

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1541/2018

Reserved on: 06.11.2019
Pronounced on: 26.11.2019

Hon'ble Ms. Aradhana Johri, Member (A)

1. D.K. Tyagi, aged 67 years
s/o Sh. Satya Prakash Tyagi
Retired as RC from NYKS
R/o 419/4, Sector 16b,
Vasaundhara, Ghaziabad – 201 012.
2. R.P. Bhardwaj, aged 66 years,
S/o late Kushi Ram,
Retired from NYKS
R/o H.No. 1173n Sector 15,
Sonipat, Haryana.
3. Syed Sadaduddin, aged 62 years,
s/o Syed Yousufuddin,
Retired from NYKS
R/o Door No.1-6-134/1,
Subhash Nagar, Mehbub Nagar,
PO & Distt. Telangana-509001.
4. T.S. Raja, aged 61 years,
s/o Sh. Randhir Singh,
Retired from NYKS
R/o VPO Pandori, Varech Tehsil,
Distt. Amritsar (Pb.).
5. Sukh Ram Bishnoi, aged 60 years,
S/o Sh. Baga Ram,
Retired from NYKS
R/o B-283, R P Colony,
Jaisalmer-345001.
6. Kirpal Singh Gill, aged 68 years,
S/o Sh. Teja Singh Gill,
Retired as Director from NYKS
R/o Vill. Garhi Langri,
P.O. Karah Sahib, The Pheowa,
Distt. Kurukshetra, Haryana 136 128.

7. K R Seshadhri, aged 61 years,
S/o Sh. K.R. Ramakrishnan,
Retired from NYKS
R/o A-1, Krishna Villa, 1st Cross Street,
Annai Nagar, Reddiyapalayam,
Pondicherry – 605 010.
8. Moti Lal Goja, aged 62 years,
S/oi Lt. Natranjan Nath Goja,
Retired from NYKS
R/o 73/7, Manorma Vihar,
Bohri, Jammu, J&K-180002.
9. V K Shukla, aged 61 years,
S/o S. Jaishankar,
Retired from NYKS
Ro/o A-2, Gokul Dham,
Bnanswara, Rajasthan.
10. Khalid Hasan Khan, aged 62 years,
S/o Mohd. Hasan Khan,
Retired from NYKS
R/o H.No. 227, Bajoritola,
Distt. Rampur, UP – 244 901.
11. Abdul Ahad Mir, aged 62 years,
S/o Mohd Abdulla,
Retired from NYKS
R/o Vill. Chivdara Beerwah,
Budgam, J&K-193411.
12. Surrender Kovaliya, aged 62 years,
S/o Ratan Lal Ji Kovaliya,
Retired from NYKS
R/o Vill&PO Kushalgarh,
Distt. Banswara.
13. Kamlesh Narayan Dubey, aged 60 years,
s/o Late Sh. Hari Sangam Dubey,
Retired as Director from NYKS
R/o D-20A, Gangotri Nagar,
Dandi, Allahabad – 211008.
14. J.S. Ahluwalia, aged 66 years,
s/o late Mohan Singh,
Retired as Director from NYKS
R/o H.No. 757, Sector 17,
Jagadhari, Haryana.

15. Haribalabh Gopa, aged 61 years,
S/o Sh. Goval Dass Gopa,
Retired from NYKS
R/o on fort, Kunpada,
Jaisalmer-345001.
16. R.Natajan, aged 63 years,
S/o Sh. N. Ramaswamy,
Retired as Director from NYKS
R/o 51, Kamban Nagar,
Weavers Colony, Ondipudhur,
Coimbatore-16 Tamilnadu.
17. B.Govida Bhatt, aged 62 years,
S/o Late Narasimha Bhatt,
Retired from NYKS
R/o Nilaya, 293, 7th Cross,
VV Nagar, Kalla Halli,
Mandya, Karnataka-571402.
18. Arvind Jha, aged 62 years,
S/o late Leela Ram Jha,
Retired as Director from NYKS
R/o Shiv Kunj Colony, Mathura Wala Road,
Kedarpure, Dehradun, Uttrakhand.
19. Kehar Singh, aged 60 years,
S/o Sh. Bachan Singh,
Retired from NYKS
R/o H.No.300, Old Housing Colony,
Sector 13, Karnal-131001.
20. N C Pharasi, aged 68 years,
s/o Late R D Pharasi,
Retired as DYC from NYKS
R/o Badrishvihar Alnde,
Kargigrant PO Banjarwala, Dehradun-248001.
21. G S Sajwan, aged 68 years,
S/o Narayan Singh Sajwan,
Retired as DYC from NYKS
R/o VPO Banjarwala, Dehradun, Uttrakhand.
22. G.E. Narayana Gowda, aged 70 years,
S/o late Eriyappad Gowda,
Retired from NYKS
R/o 186, 18th cross, 7th Main,
Bangalore-560079 Karnataka.

