

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH,
ERNAKULAM

Original Application No. 180/00133/2021

Thursday, this the 23rd day of March, 2023

CORAM:

Hon'ble Mr. Justice Sunil Thomas, Member (J)

1. P.M. Ramakrishnan, S/o Kunhappa Nambiar,
Aged 67 years, (Retd Station Superintendent, Southern Railway, Mahe) residing at “Anjali”, Chala East P.O, Kannur – 670 521.Ph:9495457856
2. K. Somachandran, S/o Kannan, aged 68 years,
(Retd N.A. Khalasi, Southern Railway, Kannur),
Residing at Thayil House, Pannen Para, Chalad P.O, Kannur – 670014.Ph:9447643345
3. T.K. Haridas, S/o Govindan, aged 67 years,
(Retd Head Trolleyman, Southern Railway, Kannur)
Residing at at “HARITHAM”, Adoor, Kadachira P.O, Kanur – 670 621. Ph:9847982797
4. N. Kannan, S/o Kanjiran, aged 68 years,
(Retd Chief Ticket Inspector, Southern Railway, Kannur)
Residing at N.K. Nivas, East Kappumkara, Azhikode South, Kannur – 670009, Ph:9405480101.
5. M.K. Mukunda Das, S/o Sankaran Nair, aged 69 years,
(retd Station Superintendent, Southern Railway, Valappatanam)
residing at Kunnummal House, Chembilode,
Mowanchery, Kannur- 670613. Ph:9400550298
6. V.P.Kamalakshan, S/o Kunhikanna, aged 67 years,
(Retd Gate Keeper, Southern Railway, Trikarapur,
Residing at Thekkumbad, Koovapuram P.O, Kannur – 670 309.
Ph:9400711426.
7. P.Jayakrishnan, S/o Raman Nair, aged 67 years,
(Retd Gate Keeper, Southern Railway, Kasargod),
residing at Parambath House, Kuttamath, Cheruvathur P.O,
Kasargod – 671313. Ph:9497602756.

8. K.V. Raghavan, S/o Raman, aged 67 years,
(Retd Gate Keeper, southern Railway, Trikarpar),
Residing at “Ambujam”, Kizhakkumkara, Anjanur P.O,
Kannur – 671 531.Ph:9995648683
9. M.V. Bhaskaran, S/o Kunhambu, aged 67 years,
Retd Keymanm Southern Railway, Trikarpur,
Residing at Matradan House, Olat P.O, Kasargod – 631 310.
Ph:94954405524
- 10 M. Devadasan, S/o Kannan aged 67 years,
Retd Trackman, Southern Railway, Charvattur,
Residing at Valambil Veedu, Achamthuruthi P.O,
Kasargod – 671 351 Ph:9495755701
11. A.Sudhakaran, S/o Krishnan, aged 66 years,
Retd Loco Pilot (Goods) Southern Railway, Manglore,
Residing at “Narayaneeyam”, Cheruvathur P.O,
Kasargod – 671 313.Ph:8330833129
12. A. Narayanankutty, S/o Chuthukutty, aged 70 years,
Retd Shunting master, Southern Railway, Mangalore,
Residing at Meethole Veedu, Panunda, Pachapoika P.O,
Kannur – 670 643.Ph:9497417755
13. A. Raghavan, S/o Kanhiran, aged 72 years,
Retd Sr. Cook, Southern Railway, Kannur, residing at
Kayattiyil House, Keezhara P.O, Kannur – 670 301.
Ph:9947735946
14. M. Saseendran, S/o Govindan, aged 70 years,
Retd Trackman, Southern Railway, Kannur,
Residing at M.S. Nivas, Thakkli Peedika Varam,
Kannur- 670 594.Ph:9446327688
15. P.V.Ravindran, S/o Raiju Nambiar, aged 67 years,
Retd sr. Trackman, southern Railway, Kannur,
Residing at Palakkal House, Pappinisery P.O,
Kannur – 670 561.Ph:9400588407
16. P.P. Haridasan, S/o Anandan Nambiar, aged 67 years,
Retd Sr. Gate Keeper, Southern Railway, Kannur,
Residing at Maniyeri House, Theeyannur, Kanjirangad P.O,
Kannur – 670142.Ph:9495294694
17. P.A. Ramapathy, S/o Padmanabhan Nambiar, aged 67 years,
Retd Station Superintendent, Southern Railway, Payangadi,
Residing at Chanal House, Aroli P.O, Via Pappinasseri,

