

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

Original Application No.299 of 1989

Date of decision:

May 8<sup>th</sup>, 1990

1. Suresh Prasad Sinha, aged about 32 years, son of Shri Gobind Prasad Sinha, working as Pharmacist.
2. Subhash Chandra Sahu, aged about 33 years, son of Shri Pandava Sahu, working as Lab/Technician.
3. Ajay Kumar Sahu, aged about 26 years, son of Shri Kulamani Sahu, working as Ward Boy.
4. Harihar Maharana, aged about 28 years, son of Shri Musa Maharana, working as Hospital Cook.
5. R.Krishna Rao, aged about 29 years, son of Shri R. Appalaswamy, working as Ward Boy.
6. Pheku Raut, aged about 41 years, son of Shri Anu Raut, working as S.K.
7. Rajeshwar Ram, aged about 41 years, son of late Shri Baldeo Ram, working as Cook.
8. Ghunu Lal, aged about 36 years, son of Shri Suki Lal, working as S.K.
9. Pravatilata Dey, aged about 29 years, wife of Shri D.Mohanty, working as S.N.
10. Swapana Maity, aged about 27 years, son of Shri Sarbeswar Maity, working as W.B.
11. Smt. Savitri Devi, aged about 40 years, wife of Shri Gopal Chandra Nayak.
12. Gourishyam Kuanar, aged about 44 years, son of Shri Mahendra Kuanar.

All are of Group Centre Hospital, C.R.P.F.  
At/P.O. Bhubaneswar, Dist. Puri.

.... Applicants

Versus

1. Union of India, represented by its Secretary, Government of India, Ministry of Home Affairs, New Delhi.

2. Deputy Secretary to Government of India,  
Ministry of Home Affairs, New Delhi
3. Director-General,  
Central Reserve Police Force,  
New Delhi.
4. Additional D.I.C.P.,  
Group Centre, C.R.P.F., Orissa,  
At/P.O.Bhubaneswar, District Puri.

.... Respondents

For the Applicants	... M/s. Devanand Misra, Deepak Misra, A.Deo & B.S.Tripathy.
For the Respondents	... Mr. Ganeswar Rath Senior Standing Counsel ( Central)

**C O R A M :**

THE HON'BLE MR. P.S.HABEEB MOHAMED, MEMBER (A)  
A N D  
THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? **No**
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

**: J U D G M E N T :**

P.S.HABEEB MOHAMED, MEMBER (ADMINISTRATIVE) :- Sri Suresh Prasad Sinha, working as a Pharmacist in the Group Centre Hospital, C.R.P.F. at Bhubaneswar, Sri Subhash Chandra Sahu, working as Laboratory Technician in the same Hospital and 10 others working as Wardboys and Cook, Hospital Clerk & in other capacities in the same Hospital have filed this application before the Tribunal under section 19 of the Administrative Tribunals Act, 1985 praying for issue of directions to grant of Ration

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Money to the applicants, Hospital Patient care allowance and for passing such other orders as deemed and proper in the facts and circumstances of the case. Their claims are based on communication from the Government of India ( Ministry of Home Affairs vide letter No.27012/12/79-FP-IV(I) dated 20th July, 1979 on the subject of 'Enhancement of Ration Money'. Annexure-1 is the communication in question. The applicants also cited another communication from the Government of India No.II-27012/16/87. E.P.II(i) dated 6.10.87 on the subject of revision in the rates of ration money. In addition they have also stated that they have been deprived of the Hospital Patient Care Allowances.

2. They belong to the Group 'C' and Group 'D' of the Hospital staff. The applicant no.1 made a representation to the Director General, C.R.P.F. for grant of Hospital Patient Care Allowance to ( Group -C and Group -D) non-Ministry Employees, but the Respondents have rejected the representation for grant of Hospital Patient Care Allowance vide letter No.P-1-89-Estt.(2) dated 3rd April, 1989 intimating that the Ministry of Home Affairs has stated that the orders for grant of Hospital Patient Care Allowance are not applicable to Group 'C' and Group 'D' staff of C.R.P.F. (other than nursing staff).

3. The Respondents in their reply, state detailing the chronology of the orders on the grant of Ration Money, that the orders of the Government authorised only concession of ration money at a uniform rate only to the non-gazetted combatised personnel and the applicants were employees of the Hospital <sup>who are</sup> non-combatised personnel and they will not derive any

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benefit from the Government communication dated 6.10.87. As for the Hospital Patient Care allowance, they are not entitled and there are no orders which entitle the applicants to ~~the~~ draw Hospital Patient care allowances.

4. We have considered carefully the documents filed on behalf of the parties and heard respective Counsels.

5. Annexure-1, dated 20th July, 1979 is on the subject of Enhancement of ration money speaks of non-Gazetted Personnel of the C.R.P.F. in specified areas of deployment. This order extends grant of ration money to the non-gazetted personnel deployed in different areas as well as expand the scope of the specified areas of deployment. The Annexure-2 which is on the subject of <sup>the</sup> action ~~this~~ grant of ration money makes some changes in the pattern of payment but there is no expansion of the scope of the personnel entitled to the ration money.

6. There is nothing to show that the applicants are entitled to the grant of Ration money. However, we would leave it to the discretion of the Respondents, whether the facility can be extended to the categories including the applicants. However, we find that so far as the Hospital Patient care allowance is concerned, letter No.A.IX.1/89-Med.MHA dated 17.3.89 vide Annexure-4 makes it clear that the orders for the Hospital Patient Care allowance are not applicable to the Group 'C' and Group 'D' (other than the nursing staff) and the para-medical staff of the office were to be informed accor. The learned Counsel for the Respondents could not st. why under this circular dated 17.3.89 ( Annexure-4) applicants Nos. 1 and 2 were not given the benefit

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para medical staff. No orders were shown to us whether for the purpose of para medical staff attached to the Hospital in the C.R.P.F. applicants 1 & 2 are excluded.

7. We find that applicant nos. 1 and 2 are entitled to the grant of the Hospital Patient Care Allowance at the appropriate rate but there is no case for such grant to the other applicants in so far as Hospital Patient Care Allowances is concerned.

8. In the circumstances, the Respondents are directed to pay from the appropriate date the Hospital Patient Care Allowance to applicant Nos. 1 and 2, the order to be implemented within the period of one month from the date of receipt of the copy of the order.

There will be no order as to costs.

*New Entry*  
( N. Sengupta )  
Member ( Judicial )

*P.S. Habeeb Mohamed*  
( P.S. Habeeb Mohamed )  
Member ( Administrative )

