

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Original Application No.116/2006.
Connected with
Original Application No.95/2007.**

This, the ^{1st} 24 day of January 2008.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

1. Bansidhar Pathak, Force No.850869482, Hospital Cook, aged about 42 years son of G.B. Pathak.
2. (Smt) Krishna Devi Force No.881280018, Hospital Cook, aged about 45 years. D/o- Sri Lal Singh Sikwewar.
3. Swaroopa Ram, Force No.89132005, Hospital Cook, aged about 40 years, son of Sri Mangna Ram.
4. Bhagwat Singh Jhala, Force No.923478876, Hospital Cook, aged about 33 years, son of Sri Laxman Singh Jhala.
5. S.N.N. Shanker, Force No.941362084, Work Boy, aged about 35 years, son of Sri S. Koteswar Rao.

- Above all persons/ applicants presently posted in Group Center Hospital, Central Reserve Police Force (G.C.C.R.P.F.) Rampur/Lucknow.

Applicants.

By Advocate:- Shri D.N. Pandey.

Versus.

1. Union of India through the Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi.
2. Director General of CRPF, C.G.O. Complex, Lodi 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 Centre, C.R.P.F., Rampur U.P.
5. Additional Deputy Inspector General of Police Group Central, C.R.P.F., Bijnaur Town, Lucknow.

... Respondents.

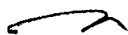
By Advocate:- Shri Atul Dixit for Shri Rajendra Singh.

Connected with

Original Application No.95/2007

1. Hasan Akhtar Force No.000540023, Pharmacist/A.S.I. S/o Sri Mohammad Akhtar, aged about 34 years, presently posted as ASI/Pharmacist in the Hospital Group Center, C.R.P.F., Bijnor, Town Lucknow.
2. Irshad Force No.007080053, Pharmacist/A.S.I. son of Sri Usman Ali, aged about 30 years, presently posted as Pharmacist in the Hospital of 4th Battalion, C.R.P.F., Asiyana Colony, Lucknow.
3. Kamlesh Das, Force No.045150712 Pharmacist/ASI, Son of Late Sri Buddhi Ram Das, aged about 28 years, presently posted as Pharmacist in the Hospital of 4th Battalion, C.R.P.F., Ashiyana Colony, Lucknow.
4. Ajay Kumar Force No.94-1185201 Nursing Assistant/ C.T., aged about 34 years, S/o of Sri Ram Vilas Prasad as Nursing Assistant under G. C.R.P.F. Hospital, Bijnor, Lucknow.
5. Amit Kumar Force No.055180052, Ward Boy, aged about 26 years, S/o Sri Mahesh Chand presently posted as W/B in G.CCR.P.F., Hospital Bijnor Town, Lucknow.
6. Naveen Kumar, Force No.053780212, Washer Man, Hospital, aged about 24 years, S/o Sri Nil, Presently posted in G.C.R.R.P.F. Hospital, Bijnor Town, Lucknow.

Applicants.



By Advocate:- Shri D.N. Pandey.

Versus.

1. Union of India through the Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi.
2. Director General of CRPF, C.G.O. Complex, Lodi 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 Centre, C.R.P.F., Bijnor Town, Lucknow.
5. Commandant, 44th Battalion, C.R.P.F., Ashiyana Colony, Lucknow.

... Respondents.

By Advocate:- Shri Shri Atul Dixit for Dr. Neelam Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

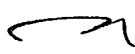
In both these Original applications, the dispute involved is common in respect of grant of Patient Care Allowance from the respondents and as both these OAs are decided jointly.

O.A.No.116/2006


2. It is the case of the applicant No. 1 to 5 that they have been working as Group 'C' and 'D' employees as Cambatised Hospital Staff (Non-ministerial Staff/ Para-medical Staff) I Group Central Hospital, CRPF, Rampur. According to the Government instructions dated 25.1.1988 as well as 28.2.1990 the employees of Group Central, CRPF Hospital working in a different Hospital India are entitle to get Hospital

Patients Care Allowances/ Patients Care Allowance w.e.f. 1.12.1982 subject to the condition that no night wightage allowances is sanctioned by the Central Government, will be admissible to those employees working in the Central Hospital and Hospital under the Delhi Hospital. In pursuance of such instructions, the respondents have granted such allowances to several employees of CRPF Hospital, who are working on the post of Group 'C' and 'D' as Cambatised Hospital Staff/ Non ministerial Staff or Para Medical Staff, they have granted Hospital Patients Care Allowance, who filed their cases before the Competent Court of Law. (Annexure-A-1) is the copy of said order. Subsequently, the respondents have granted such allowances to the similarly situated persons under (Annexure-A-2) dated 11.6.2005, in view of such order they are also entitled for such allowances and as such, they made joint representation to the respondents covered under (Annexure-A-3) dated 7.9.2005 but there is no response from the respondents authorities inspite of reminders hence, filed this OA.

