

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 18057/2025

- 1 Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039.

-----Petitioners

Versus

Gauri Shankar S/o Shri Gulla Ram, Aged About 62 Years, R/o P. No. 32, Ganesh Vihar, Bear Road, Jaipur. Presently Retired From The Post Of Superintendent Post Offices O/o Cpmg Rajasthan On 30.6.2020. Group-B.

-----Respondent

Connected With

D.B. Civil Writ Petition No. 17763/2025

- 1 Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001
- 4 Additional Director (Hq) Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Banwari Lal Kumhar S/o Shri Govind Ram, Aged About 65 Years, R/o Behind City Dispensary No. 2, Tilak Nagar, Gali No. 4, Sikar,

Rajasthan, Presently Retired From The Post Of Sr. Pm O/o
Postmaster General, Ajmer On 31/7/2017. Group-B

-----Respondent

D.B. Civil Writ Petition No. 18077/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Kamlesh Kumar Sharma S/o Shri Sita Ram Sharma, Aged About 61 Years, R/o 105-B, Ranapratap Nagar, Jhotwara, Jaipur. Presently Retired From The Post Of Postman, O/o Sr. Suptd., Rms Jp Division, Jaipur, Group-C.

-----Respondent

D.B. Civil Writ Petition No. 18078/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Ashok Kumar Sharma S/o Shri Matadeen Mishra, Aged About 60

Years, R/o Near P.no. 186, Maruti Nagar, Airport Road, Sanganer, Jaipur. Presently Retired From The Post Of Postman, Department Of Posts, Rajasthan Circle, Jaipur. Group- C

-----Respondent

D.B. Civil Writ Petition No. 18079/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Hanuman Sahai S/o Shri Radha Kishan, Aged About 70 Years, R/o- Village-Khijuria, Post-Jhadla, Via-Madhorajpura, Tehsil-Phagi, District-Jaipur. Presetly Retired From The Post Of Postman, O/o- Sr. Supdt. Rms, Jp Division, Jaipur, Group-C

-----Respondent

D.B. Civil Writ Petition No. 18082/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039.

-----Petitioners

Versus

Suraj Mal Bunkar S/o Shri Ganesh Ram Bunkar, Aged About 68 Years, R/o Vpo Sirsali, Tehsil Amer, Jaipur, Rajasthan. Presently Retired From The Post Of Sr. Auditor O/o Director P And T Audit Office Jaipur On 31/3/2014. Group-C.

-----Respondent

D.B. Civil Writ Petition No. 18083/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039.

-----Petitioners

Versus

Rajendra Singh S/o Shri Bhanwar Singh, Aged About 62 Years, R/o 123 Rajput Colony, Durgapura, Jaipur. Presently Retired From The Post Of M.t.s. O/o Sr. Superintendent Of Post Offices, City Div., Jaipur On 31/10/2020, Group-D

-----Respondent

D.B. Civil Writ Petition No. 18089/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Suresh Kumar Meena S/o Shri Gr Meena, Aged About 62 Years,
R/o A-29, Shiv Shakti Nagar, Jagatpura Road, Jaipur. Presently
Retired From The Post Of Supervisor, O/o Ag Audit Rajasthan,
Jaipur. Group B

-----Respondent

D.B. Civil Writ Petition No. 18096/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039.

-----Petitioners

Versus

Roshan Lal Gurjar S/o Shri Chuttan Lal, Aged About 61 Years,
R/o 169, Tara Nagar-A, Khirni Fatak, Ganga Path, Jhotwara,
District Jaipur. Presently Retired From The Post Postman O/o Sr.
Supdt. Of Post Offices, City Div., Jaipur.

-----Respondent

D.B. Civil Writ Petition No. 18101/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi-110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039.

-----Petitioners

Versus

Rajkumar Sharma S/o Banwari Lal Sharma, Aged About 62 Years, R/o 113-D, Mangal Nagar, Sirsi Road, Panchyawala, Jaipur. Presently Retired From The Post Of Postmaster, Superintendent Of Post Offices, Jaipur Mofussil Div., Jaipur Group-B

-----Respondent

D.B. Civil Writ Petition No. 18758/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi.
- 2 The Additional Secretary And Directro General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi.
- 3 The Director General Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur

-----Petitioners

Versus

Daulat Singh Bhati S/o Late Shri Sohan Singh Bhati, Aged About 61 Years, R/o A-47, Chandra Vatika, Near Rangoli Garden, Gandhi Path, Jaipur. Presently Retired 31/12/2020 From The Post Of Section Supervisor, O/o Chief Post Master General, Rajasthan Circle, Jaipur. Group B.

