



PENSIONERS'

RAIL SAMPARK

QUARTERLY BULLETIN OF THE

RAILWAY SENIOR CITIZENS WELFARE SOCIETY (RSCWS)

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FOR MEMBERS ONLY

GOVT FILES AN APPEAL AGAINST JUDGMENT ON MODIFIED PARITY IN PENSION - RSCWS TO CONTEST GOVT'S APPEAL AGAINST CAT JUDGMENT IN DELHI HIGH COURT & FIGHT FOR HIGHER FMA OF RS 1200 PM IN CAT APPEAL TO ALL PENSIONERS TO JOIN THE STRUGGLE & CONTRIBUTE TO LEGAL FUND

Government has filed an Appeal against the 1ST November 2011 judgment of the Principal Bench of Delhi CAT on modified parity in pension to the pensioners retired prior to 1.1.2006. Principal Bench of Delhi. CAT had directed implementation of OM dated 1.9.2008 based on the Government's Resolution dated 29.08.2008 accepting the recommendation of 6th CPC for modified parity of pension to pre 1.1.2006 pensioners by nullifying the clarificatory orders issued subsequently that denied the real content of the 6th CPC recommendation as accepted earlier by the Union Cabinet through its Resolution dated 29.08.2008. But now the Government has filed an Appeal against the judgment of the CAT. (See details on Page 10)

RSCWS has decided to be an impleader against the Appeal of the Government in the Delhi. This decision was taken in the Annual General Body Meeting (AGM) of RSCWS held at Chandigarh on January 14, 2012.

It was also decided in the AGM to file a Court case in CAT Chandigarh, for raising of Fixed Medical Allowance (FMA) to Rs. 1200 PM (instead of Rs. 300 PM at present), if the demand is not accepted within 3 months after the new appeal sent by RSCWS to the Prime Minister & the Finance Minister. (See copy of the Memorandum to PM inside).

AGM RSCWS has appealed to Pensioners for liberal contribution (of at least Rs. 500 each) to the Legal Fund of RSCWS (which may be sent to Sh. K. S. BHANDARI, TREASURER, RSCWS, 3098, SECTOR 22-D, CHANDIGARH 160055).

It is strongly felt by the Pensioners that "Full Parity between old & new Pensioners can never be achieved" - unless the Modified Parity of Pension is protected as recommended by Sixth CPC and approved by the Union Cabinet even though unjustly mutilated by a lower functionary but upheld by the Hon CAT Principal Bench in the said judgment.

GLIMPSES OF THE AGM RSCWS CHANDIGARH ON JANUARY 14



M. S. Batra President receiving the
Chief Guest Brig. (Retd) Keshav Chandra



N. P. Mohan, Working President,
explaining features of CAT verdict



Harchandan Singh Secy General
presenting the Annual Report

SPECIAL AWARD OF HONOUR TO SHRI N. P. MOHAN

Shri N. P. Mohan was presented a Special Award of Honour during the AGM of RSCWS for his able guidance & outstanding services to RSCWS and to Pensioners Community at large by effectively pursuing the case in CAT Delhi for Modified Parity to Pre-2006 Pensioners.

**NEXT GENERAL BODY MEETING & SEMINAR OF RSCWS - WILL BE HELD ON 29TH APRIL 2012
DETAILED NOTICE WILL FOLLOW.**

SECRETARY GENERAL, RSCWS

MINUTES OF THE GENERAL BODY MEETING OF RSCWS, CHANDIGARH,

Held on 14-1-2012, at Govt Museum Auditorium, Sector 10, Chandigarh

Shri M. S. Batra presided over the meeting. Shri Batra welcomed the Members and wished them a Happy New Year. He called upon the Members to be more active in gearing up the activities of the Society. He explained that in view of the fast expanding activities of the Society, there was an urgent need for the Executive Members to take greater responsibilities for further for the welfare of the Pensioners community.

2. **Cultural Programme:** The programme started with the religious & devotional songs followed by old classic songs & poems etc. by Sh T. S. Chawla, Sh. H. S. Sachdeva, Mrs Rama Dogra & others. General Body decided to make cultural programmes a regular feature in the General Body Meetings. It was decided to form a Cultural Committee of RSCWS to promote cultural activities amongst Senior Citizens. c) General Body nominated Sh. T. S. Chawla as the Chairman and Sh H. S. Sachdeva as the Cultural Secretary RSCWS. They will co-opt other Members in the Cultural Committee and organize the cultural activities for the society.
3. **REPORT OF SECRETARY GENERAL:** Shri Harchandan Singh, Secretary General RSCWS, mentioned in his Report for the year 2011 that four Meetings of General Body and 6 Meetings of Executive Committee RSCWS, were held during the year. Important issues of concern for Pensioners were discussed and Members were apprised of the latest position. Medical Seminars were held during all the GBMs.

He further mentioned that a number of memorandums were submitted during the year, to the Govt. (PM, MoF, Secy. MOF, Secy DOP P&PW, MOR and CRB / MS Railway Board etc.) on major problems of the Pensioners including Modified Parity of Pension of Pre-2006 Pensioners, Equated Fixation of Pension of Pre-2006 Pensioners at par with serving employees, Revision of Fixed Medical Allowance (FMA) from Rs 300 PM to 1200 PM at par with EPFO, and issue of Revised PPOs etc. A number of issues were raised under the RTI Act reg. FMA, Redefining of Chronic Diseases for admissibility of FMA & Issue of Revised PPOs.

A number of memorandums were also submitted to Zonal Head Quarter and Divisional Officers on the problems of Pensioners including those relating to Issue of Revised PPOs, Delay in Reimbursement of Medical Bills, Redefining of Chronic Diseases for admissibility of FMA even while taking OPD facility for such Chronic Diseases, Empanelment of Hospitals at Chandigarh, Upgrading of Lock-up Dispensary, Opening Lock-up dispensary for 3 days/week and Availability & issue of Medicines in Railway Hospital etc.

The Journal of the RSCWS - "*Pensioners Rail Sampark*" with its improved and colourful outlook, had become very popular and is playing a very useful role of keeping the Members well informed about the Govt Orders & activities of RSCWS etc. Website of RSCWS www.rscws.com is very popular & is regularly visited by Members as well as by other Railway Pensioners settled all over the country & elsewhere in the world, due to its informative content, regular updating, and viewers friendly features. The Directory was last published in 2009. Executive Committee RSCWS had decided to publish a revised & updated edition thereof, in 2012.

