



# CENTRAL ADMINISTRATIVE TRIBUNAL

## CHANDIGARH BENCH

**OA No. 060/372/2018**

**Pronounced on : 20.02.2020**

**Reserved on : 10.02.2020**

**HON'BLE MR.SANJEEV KAUSHIK, MEMBER (J)**

<b>Applicant No.</b>	<b>Name/Age (ys)</b>	<b>Father's Name</b>	<b>Designation</b>
1.	Rachpal Singh/57	Jagmail Singh	Tech. Helper
2.	Mohd. Suleman/56	Rasul Baksh	Tech. Helper
3.	Surinder Dutt/57	Uday Singh	Tech. Helper
4.	Shamsher Singh/59	Bhajan Singh	Chowkidar
5.	Gurdeep Singh/56	Rattan Singh	Tech. Helper
6.	Gopal/52	Prem Singh	Chowkidar
7.	Anil Kumar/56	Laxmi	Chowkidar
8.	Rajiv Kumar/50	Ajaib Singh	Tech. Helper
9.	Kanwar Pal/56	Makhan Singh	Chowkidar
10.	Som Nath/55	Majaraj Din	Beldar
11.	GurcharanSingh/51	Ajaib Singh	Tech. Helper
12.	Mangal Singh/52	Budh Singh	Beldar
13.	Dial Ram/61	Saoran Ram	Chowkidar
14.	Sabir Hussain/61		Beldar
15.	Dani Ram/54	Ranju Ram	Tech. Helper
16.	Santosh Kumar/51	Tulka Ram	Tech. Helper
17.	Sidpat Rai Singh/51	Harbhajan Singh	Tech. Helper
18.	Jawala Prashad/53	Ram Saran	Chowkidar
19.	Ajit Singh/62	Sri Ram	Beldar
20.	Avtar Singh/55	Atma Singh	Chowkidar

All the applicants No. 1-19 are working in the office of the Superintending Engineer, Project Public Health Circle, U.T. Secretariat Building, Sector 9, Chandigarh. Applicant No. 20 retired from the Project Public Health Circle.

.....Applicants

BY ADVOCATE: **Sh. G.S. Sathi**



VERSUS

1. Union Territory Chandigarh through its Secretary, Engineering, U.T. Secretariat Building, Sector 9, Chandigarh.
2. Chief Engineer-cum-Special Secretary, Engineering Department, Chandigarh Administration, U.T. Secretariat Building, Sector 9, Chandigarh.
3. Superintending Engineer, Project P.H. Circle, Engineering Department, Chandigarh Administration, U.T. Secretariat Building, Sector 9, Chandigarh.

.....Respondents

BY ADVOCATE: **Sh. Aseem Rai**

### **ORDER**

#### **MR. SANJEEV KAUSHIK, MEMBER(J):-**

1. The applicants herein have challenged the order dated 28.11.2017 (Annexure A-1) to the extent it restricts the benefit for grant of fixed medical allowance w.e.f. December, 2017 instead of restoring it w.e.f. 01.01.1993 when the same was stopped by the Chandigarh Administration. Thus, a prayer has been made for issuance of directions to the respondents to restore payment of fixed medical allowance to the applicants



w.e.f. 01.01.1993 to November, 2017 along with consequential benefits.

2. The facts are not in dispute. Earlier to the present application, the applicants had approached this Tribunal by filing OA No. 1636/CH/2013 titled **Rachpal Singh & Ors. Vs. UOI & Ors.** seeking therein issuance of directions to the respondents to grant fixed medical allowance as allowed to their counter parts in the State of Punjab. On their plea, this court disposed of the OA on 16.12.2013 (Annexure A-3) by directing the respondents to decide their claim in terms of the decision rendered by the Jurisdictional High Court in CWP No. 4930 of 1995 titled **Satluj Yamuna Link Workers Union Punjab Vs. State of Punjab** decided on 19.07.1996 by passing a speaking order. The respondents failed to implement the order Annexure A-3 which forced the applicants to approach this Tribunal by filing an Execution Application (MA No. 060/00446/2014) wherein they complained against the action of the respondent Chandigarh Administration in not implementing the directions of the court. During the pendency of this Execution Application, the respondents rejected the claim of the applicants vide order dated 21.05.2014 (Annexure A-4).



