

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA.No.1539/92, date of decision:

15-11-93

Shri C.J. Roy, Member (J)

Shri Jagdish Chander & Others  
L.N.J.P.N. Hospital  
New Delhi

.. Applicants

by Shri V.K. Garg, Counsel

Versus

Delhi Administration, through the  
Secretary (Medical),  
Medical & Public Health Department  
5-Sham Nath Marg, Delhi-110054

&

Medical Superintendent  
L.N.J.P.N. Hospital  
New Delhi

.. Respondents

by Shri Pawan Kumar Bahl, Counsel

O R D E R

Shri C.J. Roy, Hon'ble Member (J)

There are one hundred and one applicants in this application claiming relief for payment of Hospital Patient Care Allowance (HPCA in short) to them @ Rs.80/- and Rs.75/- per month to the Group C & D staff respectively, with effect from 1.4.1987 instead of 1.4.1991 and also payment of arrears of HPCA thereof with effect from 1.4.1987. The applicants claim to be Group C & D employees of the L.N.J.P.N. Hospital. They contend that the Ministry of Health & Family Welfare issued an order dated 25.1.88 (Annexure B) sanctioning payment of HPCA to the Group C & D (non-ministerial) employees of various hospital under the management of Central Government and Delhi Administration, with effect from 1.12.1987. Another notification was issued by that Ministry on 28.2.1990 saying that the above said amount would be payable with effect from 1.4.87 instead of 1.12.87 (Annexure D). The Employees Union of the Hospital made a representation on 24.2.88 to the Ministry of Health & Family Welfare to extend the above benefit to the Ministerial staff, to which the applicants belong, as well.

2. By way of order dated 9.4.91 (Annexure F), the Delhi Administration conceded to the demand of the applicants and fixed the rate of HPCA to be paid to them with effect from 1.4.1991 @ Rs.70/- per month. The Secretary of the Employees Union made a representation against this order and to modify the order to make payment @ Rs.80/- per month with effect from 1.4.1987. Having received no response, the union representatives held a meeting with the Hospital representatives on 16.3.92, in which it was agreed that the demand regarding increase of HPCA from Rs.70/- to Rs.80/- to the ministerial staff would be taken up, and the payment from retrospective effect may be examined again. Hence this application.

3. The Respondents have filed their counter stating that prior to the issuance of order dated 9.4.91, no HPCA was granted either to non-ministerial staff working in the dispensaries/polyclinics or ministerial staff of Group C and D of the Hospitals under Delhi Administration. They aver that the ministerial and non-ministerial staff of the Hospital can not be treated at par as their nature of duties are quite different. They further say that all the applicants in this case belong to Group C Ministerial staff. They submit that the decree of exposure to the patients certainly differs between non-ministerial and ministerial staff as the ministerial staff do not come in contact directly so far as the question of care to the patient is concerned and thus there is no discrimination in allowing HPCA at a different rate to the ministerial staff with effect from 1.4.91 and that too after due consideration.

(X)

Therefore, the applicants are not entitled for any relief as prayed for.

4. The applicants have filed a rejoinder reasserting what they have stated in their OA.

5. I have heard Shri V.K.Garg, learned counsel for the applicant and Shri Pawan Kumar Bahl, learned counsel for the respondents and perused the records.

6. The short point now for consideration is whether or not the HPCA @ Rs.80/- p.m., in so far as the applicants is concerned, who belong to Group C, as averred by the respondents and admitted by the applicants, with effect from 1.4.87 instead of 1.4.91. The contention of the respondents is that prior to 9.4.91, no HPCA was granted to either Non-ministerial staff working in the dispensaries/polyclinics or Ministerial staff of the hospitals under Delhi Administration and the Ministerial staff of the hospital do not come in contact directly with the patient. Thus the order dated 9.4.1991 was issued as a special case, after due consideration, giving effect from 1.4.1991. The said order No.F.20/3/88-M & PH/Vol.II dated 9.4.91 reads as follows:

"I am directed to convey the sanction of the Lt. Governor, Delhi, to the grant of Hospital Patient Care Allowance to Group C & D (Non-ministerial) employees excluding Nursing Personnel Working in Delhi Administration Dispensaries/Polyclinics @ Rs.70 per month w.e.f. 1.4.1991 subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government/Delhi Administration, will be admissible to these employees.

Sanction of the Lt. Governor, Delhi, is also conveyed to the grant of Hospital Patient Care Allowance to Group C & D (Ministerial) employees working in the

Hospitals under Delhi Administration  
● Rs.70 per month w.e.f. 1.4.91 subject  
to the condition that the allowance would  
be paid during the period for which the  
concerned employee is posted in the  
Hospital"

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7. In the instant case, the duties of the applicants  
are not concerned with taking care of the patients in  
the hospital. They are the ministerial staff doing  
work of administrative nature.

8. In the circumstances, I am not persuaded that  
the applicants have made out a proper case for considera-  
tion. Hence the application is dismissed. No costs.

*urfor*  
(C.J. Roy)  
Member (J)