2023:DHC:6151-DB

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

\+ LPA 412/2023 & C.M.Nos.23237-23238/2023, 43803/2023

JUGAL KISHORE JULKA & ORS. ..... Appellants

Through: Ms.Amiy Shukla with Mr.Shakti Vardhan, Advocates.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr.Vivek Goyal, CGSC with Mr.Gokul Sharma and Mr.Shivak Singh, Advocates for R-1/UOI.
Mr.Rajesh Kumar Gautam with Mr.Anant Gautam, Mr.Sumit Sharma, Ms.Anani Achumi, Mr.Dinesh Sharma and Ms.Shivani Sagar, Advocates for R-3.
Mr.Amit Kumar Singh with Ms.K.Enatoli Sema, Ms.Chubalemla Chang and Mr.Prang Newmai, Advocates for R-4.

% Date of Decision: 24th August, 2023

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

MANMOHAN, J: (ORAL)

1. Present appeal has been filed challenging the order/judgment dated 06th September, 2022 passed by a learned Single Judge of this Court in W.P.(C) No.11433/2019.

2. Learned counsel for the appellants states that the learned Single Judge has erroneously dismissed the writ petition filed by the retired bank employees challenging the arbitrary increase in the health insurance premium. She points out that the rate of premium has this year (2022-2023) exorbitantly increased to Rs.77920/- for retired workmen and Rs.97776/- for retired officers under the Retirees IBA Health Insurance Policy, which is an increase of 600 to 700 percent within a short span of six years.

3. She also contends that the learned Single Judge has erroneously held that the 'INSURANCE SCHEME' is optional. She states that the letter of the Ministry of Finance dated 24th February, 2012 has been misinterpreted as being optional for retired employees.

4. Learned counsel for the appellants lastly states that the increase in premium cannot be justified by the Banks and Insurance Company because there is a huge gap in terms of premium and facilities provided between the serving employees and retired employees of the Public Sector Banks which is absolutely arbitrary in nature.

5. Having heard learned counsel for the appellants, this Court is of the view that the Insurance Companies are at liberty to set their premiums as well as the terms and conditions for each subsequent year in accordance with law. In addition, a retired employee being older in age than the serving employee would be at greater medical risk and, therefore, his premium has to be higher.

6. This Court is also of the view that the Ministry of Finance letter dated 24th February, 2012 only states that Banks have the option to formulate a health insurance scheme for retired bank employees. The said letter does not mandate issuance of the Group Insurance Policy for retired employees.

Since there is no legislation or policy in favour of the appellants, this Court finds no ground to interfere with the impugned order.

7. Accordingly, the present appeal along with pending applications is dismissed. However, the appellants are given liberty to file a representation with the Ministry of Finance and if such a representation is made, the same is directed to be considered in accordance with law. This Court clarifies that it has not expressed any opinion with regard to the representation to be made by the appellants.

MANMOHAN, J

MINI PUSHKARNA, J

AUGUST 24, 2023
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