23. Rameshwar Dayal Singhal, aged 64 years,
S/o SC Singhal,
Retired as DYC from NYKS
R/o Opp Hemant Footwear,
Dahi Mandi, Lashkar, Distt. Gwaliar (MP).
24. Rajendra Pancholi, aged 60 years,
S/o Sh. K.L. Pancholi,
Retired from NYKS
R/o 65, Tilak Marg Gunj,
Rajgarh, Viabrah, MP.
25. Sanjeev Kumar Mathur, aged 60 years,
s/o Lt. Sh. Sheoraj Behari Mathur,
Retired as Director from NYKS
R/o 10/ADA Colony, Neemsarai,
Allahabad, Uttar Pradesh.
26. R P S Geharwar, aged 63 years,
S/o Sh. Raj Bahadur Singh,
Retired as DYC from NYKS
R/o Vill. Mauhariya, PO Rajawar,
Distt. Singroli, MP.
27. Abdul Gaffar, aged 62 years,
S/o Late Abbas Khan,
Retired as DYC from NYKS
R/o Behind Nice Traders,
Maihar Road, Nazeerabad, Satna.
28. Mahesh Prasad Nagil, aged 62 years,
S/o Late Ram Chandra Agarwal Nagil,
Retired as DYC from NYKS
R/o 371, Tanmy Bhawana, Prem Nagar,
Prem Vihar Colony,
Near Bhubneshwar Sharma House,
Distt. Satnam, MP-485001.
29. RPS Thakur, aged 61 years,
S/o late Sukhdev Singh,
Retired as Regional Coordinator from NYKS,
R/o G2, A124, Shalimar Garden,
Extension-2, Sahibabad.
30. Rishi Pal Singh, aged 60 years,
S/o Sh. Surat Singh,
Retired as RC from NYKS
MR/O f2, 640c, Shalimar Garden,
Ex.1, Sahibabad, Ghaziabad.

31. Balvir Singh Kalsi, aged 64 years,
S/o Late Mangat Singh,
Retired as Director from NYKS
R/o 190 (125) Shivkatra Lal Banglwa,
Kanpur-7.
32. S. Abdullathif, aged 63 years,
S/o S.Masthan Sab,
Retired as ACT from YYKS
R/o D.No.1-112, 1st Road,
Anatpur, Andhra Pradesh-515001.
33. Puran Chettri, aged 61 years,
S/o late B.B. Chettri,
Retired as DYC from NYKS
R/o H.No.62, Singithang,
Namchi Bazaar PO & PS Namchi.
34. I. Ahamadulla Khan, aged 66 years,
S/o Imam Khan,
Retired as DYC from NYKS
R/o Door No.4-2-167, L.B. Nagar,
3rd Cross, Opp. Musalla Masjid.
35. R Mohana Rao, aged 63 years,
S/o R. Rama Murthy,
Retired from NYKS
R/o Surya Residency s2,
Near Srinivasa Junior College,
Balaji Nagar, Vizingaram,
Andhra Pradesh.
36. K. Jawahar, aged 60 years,
S/o M. Krishnan,
Retired as DYC from NYKS
R/o 3/298, Amman Nagar,
Kanjirangal, Sivanga, Tamilnadu-630562.
37. B. Seshagiri Rao, aged 63 years,
S/o Mallaiah,
Retired as ACT from NYKS
R/o Raja Gopala Reddy Stree,
Lecturers Colony, Mangunta Layout,
Nellore, Andhra Pradesh – 524003.

