



W.P.No.27317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **N.SENTHILKUMAR**

Writ Petition No.27317 of 2023
and W.M.P.No.26760 of 2023

1. The Union of India,
Rep. by the Secretary (H & FW),
Ministry of Health & Family Welfare,
Government of India, Room No.156-A,
A Wing, Nirman Bhavan, Maulana Azad Road,
New Delhi - 110 011.

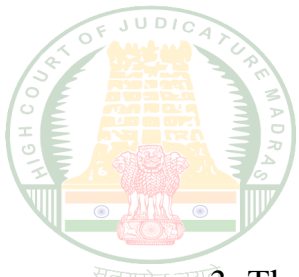
2. The Director General,
Directorate General of CGHS (CGHS-III),
Government of India, A-244, Nirman Bhavan,
Maulana Azad Road, New Delhi - 110 011.

... Petitioners

Vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai - 600 104.

2. The Postmaster General,
Department of Posts, Government of India,
Southern Region, Madurai - 625 002.



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3. The Senior Superintendent of Post Offices,
Tirunelveli Division, Tirunelveli - 627 002.

4. S. Gopalakrishnan

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, to call for the records concerned relating to the impugned order dated 16.06.2022 passed in O.A.No.822 of 2019 passed by the first respondent and to quash the same.

For Petitioners : Mr.S.N.Parthasarathi

Respondent No.1 : Tribunal

For Respondent : Mr.C.Samivel
Nos.2 and 3 Senior Central Government
Standing Counsel

For Respondent
No.4 : Mr.K.Vishal

ORDER

The present Writ Petition is filed for issuance of a Writ of Certiorari, to call for the records concerned relating to the impugned order dated 16.06.2022 passed in O.A.No.822 of 2019 passed by the Central Administrative Tribunal, Chennai Bench, and to quash the same.



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2. The fourth respondent herein had retired from the service of the

Postal Department on 31.05.2002. Between 22.10.2018 and 15.11.2018, he had taken medical treatment for his wife at a private hospital and had incurred medical expenses to the tune of Rs.5,58,843/-. When he had claimed for reimbursement of medical expenses under the Central Government Health Scheme (hereinafter referred to as "the CGHS"), the petitioners herein rejected the claim of the fourth respondent through a letter dated 20.02.2019 on the ground that the retired officials are not eligible to claim the medical bill as per Rule of Central Service (Medical Attendance) Rules.

3. Challenging the said rejection order, the fourth respondent herein had filed an application in O.A.No.822 of 2019 before the Central Administrative Tribunal, Chennai Bench, and by order dated 16.06.2022, the Tribunal had allowed the application by setting aside the rejection order dated 20.02.2019 with the consequential direction to the respondents therein to consider the claim of the fourth respondent for reimbursement of the admissible portion of the expenditure of Rs.5,58,843/-. The said order of the Tribunal is assailed in this Writ Petition.



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WEB COPY 4. The learned counsel appearing for the petitioners would submit that the retired officials are not entitled to claim the medical bill as per Rule No.(2) Note (2) (iv) of the Central Service (Medical Attendance) Rules and that since the Government of India had implemented the CGHS, he is automatically entitled to the benefits arising out of the Scheme. He would further submit that the Scheme was introduced and extended to the retired employees of the Post and Telegraph Department with effect from 01.04.2019 pursuant to the order of the first petitioner dated 19.07.2017 and therefore, there is no infirmity in the rejection order, which was impugned before the Tribunal. With such submissions, he sought for allowing this Writ Petition.

5. The learned counsel appearing for respondent Nos.2 and 3 would however submit that in case, the fourth respondent is eligible for the benefits of the CGHS, the liability would only be on the second respondent herein to reimburse the medical expenses.



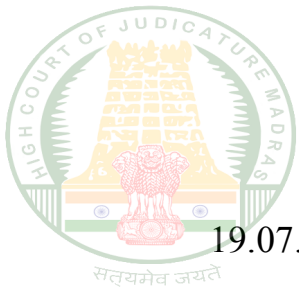
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6. Per contra, the learned counsel for the fourth respondent would submit that the reasoning adopted by the respondents therein in the order impugned before the Tribunal that the retired employees are not eligible for the benefits of the CGHS is incorrect in view of their own Office Memorandum dated 19.07.2017, which extended such benefits to the retired employees. As per the Office Memorandum, the fourth respondent had also paid the subscription on 06.04.2019 and therefore, there is no infirmity in the order of the Tribunal.

7. We have given careful consideration to the submissions made by the learned counsel appearing on either side and perused the materials placed before this Court.

8. The Ministry of Health and Family Welfare, Government of India, through their Office Memorandum dated 19.07.2017 had extended the CGHS facility to the retired employees of the Post and Telegraph Department. The said Office Memorandum is in supersession of the earlier Memorandum dated 01.08.1996. As per the present Office Memorandum dated 19.07.2017, the retired employees of Post and Telegraph Department shall be entitled to the CGHS facility from



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19.07.2017, irrespective of whether they were members of CGHS prior to retirement or not, subject to the payment of prevalent subscription for availing themselves of this facility as per Rules as in the case of other Central Government pensioners. In other words, even if the retired employee of the Post and Telegraph Department was not member of the CGHS when he was in service, he would still be entitled for the benefits of the CGHS after retirement without reference to his non-membership in the CGHS under the Post and Telegraph Department. The only condition is that he is required to pay then prevalent subscription for availing of the CGHS facility.

9. In the instant case, the fourth respondent's wife had underwent the medical treatment for the period between 22.10.2018 and 15.11.2018 and thereafter, had paid the CGHS subscription on 06.04.2019. This fact is not in dispute. In view of the Office Memorandum dated 19.07.2017, the benefits of the CGHS would be available to the fourth respondent herein and consequently, the petitioners herein are bound to reimburse the eligible medical expenses over his claim.



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10. It is consideration of the aforesaid facts, the Tribunal had also come to a conclusion that the original rejection order impugned in O.A.No.822 of 2019 was illegal and set aside. We do not find any infirmity or illegality in such a finding.

11. We have taken into consideration that the fourth respondent had retired from service on 31.05.2002 and he had incurred the medical expenses to the tune of Rs.5,58,843/- in the month of November, 2018. Therefrom, he had been knocking the doors of the petitioners seeking for medical reimbursement for the past seven years. We realise the serious prejudice would have been caused to the pensioner, who had retired from service as Supervisor and had incurred the medical expenses of Rs.5,58,843/-. In this background, we are of the considered view that the fourth respondent would be entitled to claim interest, the percentage of which is derived at 6% per annum on his eligible reimbursement of the medical expenses.

12. Accordingly, this Writ Petition stands dismissed, with a direction to the petitioners herein to forthwith reimburse the admissible portion of the fourth respondent's medical expenses of Rs.5,58,843/-,



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along with interest at the rate of 6% per annum, from the date when the fourth respondent had lastly incurred the medical expenses, till the date of actual payment, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(M.S.R, J.) (N.S, J.)
12.03.2025

ASI

Note: Issue order copy on 17.03.2025

To

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai - 600 104.
2. The Postmaster General,
Department of Posts, Government of India,
Southern Region, Madurai - 625 002.
3. The Senior Superintendent of Post Offices,
Tirunelveli Division, Tirunelveli - 627 002.



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and
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ASI

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