Kannur – 670 566. Ph:9497289364

18. C.V. Haridas, S/o Krishanan, aged 66 years,
Retd, Senior Supervisor/P, way, Southern Railway,
Kannur, residing at “SMRITHI”, Kadachira P.O,
Kannur – 670 621. Ph:9495372490
19. Jayan Muliyl, S/o Anandan, aged 67 years,
Retd Sr. Technician/Mech, Southern Railway, Kannur,
Residing at “SHIVAKRIPA” Olayikara, Pachapoika P.O,
Koothuparambu, Kannur – 670 643. Ph:9605311847
20. T. Bhaskaran, S/o Parangodan, aged 68 years,
Retd. Section Engineer/Sig, Southern Railway,
Kannur, residing at Thattaruvalappil House,
Perumpadavu, Karippal P.O, Kannur – 670 581. Ph:9497513834
21. K.P.Sureshbabu, S/o Krishnan Nair, aged 67 years,
Retd. Sr. Technician/Mech, Southern Railway, Kannur,
Residing at Kizhakke Parambath House,
Paral P.O, Thalassery, Kannur – 670 671, Ph:9496861452
22. P.A. Rajendran, S/o Raghavan Nambiar, aged 67 years,
Retd Mail Guard, Southern Railway, Kannur,
Residing at “RAJADHANI” Mangattidam Post, Kannur – 670 643.
Ph:9495893672
23. P. Rajan, S/o Payyar, aged 66 years,
Retd. Station Manager, Southern Railway, Kannur,
Residing at “SANSAN” Kezhakke Motta, Chirakkal P.O,
Kannur – 670011. Ph:8281724919
24. K.K. Prabhakaran, S/o Kunhiraman, aged 65 years,
Retd Senior Section Engineer, CSW, Southern Railway,
Kannur, residing at “MALAVIKA” Sahakarana Road, Manal,
Alavil P.O, Kannur – 670008-Ph:9895119904. **Applicants**

(By Advocates : Mr. Martin G. Thottan)

V e r s u s

1. Union of India represented by
The Chairman, Railway Board,
Rail Bhavan, New Delhi-110001.
2. Financial Advisor & Chief Accounts Officer,
Southern Railway, Chennai-3.

3. Sr. Divisional Finance Manager,
Southern Railway, Palghat Division,
Palghat-678002.
4. Sr. Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat-678002.

..... **Respondents**

(By Advocate : Mr. V.A. Shaji, ACGSC)

This Original Application having been heard on 09.03.2023, the Tribunal on 23.3.2023 delivered the following:

ORDER

Per: Justice Sunil Thomas, Judicial Member -

The applicants are former Railway employees who have retired after 2006. Such employees are entitled for the Retired Employees Liberalized Health Scheme (RELHS) for medical aid to pensioners and family pensioners. According to the applicants, they are residing beyond 2.5 Kms. from the nearest Railway hospital or Health Units. They also claim that they are also not availing OPD except for chronic illness from the Railway hospitals or health units. In 1999, vide Annexure A1 Fixed Medical Allowance (FMA), was introduced by which the pensioners/family pensioners were allotted Rs. 100/- per month to meet the expenditure on day to day expenses for medical aid. It was subject to the condition that pensioners/family pensioners residing within city/town/municipality where the medical facility of Railway hospital/health unit were available, existing pensioners/future pensioners were granted a onetime option to avail in the prescribed form, OPD at Railway hospital or to claim FMA. It was further directed that the employees availing FMA will not be entitled to receive

treatment at OPD. However, they will be entitled for treatment for chronic diseases. The form appended to it prescribed that to opt for OPD, they should be residing within the limits of city/town/municipal area.

2. By Annexure A2 the benefit of FMA was extended to pensioners residing beyond 2.5 Kms. from the Railway hospital/health unit subject to the undertaking given as Annexure A2. Further relaxation was introduced in 2006, by which it was extended to the members of RELHS availing OPD for chronic diseases. Annexure A3 undertaking was the revised form. The grievance of the applicants was that they had retired subsequent to the policy decision taken by the Railway Board that those who possess RELHS card but do not avail OPD facility except in cases of chronic diseases, are eligible to get FMA. According to the applicants, they came to know about the above relaxations only in May, 2017. Though they desire to avail FMA, now they are forced to give an option that they are residing beyond 2.5 Kms. from the existing unit. However, according to the applicants, the pension disbursing authority and the pension sanctioning authority did not entertain it on the ground that the applicants failed to establish that they were residing 2.5 Kms. away from the Railway hospital. They have approached this Tribunal seeking disposal of their representation which was ordered to be considered by Annexure A8 order. By Annexure A9 the claim of the applicants was rejected on the ground that allowing fresh/additional options beyond those stipulated in the extant policy on the subject was not feasible. Aggrieved by Annexure A9 order, the applicants have approached this Tribunal to declare

that the applicants who are residing beyond 2.5 Kms. and availing medical facilities only for chronic diseases from Railway hospital/health unit are entitled for the FMA and to direct the respondents to grant FMA from the date of commencement of their pension.

