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O.A.NO. 374 OF 2000

ORDER DATED 06-01-2003.

Applicants have raised the question of discrimination in the matter of payment of "Patient Care Allowances". It is the case of the Applicants that while similarly placed persons/employees in the same organisation/establishment are being paid the "Patient Care Allowances", they have been discriminated unreasonably.

In the counter filed by the Respondents, no satisfactory reason has been explained/given for such alleged discrimination. However, it is the case of the Learned Additional Standing Counsel Mr. B. D. Dash (based on the instructions received from the Headquarters/New Delhi) that the matter of payment of Patient Care Allowances to the present Applicants is under active consideration of the Head Office at New Delhi; which fact has also been disclosed in the counter filed by the Respondents.

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Discrimination amongst the employees working in one establishment/Organisation in the matter of payment of allowances/wages is a great concern. No justifiable/convincing reason has been adduced by the Respondents in their counter for the alleged discrimination in the matter of payment of "Patient Care Allowances" to these Applicants. The Hon'ble Apex Court of India in the case

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Contd...Order dt.6.1.2003.

of GOPIKA RANJAN CHOWDHARY VRS. UNION OF INDIA AND OTHERS reported in AIR 1990 SC 1212, while dealing with the constitutional rights of those applicants as available under Article 14 and 16 of the Constitution have been pleased to observe as follows:-

"xxx xxx xxx. The payment of higher emoluments to the said staff merely on the ground that the establishment is at the place where the Headquarters is situate is discriminatory as against the staff at the Units/Battalions since it is in no way different from the other Units. xx xx".

Similarly, in the case of DR. MS.O.Z. HUSSAIN VRS. UNION OF INDIA AND OTHERS, the Hon'ble Apex Court of India, while interpreting Arts. 311, 39(d), 14 of the Constitution of India, have been pleased to caution that there should not be any discrimination in the matter of payment of different allowances.

In the aforesaid premises, this Original Application is disposed of with a direction to the Respondents to remove the discrimination, at the earliest, by making payment the "Patient Care Allowances" to the Applicants as is being given to their counter-parts in the same Organisation/Establishment. No costs.

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Manoranjan Mohanty  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

06.01.2002