

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.210/439/2020

Date of Decision: 11th January, 2021

CORAM: RAVINDER KAUR, MEMBER (J)

Proceeding conducted through videoconferencing
with the consent of counsel for the applicants

1. Jogendra Singh Rathore, MTS (Chowkidar), Group C, aged 38 years, working in India Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.3105, Bldg. No.219, Sector-01, CGS Colony, Kane Nagar, Antop Hill, Mumbai 400 037.
Mobile No.7304202260, Email Id: Sjogendra678@gmail.com.
2. Ashok Kumar Sah, MTS (Chowkidar), Group C, aged 33 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.256, Bldg. No.17, Sector -03, CGS Colony, Kane Nagar, Antop Hill, Mumbai 400 037.
Mobile No.8433634378, Email Id: Sah514434@gmail.com.
3. Hulas Girdhari SAW, MTS (Chowkidar), Group C, aged 33 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.2901, Bldg. No.211, Sector-02, CGS Colony, Kane Nagar, Antop Hill, Mumbai 400 037.
Mobile No.8080797587, Email Id: Hulasee1987@gmail.com.
4. Anil Sata Gouda, MTS (Chowkidar), Group C, aged 38 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.1644, Bldg. No.44, Sector-07, CGS Colony, S.M. Plot, Antop Hill, Mumbai 400 037.
Mobile No.8861048658, Email Id: Goudaanil11@gmail.com.
5. Sachin Arun Tambat, MTS (Chowkida), Group C, aged 30 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.204, B Wing, Sarsawati Apartment, K Gaow, Aweda Uran, Raigad, Pin 400 702,
Mobile No.8169317400, Email Id: Stambat1234@gmail.com.
6. Ganesh Gopl Dhumak, MTS (Chowkidar), Group C, aged 33 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.2942, Bldg. No.213, Sector-02, CGS Colony, Kane Nagar, Antop Hill, Mumbai 400 037, Mobile No.9930138539,
Email Id: Dhumakganesh1235@gmail.com.
7. Subhash Geeridhar Chavan, MtS (Chowkidar), Group C, aged 40 years, working in Indian Naval Hospital Ship,

Asvini, Colaba, Mumbai and residing at Room No.1695,
Bldg. No.44, Sector-07, CGS Colony, S.M.Plot,
Antop Hill, Mumbai 400 037.
Mobile No.9967037048, Email Id: Sc2716583@gmail.com.

8. Manjunath Keera Naik, MTS (Chowkidar), Group C, aged 36 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.627, Bldg. No.23, Sector – 07, CGS Colony, S.M.Plot, Antop Hill, Mumbai 400 037. Mobile No.9702646969, Email Id: Manjunathmanvi48@gmail.com.
9. Sunil Kumar Pal, MTS (Chowkidar), Group C, aged 31 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at C/o Parasnath S. Pal, Room No.74, Uttaranchl chawl, Anand Nagar, Jogeshwari (W), Mumbai – 400 102.
Mobile No.7977781844
Email Id- SuniLkPal1989@gmail.com
10. Subhn Singh Gurjar, MTS (Chowkidar), Group C, aged 40 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.1020, Bldg. No.30, Sector – 07, CGS Colony, S.M. Plot, Antop Hill, Mumbai – 400 037.
Mobile No.9320853837
Email Id- Subbansinghgurjar1980@gmail.com
11. Antaryami Arjun Sahoo, MTS (Chowkidar), Group C, aged 34 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.5123, Antop Hill, Mumbai – 400 037.
Mobile No.9769002537
Email id – sahilsahoo@gmail.com
12. Kailas Mahdev Pawar, MTS (Chowkidar), Group C, aged 57 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.10, Vijay Niwas Chawl, Behind VT Bakery, Hariyali Village, Mobile No.8308543737.
13. Chandrakant Bhiku Nimbalkar, MTS (Chowkidar), Group C, aged 57 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.71/7/18, Vijay Nagar, Salt Pen Road, Near vitthal Mandir, Antop Hill, Wadala (East), Mumbai – 400 037.
Mobile No.9819887854.
14. Mangesh Vishram Kadam, MTS (Chowkidar), Group C, aged 52 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.102, B Wing, 2nd Floor, Mahaveer Darshan Co. Society, Near Secondary High School, Nalasopara (W),
Mobile No.8450986504.

