

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH; LUCKNOW**

**Review Application No. 20/2006 along with
M.A. No. 1270/2006
in O.A. No. 580/2005.**

Date: 11th July 2006

Hon'ble Mr. J K Kaushik, Judicial Member.

1. Union of India through Secretary, Government of India, Ministry of Home Affairs, North Block; New Delhi.
2. Director General of C.R.P.F., C.G.O. Complex, Lodhi Road, New Delhi.
3. Director Medical, Directorate General, C.R.P.F., R.K. Puram, New Delhi.
4. Additional Deputy Inspector General of Police Group Central, CRPF, Bijnaur town. Lucknow.

Applicants/respondents.

VERSUS

1. Abhimanyu Prasad Force No. 680331403 Pharmacist A.S.I aged about 57 years S/o Sri Sidhu Prasad.
2. Kanhu Sethi, Force No. 960080026, Pharmacist A.S.I. 8 Battalian, aged about 31 years, S/o shri deenbandhu Sethi.
3. Prakash Chandra Force No. 9709200016, Pharmacist A.S.I. aged about 33 years.
4. Rajeev Chaturvedi, Force No. 973230011, Pharmacist A.S.I. aged about 34 years, s/o sri Chandra Shekhar Chaturvedi.
5. Uma Shaker Shukla, Force No. 980820023, Pharmacist/A.S. I Aged about 32 years.
6. Smt. Babita Kolita Force No. 009080068, Ward Girl, aged 28 years w/o Sri Narayan Das.
7. Ravindra Singh, Force No. 015184175, Cook Hospital Aged about 31 years S/o late Sri Pheru Singh.
8. Smt. Usha Rani, Force No. 015264329, Cook Hospital, Aged about 28 years, w/o Sri Ram Kumar.

Above all person/applicants presently posted in Group Centre Hospital, Central Reserved Police Force, (G.C.C.R.P.F.) Lucknow.

Respondents/applicant.

ORDER

This review application comes up for consideration by way of circulation. The Original Application came to be partly allowed with the following directions vide order dated 02.03.2006.

[Signature]

" In the premises, the O.A is partly allowed. Respondents are directed, in accordance with the directions issued by the Guwahati Bench of this Tribunal as affirmed by the Apex Court to accord hospital patients care allowance/patients care allowance to the applicants w.e.f. the date(s) of their appointments within a period of three months from the date of receipt of a copy of this order. However, no interest is allowed. No costs."

2. The review application has been preferred primarily on the ground that the Hon'ble Tribunal did not appreciate the decision of Hon'ble High Court of Guwahati and the decision rendered in O.A. No. 404/2003 K.N. Saji Kumar and others vs. UOI and ors. As per the order passed on 02.03.2006, Patinet Care Allowance (P.C.A. for short)/Hospital Patient Care Allowance (HPCA for short), is required to be paid to the applicants from the dates of their appointments whereas as per the orders of various High Courts/various Benches of this Tribunal, as affirmed by the Apex Court, the said payments for Group 'C' and Group 'D" Hospital Staff from 01.04.87 of from the date of appointment of the applicants whichever is later. Some of the applicants were appointed on much earlier date than the said cut off date. Therefore the order passed on 02.03.2006 (sic 19.01.2006) is apparently erroneous and is liable to be reviewed.

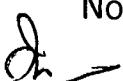
3. Misc. Application No. 1270/2006 has been filed for condoning the delay in filing the review application. I have waded through the Misc. Application. It is stated that the order was received by the applicants (respondents in the O.A) on 10.03.2006. Hence the review application ought to have been filed on 09.04.2006, whereas the same has been filed on 17.05.2006. Thus there is a delay of about one month and 8 days. Keeping in view the delay is very short and has been fully explained, I find that there are good and sufficient reasons for condoning the delay in filing the review

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application. M.A. No. 1270/2006 stands accepted and the delay in filing the R.A is hereby condoned.

4. Now adverting the merits of the review application, the applicants herein (respondents in the O.A) have been consistently hammering out their plea that persons in whose favour orders have been passed by the Court of Law, were granted the due benefits and in the case of others like the respondents (applicants in O.A) who have not gone into the litigation, the issue is pending with the competent authority for decision. This position has been duly considered and the said ground is no ground for review as prescribed under Order 47 Rule (1) C.P.C.

5. I find that the order ought to have contained the cut off date for the grant of PCA/HPCA. As per the pleadings of the applicants in the O.A (respondents herein) in para 4.6 and at page 2 of the judgement of the Hon'ble High Court of Guwahati (page 17 of the paper book) the said allowances were to be paid from 01.12.1987, in view of Government of India instructions issued on 25.01.1988. Nevertheless the respondents in the O.A (applicants herein) in para 12 of R.A. have indicated the said date as 01.04.1987, which is incidentally not supported by any document. There seems to be no doubt about the effective date as 01.12.87 since the said date is reflected in para 3 of the decision in question itself. I also find that the effective date for payment of the said allowances from the date of their appointment has been indicated in the order of K N Saji Kumar vs. UOI and ors. which relied upon while deciding the O.A No. 580/2005. But as per the judgement of the Hon'ble High Court



of Guwahati, no such date has been indicated and it has been said that para medical staff are to be paid HPCA as per the instructions of Govt. of India dated 25.01.1988 subject to the condition mentioned therein.

6. In this view of the matter, the Review Application is partly accepted and the para 12 of the order dated 02.03.2006 (Annex., A/1) to this R.A. shall be substituted with the following :

" In the premises, the O.A is partly allowed. Respondents are directed, in accordance with the directions issued by the Guwahati Bench of this Tribunal as affirmed by the Apex Court to accord hospital patients care allowance/patients care allowance to the applicants "**In accordance with the Govt. of India Instructions dated 25.01.1988**" within a period of three months from the date of receipt of a copy of this order. However, no interest is allowed. No costs."

Review Application No. 20/2006 and M.A. No. 1270/2006 are disposed of accordingly.

JKKaushik
(J K Kaushik)
Judicial Member.

Jsv.

or
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21/7/06