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

+ **W.P.(C) 4099/2022**

RAJINDER SHARMA

.....Petitioner

Through: Mr. Rajinder Sharma, Adv.

versus

UNION OF INDIA AND ORS

.....Respondent

Through: Ms. Saroj Bidawat SPC

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

10.02.2025

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1. The present petition assails an order dated 02.03.2021 (hereinafter '*the impugned order*') in respect of an application / letter dated 12.02.2021, filed by the petitioner, seeking that the benefits of the Central Government Health Scheme (CGHS), being availed by the petitioner, be extended to his son (who was born out of a live-in-relationship) on account of being a dependent of the petitioner.

2. The impugned order reads as under:-

*"To,
Sh. Rajinder Sharma,
K-71, Flat No. 16,
Chhachi Building,
Krishna Nagar, Delhi-110051.*

Sub:- Addition of son (born out of live-in relationship) in CGHS card.

Sir,

In reference to your letter dated 12th February, 2021 on the subject mentioned above, it is informed that the present criteria of dependency for extending the CGHS facilities to the family members of a Central Government employee do not include the individual having live-in relationship with the



employee or children born out of such live-in-relationship.

2. Therefore, your son (Sh. Ganesh Sharma) born out of live-in-relationship cannot be included in your CGHS card. “

*(Dr. V.K. Dhiman)
Additional Director (Admn.)
CGHS(HQ)*

3. In the short affidavit filed on behalf of the respondents, it has been conceded as under-

“7. That as per the direction of higher Authority, CGHS card can be issued to the son(born out of live in relationship without divorce to first wife) provided his name has been included as a dependant family member in the service record of the petitioner by his parent department.”

4. It appears evident that the impugned order is contrary to the stand taken by the respondent no.4 (Additional Director, Ministry of Health and Family Welfare, Central Government Health Scheme) in the aforesaid affidavit.

5. It is further pointed out by the learned counsel for the petitioner that even prior to passing of the impugned order, several communications were sent by the petitioner seeking that the benefits under CGHS and the CCS Pension Rules be extended to the petitioner's son (born out of a live-in-relationship on 21.03.2020). Furthermore, a decree of divorce has also been passed as regards the duly married wife of the petitioner.

6. All the aforesaid circumstances have clearly not been considered by the respondent no.4 while passing the impugned order. Consequently, the said impugned order is set aside. Let a fresh representation be given by the petitioner to the concerned respondents which shall be duly considered by the respondents in accordance with the extant rules, and a fresh order shall be passed after affording an opportunity of hearing to the petitioner.

7. Let the said exercise be done as expeditiously as possible, preferably within a period of 12 weeks from today.



8. With the aforesaid directions, the present petition is disposed of.

SACHIN DATTA, J

FEBRUARY 10, 2025/uk