

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.26/98

Wednesday, this the 7th day of January, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

1. N Masthan,
Pharmacist,
105 Battalion,
Central Reserve Police Force,
Unit Hospital,
P.O.Valakulam,
Malappuram.
2. A Shamsudin,
Pharmacist,
105 Battalion,
Central Reserve Police Force,
Unit Hospital,
P.O.Valakulam,
Malappuram.
3. S.A.Rahim,
Nursing Assistant,
105 Battalion,
Central Reserve Police Force,
Unit Hospital,
P.O.Valakulam,
Malappuram.
4. Ratan Rout,
Safai Karmachary,
105 Battalion,
Central Reserve Police Force,
Unit Hospital,
P.O.Valakulam,
Malappuram.

- Applicants

By Advocate Mr George Cherian

Vs

1. Union of India represented by its
Secretary, Ministry of Home Affairs,
North Block, New Delhi.
2. The Director General of Police,
Central Reserve Police Force,
Lodhi Road, New Delhi.
3. The Inspector General of Police,
Rapid Action Force,
Central Reserve Police Force,
R.K.Puram, New Delhi-110 022. - Respondents

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4. The Commandant/
Additional Deputy Inspector
General of Police,
Group Centre,
105 Battalion, Rapid Action Force,
Central Reserve Police Force,
Pallippuram, Trivandrum. - Respondents

By Advocate Mr Sunil Jose, ACGSC

The application having been heard on 7.1.98 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicants are non-combatised civilian staff working in the Unit Hospital, Valakulam under the 4th respondent. The officials performing similar duties like the applicants who were combatised are being paid ration money every month. But the same benefit is not being given to the applicants as they are non-combatised. When similarly situated non-combatised civilians like the applicants approached before the Gauhati Bench of the Central Administrative Tribunal in O.A.17/88, their claim were upheld and the Government was directed to extend to them the benefit of ration money. The Union of India filed an SLP against that order of the Tribunal (SLP No.15728/90) before the Hon'ble Supreme Court on 22.10.91, and as an interim measure, ordered that pending the hearing and final disposal of the appeal, 50% of the amounts due to the respondents before the Court as per the impugned order of the Tribunal would be paid to them. The counter-parts of the applicants approached the

Central Administrative Tribunal, Hyderabad Bench in O.A. 807/93 for the identical relief as were granted by Guahatti Bench of the Tribunal to the non-combatised civilians hospital staff. The counsel appearing for the respondents submitted before the Hyderabad Bench that in view of the interim order passed by the Hon'ble Supreme Court in SLP No.15728/90 to pay half the ration money to the respondents in that case, the application before the Hyderabad Bench could be disposed of with a direction to give the same benefit to the applicants also and make it clear that the parties would abide by the result of the decision of the SLP No.15728/90. Finding that persons similarly situated like the applicants who approached the Hyderabad Bench of the Tribunal were also given the same benefit as was given to the applicants before the Guahatti Bench, the applicants also claim the same benefits. But this has been turned down by order dated 20.11.97 A-3 on the ground that the benefit granted to applicants in an application before a Tribunal cannot be extended to other persons though similarly situated and that if they are claiming such benefits they should approach the Tribunal.

2. It is under the aforesaid circumstances that the applicants have filed this application jointly praying for a declaration that they are entitled to ration money allowances on par with other staff including the Hospital Staff of Central Reserve Police Force working on identical terms and

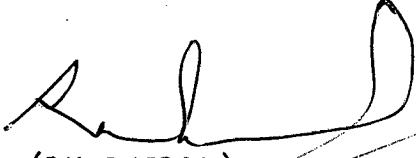
conditions as applicable to combatised/non-combatised persons of the Force and for a direction to the respondents to disburse the arrears of ration money allowance to them.

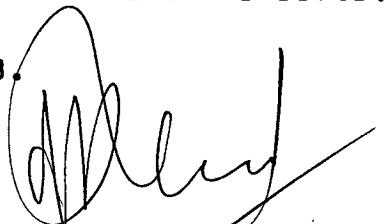
3. When the application came up for hearing on admission, Shri Sunil Jose, ACGSC appearing for the respondents gracefully conceded that the applicants in this case being identically situated as the respondents before the Hon'ble Supreme Court in SLP No.15728/90 and the applicants in O.A.807/93 before the Hyderabad Bench, the respondents have no objection in the application being disposed of with a direction to the respondents to pay to the applicants herein 50% of the amount due towards ration money and with a further direction that the benefit if any which would accrue to the respondents before the Hon'ble Supreme Court in SLP No.15728/90 on final disposal of the appeal by Supreme Court shall be extended to the applicants also.

4. In the light of the above submission by the learned counsel for respondents, we dispose of this application finally as agreed to by either side. The respondents shall make payment of 50% of the ration money already due to the applicants and continue to pay them @ 50% of ration money unless there would be any further orders from the Hon'ble Supreme Court in variation of the interim order as contained

in A-1 till a final disposal in SLP No.15728/90. The parties shall abide by the result of the SLP No.15728/90 meaning thereby that if any benefit is granted to respondents therein, the respondents in this application shall make available to the applicants the same benefit. No costs.

Dated, the 7th January, 1998.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AV HARIDASAN)
VICE CHAIRMAN

trs/91

LIST OF ANNEXURES

1. Annexure A1: Order in Civil Appeal No.4368/91 dtd. 29.10.91 passed by Supreme Court of India.
2. Annexure A3: Letter No.R.IV-1/97-Prev.CRPF dtd. 20.11.97 issued by the 2nd respondent.

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