3. Respondents have filed their detailed reply statement, wherein it was contended that the Railway Board on the recommendation of the Vth Central Pay Commission had implemented FMA at the rate of Rs. 100/- per month to Railway pensioners/family pensioners residing outside the city/town/municipal limits of places where a Railway hospitals/health units/lockup dispensary was situated, subject to the condition mentioned in Annexure A1. The position was further clarified by the Railway by Annexure R1, by providing that pensioners/family pensioners who possess RELHS card and avail OPD facility were not entitled for FMA, whereas those who possess RELHS card but do not avail OPD facility are entitled for FMA. Further Annexure R1 provides that to claim FMA, the pensioners/family pensioners should be residing beyond 2.5 Kms. from the nearest health unit and the pensioners/family pensioners were not availing the facility of OPD except in the case of chronic diseases. It was stated that by the instruction of the Principal Chief Personnel Officer vide PBC No. 171/2020 as per Railway Board letter dated 15.7.2002, those persons who have already exercised one time option for availing medical facility of OPD or to claim FMA and in cases where they have not opted FMA, the option can be exercised on the ground of change of residence beyond 2.5 Kms. of

the Railway hospital, by producing proof of change of residence.

4. Heard the learned counsel for the applicants and the learned ACGSC on behalf of the Railways.

5. It is evident that applicants had by virtue of their option originally exercised at the time of their retirement had availed OPD facility, which indicated that they were residing at a place where Railway hospital/health unit was available. Though the applicants have now contended that they had exercised their option mistakenly on an obsolete option form given to them, which was available in the Railway office at the time of retirement, there is nothing on record to establish it. Further it cannot be believed that till 2021 the applicants who had retired after 2006, were not aware that they had exercised their option in a wrong form. Evidently they had been availing the benefit of OPD. In the mean while relaxation was granted by which FMA was extended to employees who were residing beyond 2.5 Kms. from the nearest hospitals/health unit, without insisting for the city/municipality/corporation limit. Evidently, the option is now available only to those persons who were residing beyond 2.5 Kms.

6. The clear stand of the Railways is that by the Railway Board instruction No. PBC 171/2020, those pensioners/retirees who have already exercised one time option for availing OPD facility at Railway hospital or health unit can exercise new option only on ground of change of residence

beyond 2.5 Kms. of the Railway hospital. Though the applicants have now sought a declaration that they are entitled for the relief, on an assertion that they reside within 2.5 Kms. evidently, by virtue of the instructions of the Railway they can avail that benefit only on establishing that they had a change of residence and are residing beyond 2.5 Kms. Such an option is available to the applicants if they establish it with documents. Necessarily they have to approach the authority with such records and to seek an exercise of option if they genuinely have changed their residence. Applicants without doing such an exercise, are attempting to seek a relief by a circuitous method of seeking a declaration which in turn presupposes their residence at a distance of 2.5 Kms. away from the Railway hospital, which essentially is a factual aspect to be established by the applicants.

7. Having considered this, I find no merit in the OA which is accordingly, dismissed. No order as to costs.

(JUSTICE SUNIL THOMAS)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00133/2021

APPLICANTS' ANNEXURES

- Annexure A1** – True copy of the Railway Board letter No. RBE NO. 65/99 dated 21.4.1999.
- Annexure A2** – True copy of the revised option form.
- Annexure A3** – True copy of the Railway Board letter No. RBE No. 83/2011 dated 7.6.2011 along with revised undertaking form.
- Annexure A4** – True copy of the Railway Board letter RBE No. 117/2011 dated 26.8.2011.
- Annexure A5** – True copy of the option form of the first applicant at the time of his retirement.
- Annexure A6** – True copy of the order No. 2012/AC-II/21/Misc. Matters (RBA No. 38/2012) dated 2.11.2012.
- Annexure A7** – True copy of the form submitted by the 1st applicant dated 1.6.2017.
- Annexure A8** – True copy of the order passed by this Hon'ble Tribunal dated 12.3.2019 in OA No. 123 of 2018.
- Annexure A9** – True copy of the letter bearing No. PC-V/2019/CC/19/SR/FMA dated 6.5.2020 issued by the 1st respondent.
- Annexure A10** – True extract copy of the paras 1 to 4 of Railway board letter RBE No. 107/02 dated 15.7.2002.
- Annexure A11** – True copy of the railway board letter bearing No. 2006/H/DC/JCM dated 12.10.2006.
- Annexure A12 series** – True copy of the undertaking and option exercised by the applicants at the time of their retirement which has been produced by the respondents herein as Annexure R9 in the reply statement filed in Original Application No. 123 of 2018.
- Annexure A13** – True copy of the railway board letter bearing No. 137 of 2022 dated 27.10.2022.

RESPONDENTS' ANNEXURES

Annexure R1– True copy of the Railway Board letter NO. PC-V/2006/A/Med/1 dated 15.9.2009 (RBE No. 168/2009).

-X-X-X-X-X-X-X-X-