3. The respondents have filed their Counter Affidavit, stating that the Government of India, Ministry of Home Affairs vide order dated 29.9.1989 had introduced the scheme for Comabtisation of Group C and D Hospital staff. Since, then all the posts are being filled by Cambatised ranks. However, those already serving were given option to get Cambatised or to continue in civilian posts till superannuation. Therefore, some persons opted for Comabtisation. They also admitted that were some Cambatised and non-Cambatised Group C and D Hospital Staff filed cases in various courts for sanction of Patient Care Allowance and the concerned Courts have passed orders in their



favour. In order to implement, the said orders of the courts they were sanctioned Patient Care Allowance but subsequently, the Union of India and other filed SLP before the Hon'ble Supreme Court bearing SLP No. 1093 of 1995 in which, stay was granted on 13.09.1996 and due to which, the payment of Patient Care Allowance sanctioned to the personnels was stopped. In the meantime, the Government of India, Ministry of Home Affairs vide order dated 08.09.2000, allowed Patient Care Allowance/ Hospital Patient Care Allowance w.e.f. 08.09.2000 to Group C and D civilian (Non- Combatised) employees of BSF, CRPF, CISF, Assam Rifles and National Police Academy, Hyderabad at the same rates as was being given to the employees similarly placed in the CGHS Dispensaries or Central Government Hospitals in Delhi/ outside Delhi on the same terms and conditions. Accordingly, Directorate general vides letter dated 22.09.2000 passed orders to sanction Patient Care Allowance / Hospital Patient Care Allowance to all the eligible Hospital Staff w.e.f. 08.09.2000. Thereafter, the Hon'ble Supreme Court dismissed the said SLP filed by Union of India on 17.10.2001. Subsequently, the case was referred to the Ministry of Home Affairs for grant of Patient Care Allowance, Hospital Patient Care Allowance to all the Combatised Group C and D Hospital Staff, as applicable to Non-Combatised Group C and D Hospital Staff. The Ministry of Finance, Department of Expenditure vides their G.O. No. 19050/2/2001-E-IV dated 14.1.2002 decided to grant Patient Care Allowance and Hospital Patient Care Allowance only to those Combatised Group C and D Hospital Staff who were petitioners in court cases. But in order to implement the order of Hon'ble Supreme Court and as decided by the Ministry of Home Affairs, Directorate General



has already issued order vide order dated 18.1.2002 to sanction Patient Care Allowance/ Hospital Patient Care Allowance to all civilian eligible staff during the pendency of SLP. However, the case was again referred to Ministry of Home Affairs for grant of Patient Care Allowance/Hospital Patient Care Allowance to all Cambatised Group C and D Hospital Staff irrespective of filing cases, which is still under consideration by the competent authority. Thus, they prayed for dismissal of OAs.

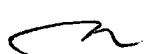
O.A.No.95/2007

4. The applicants who are working as Group C and D employees as Cambatised Hospital Staff (Non-ministerial Staff/ Para-medical Staff) also made similar claim of the applicants in O.A.No.166/2006. The respondents have filed counter with similar pleas as taken in O.A.No.116/2006.

5. Heard both sides.

6. The point for consideration is whether the applicants are entitled for the relief as prayed for.

7. Admittedly when the Ministry of Home Affairs recommended for grant of Patient Care Allowance to all the Cambatised Group C and d Hospital Staff as applicable to non Cambatised Group C and D Hospital Staff irrespective of employees approaching the courts and such recommendation is pending before the concerned ministry of Home Affairs for consideration, allowing the claims of the applicants by way of this OA is not at all desirable. If, there is any difference of opinion from the respondents authorities requiring any directions from this tribunal arises but in the instant case no such circumstances are prevailing and further, when the similar claims of petitioners to all



Cambatised Group C and D employees irrespective of approaching the courts is pending for consideration before the Ministry of Home Affairs for allowing such Patient Care Allowance / Hospital Patient Care Allowance, issuing of any further orders except giving directions to the respondents authorities to expedite such pending consideration, as early as possible, by bringing to notice of concerned ministry and for it's quick disposal is required without lapse of any further time. Six months time is granted to the respondents for disposal of such claims including the claims of these applicants, which is pending before them by way of their joint representations dated 7.09.2005 (Annexure-3).

Thus both these OAs are disposed of with the above directions.

No costs.


(M. KANTHAIYAH)
MEMBER (J)

22-01-2008

/amit/