

S/L 9
01.07.2021
Court. No. 19
GB

W.P.A. 41 of 2016

Tapan Kumar Banerjee & Ors.
Vs.
Union of India & Ors.

(Through Video Conference)

*Mr. Lokenath Chatterjee,
Ms. Sumita Das.*

...for the Petitioner.

*Mr. Bikash Ranjan Bhattacharyya,
Mr. Arup Nath Bhattacharyya,
Ms. Saswati Chatterjee,
Ms. Sayani Das,
Ms. Sreetama Biswas.*

...for the Respondents.

The main grievance in the writ petition is with regard to the medical policy of the respondent company which is alleged to be contrary to the Terms of Settlement formalized in a conciliation proceeding before the Chief Labour Commissioner regarding absorptions of employees of Mints, Presses, Paper Mills, on deemed deputation to the Security Printing and Minting Corporation of India Limited (SPMCIL), the respondent no.2 herein.

The settlement admittedly as it appears from the writ petition is one under Section 12(3) of the Industrial Disputes Act, 1947. Paragraph 15 of the settlement provided that the corporation would formulate a Medical Benefit Scheme The medical benefits of workers including pensioners would be at par with CGHS/CS (MA) provisions.

The petitioners pray for cashless medical facilities and other medical facilities in line with the provisions of the Central Government Health Scheme (CGHS). Cap of Rs.30,000/- for indoor treatment is also another grievance and the petitioners pray for enhancement of the said amount.

There is no fundamental right or statutory right on the basis of which such prayers can be mandatorily allowed by this Court. The medical policy of the corporation cannot be interfered with. It is for the employer to redress such grievances and consider the prayers sympathetically keeping in mind the medical facilities allowed to other similarly situated persons like the petitioners working in other Central Government Corporations. The medical policy of the corporation is comprehensive. There is no allegation of arbitrariness, discrimination or mala fide. Allegation of violation of the terms of settlement can be agitated before the appropriate forum through the union or workmen/petitioners who are still in employment.

A learned Judge of this court earlier passed the following order:-

“The issue involved in this petition may not have legal answers.

The petitioners are some superannuated employees of the Mint, that is now described by a difficult and long name, and some others who are due to retire. There does not appear to have been any single incident which has resulted in the petition being filed, but the petition complains of certain curbs in the medical facilities provided to the retired employees of the Mint and in a cap being put at Rs.30,000/- for indoor treatment bills.

The two primary grounds appear to be the lack of cashless facilities for treatment, which the petitioners claim that they would have enjoyed had they not been

transferred to the Mint, and the cap on the amount in respect of the indoor treatment at Rs.30,000/-.

The stand taken by the Mint is not really adversarial in the sense that the Mint says that it addresses the individual concerns of its retired employees and does not stand in the way of such facilities being extended to the retired employees as are covered by the policy and are reasonably feasible.

It is necessary that the petitioners and senior representatives from the Mint sit across the table in the presence of Advocates representing the parties so that the primary concerns of the petitioners may be addressed and only the unresolved legal issues, if any, may be decided in court.”

Under such circumstances, the writ petition is disposed of with liberty to the petitioners to approach the employer with their grievances including the allegation of non-compliance of the Terms of Settlement. A comprehensive application be filed, before the respondent No.3, who shall dispose of the same in accordance with law and upon taking into consideration, the rising cost of medical treatment especially since the outbreak of Covid-19. A sympathetic consideration on the issues of cashless benefit, cap on indoor treatment upto an amount of Rs.30,000/- etc. should be done. The decision should be taken and communicated within four weeks from receipt of a copy of the representation. A representative of the petitioners and workers union should be allowed to be present at the hearing if the petitioners so desire.

With the aforesaid directions the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)