

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.536/2018 with MA No.450/2018**

**This the 12<sup>th</sup> day of December, 2018**

**Coram : Hon'ble Shri M.C.Verma, Judicial Member**

1. Radheyshyam S/o. Ramcharitra Mishra  
Age 62 years, Retired, Hindu by Religion,  
Residing at : A/3, Sumukh Apptt. Jawahar Chowk,  
Maninagar, Ahmedabad 380 008.
2. Mahendrasingh S/o. Udhavsinh Ailsinghani  
Age 68 years, Retired, Sikh by Religion  
Residing at : B/204, Popular Paradise, Satyam Vista Lane,  
Got, Ahmedabad.
3. Sanjay S/o. Mangaldas Shah  
Age 61 years, Retired, Hindu by Religion,  
Residing at : B/9, Aadesh Appartment,  
Nr. Hasubhai Park, Jodhpur,  
Ahmedabad 380 015.
4. Anil S/o. Rammanoharlal Khare  
Age 62 years, Retired, Hindu by Religion,  
Residing at : B/3, Parth Appartment,  
Ramdevnagar, Satellite,  
Ahmedabad 380 015.
5. Smt. Madhvai W/o. Jaykumar Joshi

**CAT, Ahmedabad Bench**

Age 67 years, Retired, Hindu by Religion,  
Residing at : 20/141, Pragatinagar, Naranpura  
Ahmedabad.

6. Smt. Ruksana W/o. Iliyas Jariwala  
Age 62 years, Retired, Muslim by Religion,  
Residing at : A/2, Diamond Appartment, Kocharab  
Paldi, Ahmedabad 380 007.

7. Rameshkumar S/o. Maniram Gorkha  
Age 62 years, Retired, Hindu by Religion,  
Residing at : E/203, Darshanam Antica,  
Danteshwar-Tarsali Road,  
Vadodara 390 009. .... Applicant

( By Advocate : Shri Mahesh Chandaran)

**VERSUS**

1. The Director General  
E.S.I. Corporation  
Panchadeep Bhavan, C.I.G. Marg,  
New Delhi 110 002.
2. Regional Director  
E.S.I. Corporation  
Panchadeep Bhavan, Ashram Road,  
Ahmedabad 380 014. .... Respondents.

**ORDER – ORAL**

**Per : Hon’ble Shri M.C.Verma, Member (J)**

Heard. Instant OA has been preferred by the applicants who all are retired employees of E.S.I. Corporation under the Ministry of Labour & Employment and they have opted Pensioners Medical Scheme, 2006 (Annexure A-2). The grievance of the applicant is against alleged revision of subscription rate with retrospective effect. The Scheme was optional and Members have to pay either lifetime or annual subscription to avail medical facilities after retirement. Since all the applicants have opted for lifetime/annual subscription of the scheme and therefore they have to forego fixed medical allowance. In all, there are seven applicants in the OA, however, factual details regarding applicant No.1, namely Radheyshyam Mishra has only been given. As per pleadings applicant No.1 retired on 31.1.2017, he applied to opt said Pensioners Medical

**CAT, Ahmedabad Bench**

Scheme, 2006 on 02.02.2017, paid amount, of Rs.60,000/-, for lifetime subscription and was issued PMS card, lifetime valid, on 23.6.2017. It has been pleaded that amount of Rs.60,000/- has been demanded from him due to revision of rate with retrospective effects.

2. As noted above seven applicants are there in this OA and the pleadings of the OA does not specify, categorically, whether all applicants have obtained Lifetime Certificate or some of them are covered by Annual contribution. Upon query learned counsel made statement at Bar that all applicants have opted for Lifetime Certificate.

3. Considered the submissions and perused the record. Though it has been pleaded in OA that amount of Rs.60,000/- has been demanded from applicant No.1, due to revision of rate but no such demand is reflected by the material supplied. Learned counsel referring Annexure A-4 to make out such case

**CAT, Ahmedabad Bench**

but unfortunately Annexure A-4, which is the letter dated 07.06.2018 addressed to R.S.Mishra, nowhere speaks about demand of Rs.60,000/- as has been submitted or pleaded in the OA.

4. In OA what is under challenge is revision of rate of contribution as has been made vide Annexure A-1, which is letter dated 06.03.2018 on the subject: “*ESIC Pensioners Medical Scheme, 2006 - rates of contribution*”. Interestingly this letter in unequivocal term stipulates that pensioners beneficiaries who have already obtained ESIC card with life time validity will not be required to pay and additional amount. Sub Clause (i) of Clause (3) of said letter reveals “*Pensioners beneficiaries, who have already obtained ESIC card with life time validity by paying a lump sum amount equivalent to 10 years’ contribution, will not be required to pay any additional*

**CAT, Ahmedabad Bench**

*amount as a result of the revision in the rates of contribution for availing ESIC facility”.*

5. As per submission made at Bar all the applicants are those who have already obtained ESIC card with life time validity. When applicants are persons who have already opted and have obtained ESIC card with life time validity, to avail ESIC facility, they does not appear to be affected. Having considered the submissions and taking note of entirely, I find that OA is misconstrued one.

6. With above observation, the OA is dismissed. MA No.450/2018, application to file OA jointly, also stands disposed off.

**(M.C.Verma)**  
**Member (J)**

nk