

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

OA No.346/2019

Dated this Tuesday the 25th day of February, 2020

Coram: R. Vijaykumar, Member (A).

1. Shri Muthuswamy Gopal Aurnmthiyar,
Age 48 years, working as Mali,
in INHS Ashvini, Colaba, Mumbai 400 005.
Room 78 E-Sector, EG Line, Cheetah Camp,
Ambedkar Nagar, Mumbai 400 088.
2. Shri Nivrutti Bharat Vishe, Age 36 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o House No.248, At &
Post
Pashane, Tal. Karjat, Pin 410 101.
3. Shri Chetan Chandrakamnt Koli, Age 34
years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o Pandurang Niwas,
Koshir Wadi, Trombay Koliwada,
Mumbai-400 088.
4. Shri Prakash Ganpath Satdive, Age 30 years,
working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o Manpada Ganesh Chowk,
Ghodbunder Road, Thane (MS).
5. Shri Balu Gajanand Walung, Age 46 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o. R/2/102, Vastu Vihar
Near Fatima High School Belvali, Ambernath.
6. Smt. Poornima Noreshwar Bhoir, Age 32
years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o Karanja Kondhari Pada,
Tal. Uran, Distt. Raigad, (MS) 410 702.

7. Shri Umesh Dayanand Patil, Age 33 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o at Mulekhand
(Koliwada),
Tal. Uran, Distt. Raigad-410 702.
8. Shri Bhau Govind Kadam, Age 34 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o. Room No.R-2/302,
3rd Floor, Shanti Sadan Building,
Near Shiv Shakti Colony, Ambernath
(Distt. Thane).
9. Shri Parag Baliram Pawse, Age 31 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o Room No.37,
Dr. Babasaheb Ambedkar Nagar Sadhu TL
Vaswani Marg, Cuff Parade Police Chowk,
Mumbai 400 005.
10. Shri Jai Kumar Yadav, Age 29 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o. Building no.149/5447,
Sector-VII, SM Plot, Antop Hill,
Mumbai 400 037.
11. Shri D. N. Lakhpatri, Age 49 years,
Working as Mali, in INHS Ashvini, Colaba,
Mumbai 400 005. R/o. Building No.189/1930,
Sector 6, CGS Colony, Kane Nagar,
Antop Hill, Mumbai 400 037.

...Applicants.

(By Advocate Shri D. N. Karande).

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block, New Delhi-110 001.
2. The Chief of the Naval Staff, (DCP)
Naval Headquarters, M/o Defence
(Navy), Talkatota Annex. Bldg. 1st Floor,
DHQ. P. O. New Delhi 110 001.

3. The Flag Officer,
Commanding-In-Chief, (CCPO),
Headquarters, Western Naval Command,
Shahid Bhagat Singh Road,
Mumbai-400 001.

4. The Admiral Superintendent,
Naval Dockyard,
Lion Gate, Mumbai 400 001.

... Respondents.

(By Advocate Ms. Vaishali Choudhari).

O R D E R (O R A L)

1. Shri D. N. Karande, learned counsel
appeared for the applicants.

2. Ms. Vaishali Choudhari, learned counsel
appeared for the respondents.

3. Heard the learned counsels for the
parties.

4. This OA has been filed by the Gardeners
employed with the INHS Ashvini, a Multi Super
Specialty Hospital of M/o Defence at Colaba,
Mumbai operated by the Navy at Mumbai and have
been recognized as Multi Tasking Staff (MTS)
post the 6th Pay Commission. The applicants made
representations to the respondents for grant of
HPCA/PCA and the respondents considered their
orders dated 17.11.2005 (Annexure R-1) which
grants Hospital Patient Care Allowance
(HPCA)/Patient Care Allowance (PCA) to Group-C

and Group-D employees excluding nursing personnel and incorporates the conditions as communicated in orders of the Ministry of Health and Family Welfare that only such persons whose regular duties involve continuous and routine contact with patients infected with communicable diseases of those who routinely handle, as their primary duty, infected materials, instruments and equipments which can spread infection as their primary duty may be considered for HPCA/PCA but not to those employees whose contact with patients or exposure to infected materials is of an occasional nature. The respondents had forwarded the requests and formulated proposals to Respondent no.1 but the proposals had not been accepted and this was informed to the applicants in the impugned letter dated 08.11.2017. The applicants have relied upon an order of this Tribunal in OA No.228/2008 dated 08.12.2008 in the category of persons clarified as Pharmacist Group 'C' Radiographer, X-Ray Technician, Laboratory Technician, Cook, Chowkidar, Ambulance Driver, Family Attendant and lady Health Visitor etc and

allowed their claim for HPCA/PCA.

5. On perusal of the reply of the respondents at para-9, the respondents have stated that similar pleas from different categories of Group 'C' and erstwhile Group 'D' staff are under consideration from the aspect of granting benefits similar to the persons who obtained benefits by virtue of orders passed in the abovesaid OA and they have enclosed the correspondence dated 21.06.2019 from the IHQ Ministry of Defence, dated 21.06.2019 (Annexure R-2 Colly.) calling for details of staff and a further letter issued by the Western Naval Command (Respondent No.3) to various units including the INHS Ashwini asking for details of Group 'C' and erstwhile Group 'D' employees who were in service as in 08.11.1995 onward. Details of whether such any information has been sent to IHQ and whether orders have been received are not available at the Mumbai office nor are they known to the applicants.

6. In the facts and circumstances that the claims of the applicants to be treated on par as beneficiaries in OA No.228/2008 are evidently

still under consideration of the respondent no.1, it would be appropriate to set a time limit for such final consideration so that the applicants may understand the views of respondents on their entitlements in this matter. Therefore, directions are issued to the respondent no.1 duly assisted by respondents nos.2, 3 and 4 to consider the representations already filed and the proposals sent to Respondent No.1 by various offices/hospitals including the applicants and pass reasoned and speaking orders within four months of receipt of a certified copy of these order and communicate this orders to the applicants within two weeks thereafter.

7. This OA is accordingly disposed of in the aforesaid terms without any order as to costs.

(R. Vijaykumar)
Member (A)

V.

JD
21/10/2020