

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CWP-6639-2017 (O&M)

Decided on 09.09.2025

Sanjiv Malik & Ors.

... Petitioners

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Talwar, Advocate,
Mr. Rohit Nagpal, Advocate,
Mr. AS Rawaley, Advocate for the petitioners

Mr. Jagdish Manchanda, Advocate for respondent No.5

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to comply with the mandate of Rule 62 of Central Industrial Security Force Rules, 2001 (hereinafter referred as CISF Rules, 2001) and the terms on which CISF was deployed at the airports of Airport Authority of India and grant the same medical facilities to CISF persons as have been granted to the employees of the Airport Authority of India with a further direction to clear the pending reimbursement claims of the petitioners.

(2). Learned counsel for the petitioner contends that the petitioners are CISF personnel posted at the International Airport at Amritsar run by Airport Authority of India (AAI). He submits that as per Rule 62 of the CISF Rules, a CISF personnel deployed in a public sector undertaking would be entitled to the same medical facility as are admissible to its employees. It is contended that the AAI employees get their medical entitlement in accordance with the Airport Authority of India (Employees Medical Attendance and

Treatment) Regulations, 2003, however, the respondents have created a disparity between the OPD entitlement of its employees and equivalent ranked personnel of CISF.

(3). Notice of motion in this case was issued on 30.03.2017 and pursuant thereto, the respondents had filed written statement on 27.03.2018. During the course of arguments, a Coordinate Bench of this Court noticed the factual background of the matter and passed order dated 10.07.2019 which is to the following effect:-

“Petitioners are Central Industrial Security Force personnel, posted at Amritsar and seek compliance of the mandate of Rule 62 of the Central Industrial Security Force Rules, 2001, for grant of same medical facilities to them as has been granted to the employees of the Airport Authority of India (for short, 'AAI'). Said rule read as under:

“62. Medical facilities – Members of the force shall be entitled to the facilities of the Central Government Health Scheme and in places where these facilities are not available, they shall be governed by the Central Civil Services (Medical Attendant) Rules, 1944:

Provided that when they are deployed in a Public Sector Undertaking:-

(i) in a case where such Public Sector provides medical facilities to its employees, such members of the Force shall be entitled to avail such facilities free of charge; and

(ii) if such facilities are not available, the authorized medical attendant for such members of the Force will be as provided in Central Civil Services (Medical Attendant) Rules, 1944.”

Specific pleadings have been made that the petitioners are personnel deployed in a Public Sector Undertaking and the entitlement of the said members of the Force is less than what has been granted to the employees of the AAI and there is no denial to the said pleadings in the written statement filed on behalf of respondent No.5. However, a stand has been taken that they are not entitled to the same facilities at par with the employees of AAI.

It is also pertinent to notice that wayback on 06.03.2002 (Annexure R5/1), which has been filed with the written statement, the Government of India, Bureau of Civil Aviation Security had written to the Chairman, AAI

regarding the standing operating procedure for aviation security group of the Central Industrial Security Force at the time of deployment of CISF with the AAI which had been approved by the Ministry. Along with the same, Rule 62 was also appended, which has been reproduced above.

As per letter dated 16.06.2017 (Annexure R5/7) addressed by the Regional Executive Director, AAI to the Directors of various Airports, there is admission that the policy of providing medical facilities to the CISF deployed at the AAI is under review and there has been enhancement by 30% w.e.f. 01.04.2017 for reimbursement of OPD charges, vide letter dated 02.09.2013.

Mr. Manchanda prays for time to confirm regarding what action has been taken on the said communication, thereafter, since the reply filed is dated 27.03.2018 and a period of almost 1 ½ years has passed by.

Let necessary affidavit be filed as to why the petitioners are not entitled for the statutory benefits as per the provision quoted above and within what time-frame the respondents shall act on the same.

List on 21.08.2019.”

(4). In compliance to the order dated 10.07.2019 of this Court, an additional affidavit dated 15.02.2021 has been filed by GL Verma, Joint General Manager, HR, AAI, Rajasansi Airport, Amritsar wherein the following averments have been made, which read as under:-

“2. That the Department has already taken up the matter through the answering respondent in view of the Circular No. 23/2018 with the subject to make the payment of outdoor Medical Ceilings for CISF Personnel deployed at AAI, Airports. It is said in the letter dated 17.07.2018 to the effect that in supersession of all the circular issued with regard to the subject mentioned above, the competent authority has decided to revise the Annual OPD Ceiling in respect of CISF Personnel deployed at AAI, Airports as mentioned below. The copy of the letter dated 17.07.2018 is attached here with the affidavit as Annexure R-5/9.

3. That the answering respondent has also written a letter for providing medical facilities for CISF Personnel deployed at AAI, Airports in reference of the Present Writ Petition CWP No. 3699

of 2017 filed by Sh. Sanjeev Malik and Others posted at Amritsar Airport, it has been intimated that the matter was taken up with the concerned Directorate and it is conveyed that as per the existing AAI, Policy CISF Personnel is eligible for indoor medical facility as per CGHS Rate and outdoor medical facility as per the rate prescribed by the office order dated 7.07.2018. A copy of the letter dated 03.09.2019 is attached here with the affidavit as Annexure R-5/10. The intimation of this letter has already been sent to the RCSO-NR AAI, Rangpuri, New Delhi.”

(5). Another affidavit dated 28.08.2024 has been filed by Suman Kumar Das, Asstt. General Manager, HR, AAI, Rajasansi Airport, Amritsar reiterating the stand taken in the additional affidavit dated 15.02.2021 specifically mentioning that as per existing AAI policy CISF personnel is eligible for the medical facilities. The relevant portion of the said affidavit reads as under:-

“4. That it is also specifically mentioned that indoor facility as per CGHS Rates as well as outdoor medical facility as per the rate prescribed by the Airport Authority of India under order dated 17.07.2018 (Annexure R5/9). It has been specified with regard to the circular No.23/2018 (Annexure R-5/9) by giving the outdoor medical ceiling for CISF Personnel deployed at AAI Airports. The details of the same have been given in letter dated 17.07.2018.

5. It is clarified that matter regarding parity as per rule 62 was taken up with the concerned directorate and vide order AAI/CISF-94/A-SEC/752/818 dated 03.09.2019, it was conveyed that as per existing AAI policy CISF is eligible for following medical facilities:-

(i) Indoor medical facilities as per CGHS rates.

(ii) Outdoor medical facilities as per the rate prescribed by this office order dated 17.07.2018 (such kind of OPD facilities are not available in CGHS).

In addition to above, no other change in above policy has been issued by concerned directorate.”

(6). In view of the clear stand taken by the respondents in the additional affidavits dated 15.02.2021 and 28.08.2024, it is unambiguous that the CISF personnel posted at Amritsar Airport are entitled to medical benefits as provided under Rule 62 of the CISF Rules, 2001 and as such they are held entitled and eligible for indoor treatment at CGHS rates and outdoor medical facilities as per the revised policy of the Airport Authority of India. Since no valid reason has been shown for denying these benefits and the authorities have confirmed their compliance, the petitioners' claim stands duly recognized and addressed. No further directions are required.

(7). Accordingly, this writ petition stands allowed.

09.09.2025

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No