

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 10, 2018

+ **W.P.(C) 3454/2018 & CMs 13624-25/2018**

THE STC EX-EMPLOYEES WELFARE ASSOCIATION
(REGD.)

..... Petitioner

Through: Mr. Arvind Nigam, Senior
Advocate with Mr. Rohit Jain and Mr. Gaurav
Jain, Advocates

versus

THE STATE TRADING CORPORATION OF INDIA LTD. AND
ANR.

.....Respondents

Through: Mr. Tarkeshwar Nath, Mr. Onkar
Nath and Mr. Saurabh Kumar Tuteja,
Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Vide impugned Circular of 15th March, 2018, *State Trading Corporation Retired Employees' Medical Benefit Scheme, 1981* has been reviewed on the ground of affordability and precarious financial position of respondent-*The State Trading Corporation of India Ltd. (hereinafter referred to as 'STC')*. Aggrieved by the aforesaid Circular, petitioner-Association vide Representation (*Annexure P-16*) of even date, has sought withdrawal of Circulars of the years 2013, 2017 and 2018, as the said Circulars are said to be detrimental to the interest of ex-employees.

2. Learned senior counsel for petitioner-Association submits that the relief claimed in this petition is confined to impugned Circular of 30th October, 2017 (*Annexure P-13*) and Circular of 15th March, 2018 (*Annexure P-15*). Attention of this Court is drawn to respondent-STC's Communication of 3rd April, 2001 (*Annexure P-5*), which gives list of the empanelled hospitals, to point out that reimbursement of the treatment expenses at the said hospitals is at the approved rates of AIIMS and St. Stephen's Hospital. So, it is submitted that there is no justification to issue impugned Circulars of 30th October, 2017 (*Annexure P-13*) and 15th March, 2018 (*Annexure P-15*). Reliance is placed upon an order of 7th February, 2018 of a Co-ordinate Bench of this Court in W.P.(C) 506/2018 titled *PEC Retired Employees Welfare Association v. Union of India and Anr.* to submit that a Circular similar to impugned Circulars has been stayed, though the plea of financial stringency was the basis for issuing the said Circular.

3. Alongwith the writ petition, copy of Representation of 15th March, 2018 (*Annexure P-16*) is appended and its bare perusal reveals that the relief sought in this petition was claimed by petitioner by way of Representation (*Annexure P-16*). The response to query made in respect of this Representation (*Annexure P-16*), is that petitioner does not know about the fate of the said Representation.

4. Instead of tagging this petition with above-referred W.P.(C) 506/2018, it is deemed appropriate to call upon first respondent to give a speaking response to petitioner's Representation (*Annexure P-16*) within a period of four weeks from today and intimate its fate to petitioner

within a week thereafter, so that petitioner may avail of remedy against the impugned Circular of 30th October, 2017 (*Annexure P-13*) and Circular of 15th March, 2018 (*Annexure P-15*) as available in law, if need be. Till it is so done, first respondent shall not reject the medical claims while relying upon the impugned Circulars (*Annexures P-13 & P-15*).

5. With aforesaid directions, this petition and the applications are disposed of.

Copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

APRIL 10, 2018

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