

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3911 OF 2016

Sharad S/o Shamrao Pujari,
age: 84 years, occupation: pensioner,
Residing at Plot No.18,
Kuteer Housing Society,
N-8, Cidco, Aurangabad 431 003

Petitioner

Versus

1 The Food Corporation of India,
Having its Office located at
Zonal Office (South) No.3,
Haddows Road, Chennai 600 006

2 The General Manager (ZE)
FCI Head Quarters,
New Delhi – 110 066

3 The Executive Director (West)
FCI Zonal Office (West), Mumbai

Respondents

Mr. Hemant Survey & Mr. Kshitij Surve advocates for the petitioner
Mr.S.B. Deshpande, Assistant Solicitor General for Respondent Nos.1
to 3.

CORAM : **R.M. BORDE &
K.K. SONAWANE, JJ**

(Date : 13th October, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up

for final decision at admission stage.

3 The petitioner is praying for issuance of direction to respondents to enroll him as a Member of Medical Health Scheme introduced by respondents for the benefits of retired employees/departmental workers of the Food Corporation of India, in furtherance of application tendered by the petitioner on 21.10.2015.

4 The respondent union has formulated a scheme, extending medical benefits to the retired employees in the year 2000. The petitioner has retired on attaining age of superannuation on 31.9.1990 from the post of Assistant Manager – Accounts, Food Corporation of India. At the relevant time, there was no such scheme, extending medical benefits to the retired employees, formulated by the Central Government and only after a period of ten years from the date of retirement of the petitioner, such scheme was floated. To enable employees to avail benefits of the scheme, employees were required to tender application. The scheme was opened on three occasions. However, the petitioner was never intimated by the employer in respect of existence or opening of such scheme for the benefits of retired employees.

5 It is pointed out that, on the last occasion, an opportunity was extended by opening the scheme by issuing Circular dated 26.5.2008, with clear understanding that, the scheme will not be opened thereafter. It was specified in the Circular that, the scheme would be open for a period of six months to offer last chance to retired employees/departmental workers, who could not become members earlier, for various reasons. As a precondition for participating in the scheme, an employee /departmental workers and the surviving spouses were required to deposit Rs.11,000/- or any amount equivalent to one months Basic Pay + DA + DP, if any, drawn at the time of superannuation / death of the employee / workers, whichever is higher, as a one-time subscription. Paragraph No.5 of the circular dated 26.5.2008 stipulates that, the administrative authorities in the Head Quarters/ ZOs/ROs/District Offices, as well as Manager (JR-L) in the Head Quarters, were advised to nominate an official, who will be responsible to ensure that, the intimation has been given to each retired employee / departmental worker and spouses of deceased employees / departmental workers at their last given addresses.

6 The petitioner submits that, such an intimation was never given to the petitioner on the last given address, at any point of

time. As such, it was not possible for him to approach the Authority, with a request to enroll him as a member of the medical health scheme. Since the petitioner was never intimated in respect of opening of the scheme, his application for enrollment as a member, tendered beyond limitation, ought to have been considered favourably.

7 An affidavit in reply has been presented on behalf of the respondent, wherein, it has been stated that, the concerned office of FCI i.e. Regional Office, Hyderabad is unable to trace out the copies of communication given to the petitioner long back i.e. during 2008 or prior, being very old record.

8 Petitioner has stated on oath that, he has never received any communication in respect of opening of the scheme. The petitioner, as such, cannot be penalized or put to any disadvantage and cannot be denied the benefits of the medical health reimbursement scheme, which is provided for the benefits of the retired employees.

9 In the facts and circumstances of this case, we direct the respondents to consider the application tendered by the petitioner for enrollment as a member of the medical health scheme favourably, as expeditiously as possible and preferably within a

period of eight weeks from today and enroll him as a member of the scheme. The petitioner shall deposit the amount within contemplation of the Circular dated 26.5.2008 with respondent No.1, as expeditiously as possible, preferably within a period of four weeks from today. On fulfilling the condition of deposit of amount, the petitioner shall be enrolled as a Member of the scheme and shall be extended benefits available under the scheme.

10 With the directions as above, the writ petition is disposed of.

11 Rule is made absolute accordingly.

12 There shall be no order as to costs.

(K.K. SONAWANE, J)

(R.M.BORDE, J)