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

+ **W.P.(C) 12259/2018**

DEVENDER KUMAR GUPTA Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr Anil Soni, CGSC with Mr
Abhinav Tyagi, Advocate for R-1 &
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.11.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) To direct the Secretary’s Dept. of Telecom and Secretary Ministry of Health New Delhi for issue of Life time CGHS card by paying INR 60000/- to the Petitioner.”

2. The petitioner had superannuated from the services with the Department of Telecommunication with effect from 31.01.2015. Prior to the said date, the petitioner had been issued a Charge-sheet during April, 2014 and the disciplinary proceedings against the petitioner were pending.

3. In view of the disciplinary proceedings, the petitioner’s pension was fixed provisionally. It is the petitioner’s case that due to the provisional fixing of the pension, he was disentitled to obtain a lifetime CGHS card by making a onetime payment (which, at the material time, was available to a superannuated employee of his grade and pay, for ₹60,000/-).

4. In view of the above, the petitioner continued to subscribe to CGHS Card by making annual payments.

5. The petitioner made a representation for obtaining a lifetime CGHS card on 27.02.2017. However, the said representation was not accepted.

6. The petitioner was exonerated from the charges on 05.06.2018. In the meantime, the charges for securing a lifetime CGHS Card was increased from ₹60,000/- to ₹1,20,000/-. The petitioner now prays that he be accorded the benefit at the charges as applicable at the date of his superannuation.

7. It is contended by the petitioner that disciplinary proceedings were inordinately delayed and ought to have been completed as expeditiously as possible and in any event, within a period of twelve months from the framing of the charges, as directed by the Supreme Court in ***Prem Nath Bali v. Registrar, High Court of Delhi & Anr.: (2015) 16 SCC 415.***

8. This Court is not persuaded to accept the contentions advanced by the petitioner. First of all, there is no communication on record by the petitioner at the time of his superannuation requesting the respondents to consider the issue of a lifetime CGHS Card. The petitioner had subscribed to the CGHS facilities on an annual subscription basis. It is, thus, difficult to assume that the petitioner would have elected to obtain a CGHS Card by making a onetime payment at the material time – at the time of his superannuation in January, 2015.

9. Second, the petitioner is indirectly seeking restitution on account of delay in completion of the disciplinary proceedings. The petitioner's

grievance regarding any delay in the completion of the disciplinary proceedings pertains to the Department of Telecommunication. Plainly, the Department administering CGHS Scheme cannot be mulcted with additional cost on account of delay in conclusion of the disciplinary proceedings. Further, such compensation does not flow as a direct consequence of such delay and the nexus is remote.

10. Third, it is also relevant to note that by the Office Memorandum dated 09.01.2017 issued by the Ministry of Health and Family Welfare, the monetary ceiling limits for various entitlements of the pensioner employees of the CGHC Card were also increased alongwith subscription charges and, therefore, the subscribers would now be also entitled to additional facilities.

11. This Court is of the view that the lifetime CGHS Card cannot be directed to be issued to the petitioner at the rates which were applicable in 2015. The one-time charges are intended to partially compensate for future costs incurred in providing medical services to the beneficiaries. Since the onetime charge was not paid at the material time, the benefit of the same was not available to the concerned department. Thus, directions that the petitioner be accorded those facilities at the rates as prevalent in 2015 ought not to be issued.

12. The petition is dismissed.

VIBHU BAKHRU, J

NOVEMBER 16, 2018
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