He informed the Members that Organisational position of the Society had improved during the year under review. The Membership is now 130 local Members & 315 (Outstation) Associate Members.

Society is keeping a close watch on the developments at various levels - on related areas of concern for Pensioners. CAT New Delhi, in OA 655-2010 upheld the grant of Modified Parity to Pre-2006, Pensioners as per accepted recommendations of the Sixth CPC. Govt. may now accept the judgment or may file an appeal in the Delhi High Court by mid Feb, 2012. Executive Committee RSCWS has proposed to file a Caveat in Delhi High Court to plead as an effected Party in the case. RSCWS had moved a number of applications under RTI act to get all the related documents regarding revision of Fixed Medical Allowance (FMA). As per documents so far received, the decision to grant Rs.300 pm as FMA was extremely inadequate, totally arbitrary and not based on any logic or reason. Minimum Rs.1200 pm should have been granted as FMA as given to Pensioners of EPFO. Executive Committee RSCWS has, therefore, proposed to file a case in CAT Chandigarh to enhance the FMA to Rs 1200 PM at par with EPFO.

Empanelment of Fortis Hospital, Mohali, for Cardiology & Cardiac Surgery had been renewed for one year (up to Sept. 2012). Fortis had also agreed to apply for the empanelment for other Specialties for Railway Beneficiaries. No other Hospital was recognized by the Railways at present. (except PGI & Govt Medical College, Sector 32 Chandigarh). Meanwhile, as per latest orders of CGHS, a number of Private Hospitals had been recognized under CGHS. Similar action shall be asked for from the Railways.

4. Sh N. P. Mohan Working President RSCWS, explained the systematic distortions resorted to by Govt. in implementing recommendations accepted by Cabinet - resulting in substantial reduction in pension (specially for the scales grouped in the 4 Pay Bands) and the efforts of Central Govt. SAG (S 29) Pensioners Association leading to a wide ranging favourable judgement of CAT for all pre-2006 retirees. After detailed discussion following decisions were taken by the General Body:
- 4.1 **CASE REG. MODIFIED PENSION OF PRE-2006 PENSIONERS:** a) General Body of RSCWS resolved that a Caveat be filed by RSCWS in Delhi High Court, and to plead as an effected party in case the Govt. files an Appeal against the decision of CAT New Delhi in OA 655-2010 for grant of Modified Parity to Pre-2006 Pensioners as per accepted recommendations of the Sixth CPC.

MINUTES OF THE GENERAL BODY MEETING OF RSCWS (CONTINUED)

- b) Secretary General RSCWS, Shri Harchandan Singh, was authorized to file the said Caveat and to plead as a Party in the Appeal against the CAT Judgment in OA 655-2010 for grant of Modified Parity to Pre-2006 and such other documents and Affidavits on behalf of RSCWS in connection with the above case and to take action as considered appropriate for pursuance of the case in consultation with the President RSCWS.
- 4.2 CASE REG. FIXED MEDICAL ALLOWANCE:**
- a) Rs.300 pm as FMA was extremely inadequate or rather a mockery of the hardship of the old Pensioners who had faithfully served the Nation for long years but were now being badly ignored by the Govt. in getting proper treatment for themselves and their dependents in the paltry sum of Rs.300 as FMA.
- b) General Body of RSCWS resolved that RSCWS should submit another Memorandum to the Government against this continuous injustice based on the new facts which had emerged out of the documents received by RSCWS under RTI Act.
- c) If the Government still does not revise the FMA, within a reasonable time after submission of the said Memorandum, then it was resolved that a Court case be filed on behalf of the RSCWS in CAT Chandigarh for an appropriate relief to the Pensioners for grant of minimum Rs.1200 pm as FMA as given to the employees & Pensioners of EPFO.
- d) Secretary General RSCWS, Shri Harchandan Singh, was authorized to file the said Court Case for Revision of Fixed Medical Allowance, in CAT Chandigarh and to file other documents and Affidavits on behalf of RSCWS in connection with the above-said case and to take such action as may be considered necessary & expedient for pursuance of the case in consultation with the President RSCWS.
- 4.3 LEGAL FUND:**
- a) General Body of RSCWS resolved to launch a Legal Fund of RSCWS, and appealed to all the Members and Pensioners at large to contribute liberally to the Legal Fund (with a minimum of Rs.500 per head) at the earliest, so as to meet with the legal & other related expenses for filing of Court Cases for and on behalf of the RSCWS including those in connection with the following cases:
- i) Implementation of the decision of CAT New Delhi in OA 655-2010 for grant of Modified Parity to Pre-2006 Pensioners as per accepted recommendations of the Sixth CPC;
- ii) For Revision of Fixed Medical Allowance to Rs.1200 pm at par with EPFO
- 5. CONSTITUTIONAL AMENDMENTS:** Executive Committee constituted a Committee comprising of President RSCWS Shri MS Batra, Working President RSCWS Sh NP Mohan, Secretary General Sh Harchandan Singh & Vice President Sh S. S. Sahota will consider & propose such Amendments in the Constitution of RSCWS as necessary for strengthening the organisation. Proposed Constitutional Amendments, after consideration of Executive Committee, may be placed before the General Body.
- 6. HONOURING OF MEMBERS FOR OUTSTANDING SERVICES:**
- a) SHRI N. P. MOHAN was presented a Special Award of Honoured for his able guidance & outstanding services to RSCWS and to Pensioners Community by effectively pursuing the case in CAT Delhi for Modified Parity to Pre-2006 Pensioners.
- b) 5 Members were honoured for outstanding services to RSCWS and to Pensioners at large - namely Sh. S. S. Sahota, Sh. Harbans Singh, Sh. Kapil Dev, Sh. H. S Sachdeva and Sh. Bipin Bihari.
- c) GOLDEN AGE & SENIOR CITIZENS AWARDS: Five Members Namely SHRI MS BATRA, EX-CHIEF CONTROLLER, AMBALA, SHRI M. P. SINGH, SHRI T. S. CHAWLA, EX-DEPUTY FA & CAO, NR NEW DELHI, SHRI SS KAPOOR, EX- PRODUCTION ENGINEER, AMRITSAR All of Whom Had Completed 80 Years Of Age During The Year Were Presented Golden Age Awards. Two Members Sh. Shri Harcharan Singh, Ex-ps, Rdso Lucknow Shri Arjun Singh, Ex-senior Wli, Baroda House, New Delhi - Who Had Completed 65 Years Of Age During The Year - Were Presented Senior Citizens Awards.
- 7.**
- a) Nomination of Patron: General Body decided to nominate Shri HD Sharma as the Patron RSCWS in place of Late Shri Pritam Singh who had expired recently.
- b) General Body decided to nominate Sh. S. S. Sahota as the Vice President RSCWS, Sh. Harcharan Singh and Sh. Jagjit Singh as Members of the Executive Committee. General Body decided to nominate 2 additional Members in the Executive Committee (including 1 from PKL) to further gear up the the organisation.
- 8. AFFILIATION WITH CSCA:** RSCWS considered the proposal of CSCA (Chandigarh Senior Citizens' Association) to affiliate the NGOs of Pensioners - in the tri-city - with CSCA. RSCWS welcomed the proposal and decided that RSCWS may be affiliated to CSCA as per terms and conditions advised by the President CSCA or as amended from time to time. RSCWS authorized the Secretary General RSCWS to apprise the CSCA about this decision of RSCWS - to affiliate RSCWS with CSCA and to maintain a liaison with CSCA.
- 9.**
- a) Chief Guest Brig. Keshav Chandra President CSCA, highly appreciated the activities of the RSCWS and welcomed the decision for affiliation of RSCWS with CSCA. This will help Members of RSCWS in interacting and participating in the activities of CSCA and other NGOs.
- b) Special invitee Shri Rajpal Sharma, Chairman CCGPA while appreciating the activities of RSCWS, called upon the Pensioners to get united to face the challenges before them.

