

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/692/2017**

**Date of Order: 14.08.2019**

Between:

1. CRIUM Pensioners' Welfare Association  
H.No.301-B, Moon Rock Apartment, Humayun Nagar  
Hyderabad – 500 028, represented by its Secretary Dr. P.V.Goud  
S/o P. Krishnaiah, aged about 64 years,  
Occ: Retired Employee  
R/O H.No.1-2-606/80/6, Post Gandhi Nagar  
Hyderabad – 500 080.
2. Dr. Md. Ali Mirza, Retired Deputy Director i/c, CRIUM  
S/O Late Babar Ali Mirza, aged about 68 years  
R/O 7-1-35 Sri Devi Apartments, Flat No.404  
Dharam Karan Road, Ameerpet,  
Hyderabad 500 016. ...Applicants/Petitioners

AND

1. Union of India represented by  
Secretary, Ministry of Ayush  
Ayush Bhawan, B-Block, GPO Complex, INA  
New Delhi – 110 023.
2. Union of India represented by Secretary  
Ministry of Health & Family Welfare  
Nirman Bhavan, New Delhi.
3. Central Council for Research in Unani Medicine rep by  
Director General, No.61-65, Industrial Area  
Opp D Block, Janakpuri  
New Delhi – 1100 ... Respondents

Counsel for the Applicant ... Mr. Md. Shafiquzzaman.

Counsel for the Respondents ... Mr. B. Laxman, proxy of Mrs. K. Rajitha, Sr. CGSC

**CORAM:**

**Hon'ble Mr. B.V. Sudhakar, Member (Admn.)**

**ORAL ORDER**

2. The OA has been filed for denying medical reimbursement facilities to the retired employees of Central Council for Research in Unani Medicine (in short, CCRUM), Hyderabad.

3. (I) Brief facts of the case are that Applicant No.1 is an Association of CRIUM (sic. CCRUM) Pensioners' Welfare Association, represented by its Secretary and Applicant No.2 is a retired employee from the respondents organization, which is administered based on Bye-laws and Rules and Regulations which are similar to that of Central Government employees. While in service, the applicants were availing the medical facilities in Delhi under CGHS and in other stations as per Central Services (Medical Attendance) Rules, 1944 [in short, CS (MA) Rules]. After retirement, as they were not being provided with any medical facility, the employees of the respondents organisation approached the Hon'ble Delhi High Court in WP No.1145/2013, and when the matter was pending before the Hon'ble High Court of Delhi, the Ministry of Health and Family Welfare issued an OM dated 10.06.2014, extending CGHS facility to the retired employees of statutory/autonomous bodies, whose serving employees were covered by CGHS. Keeping this OM in view, the Hon'ble Delhi High Court, has disposed of the Writ Petition vide Judgement dated 23.04.2014.

(II) The OM dated 10.06.2014 of the M/o Health and Family Welfare is silent in regard to the employees of the respondents organization, who retired from stations other than Delhi and who were not covered by CGHS but covered by CS (MA) Rules for their medical reimbursement. Applicants made several representations to the respondents but of no avail. As there was no response, applicants filed OA No.273/2015 praying for amending the OM dated 10.06.2014 by extending the medical facility to the applicants either under CGHS Scheme or under CS (MA) Rules. The OA 273/2015 was disposed of by directing the respondents to dispose of the representations of the applicants therein, by issuing a reasoned order. Thereafter, 1<sup>st</sup> Respondent issued a bald order on 29.05.2015, rejecting the request on the ground that the issue of providing the CGHS facility is outside its purview, therefore, referred representations of the applicants therein to 2<sup>nd</sup> Respondent (i.e., Ministry of Health & Family Welfare) for taking a policy decision in the matter.

(III) Once again, based on the said order dated 29.05.2015, the applicants filed OA 1520 of 2015, which was disposed of vide its order dated 11.4.2016, wherein it was directed to consider the request of the applicants. Again the request of the applicants was rejected on 12.09.2016, but at the same time, 1<sup>st</sup> Respondent directed the Research

Councils, under the respondents organization, to work out an alternative scheme for medical reimbursement of the applicants. The Research Councils have not framed any alternative Scheme, and as a result, the applicants are not getting any medical treatment which is causing severe hardships to them.

4. The contentions of applicants are that the CCRUM is an autonomous organization with headquarter in Delhi and Branch Units in different States of the country, including Hyderabad. The service conditions of the employees of the respondents organization are governed by Memorandum of Association and Bye-laws. As per Bye-law 43, the employees of the respondents organization are entitled to the medical aid as admissible under the prescribed Central Council's Health Scheme. Besides, Item No.40 of Schedule-I of the Bye-laws, provides full powers to the Director for reimbursement of medical expenses incurred by an employee for himself and for his family members in accordance with the Central Government rules. In addition, Bye-law No.47, provides that in respect of matter(s) not provided in the Bye-laws, the rules as applicable to Central Government servants regarding the general conditions of service, pay, allowances or TA, daily allowances, etc. shall apply *mutatis mutandis* to the employees of the respondents organization (i.e., Central Council). The employees of the respondents organisation, working at Delhi, were provided medical aid

under CGHS and those working in the other areas of the country were granted medical reimbursement under CS (MA) Rules. The Bye-law 34 provides that the rule governing the retirement of employees of the Government of India, as amended from time to time, shall *mutatis mutandis* apply to employees of the Central Council. The Ministry of Health and Family Welfare has covered the retired employees of the respondents organization, located at Delhi, under CGHS vide OM dated 10.06.2014. However, not covering others employees of the respondents organization, in the country is unfair, discriminatory and illegal and in violation of Articles 14 and 16 of the Constitution of India. The applicants, before their retirement, covered under CS (MA) Rules and any medical reimbursement facility unlike their counterparts in Delhi, are being treated under CGHS.

