

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**Original Application No. 21/232/2020**

**Hyderabad, this the 13th day of March, 2020**



***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

1. P.K.Krishnan, S/o P.R.Kurup,  
Aged about 72 years, Occ: Retd. Scientific Officer (H),  
R/o B.106, Utopia, Lodha Casa Paradise,  
Sanathnagar, Hyderabad.
2. B.S.S.Rao, S/o B.Pappanna,  
Aged about 72 years, Occ: Retd.Scientific Officer (H),  
201,Nagarika Apartment, Kakateeya Nagar,  
Habsiguda, Hyderabad.
3. C.V.Bhaskara Rao, S/o C.Punna Rao  
Aged about 75 years, Occ: Retd.Scientific Officer (H),  
Plot No.23, Navnirman Nagar, Road No.71,  
Jubilee Hills, Hyderabad.
4. Dr.T.S.Krishnan, S/o T.C.Sahasranama Iyer,  
Aged about 85 years, Occ: Retd. Scientific Officer (H),  
716, C.Block, Pranaam Saket,  
Hyderabad.
5. B.Gopalan, S/o L.Balakrishnan,  
Aged about 74 years, Occ: Retd. Scientific Officer (H),  
MIG-12, APHB Colony, Moulali,  
Hyderabad.
6. J.V.Muralidhara Rao S/o Kantha Rao,  
Aged about 68 years, Occ: Retd. Scientific Officer (H),  
1-31-38/1, Street No.13, Sri Sathyasai Enclave,  
Secunderabad.
7. Daya Kishen Wali, S/o Shambunath Wali,  
Aged about 80 years, Occ: Retd. Scientific Officer (H),  
112, Shantinikethan, Mahendra Hills,  
Secunderabad.



8. Bhaskar Prayag Pande, S/o P.G.Pande,  
Aged about 85 years, Occ: Retd. Scientific Officer (H),  
157, Shantinikethan, Mahendra Hills,  
Secunderabad.
9. B.Bala Krisha, S/o B.Venkat Ratnam,  
Aged about 74 years, Occ: Retd. Scientific Officer (H),  
H.No.16-31-4496, 6<sup>th</sup> Phase, KPHB Colony,  
Kukatpally, Hyderabad.
10. Narayanaswamy Panchapakesan, S/o P. Narayana Swamy,  
Aged about 70 years, Occ: Retd. Scientific Officer (H),  
7-59/14, Tirumala Enclave, Street No.2, Nagaram,  
Dammaiguda, Hyderabad.
11. S.M.Rao, S/o S.A.Chetty,  
Aged about 72 years, Occ: Retd. Scientific Officer (H),  
158, Shantinikethan, Mahendra Hills,  
Secunderabad.
12. G.V.N.Avadhany, S/o G.Bhanumurthy Sastry,  
Aged about 74 years, Occ: Retd. Scientific Officer (G),  
23, Anupuram, ECIL, Hyderabad.
13. Venkateswara Swamy Swarna S/o. Venkateswaralu Swarna  
Aged about 70 years, Occ: Retd. Scientific Officer (G),  
R/o 12-2-419/A/23, Alapatnagar, Medhipatnam,  
Hyderabad.
14. Syamsunder Srinivasan, S/o. S.V.Srinivasan,  
Aged about 77 years, Occ: Retd. Scientific Officer (H),  
Plot No.39, H.No.1-6-54, Anupuram,  
ECIL, Hyderabad.
15. S.Raghuraman, S/o. Venkata Chari,  
Aged about 71 years, Occ: Retd. Scientific Officer (G),  
Flat No.708, Block-A, Saket Pranaam,  
Saket Township, Kapra, Hyderabad.
16. P.Pande, S/o Gajanand Pande,  
Aged about 84 years, Occ: Retd. Scientific Officer (H),  
Plot No.166, Shantiniketan, Mahendra Hills,  
Secunderabad.
17. B.Laxminarayana, S/o. Basetti Hanumanthulu,  
Aged about 70 years, Occ: Retd. Scientific Officer (H),  
Plot No.91, New Vasavinagar, Secunderabad.

... Applicants

(By Advocate: Mr. M.C. Jacob)

AND

1. Union of India,  
Represented by the Secretary,  
Department of Atomic Energy,  
Anushakti Bhavan, C.S.M.Marg, Mumbai.