38. Dr. Datta R. Deshkukh, aged 60 years,
S/o Ramrao Bapurao Deshkukh,
Retired from NYKS
R/o Ambar Sudhir Colony, Akola,
Maharashtra-444001.
39. Azhar Buksh Azhar, aged 66 years
S/o. Lt. Shakoor Azhar
Retired from NYKS
R/o. Flat No.-202, 2nd Floor,
Parasangan Apartment,
Subhanndar, Pardi, Nagpur (MA)-440 035.
40. Sundar Fernando, aged 63 years
S/o. S. S. Fernando
Retired as Director from NYKS
R/o. No.-199, Acrot Road,
Ajin Ashraya Apartments, Ph-3,
Block 2, A-31, Virugambakkam,
Chennai-600 092.
41. Dinesh Upadhyay, aged 60 years
S/o. Late Lilanand Upadhyay
Retired as DYC from NYKS
R/o. Vill-Nehrugram Upper, Post Nehrugram,
District Dehradun.
42. V. Robert James, aged 62 years
S/o. V. M. Vincent
Retired as DYC from NYKS
R/o. 5-22, Anjal Nagar, First Street,
3rd Cross, Madurai-625 018.
Tamilnadu.
43. Dr. V. Rajasenan, aged 64 years
S/o. N. V. Pillai
Retired as Deputy Director from NYKS
R/o. Kaipazhy, Keezhattingal, Kadakkavoor,
PP-Thiruvananthapuram,
Kerala-695 306.
44. Achintya Kumar Das, aged 61 years
S/o. Late. Panchanan Das
Retired as DYC from NYKS
R/o. 171/1, Mahendra Bhattacharyaroad,
Suchana Apartment,
PO Santrangachhi, West Bengal-711 104.

45. George Varghese, aged 61 years
 S/o. George Varghis
 Retired as DYC from NYKS
 R/o. 115-F, DD Silver Stone Apartments,
 Padam Road, Vaduthala.

46. R. Mani, aged 63 years
 S/o. Ramaraju
 Retired as DYC from NYKS
 R/o. 21, Kamaraj Street, Arum Barthapuram,
 Puducherry-605 110

47. R. Jayaprakasham, aged 69 years
 S/o. Raju Vengan
 Retired as DYC from NYKS
 R/o. Marappagoundar thottam, molaiyinanor (po),
 Pappiereddepatti.

48. Upendra Thakur, aged 60 years
 S/o. Late. Sh. Ram Lobhit Thakur
 Retired as Regional Coordinator from NYKS
 R/o. Vill-Harishankar Maniyari,
 PO-Silout, Muzaffarpur, Bihar.

49. Shah Hanuseen Jamadar, aged 60 years
 S/o. Issam Sab Jamadar
 Retired as DYC from NYKS
 R/o. H. No. 25209, Sector-12,
 Income Tax Colony, Mahantesh Nagar,
 Balavi, Karnataka-590 017.

50. CP Lotha, aged 64 years,
 S/o late Chumpal Lotha,
 Retired as Regional Coordinator from NYKS
 R/o H.No. 146, MRA4, Kohima,
 Nagaland – 797 001.

51. Cecil Joseph Francis Dsouza, aged 64 years,
 S/o Late C C J Dsouza,
 Retired as DYC from NYKS
 R/o Door no.1-18-1294, Sudarshan-urva
 Church Road, Mangalore-575006, Karnataka.

52. Sanat Kumar Paik, aged 63 years,
 S/o late Mohan Chandra Paik,
 Retired as DYC from NYKS
 R/o Vill-Maujipur, Kananpara,
 PO Joynagar, Maujipur,
 Distt. South Pargnas 24, West Bengal-743337.

53. Dr. A Radhakrinan Nair, aged 58 years,
S/o Appukuttan Nair,
Retired as Regional Coordinator from NYKS
R/o Makayiram Chittikara Road,
Palamodoodu, Pothencode
PO Thiruvananthpuram, Kerala.
54. Sanjay Santha Kumar, aged 66 years,
s/o K.B. Dena Dayalu
Retired as DYC from NYKS
R/o no.6-7, Thangavel Street,
Puzhudttivakkam, Chennai.
55. Tej Narayan Singh, aged 61 years,
s/o Shiv Narayan Singh,
Retired as DYC from NYKS
R/o Jaiprabha Nagar, Kayasthola,
Wradd no.29, Saharsa, Bihar.
56. Narayan Chader Pal, aged 62 years,
S/o late Ganesh Chander Pal,
Retired as DYC from NYKS
R/o 169, a, Jadunath, Vakeel Road,
Kolkata-41.
57. R.Mthivanan, aged 64 years,
S/o Raja Pandian,
Retired as DYC from NYKS
R/o 201, Kumaresan Nagar,
Maharaj Nagar PO,
Tirunelveli – 627011 Tamilnadu.
58. C S Shivappa, aged 62 years,
S/o ate Shivappa,
Retired as MTS from NYKS
R/o Hosamane Extension,
Chickmanglur, Karnataka-577101.
59. Jawahar Kathuria, aged 66 years,
S/o Sh. Vishwa Dass,
Retired from NYKS
R/o Q107, 2nd floor, South City-1,Gurgaon.
60. Lalita Kumari, aged 64 years,
S/o Jawahar Kathuria,
Retired as DYC from NYKS
R/o Q 107, 2nd Floor, South City-1,Gurgaon.

