learned counsel for the applicants further contended that the order dated

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04.03.2015 (Annexure A/1) is a result of total non application of mind as Respondent No.1 while passing the said order remained oblivious about the fact that the National Institute of Ayurveda, Jaipur is an Institute decades old and cannot be termed to be a new Autonomous Body in comparison to the Prasar Bharti which has been incorporated a few years ago only. It was the contention of learned counsel that the National Institute of Ayurveda, Jaipur cannot be termed to be a new autonomous body arbitrarily to decline the benefit of Fixed Medical Allowance to its retirees. He further contended that the order dated 04.03.2015 (Annexure A/1) cannot be sustained and the applicants in all these Original Applications are entitled to get Fixed Medical Allowance in terms of aforesaid Government Resolution and the Office Memorandum.

6. Per contra, Shri Rajendra Vaish, learned counsel appearing for Respondent No.1 contended that the National Institute of Ayurveda is an Autonomous Body, which is governed by its own Rules and Regulations. The representations submitted by the National Institute of Ayurveda Pensioners' Association, Jaipur were duly considered by the respondents. As per the existing CGHS policy, no new Autonomous Bodies are being extended CGHS facilities. Learned counsel further contended that as per the opinion of the Department of Expenditure, the pensioners of the Institute are not entitled to the CGHS facilities and the serving employees of the said Institute are covered under CS (MA) Rules, 1944. Therefore, the Fixed Medical Allowance cannot be made applicable to them. In order to support his

contention, learned counsel further relied upon the provisions of Note 2 (iv) sub-rule (2) of Rule 1 of the CS (MA) Rules, 1944.

7. Learned counsel for respondent No. 2, apart from toeing the same line of arguments as projected by Shri Rajendra Vaish, also contended that the employees of the National Institute of Ayurveda, Jaipur cannot be termed to be the Central Government employees. Nor they can be termed to be the pensioners of the Central Government after their retirement. Therefore, they cannot claim the protection of Resolution dated 30.09.1997 and the Office Memorandum dated 19.12.1997.

8. Considered the rival contentions of learned counsels for the parties and perused the record.

9. There is no dispute that the National Institute of Ayurveda is an Autonomous Body and being an Autonomous Body, it is governed by its own constitution and the rules and regulations promulgated pursuant to the decisions taken by its governing body. However, the fact remains that the Government of India came out with an order dated 25.08.1983 and introduced a Pension-cum-GPF-cum-Death-cum-Retirement Gratuity Scheme, including Family Pension Scheme as contained in the CCS (Pension) Rules, 1972 for the employees of the National Institute of Ayurveda, Jaipur. The said Scheme was made applicable w.e.f. 01.04.1983. A perusal of the Scheme reveals that the same shall be financed out of pension fund to be credited from the fund already available with the Institute on account of employees' contribution to CPF together with interest that may accrue on investment of such funds and other internal revenues

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of the Institute, and no additional grants for augmenting the Pension Fund will be released by the Government of India. While following the said order dated 25.08.1983 issued by the Government of India, the applicants in all these Original Applications were retired by the National Institute of Ayurveda under CCS (Pension) Rules, 1972. Yet another admitted fact that the serving employees of the National Institute of Ayurveda are not entitled to the CGHS facilities also cannot be ignored. As per the document Annexure R-2 placed on record by Respondent No.1 along with the reply, serving employees of the Institute are covered under CS (MA) Rules, 1944. The said document further divulges that the Fixed Medical Allowance cannot be made applicable to the pensioners of the Institute and the same is applicable to other retired Central Government officials. It appears that non entitlement of the Fixed Medical Allowance to a retiree of the National Institute of Ayurveda is laid down by the respondents while viewing the provisions of Note 2 (iv) sub Rule (2) of Rule 1 of the Central Services (Medical Attendance) Rules, 1944, which makes a provision for non-applicability of the said rules upon the retired Government officials. Whereas, the said Note has already been held to be unconstitutional by the Hon'ble High Court of Karnataka in the case of **A.B.Colaco S/o Late H.P.D. Colaco vs. Coffee Board** (supra). Thus, in our considered view, the retirees of the National Institute of Ayurveda, Jaipur cannot be held to be disentitled to Fixed Medical Allowance as admittedly the CS (MA) Rules, 1944 are applicable upon the serving employees of the said Institute and the provision as contained in Note 2 (iv) sub Rule (2) of Rule 1 of the said Rules disentitling the retirees from the protection of

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said Rules has already been held to be unconstitutional by the Hon'ble High Court of Karnataka in the case of **A.B. Colaco** (supra). A perusal of the Government's Resolution dated 30.09.1997 (Annexure A/2) reveals that after the recommendations of the 5th Pay Commission, the pensioners residing in an area not covered by CGHS are entitled to Fixed Medical Allowance @ Rs. 100/- per month for their day to day medical expenses. Since the applicants in all these Original Applications are not covered by CGHS Scheme, therefore, we hold that they are entitled to get Fixed Medical Allowance @ Rs. 100/- per month in terms of Resolution dated 30.09.1997. It also requires to be noticed here that as per the Office Memorandum dated 19.12.1997 issued by the Government of India, the payment of Medical Allowance is now counted for as a part of sub-head under 'Pension and other Retirement Benefits'. This Tribunal while disposing of Original Application No.14/2015 had issued a direction to the Secretary to Government of India, Ministry of Health and Family Welfare to consider the applicants' representations and pass a reasoned and speaking order in accordance with the provisions of law. A perusal of the order dated 04.03.2015 (Annexure A/1) passed by the respondents pursuant to the direction issued by this Tribunal clearly reveals that the same is the outcome of total non application of mind as while passing the said order, reliance has been placed on the existing CGHS policy laying down therein that no new Autonomous Body can be extended CGHS facilities. It is not understandable that how the National Institute of Ayurveda, Jaipur, which is admittedly decades old an Institution, has been

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termed as new Autonomous Body in terms of CGHS policy disentitling the retirees from the Fixed Medical Allowance.

10. In the conspectus of discussions made hereinabove, all these Original Applications deserve to be allowed.

11. Accordingly, all these Original Applications are allowed. The order dated 04.03.2015 (Annexure A/1) passed by respondent no. 1 is hereby quashed. The respondents are directed to allow Fixed Medical Allowance @ Rs. 100/- per month to the applicants in terms of Government's Resolution dated 30.09.1997 (Annexure A/2) and Office Memorandum dated 19.12.1997 (Annexure A/3). However, the applicants shall be entitled to get the arrears from the date of filing of their respective OAs.

12. Ordered accordingly. There shall be no order as to costs.

(A. Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/