

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 193 of 1990

MISCELLANEOUS APPLICATION NO. _____ of 1990

Shri P. W. Mettew Applicant(s)

Versus

Secretary, Ministry of Home Affairs, N. Delhi
2/4/90.

Respondent(s)


This Application has been submitted to the Tribunal by

Mr. J. Eswara Reddy, Advocate

Under Section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1985.

The Application has been in order and may be listed for admission on - 3-90 -.


DEPUTY REGISTRAR (J)


SCRUTINY OFFICER.

Particulars to be examined

Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly?
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?
11. Are the application/duplicate copy/spare copies signed?
12. Are extra copies of the application with annexures filed
 - (a) Identical with the original
 - (b) Defective
 - (c) Wanting in Annexures
No. /Page Nos.?
 - (d) Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed?
14. Are the given addresses, the registered addresses?
15. Do the names of the parties stated in the copies, tally with those indicated in the application?
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?
17. Are the facts for the case mentioned under item No. 6 of the application
 - (a) Concise?
 - (b) Under Distinct heads?
 - (c) Numbered consecutively?
 - (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for, stated with reasons?

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

APPLICANT (S) *P. Wilson Mathew & Son*

RESPONDENT (S) *Secretary*

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent?

Yes

2. (a) Is the application in the prescribed form?

Yes

(b) Is the application in paper book form?

Yes

(c) Have prescribed number complete sets of the application been filed?

Yes

3. Is the application in time?

Yes

If not, by how many days is it beyond time?

His sufficient cause for not making the application in time, stated?

4. Has the document of authorisation/Vakalat name been filed?

Yes

5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D./I.P.O. to be recorded.

Yes

6. Has the copy/copies of the order(s) against which the application is made, been filed?

NIL

7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed?

NIL

(b) Have the documents referred to in (a) above duly attested and numbered accordingly?

(c) Are the documents referred to in (a) above neatly typed in double space?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH:HYDERABAD.

(U/S.19 of the Central Administrative Tribunal Act,1985)

Original Application No. 193 of 1990.

Between:

P.Wilson Mathew and others.

..Applicants.

Vs.

1. The Union of India, rep.by its
Secretary, Ministry of Home Affairs,
North Block, New Delhi .
2. The Union of India, rep.by its
Secretary, Ministry of Health &
Family Welfare, New Delhi.
3. The Director General of Police
Central Reserve Police Force
New Delhi-3.
4. The Inspector General of Police,
Central Reserve Police Force
Road No.12, Banjara Hills
Hyderabad.
5. The Chief Medical Officer, 2BH,
Central Reserve Police Force,
Kesavgiri, Hyderabad.

..Respondents.

DETAILS OF APPLICATION

1) Particulars of the Applicants:

a) Name of the Applicant	: P.Wilson Mathew
Name of the Father	: P.N.Mathew
Designation	: Lab Technition
b) Name of the Applicant	: R.M.R.Naidu
Name of the Father	: Kondaiah
Designation	: Cook
c) Name of the Applicant	: N.Babu
Name of Father	: Natesan
Designation	: Carpenter
d) Name of the Applicant	: G.L.Nageswara Rao
Name of the Father	: Venkataiah
Designation	: Lab Technition.
Office Address in which employed	: The applicants 1 to 4 working in 2nd Base Hospital, CRPF, Hyderabad.

Address for services of all notices.

: Sri J. Eswara Prasad
Advocate, 3-4-874/1,
Barkatpura, Hyd. 27.

2. Particulars of the Respondents:

- | | |
|--|--|
| i) Name of the Respondents and designations. | : Respondents 1 to 5 as mentioned above. |
| ii) Office Address of the Respondents. | : -do- |
| iii) Address for service of all Notices. | : -do- |

3. Particulars of the Order against which application is made.

- | | |
|-----------------------|---|
| i) Order No. | : No orders in writing have been passed by Respondents 1 to 4 denying the benefits claimed herein. |
| ii) Date | : Nil |
| iii) Passed by | : Nil |
| iv) Subject in brief. | : The Applicants who are working in the 2nd Base Hospital, CRPF, Hyderabad claim allowances which were recommended by 3rd & 4th Pay Commission and which were accepted by the Central Govt. |

4. Jurisdiction of the Tribunal:

This Tribunal has jurisdiction to entertain this Application as the Applicants are the Hospital staff in the Central Reserve Police Force and are Non-Combatised. The Applicants declare that the subject matter in respect of which they want redressal is within the jurisdiction of the Tribunal, as per Sec.14 of the Central Administrative Tribunals Act.

5. Limitation:

The applicants declare that the application is within the limitation prescribed in Sec.21 of the Administrative Tribunal Act, 1985.