MEMORANDUM TO PM & MOF FOR REVISION OF FIXED MEDICAL ALLOWANCE TO RS 1200 PM TO PENSIONERS

Copy of the Memorandum to Hon. Prime Minister of India & Minister of Pension, Hon. Minister of Finance, GOI
Reference: DOP (P&PW) Office Memorandum No. 4/252008-P&PW(D) Dated 26-5-2010

We seek your benign intervention in an issue of extreme hardship for Central Government Pensioners on account of extremely meager amount of Rs.300 p.m. granted as Fixed Medical Allowance (FMA) - to those Pensioners who had not joined the CGHS/RELHS or had opted out of OPD facility - (*vide DOP OM cited above Copy attached as Annexure I*).

The amount of FMA is so negligible that it does not meet with even a "fraction" of day-to-day Medical expenses for treatment of old-age problems. It defeats the very purpose for which it is purported to be paid. It seems to be a cruel joke with the Senior Citizens who have given valuable years of their lives to the service of the Nation. Kind attention is invited to the following facts:

1. **Inflation in Cost of (OPD) treatment:** Cost of OPD treatment per Card Holder under CGHS, had increased 5 to 6 times since 2003-04 (*based on which MoH had initially recommended the amount of Rs. 300 PM plus DA as FMA*). As per position given by the MoH in the Meeting of Cabinet Secretaries held on 15-4-2010, the total per card holder expenditure on OPD treatment, had increased from Rs.3570 pa (or say Rs.300 pm) in 2003-04 to Rs.16,435 pa (i.e. Rs.1369 or say Rs. 1400 PM) in 2007-08 (*as per information received under RTI Act*). Adding to it the proportionate inflation for year up to May 2010 (*when the revised amount of FMA was sanctioned*), the expenditure per card holder can be placed at over Rs.1650 pm in 2009-10 and Rs.2000 pm in the year 2010-11 as per details given below:

Sl. No.	Year	Average Annual Cost per CGHS Card Holder (For Treatment under CGHS)			Remarks / Source
		Rs. PA	Rs. PM	%Rise of cost over previous year	
1.	2006-07	13713	1142.75	----	As advised by MoH in the Meeting of Secretaries on 15-4-2010 (as per RTI)
2.	2007-08	16435	1369.58	19.65% *	
3.	2009-10	19664	1638.70	19.65%	Estimated on proportionate % rise in the previous year 2006-07 to 2007-08
4.	2010-11	23528	1960.66	19.65%	

2. **OPD Expenditures considered for FMA based on discounted cost of Medicines:** The cost of OPD treatment Per Card Holder (*as mentioned in Para I above*), considered by MoH, for basing the proposal for FMA, was based on cost of Medicines purchased under CGHS with discounts between 12% to 30% (for bulk supply) - as clear in the Note of MoH on item ii) of the Agenda for Meeting of Secretaries held on 15-4-2010 (*as per information received under RTI Act*). Actual MRP or cost of Medicines payable in the open market for day-to-day treatment (*by Pensioners not getting OPD treatment under CGHS / RELHS*) is much higher than the expenditure considered by MoH - per card holder on OPD treatment under CGHS.
3. **Non-counting of DA or inflation for FMA:** Ministry of Health as well as DOP (P&PW) had recommended for linking the FMA with inflation and adding DA to off set the impact of continuous rise in the cost of Medicines and Consultations etc for Day-to-Day out-door treatment. But the MoF(E) had not agreed to even this most reasonable proposal of MoH [*made vide their OM F. No. S. 11030/10/2008-CGHS (P) dated 16-9-2008 to secretary DOP (P&PW)*].
4. **Non-revision of FMA for over 12 years unlike Medical Allowance granted initially:**
 - a) Medical Allowance was initially granted to Central Government employees in June 1986 with the provision to revise the same every 3 years. This practice was followed up to 1997. But no revision had been done from 1997 to 2010 in the FMA of Rs.100 (granted after Fifth CPC).
 - b) FMA of Rs.100 granted in 1997 was revised after 13 years in May 2010 (*vide DOP OM dated 18-5-2010 cited above*) and fixed at Rs.300 PM - as against Rs.800 pm + DA recommended by DOP&PW in 2007 and as against Rs.500 pm + DA recommended by both MoH and DOP&PW in their note for the Meeting of the Secretaries held on 15-4-2010.
5. **Rs.1200 PM granted as FMA in EPFO:**
 - a) Fixed Medical Allowance (FMA) of Rs.1200 is paid to the Employees & Pensioners of EPFO (*Employees Provident Funds Organisation*) - under Ministry of Labour for day-to-day outdoor treatment (*vide its Circular No. HRM-V/12(1)2003/ FMA/Vol-II dated: 11.1.2010 (Copy of the Office Circular of EPFO is attached as annexure II)*).
 - b) FMA for employees and Pensioners of EPFO had been revised every third year as many as 5 times between 1997 to 2010 by as much as 33% in 1997, 25% in 2000, 66.67% in 2003, 140% in 2006 and by 100% in 2010 (thus granting Rs. 120 from 1-1-97, Rs.150 from 14-3-2000, Rs.250 from 1-1-2003, Rs.600 from 1-1-2006 and Rs.1200 as FMA from 1-1-2009 (*as per details submitted in Annexure III*)) based on rise in the cost of Medicines & Consultation for day-to-day treatment.
 - c) All these revisions of FMA by EPFO were apparently done with the approval of the Ministry of Finance / the Government Section 5D(7) of (EPF Act) provides that rules and orders applicable to Officers & Employees of the Central Government shall be applicable to the Officers & Employees of the Central Board of EPF.