-----Respondent

D.B. Civil Writ Petition No. 19160/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001.
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road New Delhi-110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur

302039

-----Petitioners

Versus

Satish Chandra Yadav S/o Shri Ram Pratap Yadav, Aged About 61 Years, R/o 50, Barodiya Basti, Arvind Nagar, Near Railway Station, Jaipur. Presently Retired From The Post Of Pa O/o Sr. Supdt. Post Offices, City Division, Jaipur On 31/3/2021 Group-B

-----Respondent

D.B. Civil Writ Petition No. 19822/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
2. The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
3. The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
4. Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Bharat Kumar Sharma S/o Shri Nanagram Sharma, Aged About 63 Years, R/o 312/368, Sector-3, Pratap Nagar, Sanganer, Jaipur. Presently Retired From The Post Of Postman, O/o Sr. Supdt. Of Post Offices, City Div., Jaipur Group- B.

-----Respondent

D.B. Civil Writ Petition No. 19823/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
2. The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
3. The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
4. Additional Director (Hq), Central Government Health

Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Bhanwar Lal Mahabrahman S/o Shri Ram Lal Mahabrahman, Aged About 62 Years, R/o Matrachhaya, Gayatri Nagar, Vande Matram Chowk, Radha Kishanpura, Sikar, Rajasthan. Presently Retired From The Post Of Apm O/o Superintendent Post Offices, Sikar Division, Sikar Group- B

-----Respondent

D.B. Civil Writ Petition No. 19825/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Mohd. Idris Ansari S/o Shri Mohd Ilyas Ansari, Aged About 62 Years, R/o 176, Rai Colony, New Govt. School, Hasanpura-C, Jaipur. Presently Retired From The Post Of Office Superintendent, O/o Cpmg, Rajasthan On 31.5.2021 Group - B.

-----Respondent

D.B. Civil Writ Petition No. 19829/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services,

Nirman Bhawan, Maulana Azad Road, New Delhi- 110001

- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Girdhari Lal Dabla S/o Shri Ramnath Dabla, Aged About 62 Years, R/o P. No. 90, Santosh Nagar, Ajmer Road, Jaipur. Presently Retired From The Post Of Sub Postmaster O/o Sr. Superintendent Post Offices, City Dv., Jaipur On 31/5/2020. Group- B

-----Respondent

D.B. Civil Writ Petition No. 19857/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
2. The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
3. The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
4. Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Faiz Mohmed S/o Umrav Khan, Aged About 62 Years, R/o 53, Uday Nagar, Jhotwara, Jaipur Rajasthan. Presently Retired From The Post Of Postman, Department Of Post, Rajasthan Circle, Jaipur. Group-C.

-----Respondent

D.B. Civil Writ Petition No. 19858/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
2. The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana

Azad Road, New Delhi- 110001

- 3 The Director Of Central Government Health Services,
Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health
Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-
302039

-----Petitioners

Versus

Madan Lal Kumhar S/o Shri Nand Lal Kumhar, Aged About 76
Years, R/o Ward No. 8, Kumawato Ka Mohalla, Sikar Rajasthan,
Presently Retired From The Post Of Postman O/o Superintendent
Post Offices, Sikar Division, Sikar Group-C.

-----Respondent

D.B. Civil Writ Petition No. 19862/2025

1. Union Of India, Represented By The Secretary, Ministry Of
Health And Family Welfare (Department Of Health),
Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central
Government Health Services, Nirman Bhawan, Maulana
Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services,
Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health
Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-
302039

-----Petitioners

Versus

Bhairu Ram Sikligar S/o Shri Ram Ji Dass, Aged About 62 Years,
R/o Bara Bazar, Near Murlidhar Temple, Po-Sambhar Lake,
Jaipur. Presently Retired From The Post Of Sorting Assistant O/o
Sr. Supdt. R.m.s. Jp Div., Jaipur On 31/7/2021 Group-C

-----Respondent

D.B. Civil Writ Petition No. 19868/2025

1. Union Of India, Represented By The Secretary, Ministry Of
Health And Family Welfare (Department Of Health),
Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central

Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001

- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Ram Charan Sharma S/o Shri Gyarsi Lal Ji, Aged About 61 Years, R/o 34, Vrindavan Vihar, Nandmahal, Agra Road, Jamdoli, Jaipur. Presently Retired From The Post Of M.t.s. O/o Cpmg Rajasthan On 30/4/2021. Group-D

-----Respondent

D.B. Civil Writ Petition No. 19872/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur- 302039

-----Petitioners

Versus

Dharamveer Singh S/o Ram Lal, Aged About 62 Years, R/o Behind Central School, Jeet Nagar, Ward No. 4, Jhunjhunu Rajasthan. Presently Retired From The Post Of Postal Assistant, O/o Superintendent Of Post Offices, Jhunjhunu Division, Jhunjhunu On 30/6/2021. Group C.

-----Respondent

D.B. Civil Writ Petition No. 20424/2025

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health),

Nirman Bhavan, New Delhi-110001.

- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi-110001.
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039.

-----Petitioners

Versus

Dhanesh Chand Sharma S/o Shri Kundan Lal Sharma, Aged About 62 Years, R/o 101-B, Raghunathpuri 2 Extn, Airport Sanganer, Jaipur. Presently Retired From The Post Of Post Man O/o Sr. Superintendent Of Post Offices, City Div., Jaipur On 30/6/2020.

-----Respondent

D.B. Civil Writ Petition No. 10/2026

1. Union Of India, Represented By The Secretary, Ministry Of Health And Family Welfare (Department Of Health), Nirman Bhavan, New Delhi- 110001
- 2 The Additional Secretary And Director General, Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 3 The Director Of Central Government Health Services, Nirman Bhawan, Maulana Azad Road, New Delhi- 110001
- 4 Additional Director (Hq), Central Government Health Services, Kendriya Seva Sadan, Vidhyadhar Nagar, Jaipur-302039

-----Petitioners

Versus

Ashok Kumar S/o Shri Kushal Chand, Aged About 60 Years, R/o 120 Shyampuri, Heeda Ki Mori, Ramganj Bazar, Jaipur. Presently Retired From The Post Of Mts, Superintendent P.s.d. Jaipur. Group-D

-----Respondent

For Petitioner(s) : Mr. Bharat Vyas (Senior Advocate)
ASG assisted by Mr. Rahul Kamwar,
Mr. Shubham Rohilla, Mr. Lakshya
Sharma & Ms. Anima Chaturvedi

For Respondent(s) : Mr. Brijesh Kumar Jatti

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Judgment

21/04/2026

1. These writ petitions were filed by the petitioners-the non applicants, aggrieved from the order dated 28.02.2025 passed in the original application Nos. 488/2022, 489/2022, 490/2022, 491/2022, 551/2022, 552/2022, 553/2022, 554/2022, 555/2022, 556/2022, 557/2022, 558/2022, 559/2022, 560/2022, 561/2022, 562/2022, 563/2022, 564/2022, 565/2022, 566/2022, 567/2022, 568/2022 and 569/2022, 312/2023 & 315/2023 wherein the following order was passed, after clubbing the matters:-

13. In the light of above, we hereby quash and set aside the impugned Notice dated 22.08.2022 (Annexure A/1 - OA No. 488/2022) and, accordingly, hold the applicant entitled to avail CGHS facilities as per the Index Card issued on 01.12.2021 (Annexure A/3 - OA No. 488/2022) upto "Lifetime" by the Government of India, Ministry of Health and Family Welfare, Central Government Health Scheme.

14. In view of the above observations and directions, we also hereby quash and set aside all the impugned Notices / Communications, if any, made in the similar respective OAs (as mentioned above) and, accordingly, hold all the applicants entitled to avail CGHS facilities as per their respective Index Cards issued by the Government of India, Ministry of Health and Family Welfare, Central Government Health Scheme.

15. The loss caused to the public exchequer by the employees of the department cannot be made good from the victims but has to be recovered by the department from its own employees who caused it.

16. In one of the earlier OA No. 507/2024 (Meeta Bhasin vs. VOI & Ors.) related to the CGHS, Jaipur, we had directed the Respondent No. 1. to look into the state of affairs in CGHS Jaipur relating to the transfer / posting of the applicant therein and the posting / appointment of new Additional Director, CGHS, Jaipur but noting seemed to have been done for reasons best known.

