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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1226 OF 2003

New Delhi, this the 7th day of May, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri R.M. Roy
s/o Shri N.B. Roy
Retired Section Officer,
University Grants Commission
New Delhi
R/o RZ-723/F, Street No.1,
Pooran Nagar, Palam Colony,
New Delhi-110045.

.....Applicant

(By Advocate : Shri S.K. Sawhney)

Versus

1. Union of India through
Secretary, (Dept. of Education),
Ministry of Human Resource Development,
Government of India,
Rajendra Prasad Road,
New Delhi-110001.
2. Secretary,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi-110002.

.....Respondents

(By Advocate : Shri Amitesh Kumar for R-2
None for R-1)

ORDER (ORAL)

This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to pay the medical reimbursement of the claim submitted by the applicant along with interest.

2. The applicant retired from the post of Section Officer on 31.10.1997 from the employment of respondent NO.2. It is the contention of the applicant that rules applicable to Central Govt. employees are also made applicable to the employees of University Grants Commission. The medical treatment

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facility to the employees and their dependents of University Grants Commission on the same terms as available to the Central Govt. employees. The wife of the applicant is a patient of acute Asthma for which she has been taking treatment. Accordingly, the claim of Rs.3110/- incurred on the treatment of the wife of the applicant was made and the same was paid to the applicant vide letter dated 10.5.2000 (Annexure A/3). However, subsequent reimbursement claims made as per Annexures A/4, A/5, A/6 and A/7, the same have not been reimbursed. By impugned letter dated 29.5.2002, the applicant has been informed that the employees, who were CPF beneficiaries, are not eligible for re-imbursement of medical claim. However, the University Grants Commission has requested the Ministry of Human Resource Development that the retired employees who were beneficiary of CPF may also be permitted to claim the medical re-imbursement. The reply from the Ministry is still awaited. In case, it is approved by the Ministry of Human Resource Development, the reimbursement of medical claims with retrospective effect to the applicant will be considered as per the respondent No.2.

2 (a). The learned counsel of the applicant invited attention to provisions contained in the University Grants Commission (Supplementary Terms & Conditions of Services of Employees) Regulations, 1967 (Annexure R-1) which provides as follows:-

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"2. MEDICAL FACILITIES FOR EMPLOYMENTS:

Employees of the Commission and members of their families shall be entitled to such medical aid as is admissible to Central Civil Servants of similar categories in Delhi and New Delhi. All employees of the Commission shall thus be members of the C.G.H.S.S. of the Central Government and shall pay such contribution as is required under that scheme."

3. It was further pointed by the learned counsel that Ministry of Health and Family Welfare OM dated 21.1.1991 provides as under:-

3. Pensioners/Family Pensioners

Eligibility.- All Central Government pensioners/family pensioners (except Railways/Armed Forces pensioners/family pensioners) including those who retired with Contributory Provident Fund Benefits, who were eligible for availing Central Government Health Scheme facilities while in service are eligible for availing CGHS facilities after retirement irrespective of whether they were or were not availing CGHS facilities while in service. It is not necessary that these pensioners/family pensioners should be living in the areas covered under the CGH Scheme.

Registration.- The pensioners/family pensioners have the option to get their names registered with any of the dispensaries in the above-mentioned cities. They should make an application in the prescribed pro forma to the Additional Director, CGHS concerned stationed in the above cities who will issue CGHS Identity card."

4. According to the learned counsel, the above-mentioned provision clearly indicates that even contributory provident fund beneficiaries are entitled to medical expenses reimbursement. Therefore, a direction be issued to the respondents accordingly.

5. The respondent No.2 has opposed the present Original Application for the time being. It

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was pointed out by the learned counsel that only few employees opted for contributory provident fund scheme, the University Grants Commission is trying to help them and has recommended their cases for consideration and approval of the Ministry of Human Resource Development (Respondent No.1). In this connection, he has specifically referred to the correspondence dated 21/23.5.2003 (Annexure R/14) addressed to Director, Department of Secondary & Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi, which reads as under:-

"Kindly refer to your letter No.F.4-1/2002-U.1 dated 31.7.2002 (copy enclosed) regarding reimbursement of medical expenses to Shri R.M. Roy, Ex-Section Officer of UGC and to invite your attention to this office letter of even number dated 3.5.2002 (copy enclosed for ready reference) vide which this office had sought the approval of the Ministry of Human Resource Development for medical reimbursement facility to non-pensioners of UGC i.e. the retired employees who were CPF optees during their service period. As stated earlier that there are hardly 4-5 such persons and Shri R.M. Roy, Ex-Section Officer is one of them.

Since the application of Shri R.M. Roy, Ex-Section Officer related to reimbursement of his medical expenses is forwarded now by the Ministry of Human Resource Development for appropriate action vide letter referred to above, you are, therefore, requested to clarify whether this office can reimburse the medical expenses to Shri R.M. Roy and other non-pensioners i.e. to those retired employees who were CPF optees during their service, by treating your letter dated 31st July, 2002 referred to above as 'APPROVAL' in the matter."

6. The learned counsel informs that before the decision is taken to seek approval of the

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Ministry, the payment were being made to the applicant even though he was a CPF beneficiaries. According to the learned counsel, the rules relating to Central Govt. employees do not automatically apply to the employees of University Grants Commission. There has to be specific adoption of those rules. In this case since a reference has been made the payments cannot be released pending approval of the Ministry.

7. After hearing the learned counsel of both the parties and after perusal of the records, it is seen that the notice of this OA was issued to respondent NO.1, i.e., Secretary, Department of Education, Ministry of Human Resource Development, Govt. of India, Shastri Bhawan, Rajendra Prasad Road, New Delhi. In spite of service, no representation was made by the respondent NO.1. Therefore, by order dated 24.3.2004 fresh DASTI notice was issued which has been served on respondent NO.1 on 12.4.2004 as per report of Respondent No.2. However, no appearance has been put in by respondent No.1. Therefore, it is presumed that respondent no.1 is no longer interested in advancing his points of view so far as this OA is concerned. In the circumstances, counsel of the applicant as well as respondent No.2 were heard and this case is being disposed of accordingly.

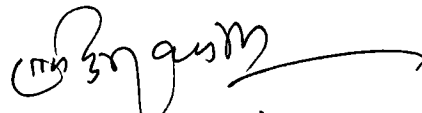
8. Without going deep into the controversy, it is apparent that the applicant had made certain medical reimbursement claims which were paid to him on 11.5.2000. Similar claims have been withheld by the

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respondent No.2 on the ground that the matter has been sent to the respondent No.1 for their approval on 16.6.2000. In the opinion of this Tribunal, there is no change in the facts and circumstances of the case sofar as the applicant and respondent No.2 are concerned. Merely because a reference has been made to respondent No.1 for approval, it cannot be presumed that there is prohibition in making payment to the applicant after making of a reference on 16.6.2000. As a matter of fact, there is no specific prohibition from respondent No.1 to respondent No.2 for not making such payment. Considering this aspect of the matter, it is directed that respondent No.2 will continue making payment to the applicant as per the practice followed before making such a reference. The pending claims should be reimbursed as in the past within two months from the date of receipt of a copy of this order.

9. In the result, this OA is allowed without any order as to costs.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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