MEMORANDUM TO PM FOR REVISION OF FIXED MEDICAL ALLOWANCE OF RS 1200 PM (CONTD.)

However, it has been provided that where the Central Board (of EPF) is of the view that it is necessary to make a departure from the said rules or orders, in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government.

6. a) Once the Government / MoF had approved the revision of FMA for employees and Pensioners of EPFO to Rs.600 PM from 1-1-2006 and Rs.1200 PM wef 1-1-2009 there was no reason or justification for the Government to turn down the demand of equivalent FMA for Central Government employees & pensioners as demanded by JCM, SCOVA, and Associations representing the Pensioners and others.

At least it should not have been lower than that proposed by DOP and MOH who had proposed Rs. 500 + DAPM as FMA even though it was very much on the lower side.

7. a) It was accepted by MoS (P&PW) in the Meeting of SCOVA (held on 20-9-2010) that the *"amount of Rs.300 per month (as FMA) appears to be inadequate but the Government could not increase it further due to constraints of resources"*.

- b) In the Meeting of JCM (NC) held on 18-5-2011, Official Side had agreed to ask MoH to review the FMA (in response to Agenda item no 9). But it is regretted that the proposal since given by MoH for increase of FMA to Rs.500 PM had again been turned down by the MoS(Finance).

- c) We have as such been left with no alternative except to appeal to you as head of the Government, on grounds of mercy, compassion and justice for the old & harassed Pensioners.

- d) Resources should not be allowed to come in the way of providing the requisite means for proper treatment in the old age of the frail and ailing Senior Citizens - suffering from numerous chronic and other day-to-day medical problems. The constraint of resources as cited by the Government (as mentioned by MoS in the said meeting of SCOVA) - is totally unjustified especially in respect of an item like Fixed Medical Allowance to Pensioners, in view of the following facts:

- i) Responsibility of the Government towards health care of Pensioners even if they are not members of CGHS / RELHS as upheld by the various courts in numerous cases;

- ii) Observations of the Apex Court in Nakara's case: *".....when the employee was physically and mentally alert, he rendered unto his master the best, expecting him (his master) to look after him in the fall of life and that socio-economic justice would be rendered to those who in the heyday of their life, ceaselessly toiled for the employer on an assurance that in their old age, they would not be left in the lurch. Pension and Medical facility are such assurances, which are most needed when physical & mental prowess is ebbing, corresponding to aging process."*

8. Insurance Scheme can't cover OPD treatment as advised by MoH: Sixth Pay Commission had proposed introduction of Medical Insurance for the Central Government employees and Pensioners. But no Insurance scheme would cover the OPD or day-to-day "Domiciliary" treatment; and in case it is to be covered the premium will be very high (as mentioned by representative of MoH in the Meeting of Secretaries held on 15-4-2010 - vide Para 3 of the Minutes of the Meeting as per information received under RTI).

9. a) Majority of the Pensioners don't have access to CGHS / RELHS facility: Majority of the Pensioners are residing in the non-CGHS / non-RELHS areas. They have to purchase medicines from the open market and pay for consultation for day-to-day treatment cost of which is ever rising much above the paltry amount of FMA paid for day-to-day treatment to those who have opted out of OPD facility since residing away from the facilities provided under the said schemes.

- b) Cost of treatment requiring Hospitalisation and or specialized treatment is exorbitant. But those who are not members of CGHS / RELHS have to pay for any type of treatment (including Hospitalisation and or specialized treatment as well as for Out-door treatment).

- c) Those that have not joined the CGHS / RELHS are discriminated against those who have joined it as they are getting free OPD treatment, free Hospitalisation and free specialized treatment or reimbursement thereof - under the said schemes.

10. It is, therefore, requested that:

- a) Fixed Medical Allowance (FMA) to Pensioners and Family Pensioners (who opt out of OPD treatment under CGHS / RELHS as residing at a distance from the facilities) may be enhanced to Rs.1200 p.m. for "Out Door Treatment" (at par with EPFO);

- b) i) FMA may be revised periodically (once every 3 years) to compensate for rise of cost of Medicines and treatment as for employees & Pensioners of EPFO;

OR ii) DA be granted on the FMA to compensate for phenomenal rise of cost of Medicines and treatment (as proposed by DOP (P&PW) and MoH) (as has now been done in case of Transport Allowance for which DA is now counted), to avoid periodic review.

PENSIONERS & SENIOR CITIZENS ! VISIT OUR FREE & INFORMATIVE WEBSITE

***HTTP://WWW.RSCWS.COM* REGULARLY**

FOR ADMINISTRATIVE ORDERS, INFORMATION OF ACTIVITIES OF RSCWS, COPIES OF OUR JOURNAL "PENSIONERS RAIL SAMPARK" & OTHER MULTIFARIOUS FEATURES OF INTEREST

STATE HAS A CONSTITUTIONAL OBLIGATION TO BEAR THE MEDICAL EXPENSES OF EMPLOYEES WHILE IN SERVICE AND ALSO AFTER THEY ARE RETIRED - WHETHER A MEMBER OF CGHS OR NOT- DELHI H C GRANTS REIMBURSEMENT WITH 18% INTEREST

By the present petition filed under Article 226 of the Constitution of India, the petitioner seeks directions to direct the respondents for reimbursement of the medical expenses incurred by the petitioner.

The issue is no more res-integra as in the case of S K Sharma (supra), this Court clearly held that the petitioner after getting retired cannot be denied the benefit of the medical reimbursement simply because of the fact that he did not opt for the said scheme.

