



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment

भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No/CCPD/14077/1024/2023

In the matter of:

Shri P N Visweswara Rao

..Complainant

Versus

The Commissioner,
Kendriya Vidyalaya Sangathan

... Respondent No. 1.

The Secretary,
Department of Pension and Pensioner's Welfare

...Respondent No. 2

The Secretary,
Ministry of Education

...Respondent no. 3

The Secretary,
Ministry of Health and Family Welfare

...Respondent no. 4

The Director,
CGHS Headquarters

...Respondent no. 5

1. Gist of the Complaint :

1.1 Shri P. N. Visweswara Rao, Complainant, with 100% Visually impaired person, filed a complaint dated 01.04.2023 regarding the non-issue of a lifetime medical card. He submitted that he is a retired employee of Kendriya Vidyalaya Sangathan and during his entire service in KVS, he was a CGHS cardholder for his family. At the time

of retirement he opted to avail life time medical facility, instead of fixed medical allowance payable for whole life of the pensioner and family pensioner. He submitted an online application for issue of life time medical cards for them on 07.09.2022 and paid an amount of Rs. 78030 to CGHS for 10 years subscription amount through online mode. As per him the CGHS did not accept his application without giving valid reason. He further submitted that as per the DOPW's order dated 23.03.2022, every pensioner is entitled to avail life time medical facility on payment of 10 years subscription to CGHS and also forgoing fixed medical allowance, hence, he became 100% eligible for issue of life time medical cards for them.

1.2 He also submitted that he made representations dated 26.09.2022 and 22.03.2023 to CGHS authority to give valid reasons for not accepting his application. As per him number of autonomous body pensioners including KVS pensioners were already issued life time medical cards by CGHS, they can't reject his application for issue of life time medical card. Their action to consider KVS pensioners as autonomous pensioners was illegal, unconstitutional, arbitrary, mala-fide, discriminatory and also violation of fundamental rights of KVS pensioners under Article 14 and 16 of the Indian Constitution. He has requested for the intervention of the CCPD in the matter.

1.3 The matter was taken up with the Respondents vide notice dated 31.05.2023 advising them to submit their comments on affidavit and produce all the requisite documents.

2. Notice sent to the Respondents:

2.1 A notice dated 22.07.2024 was issued to the above mentioned Respondents for forwarding to this Court comments on affidavit on the complaint for violations of sections 20 and 24 and section 42 of the Act within the statutory time limit. This was followed by a reminder 01.11.2024.

3. Reply made by the Respondents:

3.1 The Respondents via their email dated 20.06.2023 KVS (Respondent No. 1) stated that it can only extend benefits approved by the Ministry of Education. As per MoHFW's guidelines (OM dated 29.05.2015 and letter dated 06.03.2019), CGHS facilities are available to retired KVS employees who had CGHS cards during service. However, they are not entitled to cashless treatment, and hospitalization expenses must be paid by KVS. Annual renewal of CGHS cards is mandatory, and lifetime CGHS cards are not permitted for KVS pensioners.

3.2 KVS renders equal treatment to all employees, and the Joint Commissioner (Personnel) is the designated Grievance Redressal Officer. The DoP&PW (Respondent

No. 2) clarified that its rules apply only to Central Government employees, not to those working in the autonomous bodies like KVS. Fixed Medical Allowance (FMA) is available only to pensioners outside CGHS areas who opt out of CGHS OPD services. The department requested deletion of name from the array of parties as the CGHS matters for KVS fall under the MoHFW's jurisdiction.

4. Rejoinder filed by the Complainant:

4.1 The Complainant vide email dated 12.07.2023 has filed a rejoinder in the matter. He inter-alia submitted that KVS employees are bound by the same service rules at par with the Central Government Employees which came into force from time to time based on the CCS revised pay rules. The pension scheme of the employees of the Sangathan which came into effect from 02.04.1968 is the same, as such CCS (Pension) Rules, 1972 as revised and amended from time to time are applicable Mutatis- Mutandis to Sangathan Employees who opt for the GPF cum Pension benefits. Comments made by KVS and documents enclosed were relating to issue of temporary health cards for KVS retired employees at par with the working staff of KVS on the same terms and conditions. He has requested for hearing in the matter.

4.2 He further vide email dated 21.03.2024 referred to his earlier emails and informed the names of Respondents in the matter. He also submitted that he was not satisfied with the reply filed by the KVS, as it was misleading the facts. He alleged that due to the negligence, irresponsibility, lack of transparency and accountability of the CGHS authorities he was deprived of getting the Health cards from CGHS for whole life as Pensioner. He has requested for considering his case on priority.

