

(2014) 07 AHC CK 0127
In the Allahabad High Court
Case No : Writ Petition No. 4313 (SS) of 2009

Rameshwar Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 25-07-2014

Acts Referred:

Citation : (2014) 07 AHC CK 0127

Hon'ble Judges : Narayan Shukla, J

Bench : Single Bench

Advocate : Ajit Singh, Learned Advocate and Rajendra Singh, Learned Counsel,
Advocate for the Respondent

Final Decision : Dismissed

Judgement

Narayan Shukla, J.—Heard Mr. Rameshwar Singh, petitioner in person and Mr. Ajit Singh, learned advocate, holding brief of Mr. Rajendra Singh, learned counsel for the Central Government.

2. The petitioner has assailed the order dated 3rd June, 2008 whereby the respondent has accepted the petitioner's request to provide medical aid for the treatment of his wife but to the extent of only Rs. 20,000/- whereas the petitioner claimed the medical aid for the treatment of his wife to the extent of Rs. 2,50,000/- as estimated by the Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow. During the pendency of the writ petition, the petitioner's wife died. Therefore, the petitioner has also prayed for issuing a writ of mandamus to the respondents to pay heavy compensation to the petitioner for causing untimely death of his wife due to inaction on the part of the concerned opposite parties. It is further stated that she succumbed to the death for want of medical treatment.

3. The petitioner is a retired employee of Central Reserve Police Force. He retired from service on 1.12.2003. He admitted his wife late Malti Devi for her treatment in S.G. P.G.I., Lucknow where she was proposed for surgical operation. The cost

of operation was estimated as Rs. 2,50,000/- by the Medical Officer of D.G. P.G.I. Since the petitioner was short of money, he submitted an application for medical help before the respondents. The same was acceded only to the extent of Rs. 20,000/-.

4. The petitioner approached this court through W.P. No. 7886 (SS) of 2007 for issuing direction to the respondents to provide medical aid. This Court issued directions to the respondents to decide his representation by speaking and reasoned order. The respondents examined the matter and decided petitioner's representation on 11.2.2008 in light of the Standing Order No. 7 of 2004 and passed the following order;

Admittedly the petitioner is drawing medical allowance @ Rs. 100/- p.m. with his pension and therefore he is not entitled for-reimbursement of his medical claims after retirement. However, as per para 04 of Standing Order No. 07/2004 retired personnel of CRPF can be paid Rs. 20,000/- as financial assistance for self or his wife once. Accordingly, the petitioner was requested to submit all papers after completion of medical treatment of his wife to ADIGP, CC, CRPF, Lucknow for providing Rs. 20,000/- as financial assistance from SRF/CWF vide this Dte. Letter No. CWF-06/07-08 Wel dated 12/10/07. Further, had the petitioner submitted the medical documents, his case for financial assistance could have been considered but the petitioner instead approached the Court. Financial assistance of Rs. 20,000/- can be granted only if the petitioner submits the required documents duly filled in and attested by a Gazetted Officer.

5. Learned Central Standing Counsel submits that petitioner's case is covered under the Standing Order No. 07/2004. Relevant clause 4(1) of the Standing order provides that assistance(grant) will be provided from special relief fund under the guidelines for treatment of specific diseases of self and wife of retired personnel once in a life time on the principle of rarest of rare cases but the assistance will not exceed Rs. 20,000/- per case.

6. The respondents have also submitted that since the petitioner did not submit the requisite documents, therefore, he could not be sanctioned the medical advance of Rs. 20,000/-.

7. It is further stated that decision of the authority on the petitioner's representation was communicated to him well in time. Therefore, it cannot be said that due to inaction of the respondents, the petitioner's wife could not get the medical aid.

8. The matter of extension of medical aid to the family of the retired employee is governed under the Standing Order issued by the department and a bare perusal of the record shows that with the sanction of Government of India a special relief fund has been created out of National Defence Fund and is governed by CWF Rules. The grant received from the Government have been invested with the public sector undertaking and the interest received on deposit is being utilized for the welfare of force personnel through Education Fund/Central Welfare Fund.

9. The step of the Government of India to provide medical aid to the retired defence personnel is appreciable but keeping in view the fact that the medical treatment has become costly and it would be very difficult for the retired personnel to get the medical relief particularly in serious diseases at the cost of Rs. 20,000/-. I am of the view that it is advisable to the Government to enhance the amount of medical aid to the retired defence personnel, keeping in view their future capacity to repay it, if it is refundable. With this advice, I do not find it a case, which requires any interference of this Court.

10. In the result, writ petition stands dismissed.