3. The applicants again approached this Tribunal to challenging order dated 21.05.2014 by filing OA No. 060/00818/2014 which came to be disposed of on 07.04.2017 directing the respondents to constitute a High Power Committee to look into the plea raised by the applicants and pass appropriate orders for parity with their counter parts working in the State of Punjab. It is, thereafter, that the respondents constituted a High Power Committee who passed the impugned order where they accepted the contentions for grant of fixed medical allowance but from December, 2017 only.

4. The applicants challenge the action of the Committee, as noticed above, in recommending the benefit w.e.f. 2017 only instead of 1993 when the same was withdrawn as the State of Punjab had withdrawn this benefit from its employees.

5. It is not in dispute that the applicants are working as work charge employees on different posts like Technicians, Helpers, Chowkidars and Beldars. They joined the Chandigarh Administration on various dates during 1985 to 2001 and have rendered more than 30 years of service in different divisions. As per the appointment letters, their service conditions are governed



by Punjab Civil Service Rules. Earlier, the applicants were getting fixed medical allowance, but the same was stopped when the State of Punjab stopped this benefit to the employees working in SYL Project. After a long litigation at the hands of the employees working in SYL Project through Writ Petition which was decided vide order dated 19.07.1996, petitioners therein were held entitled for grant of fixed medical allowance w.e.f. 01.01.1983, the date when it was stopped.

6. As noticed above, the applicants approached this court for the first time in the year 2013 and their OA was disposed of on 16.12.2013 and after a long time, they succeeded in getting the fixed medical allowance as High Powered Committee in its meeting held on 14.11.2017 accepted their contentions and allowed the benefits but with immediate effect i.e. December, 2017.

7. The main contention of the applicants has already been acceded to by the respondents themselves. The question herein is whether the applicants are entitled for fixed medical allowance w.e.f. 1993 or from the date it was accorded by the Department.

8. The respondents while filing reply, do not dispute the factual accuracy of the averments made in the OA.



However, they submit that since the applicants did not raise their voice at the earlier point of time, they are not entitled for the benefit they are asking from i.e. from the year 1993.

9. I have heard the learned counsel for the parties.

10. Sh. Sathi, learned counsel for the applicants vehemently argues that the action of the respondents in restricting the benefits w.e.f. 2017 is illegal and arbitrary. Therefore, directions be issued to them to grant these benefits from the date when it was stopped and they be given consequential benefits.

11. Per contra, Sh. Aseem Rai, learned counsel appearing on behalf of the respondents contests the claim of the applicants and submits that the OA be dismissed on the ground of delay as for the first time, they approached the court only in the year 2013 with a grievance to decide their claim and the OA was decided on 16.12.2013. Therefore, the applicants have no claim and the OA be dismissed.

12. I have given my thoughtful consideration to the entire matter and examined the material on file with the able assistance of the learned counsel for the parties.



13. The pleadings make it clear that for the first time, the applicants submitted a representation on 09.01.2012 which was ordered to be decided by this Tribunal vide order dated 16.12.2013. It is, thereafter, the respondents passed the order which was not favourable to the applicants and ultimately this court on 07.04.2017 directed the respondents to constitute a High Powered Committee to look into this issue based upon the judgement passed in the case of **Satluj Yamuna Link Workers Union Punjab** (supra). It is, thereafter, the respondents from Chandigarh Administration constituted a Committee which allowed the benefits, but w.e.f. December, 2017.

14. A perusal of the minutes of the meeting of High Powered Committee makes it clear that they accepted the contentions of the applicants that they are in fact entitled for the benefit as available to their counter parts in the state of Punjab and only on this ground the benefit has been restored. With regard to the benefits from 1993, I am of the view that since the applicants have approached the respondent department in the year 2012, precisely on 09.01.2012, therefore, they are not entitled for the benefits prior to the date of filing of their representation.



15. In view of the above, the present OA is partly allowed. The respondents are directed to grant benefit of fixed medical allowance to the applicants from 09.01.2012, the date they submitted their representation. Relevant exercise be carried out within a period of two months from the date a certified copy of this order is received by them. There shall be no order as to costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated:**  
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