High Court for the State of Telangana

THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

<u>Writ Appeal No.356 of 2020</u>

Date: 30.09.2020

Between:

Yedla Muralidhar Rao

... Appellant

... And

The Government of India,
Rep. by its Principal Secretary
Government, Department of Food & Public Distribution,
New Delhi and 4 others

...Respondents

Counsel for the appellant : Mr. Jagan Mohan Perumandla

Counsel for the respondents : Assistant Solicitor General

The Court made the following:

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellant, writ petitioner, has challenged the legality of the order dated 13.08.2020, passed by a learned Single Judge in W.P.No.12366 of 2020, whereby the learned Single Judge has dismissed the writ petition, *inter alia,* on the ground that the benefit of the medical health scheme floated by circular dated 26.10.2006 was one time scheme. Since the appellant had not opted for the said scheme, the benefit of the said scheme cannot be given to the appellant.

2. Briefly, the facts of the case are that on 02.03.1962, the appellant, Mr. Yedla Muralidhar Rao, was initially appointed as Gowdown Clerk in the Department of Food under the Ministry of Food and Consumer Affairs, Government of India. Subsequently,, with the formation of the Food Corporation of India, he was permanently absorbed on 01.03.1969 in the said Corporation. Having reached the age of superannuation, the appellant retired on 31.05.2001. According to the appellant, he did not opt for retirement medical benefits in 2001, as the employer of his son covered the medical insurance. Consequently, he informed the Corporation that he is not interested in opting for the scheme which was floated in 2006 for providing medical insurance to the retired employees. Subsequently, his son was blessed with two children. Since the son's employer would cover only four members of the family, the appellant claims that he had been ousted from the benefit of the medical insurance scheme floated by his son's employer. Therefore, on 05.01.2012, the appellant filed a representation before the General Manager (A.P), Food Corporation of India, Hyderabad, the respondent No.3, requesting him to

sanction the medical benefits after retirement. However, by letter dated 18.01.2012, he was informed that the benefit of the Scheme of 2006 cannot be extended to him, as he had not opted for the same. Aggrieved by the said letter dated 18.01.2012, on 04.09.2017, the appellant, wrote to the Hon'ble Prime Minister of India. Consequently, on 13.09.2017, the office of the Hon'ble Prime Minister forwarded his request to the respondent No.3. Subsequently, the appellant received letter dated 28.09.2017 clearly informing him that even the scheme floated on 26.10.2016 was kept open for six months. But, even in the said scheme, he had not applied. Therefore, he is not eligible for any benefit under the said scheme. Aggrieved by these letters, the appellant filed the writ petition before the learned Single Judge. As mentioned hereinabove, the learned Single Judge has dismissed the writ petition. Hence, this appeal before this Court.

3. Mr.P. Jagan Mohan, the learned counsel for the appellant, submits that the appellant happens to be 80 years old, who is without any medical insurance coverage. Moreover, since his son's employer covers only four members of the family, the benefit of the medical insurance coverage by his son's employer cannot be extended to him. Therefore, he is entitled to the benefit of the scheme floated by the respondents. He further submits that he was unaware of the 2006 Scheme. Therefore, he prays that the impugned order deserves to be set aside by this Court.

4. Heard the learned counsel for the appellant, and perused the impugned order.

5. The learned Single Judge has clearly noticed the fact that the Scheme of 2006 was a one time scheme. Even if the

scheme was revised and re-floated in 2016, even then, the appellant had not opted for coverage under the said scheme. Therefore, the learned Single Judge was justified in concluding that the benefit of one time scheme cannot be extended, as it is the appellant who had failed to opt for the scheme within the stipulated period. Hence, this Court finds no illegality or perversity in the impugned order.

6. Merely because the appellant happens to be 80 years old, who is no longer covered by medical insurance of his son's employer, even these facts would not permit the Court to direct the respondents to violate the stipulations and conditions of the scheme. For, it is a settled position of law that the Court cannot direct the respondents to violate the law. In case, a Court were to direct that the law, or the scheme, be violated, the Court would become an accomplice in an illegal act.

7. For the reasons stated above, this Court does not find any merit in the present appeal; it is, hereby, dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(B. VIJAYSEN REDDY, J)

30th September, 2020
Lrkm