

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

DATED THIS THE 22ND DAY OF JUNE, TWO THOUSAND EIGHTEEN

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

OA/310/00747/2018

p. Tamilselvan,
Retd., Junior engineer II,
Plot No.L1/A/New No.2/134,
ARN Avenue, Ponneripuram,
Trichy.

...Applicant

○ M/s Ratio Legis, counsel for the applicant.

-versus-

1. Union of India rep., by
The General Manager,
Southern Railway,
Park Town, Chennai 600 003.
2. The Chief Works Manager,
Central Workshops,
Ponmalai, Trichy 620 004.

...Respondents

Mr. P. Srinivasan, counsel for respondents

ORDER (ORAL)

○ (PRONOUNCED BY HON'BLE MR. R. RAMANUJAM, MEMBER (A))

The applicant has filed this OA seeking the following reliefs:-

"to call for the records related to the impugned order No.GPB/353/Court/O.A.No.407/2017 dated 14.09.2017 and to quash the same, and further to direct the respondents to make necessary entries in the PPO/PPA and to pay 'the Fixed Medical Allowance' and to make further order/orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

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2. It is submitted that the applicant is a Railway pensioner who was availing of OPD facilities in terms of the option given by him at the time of superannuation in 2010. As a retired person living beyond 2.5 kms from the nearest Railway Hospital, he could opt for either OPD facility or Fixed Monthly Allowances. He made a representation for a change in the option so that he could now avail of Fixed Monthly Allowance in lieu of OPD. His representation was directed to be considered by the respondents by an order dated 15.3.2017 of this Tribunal in OA.407/2017.

3. Pursuant to the said order, the respondents have passed Annexure A4 order dated 14.9.2017 stating that the applicant could not change his option from OPD to Fixed Monthly Allowance as there was no change in his residential status owing to shifting to another residence more than 2.5 kms away from the nearest Railway Hospital from a previous residence within 2.5 kms of the nearest Railway Hospital. Such a revised option would only be available to those who were previously living within 2.5 kms distance from the nearest Railway hospital and subsequently moved to a place more than 2.5 kms and once only after retirement. Since the applicant was already living beyond 2.5 kms of the nearest Railway Hospital and there was no change of residence, the one time option exercised by the applicant to avail OPD could not be allowed to be changed. Aggrieved by the said order, the applicant is before this Tribunal.



4. Learned counsel for the applicant would refer to RBE No.75/2017 dated 28.7.2017 regarding enhancement of Fixed Medical Allowance from Rs.500/- to Rs.1000/- per month and submit that in Annexure-I to the said Circular, para 3 of the format of revised undertaking required the pensioner to declare that he had not availed of any treatment as an out door patient except in the case of chronic diseases from the date of retirement or the date of availing of the OPD facility on the last occasion or 1.12.1997 whichever was later, till the date of the option. This clearly implied that even the existing pensioners had an option to move over from OPD to Fixed Monthly Allowance. The disposal of the applicant's representation by the impugned order made no reference to the said RBE Circular and is, therefore, without proper application of mind, it is alleged.

5. Shri P. Srinivasan, learned counsel, takes notice for the respondents.

6. I have considered the matter. It does appear *prima facie* from Annexure-I (Revised Undertaking Form) attached to Board's letter dated 28.7.2017 and RBE No.75/2017 that the same could be submitted by the existing pensioners/family pensioners also. In as much as the impugned Annexure A4 disposal of the applicant's representation makes no reference to this, the applicant is entitled to a clarification in this regard. Accordingly I am of the view that the ends of justice would be met in this case if the respondents are directed to reconsider the applicant's request for a change

over from OPD to Fixed Medical Allowance with specific reference to RBE 75/2017 and Annexure-I thereto containing the format of the revised undertaking and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

7. OA disposed of in the above terms. No costs.