

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10310 OF 2011
(Arising out of SLP(C) No.8213/2006)

REGISTRAR, SCHOOL OF PLANNING &
ARCHITECTURE

Appellant(s)

:VERSUS:

SPA RETIRED EMPLOYEES WELFARE ASSOCIATION
AND ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 10311 OF 2011
(Arising out of SLP(C) No.11066/2006)

CIVIL APPEAL NO. 10312 OF 2011
(Arising out of SLP(C) No.10624/2006)

O R D E R

1. Leave granted.

2. A writ petition was filed by the Retired Employees' Welfare Association of the School of Planning and Architecture for directing the Union of India to extend to them the benefit of Central Government Health Scheme (CGHS) facility as are available to the employees of the School of Planning and Architecture. A learned Single Judge of the High
2

Court allowed the writ petition directing the Union of India to extend the benefit of the CGHS scheme to the retired employees of the School of Planning and

Architecture. The writ appeals preferred by the Union of India against the order of the learned Single Judge were dismissed by a Division Bench of the High Court. The appellants are thus before this Court.

3. The School of Planning and Architecture is fully funded by the Ministry of Human Resource

Development, Government of India and is a "State" under Article 12 of the Constitution. The service regulations applicable to the employees of the School are in pari materia with those applicable to the Government service. Admittedly, the CGHS facilities are available to the serving employees of the School. However, the CGHS facilities were not extended to the retired employees of the School which is the main grievance of the writ petitioners - respondents herein.

4. As per the Fifth Pay Commission's recommendations accepted by the Government of India,
3
the benefits of CGHS facility to the retired employees is at par with that of the serving employees.

5. It may be mentioned that the employees of the School who retired before 1992 were given the benefit of the CGHS scheme and the employees who retired after 1992 would form the same class and denying the benefit to those employees who retired after 1992 would be discriminatory and would be hit by Article 14 of the Constitution of India.

6. Moreover, as has been rightly expressed by the High Court that retired employees are generally older people and it is well known that usually older retired employees require more medical benefits as compared to the serving employees.

7. Learned Additional Solicitor General has drawn our attention to the Office Memorandum Dated 7th October, 2011 issued by the Government of India,

under:

4

"No.2-22/201-CGHS(VC)/CGHS(P)

Dated the 7th October, 2011

OFFICE MEMORANDUM

Sub: Extension of CGHS facilities to the retired employees of School of Planning and Architecture, New Delhi - regarding

The undersigned is directed to refer to this Ministry's OM No.2-27/2001/CGHS/VC/CGHS(P) dated 25.08.2006 wherein it was decided to extend CGHS facilities to the retired employees of School of Planning and Architecture on costs to costs basis for a period of six months or till the orders of Hon'ble Supreme Court on SLP No. 10624/2006 and 11066 of 2006 are available, whichever is earlier.

2. In pursuance of the Hon'ble Supreme Court of India's order dated 9th September, 2011 in the case of Special Leave to Appeal (Civil) No.(S). 8213/2006, Registrar, School of Planning & Architecture Vs. SPA retired employees W.A & Ors., it has been decided to extend the CGHS facilities to the retired employees of School of Planning and Architecture, New Delhi on costs to cost basis in Delhi NCR. The rate of contribution for availing the facilities will be with reference to this Ministry's O.M. No.S 110011/2/2008-CGHS(P) dated 20th May, 2009.

3. These instructions will take effect from the date of issue of this Office Memorandum.

Sd/-

(V.P. Singh)

Deputy Secretary to the Government of India

Tel:2306 1831"

5

8. Learned Additional Solicitor General submits that CGHS facilities have been continuously extended to the serving employees of the School of Planning and Architecture with effect from 25.8.2006. We direct the Union of India to extend CGHS facilities to the retired employees of the School of Planning and Architecture also with effect from the same date.

9. However, this decision would be confined to the retired employees of the School of Planning and

Ms. D.S. Mahra,Adv.
For Mr. Sushma Suri,Adv.

Mr. R.K. Singh,Adv.
Ms. Deepa Rai,Adv.
Ms. Aakriti Jain,Adv.
Mr. Prem Sunder Jha,Adv.

7

For Respondent(s) Mr. M.R. Shamshad,Adv.
Mr. Vivek Vishnoi,Adv.
Mr. Ahmad S. Azhar,Adv.
Mr. Aman Anand,Adv.

UPON hearing counsel the Court made the following
O R D E R

These petitions are detagged.

Leave granted.

Heard the learned counsel for the parties. The
appeals are disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(INDU SATIJA)
COURT MASTER

(Signed order is placed on the file)