5. Hearing (I):

5.1 The Hearing was conducted on 04.02.2025 before the Court of Chief Commissioner for Persons with Disabilities in which the Complainant (since August 2022), alleged denial of a CGHS Pensioners Lifetime Card despite fulfilling all formalities and paying the 10-year subscription fee, as per MoHFW guidelines dated 27.06.2024. His application was rejected by the CGHS Additional Director, Hyderabad, citing his status as a retiree of an autonomous body. He further claimed that a staff member, Rajeshwari, obstructed the process by influencing KVS officials to block approval, fearing similar demands from other retirees. He has not availed CGHS services since September 2022 and has forfeited the ₹1,000 monthly fixed medical allowance.

5.2. Respondent's No.1 counsel, Advocate Rajappa, informed that the matter is currently pending before the Delhi High Court and it has upheld an Office Memorandum allowing CGHS benefits to such retirees and requested the order be recorded.

Respondent No. 2 clarified that the Department of Pension does not handle service matters of autonomous bodies, and the OM dated 23.03.2022 only outlines the procedure for switching between CGHS and FMA, without detailing the specific procedure.

6. Hearing (II):

6.1 A Hearing in hybrid mode(online/offline) was conducted on 10.06.2025. The following parties/representatives were present during the hearing:

S. No.	Name and Designation of the Party/Representative (Sh./ Smt.)	For Complainant/Respondent	Mode of Attendance
1.	Visweshwara Rao Perisetti – Complainant	Complainant	Online
2.	Somit Shrivastav, Joint Commissioner	Respondent No.1	Online
3.	Adv. S. Rajappa	Counsel for Respondent No.1	Online
4.	S. Chakrabarti, Under Secretary, DoP&PW	Respondent No. 2	Online
5.	Hemlata Singh –Section Officer, Ministry of Health and Family Welfare	Respondent No. 4	Online
6.	Satheesh Y.H. – Director (CGHS)	Respondent No. 5	Online

7. Record of Proceedings:

7.1 The Court requested the Complainant to briefly reiterate the facts. The Complainant, a pensioner of Kendriya Vidyalaya Sangathan (“KVS”), stated that in August 2022, he was a GPF holder, thereby becoming eligible for all pensioner benefits at par with Central Government Pensioners. He applied for a pensioner’s lifetime health card through the online portal, paid a 10-year subscription in accordance with the Ministry of Health and Family Welfare guidelines dated 27.06.2024, and completed all required formalities. He then submitted the printed application along with supporting documents to the Additional Director, CGHS, Hyderabad. However, the application was rejected on the grounds that he was a pensioner of an autonomous body and, therefore, not eligible.

7.2 The Complainant further stated that he personally met the Additional Director,

CGHS Hyderabad, and resubmitted the documents. The Director instructed the clerk at the CGHS Hyderabad office to issue the health card by processing his application. However, the Complainant alleged that the clerk called the KVS office and requested them to put pressure on the Additional Director not to issue the health card so that other KVS pensioners would not follow the same route. Consequently, the health card was not issued.

7.3 The Complainant further submitted that the matter has been pending for 2.5 years, even though he paid the 10-year subscription on 7th September 2022. Since then, he has also been foregoing the fixed medical allowance of Rs. 1,000 per month, without receiving any medical services from CGHS.

7.4 Respondent No. 1 submitted that KVS had filed an affidavit stating that the matter was pending before the Delhi High Court. The Delhi High Court has recently decided the case and approved the Office Memorandum (OM) issued by the Ministry, under which serving as well as retired employees are to be extended the benefits. Respondent No. 1 sought time to place the High Court order on record in the form of an affidavit so that both the Court and the Complainant could consider it.

7.5 Respondent No. 1 sought 10 days' time for submission of the OM approved by the Ministry of Health and the Ministry of Finance. The Court allowed the same.

7.6 The Court then asked the remaining Respondents for their submissions. Respondent No. 2 (DoPPW) submitted that the Department of Pension deals with pension-related policy matters of Central Government civil employees, and employees of autonomous bodies do not fall under its jurisdiction. Therefore, DoPPW cannot decide what facilities are to be provided to employees of autonomous bodies. They are impleaded only because the Complainant has referred to their rules. Further, with respect to the OM dated 23.03.2022 quoted by the Complainant, it was issued after observations of the Department-related Parliamentary Standing Committee, which noted that Central Government employees were facing difficulties in switching between CGHS and Fixed Medical Allowance (FMA) after retirement. Therefore, the OM only clarified the procedure of switching.

