

Court No. - 8

Case :- WRIT - A No. - 4132 of 2023

Petitioner :- No. 680462348 Ex Nk/Dvr Brajpal Singh

Respondent :- Union Of India Thru. Secy. Govt. Of India Deptt. Of Central Reserve Police Force And 4 Others

Counsel for Petitioner :- Dr. Ajai Pratap Singh Chauhan

Counsel for Respondent :- A.S.G.I.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Dr. Ajai Pratap Singh Chauhan learned counsel for the petitioner and Shri Mukul Madhav Asthana, learned Counsel appearing for the respondents.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) issue a writ, order or direction in the nature of Certiorari to quash the impugned Item No.1 of Notification dated 05.08.2019 passed by opposite party no.3 (Annexure No.1)

(ii) issue a writ, order or direction in the nature of Mandamus commanding opposite parties to pay the petitioner the enhanced amount of FMA to the tune of Rs.1000/- per month with effect from 01.12.1997 with arrears thereof and interest accrued thereon @12% per annum and continue to pay such other enhanced amount on FMA without any fetter;

(iii)...

(iv)..."

3. The petitioner retired from the post of Nayak, Central Reserve Police Force (hereinafter referred to as "C.R.P.F.") a paramilitary force of the Union on attaining the age of superannuation on 01.08.1987. The Central Government issued an Office Memorandum dated 19.12.1997 to be made applicable with effect from 01.12.1997 whereby instead of reimbursement of the medical bills of the employees of the C.R.P.F., a fixed medical allowance was given @Rs.500/- per month, which was later on enhanced to Rs.1,000/- per month. In pursuance of the said Office Memorandum dated 19.12.1997, options were invited from the serving and retired employees of C.R.P.F. for opting the fixed medical allowance or reimbursement. The petitioner had given option only on 29.07.2022 and he has been paid fixed medical allowance @Rs.1,000/- per month since then.

4. Now, the petitioner has filed this writ petition claiming that he should be given fixed medical allowance from the date of enforcement of the Office Memorandum dated 19.12.1997 i.e. with effect from 01.12.1997.

5. Considering the facts, I find that the present petition is wholly misconceived and does not merit any consideration of this Court. When the petitioner has given option only in the year 2022, this Court fails to understand that how he can claim the fixed medical allowance with effect from 01.12.1997, the date from which the Office Memorandum dated 19.12.1997 was made applicable.

6. In view thereof, I find no merit and substance in the present petition, which is hereby **dismissed**.

(Dinesh Kumar Singh, J.)

Order Date :- 30.5.2023

Piyush/-