But now since the public exchequer has suffered and the humble pensioners have been made victims, we go extra mile and direct Respondent No. 1 to inquire into the matter, from an officer not below the rank of Additional Secretary and fix the responsibility and attribute quantum of loss and recover the same from those employees of the department who defrauded the retired CGHS card holders and caused loss to Bharat Kosh, within a period of three months from the date of receipt of certified copy of this order.

A certified copy of this order be sent directly to Respondent No. 1.

17. With these observations and directions, all the Original Applications are allowed on similar terms. There shall be no order as to costs.

2. Learned ASG appearing on behalf of the petitioners placed reliance upon the circular dated 21.07.2020 and submitted that all kinds of contributions of CGHS beneficiaries are collected and deposited through the *Bharat Kosh Portal (online mechanism)*. He further submitted that, except the *Bharat Kosh Portal*, no other method was used to collect contribution from any beneficiary, including the respondent(s)-pensioners. He further submitted that the respondent(s)-applicant(s) had contacted a clerk named "Shambhu" and allegedly gave him cash for deposit towards their CGHS contribution, but as per the complaint and inquiry conducted by the non-applicants (writ-petitioners), the amount allegedly given to Shambhu was not deposited in the Government account. He further submitted after receipt of the complaints against Shambhu, the Additional Director under the CGHS Scheme has filed FIR No. 442/2022 on 20.09.2022 at Police Station

Vidyadhar Nagar, District Jaipur City (North), under Sections 420, 409, 467, 468, 471, and 120-B of the IPC.

3. Learned ASG has submitted that they have taken all due care in dealing with contributions towards the CGHS Scheme, and in case any contribution is deposited lawfully they have given benefit of same. He further submitted that several employees are working in the organization, and no officer can monitor or supervise their actions except those performed by them in relation to their duties. He also submitted that if a clerk has collected cash with false promise to deposit in the Government account and failed to deposit, then he committed misappropriation and committed a breach of trust, and such act is his personal act and not related to discharge of official duty. He further submitted that the petitioners (non-applicants) cannot be held responsible for the embezzlement committed by an individual, on false promise. He further submitted that if anyone takes a bribe or commits cheating, the same is not sufficient to claim any benefit on the basis of such illegal demand and payment. Lastly, he submitted that all persons entitled to CGHS facilities are duty-bound to make payment of contributions only through the *Bharat Kosh Portal*.

4. The aforesaid contentions were vehemently opposed by learned counsel appearing on behalf of the respondent(s)-applicant(s), and submitted that the Tribunal considering the vicarious liability of the writ petitioners (non-applicants), opined that the clerk, who was assigned the duty to collect contributions from beneficiaries, had received the contributions and, instead of depositing in the Government fund, misused the same, therefore, the petitioners (non-applicants) are vicariously liable for the

actions of the clerk Shambhu. He further submitted that the respondent(s)-applicant(s) may not be forced to the contribution, as the respondent(s) had already deposited the contribution under the Scheme in the office of CGHS. He also submitted that a fresh demand would cause mental harassment and also financial hardship to the respondent(s)-applicants, who are pensioners. During course of arguments, learned counsel for the respondent(s)-applicant(s) submitted the following table to show how the contribution was made by each of the respondent-applicant to subscribe the CGHS scheme. The table is reproduced as under:-

Sr. No.	Name	Mode of Payment	To whom it was made
1.	Gauri Shankar	Cash	Shambhu
2.	Banwali Lal Kumhar	Cash	Shambhu
3.	Kamlesh Kumar Sharma	Cash	E-Mitra Kiosk
4.	Ashok Kumar Sharma	Cash	Shambhu
5.	Hanuman Sahai	On Line	in the account of Shambhu
6.	Suraj Mal Bunkar	Cash	E-Mitra Kiosk
7.	Rajendra Singh	Cash	E-Mitra Kiosk
8.	Suresh Kumar Meena	Cash	Shambhu
9.	Roshan Lal Gurjar	Cash	E-Mitra Kiosk
10.	Rajkumar Sharma	Cash	Shambhu
11.	Daulat Singh Bhati	Cheque	in the name of the owner of E-Mitra
12.	Satish Chandra Yadav	Cash	Shambhu
13.	Bharat Kumar Sharma	Cash	Shambhu
14.	Bhanwar Lal Mahabrahman	Cash	E-Mitra Kiosk
15.	Mohd. Idris Ansari	Cheque	in the name of the owner of E-Mitra
16.	Girdhari Lal Dabla	Cash	Shambhu
17.	Faiz Mohmed	Cash	Shambhu
18.	Madan Lal Kumhar	Cash	Shambhu
19.	Bhairu Ram Sikligar	Phone Pay	E-Mitra Kiosk
20.	Ram Charan Sharma	Cheque	in the name of the owner of E-Mitra
21.	Dharamveer Singh	Cash	Shambhu
22.	Dhanesh Chand Sharma	Cash	Shambhu