7.7 The Complainant submitted that he is being harassed due to his disability. He has approached the Additional Director multiple times but received no response. He was also insulted by staff members of the CGHS office and the Additional Director. On 04.10.2024, when he attempted to meet the Additional Director, he was not allowed entry between 10:00 a.m. and 2:00 p.m.

7.8 The Court observed that it would be appropriate to await the proceedings of the Delhi High Court, as referred to by Respondent No. 1, and granted 15 days' time to both parties for submission of relevant points, replies, and documents.

8. Additional information submitted by the Parties in furtherance of ROP:

8.1 The Complainant submitted a representation dated 11.06.2025 regarding the pending issuance of a Pensioners Lifetime Health Card under CGHS, stating that their application has been pending with the Additional Director, CGHS, Hyderabad since 07.09.2022. They argue that KVS pensioners, particularly those who opted for GPF, are entitled to the same CGHS benefits as Central Government pensioners, citing relevant OMs and KVS Accounts Code provisions. 54, KVS clarified that the implementation of CGHS benefits is subject to MOHFW guidelines and applicable only as per the orders in force. The retrospective application of policies is not permissible unless specifically authorized. KVS assured that the case will be forwarded to CGHS authorities for appropriate action, and any precedent cases will be examined. The matter remains under active consideration.

8.2 In response to the directions issued by the Court of the Chief Commissioner for Persons with Disabilities, Kendriya Vidyalaya Sangathan (KVS) informed the Complainant, Sh. P.N. Vishweshwar Rao, that as per KVS letters dated 04.11.2024 and 29.11.2024, CGHS facilities have been extended to all serving and retired employees of KVS on certain terms and conditions. Accordingly, retired employees are eligible for yearly CGHS membership rather than a lifetime card. The Complainant was advised to apply online through the MoHFW CGHS portal, take a printout, and submit it to the Pension Sanctioning Authority (Deputy Commissioner, KVS RO, Hyderabad), along with all necessary documents and an annual subscription of ₹7800, payable to KVS, RO Hyderabad. Additionally, KVS clarified that the amount of ₹78,030 paid by the Complainant directly to CGHS on 07.09.2022 was not routed through KVS, and therefore any refund or adjustment must be taken up by the Complainant directly with CGHS as per their procedures. KVS also directed the Regional Office, Hyderabad to guide and assist the Complainant in processing his CGHS application.

9. Observations:

9.1 The Court observed that while the Complainant believed he only needed to pay a simple subscription, the actual scheme operated on a cost-to-cost basis, which could be higher but was still favorable to him if renewed annually. It directed KVS to properly inform and guide the Complainant about these terms and ensure he understood the correct position. Furthermore, any lapse such as depositing the contribution in the wrong account or at a place other than KVS should be rectified.

9.2 The Court reiterated that KVS had the primary responsibility to provide "handholding guidance" to the Complainant, considering that he had served the organization until retirement. It concluded by stating that it was the duty of the institution to support its retired employees and to ensure they are able to enjoy the facilities due to

them.

10. Recommendations:

10.1 The Court recommended that, in general, every establishment must conduct training or counseling programs to officers who are about to retire, usually six months to three months before retirement. Such programs are helpful since they inform employees about their retirement benefits and facilities. The Court emphasized that, at the time of retirement or prior to it, all retiring employees should receive proper counselling, training, or awareness sessions regarding the facilities available to them and their entitlement to benefits.

10.2 However, it is also noted that the reception of such guidance may differ from person to person, which at times leads to misunderstandings or procedural issues. In the current case, the Court stressed that the Kendriya Vidyalaya Sangathan (KVS) should guide the Complainant, assist him in availing the due benefits, and resolve the procedural hurdles that were preventing him from accessing the facility.

10.3 The Court clarified that the procedure in question had been standardised nationwide since May 2024 for all central government entities. He advised KVS to communicate the legal position clearly to the Complainant, either in writing or through a counseling session, depending on his location. The Court also referred to the documents submitted by the complainant, noting that the booklet referred to did not use the terms "medical" or "health," but was essentially a summary of Central Civil Services (CCS) Pension Rules. It explained that certain legal interpretations, including the principle of "mutatis mutandis," applied, meaning the rules could not be taken in their entirety as the complainant understood them.

11. Accordingly, this case is disposed of.

(S.Govindaraj)

Commissioner for Persons with Disabilities