

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

**REVIEW APPLICATION NO.170/00105/2019
IN
OA. NO.170/00232/2018**

DATED THIS THE 26TH DAY OF DECEMBER, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

1. Union of India,
Represented by its Secretary,
Ministry of Mines
No. A-320, Shastri Bhavan,
Rajendra Prasad Road,
New Delhi – 110 001

2. National Institute for Miners' Health
Represented by its Director,
C/o JNARDDC Campus,
Opp. Wadi Police Station,
Amaravathi Road,
Nagpur – 440 023

...Applicants in RA

(Shri Sayed S Kazi, Counsel for Respondents)

Vs.

Shri G.S. Ravindra,
S/o Sri G. Suryanarayana Rao,
Aged about 61 years,
Former Assistant Director,
National Institute for Miners' Health
Marikuppam Post, K.G.F- 563 119
Now residing at No. 88, 2nd Cross,
BSK III Stage, III Phase, 5th Block,
Bangalore – 560 085.

.....Respondent in RA

O R D E R (By Circulation)

HON'BLE DR.K.B.SURESH **...MEMBER(J)**

Two grounds are raised in this RA. One is that this is not a fully funded instrumentality of the Government, even though functionally it is under total control of the Government. They say that only 60% of the salary expenditure is received as grant from the Government and the rest 40% salary expenditure and recurring expenditure are being managed through clientele earning. They would say that OPD medical facilities to serving employees is only upto 20,000/- per employee and IPD as per CGHS are being granted to these serving employees. Why these employees are not eligible for CGHS is still a mystery. That will have to be taken up by the Institute itself. It is the duty of the Government to protect the interest of these serving employees as well as retired employees on a pari materia basis. As Hon'ble Apex Court have settled the issue once and for all, there is no need to look into this matter any more.

The delay in filing this is condoned and matter taken up on merit. Learned counsel relies on para 2 of F.No.Met4-5/6/2018 dated 13.09.2019, which we quote:

"I am directed to refer to your letter no. NIMH/AO/WP-13944/19-20/607 dated 26.08.2019 on the subject mentioned above. In this regard, it is informed that this Ministry does not have any objection to file Review Petition before CAT Bangalore in the instant matter.

2. As the subject matter of the above mentioned case comes under the purview of NIMH, you are requested to defend the case effectively on behalf of the Union of India also and to ensure that Government's interests are fully safeguarded. It is also requested that this Ministry may be kept informed regularly about the further developments in the matter."

The Government's interest lies in protecting the interest of its own employees and not to raise super technical objections for continuation of their lives at least in a reasonable manner, even though they are retired. That this matter had been settled once and for all by the Hon'ble Apex Court, is known to everyone. There is no merit to be argued in this matter. Nothing prevents them to apply to Government for more funds, if its functioning requires it. But the responsibility it has to shoulder is to be

shouldered effectively. There is no worthwhile ground in the RA. Dismissed. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicants in RA.105/2019

1. Annexure RA-1 : Copy of order dated 14.11.2018 in OA.No.170/00232/2018.
2. Annexure RA-2 : Copy of order dated 05.08.2019 in WP.No.13944/2019(S-CAT).