In this case also the claim of the employee was rejected on the ground that he was not covered under the CGHS Rule not being a part of the scheme but still a retired Central Government employee residing in non-CGHS area can make a CGHS card for himself and his dependent family members from the nearest centre where CGHS is functional.

Further placing reliance on some authoritative pronouncements of the Apex Court, this Court in the above case took a view that the petitioner cannot be discriminated against, merely because he is not a member of the CGHS scheme as he was staying in a non-CGHS area.

In this is a settled legal position that the Government employee during his life time or after his retirement is entitled to get the benefit of the medical facilities and no fetters can be placed on his rights on the pretext that he has not opted to become a member of the scheme or had paid the requisite subscription after having undergone the operation or any other medical treatment.

Under Article 21 of the Constitution of India, the State has a constitutional obligation to bear the medical expenses of Government employees while in service and also after they are retired.

Clearly in the present case by taking a very inhuman approach, these officials have denied the grant of medical reimbursement to the W P (C) No 889/2007 petitioner forcing him to approach this Court.

Respondents did not bother even after the judgment of this Court was brought to their notice and copy of the same was placed by the petitioner along with the present petition. The Respondents are directed to pay the said medical claim of the petitioner along with 18% interest from the date of submission of his bill. The said payment shall be made by the respondent within one month from the date of this order. Additional costs of Rs. 10,000/- is also imposed on the respondents for causing delay in making the said payment to the petitioner. [Kishan Chand vs Govt of NCT of Delhi & Ors - Delhi High Court - WP(C) No 889 /

ORDERS ISSUED BY CRB FOR TIME BOUND ISSUE OF REVISED PPOS

Chairman Railway Board has personally written to all General Managers of Indian Railways and Production Units to issue Revised PPOs (Pension Pay Orders) in a time bound programme. This follows a series of representations made by RSCWS and other organisation of the Pensioners & the Recognised Federations.

REOPENING OF RELHS UNDER CONSIDERATION OF RAILWAY BOARD

RELHS (Retired Employees Liberalised Health Scheme) for the retired railway employees for availing medical facilities may soon be started. Retired railway men had been demanding restoration of the scheme, which was closed on March 31, 2010.

RAILWAY BOARD ASKS ZONAL RAILWAYS & DIVISIONS TO GIVE REPLY TO PENSIONERS ASSOCIATIONS & TO REDRESS PENSIONERS' PROBLEMS

General Managers and Divisional Railway managers of different zones and divisions have been advised by the Railway Board to give replies to the letters of Pensioner Associations and solve the grievances of the retired railway employees.

MEMBERS RSCWS & OTHER RAILWAY PENSIONERS & FAMILY PENSIONERS

BE ACTIVE MEMBERS OF RSCWS

MEMBERSHIP SUBSCRIPTION FOR RSCWS - @ Rs. 200 PA

(ASSOCIATE MEMBERSHIP Rs. 100 PA *(For those residing outside Chandigarh Tri-city)*)

- Including Free circulation of Quarterly Journal "Pensioners Rail Sampark"

DONATIONS & SUBSCRIPTIONS MAY PLEASE BE SENT

BY LOCAL OR AT PAR C HEQUE, DEMAND DRAFT OR M. O. IN FAVOUR OF:

"RAILWAY SENIOR CITIZENS WELFA RE SOCIETY" –

OR PAY DIRECTLY TO –

Sh. K. S. BHANDARI, TREASURER, RSCWS, 3098, SECTOR 22-D, CHANDIGARH (PH. 2711641 & 9815012641).

President & Secretary General, RSCWS

MEMORANDUM TO CRB, MS & DGHS FOR RECOGNITION OF SPECIALISED PRIVATE HOSPITALS & DIAGNOSTIC CENTERS BY THE RAILWAYS AT CHANDIGARH

Your kind attention is very humbly invited to the sad plight of large number of serving & retired Railway officials & their dependents residing in and around the tri-city of Chandigarh, Panchkula & Mohali.

As mentioned in our earlier representations to the Railway Board, there is complete lack of medical facilities for over 4000 Railway employees, Pensioners and their dependents stationed in the tri-city - except a lock-up dispensary which opens only for three days in a week. This number is ever rising due to introduction and extension of new trains to the city and extension of Railway line from Chandigarh to Ludhiana, and settling of ever-rising number of Pensioner in and around the city.

Fortis Hospital had been recognised by the Railways for Cardiology & Cardiac Surgery on year to year basis. Its empanelment lapses every year and does not get renewed by Railways for months together.

On the contrary, under the CGHS, a large number of Hospitals and Diagnostic centers are Recognised / Empanelled at Chandigarh as per attached list. Fortis Hospital is Empanelled under CGHS for almost all major Specialties. But it is reluctant to apply to the Railways for other Specialties due to withholding of large sums of money by the Railways against its outstanding Bills even for the Cardiology & Cardiac Surgery only one for which it is recognized. This is getting a bad name to the Railways.

All this is causing serious hardship to the Railway Beneficiaries especially the Senior Citizens residing in this area as the nearest Railway Hospital is 30 to 50 Kms away.

It is, therefore, earnestly requested that some good specialized Private Hospitals & Diagnostic Centers may please be Recognised in Chandigarh, Panchkula and Mohali including those already short listed and recognized under CGHS and the Lock-up Dispensary at Chandigarh may please be upgraded as Railway Hospital early *(as announced by MoR in the Railway Budget for the year 2010-11).*

DOP ASKS ALL DEPARTMENTS TO "FIX TIME LIMIT FOR REDRESSAL OF PENSIONERS GRIEVANCES"

Copy of DOP letter dated 13th January, 2012, to all Ministries

As you are aware, that on line grievances of pensioners are being fed through our application CPENGRAMS available in the Pensioners' Portal maintained by Department of Pension & Pensioners' Welfare. It has, however been felt that timely action has not been taken by various Ministries/ Departments/ Organisations for redressal of grievances and same remain pending for unduly long periods. There is thus need to sensitize the concerned officers dealing with these grievances in your Department for taking timely action on the grievances of pensioners so that unnecessary delays could be avoided. The regional offices and field officers, wherever they exist also need to be sensitized in this regard accordingly.

2. In this connection your attention is invited to fix the time limit for timely redressal of grievances as per the guidelines issued by Department of AR&PG (copy enclosed). You are, therefore, requested to please take necessary action in this regard while keeping this Department informed about it.

