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

+ **W.P.(CRL) 3099/2024 & CRL.M.A. 29968/2024**

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.....Petitioner

Through: Counsel (Appearance not given)

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Yasir Rauf Ansari,
ASC for the State with Mr.
Alok Sharma, Mr. Vasu
Agarwal and Mr. Abid
Siddiqui, Advs. with Insp.
Rakesh Kr. Nagar, HAA
Br. / East Distt.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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07.10.2024

1. The present petition is filed seeking direction to the respondent authorities (Respondent Nos. 1 and 2) to decide her representation for issuance of a CGHS card and consequently, issue a CGHS Card to the petitioner to enable her to meet her medical requirements.
2. It is undisputed that the petitioner is the legally wedded wife of Respondent No. 3, who is at the moment employed with the Delhi Police and is working as a Head Constable.
3. The representation made by the petitioner for issuance of CGHS Card was not allowed on the ground that the Respondent No. 3 had not made any such application/ representation.
4. The learned counsel for the respondent authorities submits that the application for issuance of CGHS card is to be filed by the concerned Government employee.
5. The petitioner has been litigating with her husband (Respondent No. 3) and various proceedings have been filed,



including a petition under Section 125 of the Code of Criminal Procedure, 1973 (**CrPC**).

6. The learned Trial Court, by order dated 11.11.2022, in CT No. 829/2016, has directed Respondent No. 3 to pay a monthly maintenance amount to the petitioner after noting that she is his legally wedded wife and is entitled to maintenance. The said order is the subject matter of another petition, being, CRL.REV.P. 169/2023, which is pending before this Court.

7. In such circumstances, when the parties are litigating with each other, Respondent No. 3 is not cooperating with the petitioner to prefer an application for issuance of a CGHS card in her favour. However, it is not otherwise denied that the petitioner is entitled for CGHS benefits as she is the wife of Respondent No.3 and his dependant.

8. The representation filed by the petitioner seeking CGHS Card has not been denied for any reason other than that the same was not preferred by Respondent No. 3.

9. Considering the aforesaid discussion, this Court is of the opinion that the petitioner's representation should not be denied for the mere reason of the same not being filed by her husband (Respondent No. 3) when she is otherwise entitled for the CGHS benefits.

10. In view of the above, the respondent authorities are directed to consider the representation filed by the petitioner and issue a CGHS Card to her if she is otherwise entitled for the same.

11. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 7, 2024 / 'KDK'