6. Facts of the case:

The facts of the case are given below:

- a) The applicants are members of the Hospital Staff working in the Central Reserve Police Force, 2 BH, Hyderabad.

b) The 1st applicant is working as Lab Technician in the 2nd Base Hospital, C.R.P.F., Hyderabad. The 2nd applicant is working as Cook in the same Hospital. The 3rd applicant is working as Carpenter in the same Hospital. The 4th applicant is working as Lab Technician in the same Hospital. All the applicants are governed by the Central Civil Service Rules and such other rules as framed from time to time by the Union of India under Art. 209 of the Constitution of India and they belong to 'C' & 'D' category of employees.

c) In order to maintain good health and efficiency, ration money is provided for the non-gazetted staff working in the Central Reserve Police Force. Peculiary the benefit of ration money is given to the Hospital Staff working in some areas, and the same benefit is deprived to the staff working in static areas such as 2nd Base Hospital, Hyderabad and some other hospitals belonging to C.R.P.F. Thus, 72% of the hospital staff are getting Ration Money whereas a small percentage of the hospital staff is deprived of the benefit which is arbitrary, discriminatory and violative of Arts. 14 and 16 of the Constitution of India. Even all the non-gazetted combatised staff working on the administrative side are getting ration money irrespective of their working in any place.

d) Even according the respondents admission in the counter filed by them in O.A.No.233 of 1988, the ration money was initially being paid to all the ministerial stand hospital staff. It was granted to all the C.R.P.F. personnel without any discrimination. The object of granting ration money to is to maintain good health and efficiency. Though it was granted originally to all C.R.P.F. personnel, by order dt.28-7-1979 issued by Government of India, Ministry of Home Affairs, in No.27012/12/79-FP.IV(i) in which ration

money was enhanced, peculiarly it was silent as far as the hospital staff working in static areas is concerned. It is submitted that the restriction of granting of ration money only to some persons of the same posts is highly discriminatory, arbitrary and violative of Arts. 14 of the Constitution of India. Hospital Staff i.e., staff nurses, pharmacist, ward boys, nursing assistants etc., who are attached to the Constable Training Centre (CTC) situated at Avadi and some other places, and in Recruit Training Centre situated at Neemuch are given ration money, whereas the other hospital staff working in Group Centre Hospitals are not provided with ration money. Nursing staff working in the Northern regions are already getting number of special allowances part from ration money. Even combatised ministerial staff are getting ration money whereas the hospital staff working in the 2nd Base Hospital whose work is more arduous ^{than} ~~than~~ that of the combatised ministerial staff whose work is only clerical in nature. Purpose of combatisation of the ministerial staff is only to wear uniform and saluting and handling of firearms is absent in their case. Though the nature of duties of combatised ministerial staff and hospital staff are different, ration money should be provided to every one irrespective of the nature of duties and places of work, since it is meant for maintaining health and efficiency. There is no relation for granting ration money only for combatisation personnel since ration money is provided for maintaining health efficiency.

e) Central Reserve Police Force is a department rident maintain the internal security of the country. Hence all C.R.P.F. personnel are needed to be in good health and to be efficient in their respective sphere of work irrespective

of the place of their work. The post of hospital staff are transfereable from static areas to disturbed areas and they have to go wherever they are required in case emergency. The hospital staff has to necessarily accompay the other C.R.P.F. personnel whenever normal life of people are effected due to natural calamities like floods, earth quahes and other disturbances. Hence to withstand such situation and to help effected persons the applicants should be ingood health. Which is the sole object of giving ration money. Having this noble idea in mind, the government of India sanctioned ration money to all military and para military forces . The allowance of ration money is a legitimate right of hospitalstaff also as hospital staff is a part of C.R.P.F. Ration money is a departmental benefit which was granted earlier without any discrimina-tion but for the reasons best known to them, policy is amended and a small part of the hospital staff is deprived

of the benefit. The duties and responsibilities of the hospital staff working at different areas are one and the same. Nearly more than 70% of the hospital staff are getting the benefit of ration money. The services of the hospital staff are obligatory and they have to be ready whenever they are asked to work. The posts of hospital staff are all India transferal posts and the same persons gets ration money when he works in a particular place and does not get the same when he works in some other place.

7. It is submitted that there is no nexus between the basis of classification and the object sought to be achieved. The classification is not founded on any intelligible differentia and there is no rational relation to the object sought to be achieved. Even the IVth Pay Commission has recommended the rationalisation of the rates of ration money and in pursuance of the recommendation of the IVth Pay

Commission Government of India Ministry of Home Affairs in Letter No.II-27012/16/87-FP.II(i) dt.6-10-87, intimated that it has been decided to remove the distinction between qualifying and non-qualifying static areas and uniform rate may be adopted. The granting of ration money to ~~none~~ section of people working in C.R.P.F. and not granting the same to others working in the same Department without any basis is highly arbitrary and discriminatory and violative of Arts.14, 16 and 39(d) of the Constitution of India. The applicants submit that they perform the same duties as that of the other hospital staff working in other areas. Art.39(d) of the Constitution of India envisages 'equal pay for equal work' and if that principle is violated it would be discriminatory and violative of Arts. 14 & 16 of the Constitution of India.