TIME LIMIT FOR ADVANCE RESERVATIONS ON TRAINS RAISED TO 120 DAYS

It has been decided to increase the advance reservation period from 90 days to 120 days on experimental basis (excluding the date of journey) w.e.f. 10.03.2012. Railways will make necessary changes in the software for this purpose under intimation to all Zonal Railways as well as Board's office.

2. There will be no change in case of certain day time Express Trains like Taj Express, Gomti Express, etc. where lower time limits for advance reservations are prescribed..

Govt rejects demands for DA Merger & reduction in Period for Restoration of Pension

Government has rejected the demands for DA Merger & reduction in Period for Restoration of Pension as per the reply to the query under RTI raised by the BPS on the grounds that the Sixth Pay Commission had not recommended for the merger of DA at any stage and that it was "nor feasible" to reduce the period restoration of commuted portion of pension to 12 years from the present level of 15 years.

Carrying Original ID Proof is Compulsory during Train Journey in Air Conditioned Classes

Carrying of Original ID Proof is Compulsory during Train Journey in All Air Conditioned Classes from 15th February 2012 onwards, by anyone of the passengers/the passenger booked on the ticket issued from computerized Passenger Reservation System (PRS) New Condition is not Applicable on Passengers Upgraded to AC Class

RAILWAYS ADVISE PASSENGERS TO USE CURRENT RESERVATION COUNTER FOR SHORT JOURNEYS

Ministry of Railways has advised the passengers traveling on the train on a short notice to use the facility of Current Reservation Counter situated at the train originating main stations.

ORDERS ISSUED BY CRB TO ALL RAILWAYS FOR TIME BOUND ISSUE OF REVISED PPOS PENSIONERS ! DO APPLY FOR THE REVISED PPO IF YOU HAVE NOT DONE SO FAR

GUIDELINES FOR PENSIONERS

Courtesy: Pensioners' Portal : <http://pensionersportal.gov.in/guidelines.asp>

1. **Submission of Claims:** Ensure to submit your claims in the prescribed proforma for grant of pension/gratuity/commutation/reversion to your Head of Office well in advance so that the Pension Payment Order (PPO) reaches you through your Head of Office before your retirement. Remember that the processing, verification and authorization of these claims may involve several levels and one or more offices which require sufficient time and effort to be accurate.
2. **Verification of PPO:** As soon as you receive your PPO, please verify the pensionary awards notified in the PPO for their correctness as per extant rules. In case of any correction(s) required in the PPO, please contact your Head of Office/Pension Disbursing Agency for necessary action in this regard.
3. **Physically Handicapped/Mentally Retarded Children:** If you have any physically handicapped or mentally retarded child/children, please ensure that his/her details are furnished to your Head of Office for making an endorsement in your service and pension record and obtain an acknowledgement of this intimation.
4. **Transfer of Pension Account:** If you desire to draw your pension from another paying agency, make a request to your current Pension Disbursing Agency (PDA) for transfer of your pension account to the PDA from where you now wish to draw your pension.
5. **Restoration of Commuted Pension:** Commuted portion of your pension can be restored after 15 years from the date of receipt of the commuted value of your pension, based on your application. Please apply for the same to your PDA in the prescribed form.
6. **Commutation of Pension:** Commuted portion of pension is required to be reduced from pension from the date of payment of the commuted value of the pension or after three months from the date of issue of PPO or from the date, capitalized sum is credited to the pensioner's account. If the commuted portion of pension is not reduced as above, bring this to the notice of your PDA immediately to avoid a heavy recovery later.
7. **Nomination for Life Time Arrears:** Please ensure to nominate the person to whom you want to authorize Life Time Arrears (LTA) on your demise. The nomination form should be submitted to your PDA. You can also change the nomination by submitting a change in nomination form to your PDA to avoid any hardship to your nominee in receiving the amount of LTA.
8. **Loss of PPO:** Notify your PDA immediately if your PPO is lost. You should also request him to furnish a loss certificate to the concerned authority to obtain a duplicate copy of PPO.
9. **Annual Identification:** For annual identification, you should appear before your PDA in the month of November every year. In case, you are unable to appear due to bodily illness or infirmity and desire the payment through a representative, produce a life certificate to your PDA. Otherwise, the pension may be stopped.
10. **Commercial Employment after Retirement:** Ensure to obtain prior permission from the competent authority for accepting any commercial employment within one year of your retirement.
11. **Post-retirement Conviction/Imprisonment:** If a pensioner is convicted or sentenced to imprisonment by a Court, his pension will be suspended. In the event of conviction/imprisonment by a court of law, full facts of the case should be reported to your PDA/Head of Office.
12. **Changes in the family after discharge from service:** Post discharge changes in the details of your family arising out of your marriage or children born to you after your retirement should be intimated to your Head of Office with full details and relevant certificates. Also ensure that a joint notification of your family pension is done by pursuing the matter with your Head of Office.
13. **Re-employment of pensioners:** In case of re-employment in any Central or State Government /autonomous bodies/Public Sector Undertakings, please submit the full facts of the same to your PDA immediately after its occurrence. In case of non-reemployment, a declaration to this effect should be given to your PDA periodically (once in a year in the month of May positively).
14. **Payment of pension through Authorised Banks:** Pension can not be paid in cash. Hence open an individual savings/current account in your name or a joint account with your spouse, if the spouse's name is notified for family pension in the PPO, in any of the branches of the Authorized Banks and furnish the details of the same to your Head of Office so that pension can be credited to your bank account.
15. **Court Attachment:** Pension, whether due or to become due, is free from attachment from any court until it has actually been paid as per the Pension Act. No pensioner can assign or sell any interest in respect of the pension not then due.
16. **Receipt of Two Pensions:** If you are in receipt of more than one pension, you should furnish full details to your PDA or revision of both the pensions and regulating dearness relief thereon

GUIDELINES FOR PENSIONERS (CONTNUED FROM PAGE 5)

17. **Submission of Periodic Certificates:** Submit periodic certificates regarding re-employment/employment, remarriage/marriage to your PDA on due dates in order to regulate your pension correctly.
18. **Missing Pensioner:** If a pensioner is found missing, his family should lodge an F.I.R. with the police authorities. If the pensioner is not traced after one year, a certificate should be obtained from the police authorities to this effect, and the matter should be reported to PDA, along with the submission of an Indemnity Bond so that the matter could be pursued with the concerned authorities for sanction of family pension from the date of lodging the F.I.R.
19. **Arrear of Pension:** If the pension is not drawn for more than a year, for any reason, it becomes time-barred and would require the sanction of the competent authority. The arrear claim should be submitted in the prescribed form to your PDA with explanation for delay, non-reemployment and non-conviction certificates for obtaining the sanction for payment of the arrears.
20. **Non-Resident Indian (NRI) Pensioners:** The NRI Pensioners should open an ordinary non resident bank account in any scheduled bank in India and execute a power of attorney in favour of the bank as required. They should also submit life certificate and nationality certificate as prescribed to enable the credit of pension amount due to them in to their accounts.

