

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.246/2000

Friday, this the 2nd day of February, 2001.

CORAM:

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. P.V.P.Pookoya,
Male Nursing Orderly,
Community Health Centre,
Androth Island.
 2. K.Kunhiseethi,
Male Nursing Orderly,
Community Health Centre,
Androth Island.
 3. M.P.Khadeeja,
Female Nursing Orderly,
Community Health Centre,
Androth Island.
- Applicants

By Advocate Mr A.A.Abul Hassan

Vs

1. Union of India represented by
the Secretary,
Ministry of Health & Family Welfare,
New Delhi.
 2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
 3. The Director,
Directorate of Medical and
Health Services,
Union Territory of Lakshadweep,
Kavaratti.
- Respondents

By Advocate Ms.I.Sheela Devi(for R-1)

By Advocate Mr PR Ramachandra Menon(for R.2&3)

The application having been heard on 2.2.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicants three in number being Nursing Orderlies, working in the Community Health Centre, Androth Island under the Lakshadweep Administration, are aggrieved against the refusal to grant them allowances like washing allowance, nursing allowance, uniform allowance etc. at the same rate at which such allowances are paid to other nursing staff, like Auxiliary Nurses/Midwives/Female Health Workers, Lady Health Visitors, Multipurpose Health Workers etc.

2. When the matter came up for hearing, it was pointed out that similar matters had been brought up before this Tribunal in earlier O.A.s viz. O.A.No.468/93 and O.A.948/93 and that the respondents had been directed to take a final decision on the basic question whether or not Nursing Orderlies could be treated as Nursing Staff entitled to the same allowances as available to the said nursing staff. After hearing the respective counsel, it would appear that the applicants in the present O.A., being Nursing Orderlies, stand on the same footing as the applicants in O.A.468/93 and O.A.948/93 in so far as the allowances claimed are concerned. But the representation made by the applicants in O.A.468/93 and O.A.948/93 are still not disposed of and a final decision on the matter of eligibility of the male and female Nursing Orderlies to the benefits like nursing allowance, uniform allowance, washing allowance etc. enjoyed by the other nursing personnel is yet to be taken. In the present case,

however, the applicants' representation appears to have been rejected by the second respondent by order dated 29.11.99(A-4) on the ground that they were not parties to the earlier O.As.

3. On a perusal of the records and having regard to the submission made by the counsel, it is apparent that the claim of the applicants in the earlier O.A.s under reference has been allowed subject to the final decision with regard to the eligibility of Nursing Orderlies to the said claims. It is further noticed that in a subsequent application O.A.No.1155/99, an identical case has been considered by this Tribunal and that identical directions have been issued as in the earlier O.A.No.468/93 and O.A.No.948/93 vide order dated 23.6.2000. It is noticed that though the question was discussed at length at the level of the Under Secretary to the Government of India and the Nursing Advisor some time in November 1996, a final order, unfortunately, has not yet emanated from the respondents. In this circumstance, after a proper consideration of the facts, the following directions are issued to the respondents;

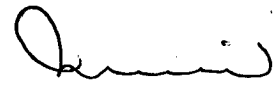
i) The first respondent shall take a final decision on the question whether the applicant and other similarly placed Nursing Orderlies are nursing staff who are eligible to the allowances prayed for. Suitable orders laying down the norms in this regard shall be issued as expeditiously as possible, at any rate, before the expiry of three months from the date of receipt of copy of this order.

ii) If the final decision as mentioned above is taken in favour of the applicants, they shall be entitled to and the respondents shall pay the same allowances at appropriate rates as are applicable to the ordinary nursing staff irrespective of the fact that they were not parties to the earlier O.As.

4. This order is in consonance with the orders in O.A.Nos.468/93, 948/93 and 1155/99.

5. The application is disposed of as above. There is no order as to costs.

Dated, the 2nd of February, 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

trs

Annexures referred to in the Order:

A-4: True copy of office order No.5/1/93-DMHS/10395 dated 29.11.99 issued by respondent No.3.