

14.07.2025
(D/L-77)
Ct. No.4
(B.K.N.)

W.P.C.T. 21 of 2025

**The Chairman, Central Board of Trustees,
Employees' Provident Fund Organisation & Others
Vs.
Mr. Pankaj Kumar Chakraborty & Others**

Mr. Shiv Chandra Prasad

...for the Petitioners

Mr. G. Chakraborty,
Ms. Arifa Sultana,
Mr. Aditya Shit

...for the Respondents

1. Heard learned counsel for the petitioners and the learned counsel for the respondents.
2. The Regional Provident Fund Commissioner, Kolkata issued certain instructions to discontinue payments of Fixed Medical Allowance (FMA for short) being paid to employees of the Central Provident Fund Commission. The same was put to challenge by the applicants before the Tribunal.
3. The Tribunal has considered the claim referring to a decision of the Ernakulam Bench of the Central Administrative Tribunal passed in O.A. 693 of 2014. The CAT Ernakulam Bench has interfered with a similar order passed by the same employer stopping payment of FMA, and has held as follows:

“

24. The applicants are therefore entitled for FMA irrespective of their marital status, provided one spouse has not declared the other as a beneficiary in any other medical

schemes under which they are covered and are already drawing such medical benefits and are residing in areas where CGHS facilities are not available. Subject to above respondents will pay applicants FMA w.e.f. 01.01.2014.

25. The original application is allowed accordingly. No costs.”

4. The order of the Tribunal was assailed by the present petitioners before the Kerala High Court. The Division Bench of the Kerala High Court in O.P. (CAT) No. 25 of 2017 upheld the decision of the Tribunal in the following terms dismissing the writ petition filed against the order passed by Ernakulam Bench of the Tribunal:

“.....
19. In the overview of the above factual standing, we are firmly of the opinion that the learned Tribunal has not erred in issuing the impugned order. We find that the same is, therefore, irreproachable and deserving of our approval. We, thus, dismiss this original petition, but deem it appropriate not to make any orders as to costs, leaving the parties to suffer their respective cost.”

5. Taking note of such circumstances wherein the same employer has suffered a judgment with respect to the same decision about seven years back by the Ernakulam Bench of the Tribunal, the Central Administrative Tribunal, Kolkata Bench has taken the same view of the matter and directed not to give effect to the letter dated 12.03.2014 issued by the EPFO head office purporting to stop the FMA being granted to its employees in this state.

6. Prima facie, we are of the view that since the employees before the Tribunal here in Kolkata Bench are employees of the same employer and the benefit under question is an all India benefit. There should not be any disparity in such benefit being paid to such employees irrespective of the state where they serve unless or until the same is based on an intelligible differntia, which is taken into consideration.
7. There is no such consideration in the present case. The employer has issued the order for stopping the FMA without any such consideration. It is under such circumstances that we adjourned the matter when it was taken up on the last occasion to enable the learned counsel representing the writ petitioner to avail instructions whether the order passed by the Kerala High Court was assailed by them or not. Today when the matter is taken up, the learned counsel for the petitioner submits that the said order has not been challenged, till date.
8. The learned counsel for the respondents on the other hand submits that judgment of the Kerala High Court has been given effect to.
9. In the above circumstances and to ensure that there is no disparity between the employees serving in one state with that of the other, we find no reason to interfere with the order passed by the Tribunal, in

terms of the decision passed by the Ernakulam Bench of CAT.

10. The writ petition is dismissed.

11. The learned counsel for the respondents at this juncture prays that some cost or interest be awarded. We find that the prayer was made before the Tribunal which was not allowed by the Tribunal. The respondent has not assailed the order of the Tribunal. In the circumstances there is no occasion for awarding any cost or interest.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)