RSCWS ECOR MEETS GENERAL MANAGER TO DISCUSS THEIR PROBLEMS

A delegation of RSCWS East Coast Railway met the General Manager, ECOR on 17-02-2012 and submitted a memorandum to him highlighting their following main problems:

- (1) Issue of revised PPO to Pre 2006 Pensioners
- (2) Revised PPO to Post 2006 Pensioners
- (3) Provision of minimum facilities to get pass from ground floor
- (4) Office accommodation
- (5) Provision of cardiologist
- (6) Local purchase of medicine without any hesitation
- (7) Autocratic attitude of Doctors.

GM gave a patient hearing and assured to look after all the above issues including referral facilities with Apollo at BBS, VSKP & Tirumala at VZM. GM also agreed to send a representative to Mandasa SBI Branch for update of pension of about 250 pensioners residing in and around Mandasa.

Executive Committee RSCWS East Coast Railway

- | | | |
|---------------------------|---|--|
| 1. President | : | Sri Braja Adhikary, Retd. Station Superintendent, BHC. |
| 2. Working President | : | Sri M. Laxman Rao, Retd. OS-S&T Dept. |
| 3. Vice President | : | Sri B. Padhi, Retd. SMR BHC |
| 4. Vice President | : | Sri B.B. Das, Retd. CTI/KUR |
| 5. Vice President | : | Sri A Annaji Rao, Retd. CTI |
| 6. Vice President | : | Vacant for SBP Division |
| 7. General Secretary | : | Sri Sisir Kumar Bose, ret. SMR/BBS |
| 8. Asst. Genl Secretary | : | Sri L.S.P. Rai, Retd. CTI/BBS |
| 9. Asst. Genl Secretary | : | Sri B.S. Narayana, Retd. SS/MMS |
| 10. Auditor | : | Sri R.C. Panigrahi, OS/Engg. |
| 11. Finance Secretary | : | Sri P.K. Biswas, Sr. Section engineer/KUR |
| 12. Jt. Finance Secretary | : | Sri G.M. Rao, Retd. CTI/KUR |

13. **Executive Committee Members:** Sri K.C. Nanda, Retd. Guard A (Spl), Sri Gourav Singh, SMR/JKKR, Sri B. Barik, Retd. CTI/KUR, Sri K.N. Sahoo, Retd. SMR/BHC, Sri A. Samal, Retd. CTI/CTC, Sri Biswanath Mohanty, Retd. Sr. PA, RCT, Sri R.C. Barik, Retd. Fitter Gr. I Elec-Puri, Sri R.K. Oha, Retd. CTI/KUR, Sri K.J. Rao, Retd. CTI/KUR, Sri G.V.R. Sharma, Retd. OS S&T, Sri R. N. Mohanty, Retd. CTI/CTC, Sri. K.N. Hussain, OS-DRM Office, Sri K.G.N. Rao, Head Clerk, DEN Office, Sri S.K. Das, Guard A Spl, Sri N.L.S. Murthy, Guard A Spl, Sri P. K. Subudhi, Retd. SI/RPF.

24 Sr. Pensioners above 80 years of age honoured BY RSCWS ECORS

Twenty four Senior Pensioners above the age of 80 years were honoured in the Annual General Body Meeting of RSCWS East Coast Railway - including 1. Sri Satakadi Hota, 2. Sri Bansidhar Das, 3. Sri P. Jagannath Rao, 4. Sri K.V. Rao, 5. Sri Basudeb Bastia, 6. Sri Ramanath Mohanty, 7. Sri Jairam Padhi, 8. Sri Bhima Behera, 9. Sri Banamali Padhi, 10. Sri Narendranath Panigrahi, 11. Sr Mahadeb Pattajoshi, 12. Sri. S. Krishna Devarayalu, 13. Sri Lale Pahalad, 14. Sri Damodar Sahu, 15. Sri Kunja Bihari Mohanty, 16. Sri Kapileswar Panda, 17. Sri Sarat Chandra Panda, 18. Sri Padmanabha Mishra, 19. Sri K. Ramanujam Pattnaik, 20. Sri A. Annaji Rao, 21. Sri Gobinda Ch. Pattnaik, 22. Sri V. Papa Rao 23. J. B. Lenka & 24. S. C. Panigrahi.

SENIORS' HEALTH CARE: EXERCISE:

- While walking for exercise, be sure to wear warm clothing i.e. heavy sweats - in cool weather; light-weight knits in warmer weather.
- If you begin to feel too cold (or too hot), turn around and go home immediately.
- Loose, light-weight knits are also good for supervised senior citizen activities.
- For the sake of your legs and feet, be sure to wear comfortable fitting, rubber-soled shoes.

