



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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O.A. No.63/481/2020 Date of decision: 29.07.2020
M.A. No.63/610/2020

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

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1. Sh. Girija Shankar Yadav s/o Sh. Ram Suresh Yadav, aged 28 years, working as Multi Tasking Staff (MTS).
2. Sh. Ashish s/o Sh. Dalbir, aged, 22 years, working as Lower Division Clerk .
3. Sh. Vikram Pal Singh s/o Sh.Jaswant Singh, aged 27 years, working as Stenographer.
4. Sh. Krishna Mandal s/o Sh. Gango Mandal, aged, 34 years, working as Lower Division Clerk .
5. Sh. Sagar s/o Sh. Krishan, aged, 22 years, working as Multi Tasking Staff (MTS).
6. Sh. Pankaj Kumar Chand s/o Sh. Pradeep Kumar Chand, aged, 25 years, working as Multi Tasking Staff (MTS) .
7. Sh. Prashant Chand s/o Sh. Pradeep Kumar Chand, aged, 21 years, working as Multi Tasking Staff (MTS).
8. Sangeeta Parihar d/o Sh. Nand Lal, aged 25 years, working as Multi Tasking Staff (MTS) .
9. Uma Saini d/o Sh. Surender, aged 42 years, working as Multi Tasking Staff (MTS) .
10. Sh.Rajesh Kumar s/o Sh. Naresh Bhagat, aged 24 years, working as Multi Tasking Staff (MTS) .
11. Sh. Pankaj Kumar Khoba s/o Sh. Ashok Kumar Khoba, aged, 25 years, working as Lower Division Clerk.
12. Sh. Ajay Kumar s/o Sh. Ram Charan, aged 26 years, working as Multi Tasking Staff (MTS).



13. Sh. Ankit s/o Sh. Prem Singh, aged 23 years, working as Lower Division Clerk.
14. Sh. Rahul Yadav s/o Sh. Mahesh Kumar Yadav, aged 25 years, working as Multi Tasking Staff (MTS) .
15. Sh. Chander Mohan s/o Sh. Ramesh Chand, aged 25 years, working as Multi Tasking Staff (MTS) .
16. Sh. Sumit s/o Sh. Prakash Kaushal, aged 23 years, working as Laboratory Attendant.
17. Sh. Ramesh s/o Sh. Mahinder Singh, aged 26 years, working as Laboratory Attendant.
18. Smt Kumari Upasna d/o Sh. Narpat, aged 25 years, working as Laboratory Attendant.
19. Manish Verma s/o Late Sh. Sant Ram, r/o Village Seri, P.O. Galong, Tehsil Solan, Distt. Solan (H.P.)-173204.

All the applicants are working in the office of Director Central Research Institute, Kasauli, District Solan, Himachal Pradesh. Pin 173204.

(All the applicants are Group –C employees)

...APPLICANTS

BY: SH. K.B. SHARMA, COUNSEL FOR THE APPLICANTS.

VERSUS

1. Union of India through the Secretary to Government of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi. Pin 110011.
2. The Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi-110011.
3. Director General of Health Services, Ministry of Health & Family Welfares, Nirman Bhawan, New Delhi. Pin 110011.
4. Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh. Pin 173204.

...RESPONDENTS



ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.63/610/2020 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file a joint petition. For the reasons stated therein, the same is allowed and disposed of accordingly.
2. The applicants have approached this Tribunal by filing this O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking issuance of a direction to the respondents to grant them Patient Care Allowance, as has been allowed to similarly situated employees pursuant to order passed by this Court in O.A. No.147/HP/2012 titled as **Jitender Singh & Ors. vs. Union of India and Ors.** as upheld by the jurisdictional High Court by dismissing the Writ Petition No.4793/2013 on 02.5.2017 moved at the hands of Govt. of India, which has been implemented also but qua the employees, who were applicants therein.
3. Heard Sh. K.B. Sharma, learned counsel for the applicants via Video-Conferencing during ongoing Covid-19 pandemic.
4. Sh. K.B. Sharma argued that this Court in the case of **Jitender Singh & Ors.** (supra) while accepting contention



raised by the applicants (therein) not only allowed the benefit of Patient Care Allowance to them but also passed a general order that similarly situated persons are also entitled to grant of benefit. He argued that subsequently also, when Patient Care Allowance was denied to similarly placed persons, some of them approached this Tribunal by filing O.A. No.63/852/2018 titled as **Vijay Kumar & Ors. Vs. Union of India & Ors.**, which was disposed of on 24.07.2018 by directing the respondents to consider their case and similar direction was issued vide order dated 17.08.2018 in the case of **Prem Singh & Ors. vs. UOI & Ors.**

5. Learned counsel submitted that based upon the judicial pronouncements in the case of similarly situated persons, applicants have also submitted various representations, copies of which have been appended as (Annexure A-12 (colly)) but till date, their plea has not been decided. Thus, he suffers a statement that applicants will be satisfied if a direction is issued to the respondents to decide their pending representations in terms of decisions at Annexures A-5 and A-6.
6. Considering short prayer of the applicants, as noticed above, coupled with the fact that the main issue of grant of Patient Care Allowance has already been dealt with by



this Court way back in the year 2012 by passing a judgment in rem, I deem it appropriate to direct the respondents to look into the grievance of the applicants, submitted in the shape of representations, and decide the same in the light of indicated orders passed by this Court as further upheld by the jurisdictional High Court by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. If applicants are found to be similarly placed, then benefit be extended otherwise a reasoned and speaking order passed by the respondents be communicated to them.

7. Disposal of the O.A. in the above terms may not be construed as an expression of any opinion on the merits of the case.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 29.07.2020.
Place: Chandigarh.

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