61. S P Sharma, aged 69 years,
S/o Sh. Kedar Nath,
Retired as DYC from NYKS
R/o Vill. Kishanpur Dungra,
Teh.Bilawar, Distt. Kathua, J&K.
62. C S Pran, aged 64 years,
S/o Lt. Onkar Nath Mishra,
Retired as Zonal Director from NYKS
R/o MIG2, Govindpuramn, Allahabad, UP.
63. Kumar Vinayak, aged 61 years,
s/o late Indradeo Narayan Singh,
Retired from NYKS
R/o Behind Indane Gas Godown,
Satara Road, Byepass,
PO Deosangh, Distt. Deoarh, Jharkhand.
64. Ram Dev, aged 61 years,
S/o Lt.Nathur Ram,
Retired from NYKS
R/o Hemkunj, Indira Nagar,Deogarh, Jharkhand.
65. Shri Ram Ahiro, aged 62 years,
S/o Sh. Shankar Shiv Ram,
Retired from NYKS
R/o Maharastra, Post Dhadani,
Taluka-Sakri, Distt. Dhule-424306.
66. V. Shiv Kumar Achla, aged 63 years,
s/o C. Veraiah,
Retired from NYKS
R/o 283, 4th Main, 6th Cross,
Maruthi Layout, Vasanhpura,Bangalore-61.
67. Sobham Kumar Bhattacharya, aged 63 years,
s/o Lt. Tarendra Charan Bhattacharya,
Retired as RC from NYKS
R/o Naba, 24/13, B.B. Sengupta Road,
Behala, Kolkatta, WB-700034.
68. Avula Lakshmana Rao, aged 63 years,
s/o Sh. Ramulu,
Retired from NYKS
R/o Flat No.103, Vanjara Towers,
Chandra Gupta Colony, Elora,
West Godaweru, AP – 534005.

69. Kale Gowda, aged 62 years,
s/o Bore Gowda,
Retired as MTS from NYKS
R/o Sideshwara Nilaya, 2nd Floor,
Maira Road, Shantinagar, Hassan,
Karnataka-537201.
70. Yatish Chand Kandpal, aged 64 years,
S/o Lt. DD Kandpal,
Retired as Dy. Director from NYKS
R/o Vill. Kakra, PO Bhatoli,
Distt. Bageshwar, Uttrakhand.
71. R. Shivkumar, aged 60 years,
s/o K. Rajkumar,
Retired as DYC from NYKS
R/o 17/134G, Kettipalada Ketti,
Ooty, Nilgiris, Tamilnadu.
72. Ajay Kumar Mishra, aged 64 years,
S/o Lt. Shailesh Mishra,
Retired as DYC from NYKS
R/o Vi.. & PO Veena, Ward No.2,
Distt. Supol, Bihar.
73. Anita Bhartiya, aged 60 years,
S/oi Sh. R.K. Pandey,
Retired as RC from NYKS
R/o 905a, Krishnan Apartment,
Gautam Marg, Flat No.2, Ravimati Nagar,
Jaipur-19.
74. Om Karan Pandey, aged 61 years,
S/o Sh. J.N. Pandey,
Retired as Dy. Director from NYKS
R/o 2g, Ph.-2, Vasndhra Colony,
Pilibhit, UP – 262001.
75. Waikhom Ibohal Singh, aged 61 years,
S/o W. Shamu Singh,
Retired as DYC from NYKS
R/o Thoubal Resitrlukai,
Post Thoubal, Manipur-795138.

76. A. Kamal Batcha, aged 65 years,
 s/o S.K. Abdul Hamid,
 Retired as DYC from NYKS
 R/o T.S. No.8733, Kalyana Ramapuram,
 First Street, Thirugokaranam, Pudukkutai,
 T.N.-622003.

77. Rajkumar Kundu, aged 65 years,
 S/o Lt. Reti Ram Kundu,
 Retired as RC from NYKS
 R/o H.No.268, Basai Gaon,
 Gurugram, Haryana.