2. The Director, (IR &W)  
Department of Atomic Energy,  
Anushakti Bhavan, C.S.M.Marg,  
Mumbai.

3. The Chief Executive,  
Nuclear Fuel Complex,  
ECIL, Hyderabad.

....Respondents

(By Advocate: Mr. V. Vinod Kumar, Sr. CGSC)

### **ORAL ORDER**

*{As per B.V. Sudhakar, Member (Admn.)}*

2. OA is filed challenging the proceeding dated 5.2.2019 in regard to providing twin sharing hospital accommodation instead of single room accommodation as per memo dated 24.5.2018 of the 2<sup>nd</sup> respondent.

3. Brief facts are that the applicants have retired as Scientific Officer (G) and (H) from the respondents organisation and at the time of retirement, they got themselves enrolled under the Contributory Health Services Scheme (for short “CHS Scheme”) operated by the respondents by paying the due contribution. As per the said scheme, applicants were entitled for single room hospital accommodation but the 2<sup>nd</sup> respondent *suo motu* changed it to sharing accommodation vide proceeding dated 26.3.2010. Against the same, applicants represented and there being no response, OA 1044 of 2016 / MA 769/2017 were filed resulting in respondents deciding

to offer hospital accommodation as per eligibility at the time of retirement vide 2<sup>nd</sup> respondent Office Memo dated 24.5.2018. However, the 3<sup>rd</sup> respondent gave a contravening order on 5.2.2019 informing referral hospitals that the applicants are eligible for shared hospital accommodation.

Aggrieved, OA has been filed.



4. The contentions of the applicant are that the 3<sup>rd</sup> respondent order contravening the orders of the 2<sup>nd</sup> respondent issued in pursuance of the direction of the Tribunal in OA 1044/2016 are arbitrary and illegal. Consultant engaged by the respondents recommended hospital accommodation on par with CGHS beneficiaries, which they did not but followed what has been granted to those working in ISRO/DRDO, which is incorrect.

5. Heard both the counsel and perused the pleadings on record.

6. I) The applicants on retirement joined the CHS Scheme implemented by the respondents after paying the requisite contribution. Under the scheme, the applicants are reported to be entitled to single room hospital accommodation as per their entitlement as the time of retirement. However, when this benefit was withdrawn on 26.3.2010, applicants filed OA 1044/2016 and when an MA 769/2017 in the OA was filed, the 2<sup>nd</sup> respondent intimated vide memo dated 24.5.2018 that the applicants are entitled to hospital accommodation as per eligibility at the time of retirement. Nevertheless, this was not to be since the 3<sup>rd</sup> respondents

addressed referral hospitals on 5.2.2019 intimating that the applicants are eligible for shared accommodation only. It is not clear as to why the respondents are dilly dallying with the issue by issue contradictory orders over a period of time, is the plea of the Ld Counsel for the applicants.



Particularly, 3<sup>rd</sup> respondent overruling the order of the 2<sup>nd</sup> respondent, who is superior, is surprising and beyond comprehension, is the strong argument made by the Ld. counsel for the applicants. The respondents, as per the Ld. counsel for the applicants, should adhere to the conditions of the CHS Scheme wherein it is laid down that accommodation will be provided as per eligibility at the time of retirement. Further, he asserts that when the respondents have decided to extend the benefit in response to the outcome of the adjudication in OA No.1044/2016 and its allied MA as per memo dated 24.5.2018, the respondents cannot rescind the said order since it has a legal dimension. Virtually, it means taking dual stand one before the Tribunal and the other within the respondents organisation and hence legally untenable, is one another contention of the Ld. counsel for the applicants. Ld.Counsel for the respondents refuting the submissions made, has stated that the order of providing shared accommodation had to be issued in view of fact that in sister scientific organisations like ISRO, DRDO etc the same benefit is extended to similarly placed employees. The respondents organisation has nothing personal against the applicants to take a stand unfavourable to them, but when other sister scientific organisations referred to take a stand on the issue, administrative propriety calls for following the same for the sake of uniformity and economy in expenditure.

II) After hearing both the sides, applicants are directed to make a comprehensive application detailing the grounds for grant of the relief sought in terms of relevant rules, significance of the outcome of the OA 1044/2016 with its MA and the law, within a period of 2 weeks from the date of receipt of this order. Respondents, on receipt of such a representation, shall examine the same as per extent rules, order issued by them pursuant to filing of OA 1044/2016 and in accordance with law, by issuing a reasoned and speaking order, within a period of 8 weeks from the date of receipt of representation from the applicants.



III) With the above direction, the OA is disposed of, at the admission stage, without going into merits.

IV) There shall be no order as to costs.

**(B.V. SUDHAKAR )**  
**MEMBER (ADMN.)**

/evr/