

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

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

This the 12th 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 App. Jawahar Chowk,
Maninagar, Ahmedabad 380 008.

2. Mahendrarsingh 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 Apartment,
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

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.

O R D E R – 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 forget 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

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

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 any 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*

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)**

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