78. Ana Parthi Bhaskar Rao, aged 68 years,
 S/oi Sh. Lakshmi Narsimha Rao,
 Retired as AO from NYKS
 R/o Flat No.G2, D/No.64-15-28,
 Ramabhadra, Raju Bhawan,
 Vinayaka Temple Street,
 Pratap Nagar.

79. Jaipal Malik, aged 64 years,
 S/o Sh. Maichand Malik,
 Retired as RC from NYKS
 R/o Kothi No.45, Sector 5,
 Karnal, Haryana.

80. Mohan Lal Jana, aged 66 years,
 S/o Lt. Balailal Jana,
 Retired as DYC from NYKS
 R/o 19, Dhapa Road, Vivekanand Pally,
 Kolkata, West Bengal – 700 105.

81. S.P. Kaushik, aged 62 years,
 S/o Sh. Shadi Ram,
 Retired as DYC from NYKS
 R/o H.No. 703, Sector 10A,
 DAV Public School, Gurugram. ...Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary,
 Ministry of Youth Affairs & Sports,
 Govt. of India, New Delhi.

2. The Director General,
Nehru Yuva Kendra Sangathan,
IIInd Floor, Core-IV, Scope Minar,
Laxmi Nagar, District Centre,
Vikas Marg, Delhi – 110 092.
3. The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Deli-110 011.
4. The Director General,
Central Government,
Health Services (CGHS),
Nirman Bhawan,
New Delhi-110 001. Respondents

(By Advocate: Sh. R. Ramachanderan with Ms. Lakshmi Gurung for R-2; and Ms. Geetanjali Sharma for R-1, 3 & 4)

ORDER

The applicants are retired employees from Nehru Yuva Kendra Sangathan (NYKS), which is an autonomous body under Ministry of Youth Affairs & Sports – respondent no.2. As of now they are getting Rs.300/- p.m. of medical allowance. They are seeking medical/CGHS facilities.

2. It is the contention of the applicants that during the service period, all employees of NYKS are entitled to medical facilities as per Civil Services (Medical Attendant) Rules, 1990 [hereinafter referred to as CS (MA)], but after retirement no medical/CGHS facilities are available to them. They have contended that as per NYKS Office Order Ref. No.11022/NYKS/PERS:Confirmation/910/07 dated

08.07.2008 (Annexure A-8), the emoluments structure and conditions of service of these regularized District Youth Coordinators were to be exactly similar to those of the corresponding categories of the Central Government employees. Since the Central Government employees are extended CGHS facility, therefore, this benefit should also be extended to the NYKS retired employees.

3. They have sought the following specific reliefs:-

- (i) That the Hon'ble Tribunal may graciously be pleased to pass an order of declaring to the effect the whole action of the respondents not extending the Medical/CGHS facilities to the retired NYKS staff is illegal, arbitrary and discriminatory and consequently pass an order directing the respondents to extend the Medical under CS (MA) Rules/ CGHS facilities to the applicants and similarly situated retired NYKS staff with all consequential benefits.***
- (ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant.”***

4. The applicants have cited several rulings in support of their claim which will be discussed subsequently.

5. The respondents have controvorted the claim of the applicants and have stated that even the serving employees of NYKS do not get CGHS benefit and, therefore, there is no question of grant of this benefit to NYKS employees after retirement. They have also stated that in the meeting of Committee of Secretaries held on 04.06.2015 (Annexure R2/2) a decision was taken not to extend CGHS facility to

any new organizations and that NYKS is not at par with Government Departments. Department of Youth Affairs and Sports Circular dated 14.05.1998 (Annexure R2/3) has made a distinction wherein it states that no pension scheme will be introduced for post Sangathan employees who will continue to be governed by the EPF scheme as at present. It has also been specifically stated that the employee of Sangathan will hereafter be governed by CS (MA) Rules for the purpose of medical cover. They have used this to boost their claim that NYKS employees are not at par with Central Government employees. It is their contention that NYKS is not covered by CGHS, therefore, the question of providing CGHS facility to retired employees of NYKS does not arise. They have further stated that serving NYKS employees continue to be governed by the provisions of CS (MA) Rules and retired government servants are specifically excluded from the CS (MA) Rules, 1944.

6. Heard Sh. Yogesh Sharma, learned counsel for the applicants and Sh. R. Ramachandran and Ms. Geetanjali Sharma, learned counsel for the respondents.