5. Respondents have not filed their reply despite giving ample opportunities from March, 2019 onwards. On 15.07.2019, it was made clear that in case the reply is not filed, the matter would be decided ex-parte. Despite such an order, the respondents failed to file reply, and hence, the case is heard in order to not to further procrastinate the matter.

6. Heard both the counsel and perused the pleadings on record.

7. (I) The applicants have retired from the respondents organization while working at Hyderabad. Their main grievance is that while they

were in service, they were covered under CS (MA) Rules, but after retirement, the medical facilities have not been extended to them. Some of their colleagues in Delhi approached the Hon'ble Delhi High Court in Writ Petition No.1145/2013, and when the petition was pending, the Ministry of Health and Family Welfare, issued an OM dated 10.06.2014 extending medical facilities under CGHS to retired employees of the respondents organization, who were located at Delhi. The applicants represented for extending similar facility and they filed OA No.273/2015 and OA No.1520/2015 in this Tribunal. The Tribunal directed the respondents to consider the claim of the applicants but in vain. However, in response to the directions in OA 1520/2015, the 1<sup>st</sup> Respondent, has issued an impugned order on 12.09.2016 directing the *“Central Council for Research in Unani Medicine (CCRUM) to examine the possibility to provide their employees (presently not covered under CGHS scheme), any alternate medical scheme other than CGHS or any insurance scheme etc. by whichever means they deem fit”*.

(II) The learned counsel for the applicants has submitted that the alternate scheme was not worked out till date. A similar matter fell for consideration before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur in WP No.4366/2014, decided on 03.12.2014, wherein it was held as under:

“Learned Tribunal after considering all relevant facts and the law applicable, arrived at the conclusion that no discrimination could have been made in extension of medical attendance on basis of place of residence of the pensioner, may that be in CGHS or non-CGHS area. Learned Tribunal declared the original-applicant entitled for reimbursement of the expenditure in availing the treatment concerned. At the threshold, learned counsel for the petitioners states that a petition for writ of similar nature, i.e. D.B. Civil Writ Petition No.3301/2005 (Union of India & Ors. Vs. Smt. Roop Kanwar Mehta) covers the issue involved in the instant matter. Beside the above, certain other matters of similar nature were considered by Hon'ble Gujarat High Court, wherein too, it was held that no discrimination is permissible in awarding medical attendance on basis of the place of residence of a pensioner. The judgment passed by Hon'ble Gujarat High Court has already been affirmed by Hon'ble the Apex Court on rejection of Special Leave Petition No.10659/2005 vide order dated 03.04.2012. Looking to the factual aspect noticed above, we do not find any just reason to interfere with the order impugned. Accordingly, this petition for writ is dismissed. The directions given by learned Tribunal are affirmed.”

The Hon'ble High Court of Rajasthan has held that there cannot be any discrimination on grounds of residence of the pensioner.

(III) Thus, as can be seen from the facts stated, the respondents organization is extending medical facilities to those employees, who retired from the respondents organization from Delhi while as to those who retired from other stations, the same facilities have not been extended. It needs no reiteration that such an approach has to be obviously termed as discriminatory. Respondents organization is a model employer being an instrumentality of the State. A model employer is expected not to discriminate its employees wherever they

may be. The Hon'ble Delhi High Court, taking note of the OM dated 10.04.2014, has disposed of the Writ Petition, referred to hereinbefore, and thereby the employees of the respondents organization, who retired from Delhi, are availing the medical facilities. Hon'ble High Court of Rajasthan, has categorically opined that the pensioners should not be discriminated for granting medical facilities based on the place of their residence. By telescoping the legal principle established by the High Court of Rajasthan, the respondents are duty bound to provide medical facilities to the applicants, who have retired from the Hyderabad Office of the respondents organization. Also Item 40 of the Bye-laws of the respondents organization has given full powers to sanction the reimbursement of medical expenses incurred by an employee for himself and his family members. In addition, Bye-law 34 provides that the rules governing retirement of the employees of the Government of India, as amended from time to time, shall *mutatis mutandis* apply to the employees of the respondents organization.

(IV) Thus, as can be seen from the Bye-laws, the respondents organization is expected to extend the medical rules governing Central Government pensioners. It is not understood as to why the respondents organisation has not invoked these clauses provided in the Bye-laws of the respondents organization, to extend medical facilities to the retired employees located at different stations other than Delhi.



(V) Nevertheless, as the law has been well settled with the observations of the Hon'ble High Court of Rajasthan wherein clearly laid down that there should not be any discrimination in extending the medical facilities to retired employees, based on the place they have settled. The relief sought by the applicants is genuine and fair. The law supports their cause. Even Bye-laws of the respondents organization provide the feasibility to grant the relief sought.

(VI) Consequently, in view of the aforesaid the action of the respondents in not extending the medical facilities to the applicants residing at Hyderabad is arbitrary, discriminatory and illegal. Hence, the respondents are directed to consider as under:

a) To take up the matter with the Ministry of Health and Family Welfare for bringing the applicants under the CGHS facility on par with those who have retired from the respondents organisation at Delhi.

b) Till the Ministry of Health and Family Welfare takes a decision in the matter, the 1<sup>st</sup> Respondent is directed to process the medical bills claimed by the applicants as per CS (MA) Rules.

c) The time allowed to implement the order is 5 months from the date of receipt of a certified copy of this order.

d) There shall be no order as to costs.

With the above directions, the OA is disposed of.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 14<sup>th</sup> day of August, 2019

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