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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11809/2022 and CM APPL. 29370/2023, 29371/2023**

TRILOCHAN PRASAD SUYAL Petitioner
Through: Mr. Sarthak Maggon, Advocate.
(M:7045654395)
versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Nidhi Mohan Parashar, Sr. Panel
Counsel with Mr. Mimansak
Bhardwaj, Govt. Pleader for R-1.
(M.8800177082).
Mr Ravinder Agarwal, Advocate for
R-2 (M- 9810056263)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **29.05.2023**

1. This hearing has been done through hybrid mode.

CM APPL. 29371/2023 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 29370/2023(for early hearing) in W.P.(C)-11809/2022

3. The present petition has been filed by the Petitioner for the extension of facilities available under Central Government Health Scheme ('CGHS') to the Petitioner on parity with other retired employees of the Respondent No. 2-Indian Institute of Public Administration ('IIPA').

4. After hearing the early hearing application, it is clear that the issue has arisen due to the Office Memorandum dated 10th June, 2014 bearing OM No. 11011/15/2013-CGHS(P) vide which the Respondent No. 1-Ministry of Health & Family Welfare ('MoH&FW') modified the earlier



policy of CGHS facilities, *qua* employees of autonomous and statutory bodies.

5. The Petitioner is aggrieved by the above Office Memorandum, and the non-extension of CGHS facilities to him and his family. Mr. Ravinder Agarwal, Id. Counsel appearing on behalf of Respondent No. 2, submits that the Respondent No. 2 is partly funded by the Respondent No. 1- MoH&FW, and partly survives on its own funding. It is also submitted that Respondent No. 2 is currently undertaking a study to understand the impact of this policy.

6. Respondent No. 1 has filed a counter-affidavit dated 29th November 2022. The stand of the Respondent No. 1 is as follows:

“3. In line with the OM No. 11011/15/2013-CGHS(P) dated 10.06.2014, any Statutory/ Autonomous Body which is already covered under CGHS for their serving employees and is desirous to extend CGHS facilities to their retired employees also may accept the above conditions and forward their proposal with the approval/recommendation of Integrated Finance Division (hereinafter referred to as "IFD") through their administrative Ministry/Department to the Employee Health Scheme (hereinafter referred to as "EHS") section, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi for consideration.

4. That the extension of CGHS facilities to the retired employees of the Respondent No.2 is dependent upon the Respondent No.2 forwarding their proposal with IFD's approval/recommendation to the answering Respondent. It is only once that the proposal has been received the same is put up for consideration and any action can be taken in furtherance. The answering Respondent has received no such proposal from the



Respondent No.2 for extension of CGHS facilities towards its retired employees as of yet.”

7. Considering the fact that the Office Memorandum is of 10th June, 2014, since then almost nine years have passed. The Respondent No. 2 cannot delay the matter any further. The study, which is stated to be currently underway, would have to be concluded and the matter would deserve an early hearing since a large number of employees, and retired employees depend on the facilities of the CGHS.
8. Accordingly, let the study or report in respect of the manner in which the Respondent No. 2 intends to implement the Office Memorandum dated 10th June, 2014 be concluded, and an affidavit be placed on record by 31st July, 2023. Let the rejoinder affidavit be filed within two weeks, thereafter.
9. In the meantime, if any expenses are incurred by the Petitioner for his medical facilities, the same shall be intimated to the Respondent No. 2-IIPA, and shall also be placed on record.
10. The orders in respect of the expenses incurred by the Petitioner shall be finally passed when the writ petition is finally heard.
11. Application is disposed of. This shall be the last opportunity for Respondent No.2- IIPA to place its stand on record and no further opportunity shall be granted.
12. List for hearing on 13th September, 2023.

PRATHIBA M. SINGH, J.

MAY 29, 2023

dj/dn