7. Learned counsel for the applicants has relied upon the decision of this Tribunal in ***Pratap Singh (Pensioner)***

vs. Director, Subsidiary Intelligence Bureau & Ors. [OA No.284/2006 decided on 23.08.2006]. The said matter is a specific case of a retired official, who was allowed medical reimbursement for emergency treatment, which was undertaken to save his life.

Though, in the aforesaid decision, the right to medical treatment was recognized, but the issue was not one of getting coverage under CGHS.

8. The applicants have further relied upon the decision of Hon'ble High Court of Delhi in ***S.Srinivasa Rao vs. Union of India*** decided on 06.11.2006 where it does speak of constitutional right of health facility, but it pertains to extension of CGHS facility to retired employees, who were availing of this benefit before retirement but did not get it after VRS.

9. The applicants have also relied upon the decision of Hon'ble High Court of Madras in ***Union of India & Ors. Vs. R.Rangarajan & Anr.*** [WP(C) No. 32770/2004 & Ors. decided by a common order dated 29.09.2008]. This case pertains to the issue of CGHS beneficiaries residing in CGHS and non-CGHS areas. Therefore, this decision is not directly applicable to the case in hand as the applicants did not get the CGHS benefit even before retirement.

10. The decision of this Tribunal in **K.N. Sharma vs. Union of India & Ors.** [OA No.1422/2017 decided on 19.09.2018] has also been relied upon by the applicants in support of their claim. This matter pertains to Sports Authority of India, which has its own rules and bye-laws. This Tribunal held that since bye-laws were silent on this issue, therefore, the benefit was allowed to be extended to the applicant therein. This ruling is also not applicable in the present case.

11. Similarly, decision of Hon'ble High Court of Himachal Pradesh of Shmila in **Union of India vs. Shankar Lal Sharma** [C.W.P.4421/2011 decided on 28.12.2015] and of this Tribunal in **Ms. Sudha Bharti vs. KVS** [OA No.2472/2016 decided on 06.10.2016] pertain to CGHS benefit in non-CGHS areas for CGHS covered persons and grant of CGHS benefit after retirement to employees who got this benefit during service respectively. Hence, these decisions will also not directly apply for grant of CGHS benefit to the applicants in this current OA since they were not getting the CGHS benefit before retirement. However, the broad thread running through these rulings is that there should not be any discrimination.

12. The applicants have also cited the decision of this Tribunal in **R.S. Giri Assistant [Retd.] vs. Union of India & Ors.** [OA No.1549/2013 decided on 23.04.2014], whereby retired employees of KVS were given CGHS facilities at par with serving employees of KVS.

13. Having considered the arguments and the material placed on record from both sides, I am of the view that employees of NYKS – an autonomous organization, cannot be considered at par with Central Government employees. As serving employees of NYKS do not get the CGHS facility, there is no question of extending this facility to them after retirement. It has also to be kept in mind that as per the decision taken in the meeting of Committee of Secretaries held on 04.06.2015, CGHS facility would not be extended to any organization.

14. As far as extending the medical cover under CS (MA) Rules is concerned, the present CS (MA) Rules, 1944 contain the following clause:-

“Rule 2

NOTE-2. These rules do not apply to –

- (i) Defence Service personnel;
- (ii) Government servants who are on leave or deputation abroad;
- (iii) non-Gazetted Government servants, including Group ‘D’ and Gazetted Government servants (other than Central Services, Group ‘A’) drawing pay less than Rs.2,500/- stationed in or passing

through Calcutta for whom special arrangements for medical attendance and/or treatment have been made, vice Section 6 of this Compilation.

- (iv) ***retired Government officials;***
- (v) *non-officials sent on deputation abroad;*
- (vi) *Government servants who are governed by the Central Government Health Scheme while in stations where this Scheme functioning;*
- (vii) *officers of the All India Services and other persons who are governed by the All India Services (Medical Attendance) Rules, 1954; and*
- (viii) *India-based officers and staff serving in Missions abroad, who are governed by the Assistant Medical Attendance Scheme.”* **[Emphasis added]**

15. In light of these provisions it is clear that retired employees are excluded from the CS (MA) Rules and these rules have not been specifically challenged in this OA. However, considering the fact that medical needs increase with advancing years, the respondents are free to look into any medical claims of the applicants which may require some consideration due to the circumstances of the case.

16. With the above observations, this OA is dismissed. There shall be no order as to costs.

**(Aradhana Johri)
Member (A)**

/Ahuja/