

CENTRAL ADMINISTRATIVE TRIBUNAL**CHENNAI BENCH****MA No. 310/00731/2019****and****OA.No. 310/01590/2019****Dated , the day of November, 2019****PRESENT****Hon'ble Mr.P.Madhavan, Member(J)****&****Hon'ble Mr.T.Jacob , Member(A)**

R. Ravikumar,
Rtd. Chief Ticket Inspector,
No. AS-8, Surya Shobha Apt.,
Chirakkud,
Palakkad – 678 013.

....Applicant

By Advocate M/s Ratio Legis.

Vs

1. Union of India represented by
The General Manager,
Southern Railway,
Park Town, Chennai – 600 003.

2. The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
NGO Annexe, Park Town,
Chennai – 600 003.

....Respondents

By Advocate Mr.P.Srinivasan.

ORAL ORDER

(Pronounced by Hon'ble Mr.T.Jacob, Member(A))

MA for condonation of delay is allowed.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"I. To call for the records relating to the impugned order dated 23.11.2017 and to quash the same and further to direct the respondents to arrange to pay 'the Fixed Medical Allowance' and to make further order/orders as this Hon'ble Tribunal may deem fit and proper and render justice."

3. The brief facts of the case as submitted by the applicant are as follows:

The applicant has joined the Railway Service on 03.02.1975 in Southern Railway and while working as a Chief Ticket Inspector retired on 30.06.2014 on attaining the age of superannuation. From the date of superannuation he was availing OPD and later on shifted his place of residence to the present address which falls beyond 2.5 kms of the nearest Railway Medical Units and hence exercised option vide letter dated 01.02.2017 which was rejected vide impugned order No.M/P3/500/VI/RR/June-14 dated 23.11.2017 and hence this application is preferred before this Hon'ble Tribunal for necessary intervention and for justice.

4. The learned counsel for the applicant submits that this Tribunal has passed an order in similar case in OA 282/2019 and states that the applicant would be satisfied if this O.A is also ordered on similar lines.

5. Mr. P. Srinivasan, learned counsel for the respondents takes notice and states

that he has no objection for similar order to be passed in this OA.

6. A perusal of the order of this Tribunal in OA.282/2019 dated 27.08.2019 would show that the very same issue as raised by the applicant in the present OA has been dealt with by this Tribunal and held as follows:-.

“9. Accordingly, this OA is disposed of with a direction to the Respondents to prepare a statement of cases and refer the matter to the Railway Board for their consideration to arrive at a judicious conclusion, keeping in mind the State’s obligation as reiterated by the Apex Court in the case of Ram Lubhaya Bhagga (supra). Time calendared for Respondent No.1 to prepare and send the Statement of Case to the Railway Board is 8 weeks and the Railway Board may accord priority to the same and frame a sound policy decision in this regard at the earliest. Needless to mention that if the decision is in favour of the applicant, Respondent No.1 shall accordingly permit the applicant to exercise his option to switch over from OPD to FMA.”

7. Since the issue on hand is identical to the one cited supra, for maintaining consistency (since consistency is virtue, vide Constitution Bench Judgement in the case of State of Karnataka Vs Umadevi (2006) 4 SCC 1) and also the said decision being judicious and in tune with the scheme of medical treatment, the respondents are directed to follow the directions of this Tribunal in OA.282/2019 dated 27.08.2019 in this OA also and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. The OA is disposed of accordingly. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

-11-2019