23.	Ashok Kumar	Cash	Shambhu
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5. Admittedly, after the OM dated 21.07.2020 issued by the Directorate General of CGHS, Ministry of Health and Family Welfare, all types of non-tax receipts, including CGHS contributions for obtaining CGHS cards, are to be deposited through the *Bharat Kosh Portal*. The Portal prescribes the procedure for making payments online. The Office Memorandum suggests that after 21.07.2020, no one in the office was authorized to accept cash payments in any form. There is no provision for deposit through cheque or demand draft.

6. The details submitted by learned counsel for the respondents indicate that 18 out of 23 persons made payments in cash, and most of them paid to a clerk, Shambhu. One person made payment online to the account of Shambhu, whereas three persons gave cheques in the name of an e-Mitra operator. The details clearly indicate that no direct payment was deposited in the account of the Union of India or CGHS.

7. The respondent(s)-applicant(s) are Government servants and retired from the Post and Telegraph Department. The Department of Posts operates postal offices, and persons working under the Postal Department are well aware about the financial transactions. Delivery of money to a departmental clerk or an e-Mitra operator does not amount to deposit in a government account. The material on record indicate that the contributions were made after 21.07.2020 and not before said date, thus, the case of these respondent(s)-applicant(s) is not governed by the principle of vicarious liability. Under the doctrine of vicarious liability, an

employer is held liable for acts of an employee not due to personal fault but because of the legal relationship with the tortfeasor. The employer controls the employee and derives benefit from their work, and therefore have to bear the loss. However, such liability depends on factors such as participation at a higher level and authorization or abetment of the act committed by the employee.

8. In the present case, as soon as complaints were received, an FIR was lodged, and a copy of the FIR is placed on record, which indicate that on 28.09.2022, the Additional Director of CGHS filed a report against Shambhu and others. The petitioners have not received any contribution as per the circular dated 21.07.2020; therefore, they are not vicariously liable for money given in a personal capacity to Shambhu or the e-Mitra kiosk owner.

9. During course of arguments, learned counsel appearing on behalf of the respondent(s)-applicant(s) admitted that the contributions by the respondent-applicants were not deposited in accordance with the circular dated 21.07.2020, however, alternatively, prayed that the respondent(s)-applicant(s) be permitted an opportunity to re-deposit the contributions so that they may avail the facility under the CGHS scheme.

10. Learned ASG candidly accepted the offer made by learned counsel for the respondent(s)-applicant(s) and submitted that the petitioners would abide by the conditions imposed by this Hon'ble Court for providing an opportunity to the respondent(s)-applicant(s) to re-deposit the remaining amount after adjustment of any deposit, if any, as per record.

11. Considering the submissions of learned ASG and learned counsel appearing on behalf of the respondent(s)-applicant(s),

these writ petitions are allowed and disposed of in the following manner.

(i) The writ petitions preferred by the petitioners are allowed, and the impugned order dated 28.02.2025 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur, in OAs (under challenge), is quashed and set aside. The OAs preferred by the respondent(s)-applicants is/are hereby dismissed.

(ii) The petitioners are directed to provide a 90-day window (facilitate) to each of the respondent-applicant to deposit the CGHS contribution to avail the facility under the CGHS scheme.

(iii) The petitioners shall collect the contribution amount payable as on the date of original subscription as mentioned by the applicants in their OA or as applicable as on today, whichever is less. The petitioners shall refrain from charging any surcharge, interest, or penalty from the respondent(s)-applicant(s).

(iv) If any amount has been deposited in the CGHS/government account to avail CGHS facility by any of the respondent(s)-applicant(s), the same shall be adjusted towards the payable contribution amount. The remaining amount shall be deposited within a period of ninety days.

12. Upon such deposit, the required lifetime CGHS cards shall be issued by the petitioners without any delay.

13. Consequently, the writ petitions and all pending application(s), if any, stands disposed.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J