DONATIONS & CONTRIBUTIONS TO LEGAL FUND RECEIVED BY RSCWS

Sl. No.	NAME Sarv Shri	AMOUNT Rs.	Sl. No.	NAME Sarv Shri	AMOUNT	Sl. No.	NAME Sarv Shri	AMOUNT
DONATIONS - 2011			LEGAL FUND - 2012			LEGAL FUND - 2012 (Continued)		
1.	O. S. Dogra	1100	1.	Jagmohan Lal (Delhi)	500	21.	B. B. Sharma	500
2.	B. I. Gupta	1000	2.	Sukhdev Singh	300	22.	Bansi Lal	500
3.	C. L. Chawla	1000	3.	Jaswant Singh	300	23.	Gurcharan Singh Lalru	500
4.	D. K. Nagpal	1000	4.	Harchandan Singh	1000	24.	Tarlok Singh Rayat	500
5.	Jamail Singh	800	5.	Khem Singh	500	25.	N. P. Mohan	1000
6.	N. P. Mohan	500	6.	H. S. Sachdeva	500	26.	S. S. Sahota	500
7.	M. S. Sandhu	500	7.	T. S. Chawla	500	27.	Mohinder Singh	500
8.	Joginder Parkash	500	8.	Kapil Dev	500	28.	Jagjit Singh	500
9.	Gur Gian Singh	500	9.	M. S. Batra	500	29.	K. D. Joshi	500
10.	Joginder Bhatia	500	10.	Bipin Bihari Lal	500	30.	Mast Ram	500
11.	A. P. Pasricha	500	11.	O. S. Dogra	500	31.	Ajit Singh Walia	1000
12.	Sukhdev Sharma	300	12.	K. S. Bhandari	500	32.	K. S. Bhandari	500
13.	K. M. Singh	200	13.	Piara Singh	500	33.	Sunder Singh	500
14.	T. S. Chawla	200	14.	H. D. Sharma	500	34.	Sukhdev Singh	500
15.	Mohan Singh	500	15.	Atma Singh	500	35.	Jaswant Singh	500
16.	B. R. Dhawan	500	16.	Man Singh Sethi	500	36.	Harcharan Sing	500
17.	Gurcharan Singh	300	17.	Seema Aggarwal	500	37.	Parkash Chand	500
18.	Ranjit Kaur Hans	300	18.	Sukhdev Sharma	500	38.	Harbans Singh	500
19.	C. P. Singh	500	19.	A. P. Singh Pasricha	500	39.	V. P. Joshi	1100
20.	Mohinder Singh	500	20.	K. M. P. Singh (Kharar)	500	40.	TOTAL Upto 1-3-2012	25200
21.	Sudhir Kumar	500	RAILWAY PENSIONERS & FAMILY PENSIONERS BE ACTIVE MEMBERS OF RSCWS DONATE & CONTRIBUTE LIBERALLY TO "LEGAL FUND" OF RSCWS JOIN THE FIGHT FOR JUSTICE TO PENSIONERS DONATIONS & SUBSCRIPTIONS MAY PLEASE BE SENT BY LOCAL OR AT PAR CHEQUE, DEMAND DRAFT OR M. O. IN FAVOUR OF: "RAILWAY SENIOR CITIZENS WELFARE SOCIETY" – OR BE PAID DIRECTLY TO – Sh. K. S. BHANDARI, TREASURER, RSCWS, 3098, SECTOR 22-D, CHANDIGARH (P.H. 2711641 & 9815012641). - President & Secretary General, RSCWS					
22.	Bansi Lal Gupta	11,000						
	Total (in 2011)	26,100						
23.	O. S. Dogra	1100						
24.	Sukdev Sharma	300						
25.	Om Parkash Vatta	200						
26.	K. M. Singh	500						
27.	S. K. Diwan	500						
28.	Piara Singh	300						
29.	Tarlok Singh Tuli	500						
	Total (Upto 1-3-2012)	3400						
30.	By Advertisemts PRS	24000						
31.	Award by BPS	1000						
	TOTAL	25000						
	GRAND TOTAL-2011	49000						

**GOVT HAS FILED AN APPEAL AGAINST JUDGMENT ON MODIFIED PARITY IN PENSION -
LEGAL BATTLE FOR JUSTICE CONTINUES FOR PENSIONERS**

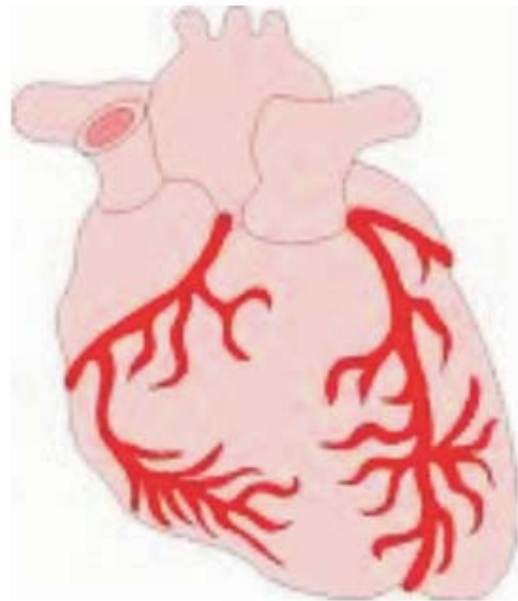
Government has filed an Appeal against the 1ST November 2011 judgment of the Principal Bench of Delhi CAT on modified parity in pension to the pensioners retired prior to 1.1.2006. Principal Bench of Delhi. CAT had directed implementation of OM dated 1.9.2008 based on the Government's Resolution dated 29.08.2008 accepting the recommendation of 6th CPC for modified parity of pension to pre 1.1.2006 pensioners by nullifying the clarificatory orders issued subsequently that denied the real content of the 6th CPC recommendation as accepted earlier by the Union Cabinet through its Resolution dated 29.08.2008. But now the Government has filed an Appeal against the judgment of the CAT.

The legal battle therefore on. SO PLEASE JOIN THE STRUGGLE TO WIN THE CAUSE

It has been decided by the BPS, RSCWSs & CCCGPA to be joint impleaders to contest the appeal against the Full Bench judgment of CAT Principal Bench which held under in OA 655-2010:

30. - we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs.

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For complete heart care

DR. H.K. BALI

MD (Med.), DM (Cardiology) Director - Cardiology



Fortis Hospital, Sector 62, Phase-VIII, Mohali - 160 062

Ph: 0172 - 5091980, Mobile: 098727 35980

E-mail: hkbalipgi@gmail.com, harinder.bali@fortishealthcare.com

Blog: <http://heartsummit.blogspot.com>; Website: <http://drhkbali.com>

COMPUTER NAVIGATED KNEE & HIP REPLACEMENT



For appointment :
09501103210, 09915739352

DR. HARSIMRAN SINGH

MBBS (AIIMS), MS Ortho (PGIMER), M.Ch. Ortho (U.K.)



Fortis Hospital, Sector 62, Phase-VIII, Mohali - 160 062

Ph: 0172-469222 E-mail: harsimran.singh@fortishealthcare.com

1-3-2012

If undelivered, please return to:

**Railway Senior Citizens Welfare Society,
32, Phase 6, Mohali (Chandigarh) -160055**

Ph.0172-2228306,

Mobile : 9316131598, 9569639598

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