15. Swapnil Ashok Shivankar, MTS (Chowkidar), Group C, aged 32 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.2937, Bldg. No.213, Sector-02, CGS Colony, Kane Nagar, Antop Hill, Mumbai – 400 037.
Mobile No.7021688407,
Email Id-Shivankarswapnil1988@gmail.com
16. Ashok Mansairam Tirkey, MTS (Chowkidar), Group C, aged 34 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at 204, 2nd Floor, Ashtavinayak Co. Hisg. Society, Plot No.151, Seawoods (W), Navi Mumbai – 400 706.
Mobile No.9833048042
Email Id – ashokgemin23@gmail.com
17. Pandurang Kaka Jadhav, Ex-MTS (Chowkidar), Group C, aged 60 years, working in Indian Naval Hospital Ship, Asvini, Colaba, Mumbai and residing at Room No.765, Bldg. No.25, Sector-07, CGS Colony, S.M. Plot, Antop Hill, Mumbai – 400 037.
Mobile No.9869801029
Email Id-Pandurangjadhav1060@gmail.com
18. Parmar Sudhir Pravin Kumar, Ex-MTS, (CHOWKIDAR), from INHS Asvini, presently LDC, Group 'C', aged 34 years, working in CABS, Mumbai and residing at 49/50, Building 02, First Floor, Gram Shilp, Aaram Nagar, Old Fisheries, University Road, Seven Benglows, Versova, Andheri (West), Mumbai – 400 061.
Mobile No.7977488587
Email Id-Sudhir.com.in@gmail.com ... **Applicants**

(By Advocate Shri A.I. Bhatkar)

Versus

1. The Union of India, Through
The Secretary, Ministry of Defence,
South Block, New Delhi – 110 001.
2. The Chief of the Naval Staff,
Integrated Headquarters
Ministry of Defence (Navy),
Talkatora Annexe Building,
New Delhi – 110 001.
3. The Flag Officer Commanding-in-Chief,
Headquarters, Western Naval Command,
Ballal Pier, Near Tiger Gate,
Mumbai – 400 001.
4. The Commanding Officer,
Indian Naval Hospital Ship Asvini,
Colaba, Mumbai – 400 005. ... **Respondents**

ORDER (ORAL)

Present:

Advocate Shri A.I. Bhatkar for the applicants.

2. Heard on Admission

3. MA No.14/2021 has been filed by the applicants for Joint Petition. The same is allowed since the applicants are similarly placed.

4. The present OA has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8(a) This Hon'ble Tribunal will be graciously pleased to call for the records pertaining to the grant of Hospital Patient Care Allowance/Patient Care Allowance to the categories of the applicants and after going through the same hold and declare that the applicants are eligible and entitled to receive the Hospital Patient Care Allowance/Patient Care Allowance.

(b) This Hon'ble Tribunal will be graciously pleased to hold and declare that the applicants are entitled for Hospital Patient care Allowance/Patient Care Allowance with effect from the date they are working in the Naval Hospital (INHS ASVINI).

(c) This Hon'ble Tribunal will be graciously pleased to grant all the consequential benefits arising out of grant of the aforementioned relief.

(d) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

(e) Cost of this application be awarded to the applicants."

5. Learned counsel for the applicants states that applicant Nos.1 to 16 are working as MTS (Chowkidar) in the Naval Hospital (INHS ASVINI) under respondent No.4 from the date of their appointment. They are discharging the duties and responsibilities of Chowkidar and are required to attend and remain in contact with the patients. The

applicant No.17 also worked under respondent No.4 till the date of his retirement on 30.06.2020. The applicant No.18 also worked as MTS with respondent No.4 till 09.02.2020 when he was promoted as LDC. It is stated that the Ministry of Health and Family Welfare vide its order dated 10.07.1990 granted the benefit of Hospital Patient Care Allowance (HPCA)/Patient Care Allowance (PCA) to Group 'C' & 'D' employees working under CGHS. Further, the Ministry of Defence vide OM dated 08.11.1995 made certain categories of Group 'C' & 'D' employees eligible to receive HPCA/PCA. However, vide order dated 17.11.2005, respondent No.1 excluded certain categories of employees which were earlier included in the order dated 08.11.1995. Consequently, Group 'C' & 'D' employees working in the Military Hospital, Kirkee, Pune approached this Tribunal vide OA No.764/2004 challenging the decision of respondent No.1 dated 17.11.2005 as well as for enhancement of HPCA/PCA and arrears at revised rates. This OA was allowed vide order dated 29.02.2008 and is Annexure A-2. The applicants have also stated that identical OA Nos.393/2007, 228/2008 & 272/2019 were allowed by this Tribunal. The respondents had approached the Hon'ble High Court vide Writ Petitions against the order of this Tribunal in OA Nos.393/2007 & 228/2008, which were dismissed by the Hon'ble Bombay High Court. Learned counsel for the applicants has submitted that the

present applicants are also similarly placed and are entitled to receive HPCA/PCA.

6. It is submitted that the applicants approached the respondents vide representation dated 16.01.2019 (Annex A-9). However, no response has been received by the applicants.

7. In the facts and circumstances of the case, it would be appropriate to direct the respondents to consider the case of the applicants for their entitlement to HPCA/PCA claim in the light of the judgments referred above and dispose of their representation dated 16.01.2019 vide reasoned and speaking order. Ordered accordingly. The respondents are directed to dispose of the representation within a period of six weeks from the date of receipt of certified copy of the order and to communicate the same to the applicants within one week thereafter.

8. With these directions, the Original Application stands disposed of at the admission stage itself. No order as to costs.

(Ravinder Kaur)
Member (J)

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