



CORPORATE OFFICE - HR
INTER OFFICE MEMO

Ref: P/P/157 (CR.No. 15/2019)

Date: 27.03.2019

	Ref. DP/3/5(A)/93 Date 7.12.2018
From: CO - HR, New Delhi	
To : ED (HR), Ref-HO, New Delhi ED (HR), PL-HO, Noida ED (HR), Mktg.-HO, Mumbai CGM (HR), R&D Centre, Faridabad	

Sub: PRMBF Scheme - regarding legal guardianship where ex-employee/dependent is not in a fit state to claim the benefit

- 1.0. A Post-Retirement Medical Benefit Facility (PRMBF) Scheme exists in the Corporation to take care of the medical needs of the retired employees and the eligible dependents (as specified under the scheme). In the event of death of retired employee, the coverage under PRMBF Scheme continues to apply for the surviving dependent family members.
- 2.0. In the above context, there may be following scenarios where a lone surviving PRMBF member i.e. ex-employee/ dependent is not in a fit state, physically or mentally, to understand the scheme and/or claim the benefits therein:-
- For ex-employee / spouse / dependent parent - when either of the PRMBF member is the only survivor but s/he is not in a fit state to directly claim the benefits.
 - For dependent mentally retarded/spastic child [in the event of death of all other PRMBF members (i.e. ex-employee/spouse/dependent parent)] - who is not in a fit state to directly claim the benefits.
- 3.0. In the context of above, the PRMBF scheme has been reviewed with the purpose to take care of the lone surviving member facing the above scenario. This has been also examined in light of the various laws that provides for the appointment of a guardian for person who is mentally ill, minors or suffering from disabilities, namely, the Hindu Minority Guardianship Act, 1952, the Guardians and Wards Act, 1890, Mental Health Act, 1987, the Contract Act, 1872, the Rights of Persons with Disabilities Act, 2016 and the National Trust Act, 1999.
- 4.0. We are to accordingly convey the approval that the procedure / modalities for regulating the PRMBF benefits to the eligible PRMBF member, who is not in a fit state (as mentioned at point 2.0 above), shall be as laid down below:-
- At the time of becoming a member of the PRMBF scheme, the employee shall be required to declare in the enrolment form the names of three nominees (either friends or relatives) in the order of preference who can be caretaker and are willing

to act as a guardian in the event of the physical or mental inability of the ex-employee and/or his/her spouse and/or other eligible dependent for availing medical benefits and facilities to take care of the concerned PRMBF under the scheme. Needless to mention that the three nominees so declared shall be other than the PRMBF beneficiaries being enrolled under the scheme.

As regards the existing PRMBF members, they may also be advised in line with the above to give a declaration stating in order of preference the names of three nominees for the said purpose,

- b. In case the scenario as per point 2.0 above arises, the nominee may and shall at the request of the Corporation be required to take appropriate steps under Section 14 of the National Trust Act, 1999 and/or under Section 14 of the Rights of Persons with Disabilities Act, 2016, or under any applicable law, for his/her appointment to act as guardian of the concerned surviving person (i.e. PRMBF member) with disabilities.

In other words, the Corporation shall approach the guardian/nominee, as listed out in the order of preference in the enrolment form, requesting him/her taking appropriate steps (subject to his/her willingness) under the applicable law to act as guardian of the surviving PRMBF member who is not in a fit state to avail the benefits.

- c. In case the appointment of the nominee to act as guardian of the person with disabilities (under the applicable law) is not in place when the need arises to take care of the concerned disabled PRMBF member, the willing nominee (in the order of given preference) may be allowed as an exception to act as a temporary guardian for claiming PRMBF benefits on behalf of the concerned but *upto a maximum period of 6 months*, within which the nominee will have to approach the court / competent appropriate authority under the applicable law for self-appointment as the guardian. A documentary proof to this effect shall be required to be submitted to the Corporation.

Further, from the date of approaching the court / competent appropriate authority, an additional period upto maximum of 12 months can also be permitted to the nominee for obtaining the order of his/her appointment (under the applicable law) to act as guardian of the person with disabilities.

The above exception shall be allowed with the approval of Divisional Director.

5.0. Divisions are advised to take needful measures in this regard.


(Rashmi Govil) 7/12
GM(HR)

cc: ED I/c (IS)-CO, CBTC, Gurugram

**NOMINATION FOR LEGAL GUARDIANSHIP WHERE EX-EMPLOYEE/DEPENDENT
IS NOT IN A FIT STATE TO CLAIM THE BENEFIT**

I hereby nominate the following relatives / friends (other than PRMBF Beneficiary under the Scheme) in the order of preference, who can be the caretaker and are willing to act as a Guardian in the event of my physical or mental inability or my spouse Shri/Smt. _____ and / or other eligible dependent _____, _____, _____ for availing medical benefits to take care of the concerned PRMBF under the scheme

S.NO	NAME	CONTACT NO./ EMAIL ID	ADDRESS	RELATIONSHIP WITH THE EMPLOYEE
1.				
2.				
3.				

In the scenario :

(i) **For ex-employee / spouse / dependent parent** – when either of the PRMBF member is the only survivor but he or she is not in a fit state to directly claim the benefits.

OR

(ii) **For dependent mentally retarded / spastic child** (in the event of death of all other PRMBF members [i.e. ex-employee / spouse / dependent parent]) – who is not in a fit state to directly claim the benefits.

The Corporation shall approach the guardian/ nominee, as listed in the order of preference, to take appropriate steps (subject to his or her willingness) under Section 14 of the National Trust Act, 1999 and / or under Section 14 of the Rights of Persons with Disabilities Act, 2016 or under any applicable law for his / her appointment to act as guardian of surviving PRMBF member with disabilities.

(Signature of the Applicant)

Name:

Emp. No:

PRMS Reimbursing Unit:-

Date :-