8. The applicants have requested the respondents to pay their due allowance of ration money along with other allowances. The respondents also admitted in the counter filed IN O.A.No.233 of 1988 that their case for payment of allowances is under consideration of the Department. So far the respondents have not met their legitimate grievances. Meanwhile when O.A.No.233 of 1988 came up for hearing on 27-12-89 the Hon'ble Tribunal objected to filing on one O.A. for different reliefs. The applicants were permitted to withdraw O.A.No.233 of 1988 by order dt.27-12-1989 to file separate applications. Under the above circumstances, the applicants have filed the present application. The Applications submit that they are suffering immensely due to the unjust and discriminatory attitude of the respondents. As such the Applicants have no other alternative remedy except to invoke the jurisdiction of the Hon'ble Tribunal.

9. Reliefs Sought: In view of the facts mentioned in para 6 above the Applicants pray for the following:-

B

a) Main Relief: The applicants pray that the Hon'ble Tribunal may be pleased to declare the action of the respondents in not paying the ration money to the applicants as arbitrary and discriminatory and violative of Arts. 14, 16 and 39(d) of the Constitution of India and the classification made in payment of ration money to some hospital staff leaving the others as unreasonable and to direct the respondents to grant ration money to the applicants on par with the Hospital Staff working in other areas ^{as per the recommendations of the 4th pay commission and as per govt orders} and to pay all the arrears, and to pass such other orders as are necessary in the interests of justice.

b) Interim Order prayed for:- Pending final decision the applicants seek issue of the following interim order:-
Interim Relief: To direct the respondents to pay the ration money to the applicants pending disposal of the O.A. before the Hon'ble Tribunal and to pass such other orders as are necessary in the interests of justice.

10. Details of remedies exhausted:

The applicants declare that they have availed all the remedies available to them under the relevant rules etc. The applicants have requested to pay the ration money due to them for which the respondents sent a letter to higher authorities to settle the matter by letter dt 10-8-86.

11. Matter not pending with any other court etc.

The applicants further declare that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

12. Particulars of Bank/Postal Order in respect of the Application:

- a) Name of the Bank/
Post office on which drawn: - C.N.P.O.
- b) Demand Draft No./
Postal Order No. - 801 585022.
- Date: I.P.O./B.C./D./Removed

13. Details of Index: Rs 50/- A

An index in duplicate containing the details of the documents to be relied upon is enclosed:

14. List Enclosures:

(17)

V E R I F I C A T I O N

I, P. Wilson Mathew, S/o. P. N. Mathew, Lab Technician, 2nd Base Hospital, C.R.P.F., Hyderabad, the 1st applicant herein, do hereby verify that the contents from 1 to 14 paras are true to my personnel knowledge and belief and that I have not suppressed any material facts.

I am filing this application on behalf of the other applicants also as per their instructions.

1) P. Wilson Mathew

Singnature of the 1st Applicant

2) R. M. K. Rishi

2nd Applicant

3) N. B. Reddy

3rd Applicant

4) Linus

4th Applicant.

W. Mathew

Verified on this the 4th day of February, 1990
and signed his name in my presence at Hyderabad.

Hyderabad

Dt: 4-2-1990.

To
The Registrar
Central Administrative Tribunal
Addl. Bench, HYDERABAD.

[Signature]
Signature of the
Counsel for Applicants.

(B)

No.27012/12/79-FP.IV(i)
Government of India
Ministry of Home Affairs

To

New Delhi, 28th July, 1979

The Director General
Central Reserve Police Force
New Delhi.

Sub: Enhancement of Ration Money.

Sir,

I am directed to ^{say}~~any~~ that under the existing orders as applicable to the non-gazetted personnel of the Central Reserve Police Force, they are Non-Gazetted personnel allowed ration money at different rates only in specified areas of deployment. Non-gazetted personnel who are deployed in areas other than those specified for grant of ration money ~~at~~ present. It has been represented to the Government that nature of duties of Non-gazetted personnel of the Force deployed at different stations is not very much different from the area of deployment to another. The personnel of CRPF are inter-varas. In order, therefore, to maintain good health and efficiency it is necessary that all the non-gazetted personnel who are deployed in different areas may be allowed ration money. The rates of ration money also need enhancement. I am accordingly to convey the sanction of the President, in supersession of the existing order on the subject, to the Government contribution being fixed towards ration money of non-gazetted personnel including Ministerial and Hospital Staff of CRPF deployed in the following operational areas at the following rates with immediate effect:-

AREA.	<u>Ration Allowance</u> (Per head per month)
(1) Assam, Tripura, Misoram, Meghalaya, Nagaland, Manipur, Jammu & Kashmir, Lakshadweep & Len Island,, Arunachal Pradesh and areas of districts Srikakulam Rs.100/- Warrangal, Khammam and Krimnagar of A.P. Ranidanga of Darjeeling District.	

AREA.

Ration Allowance
(Per head per month)

- ii) All other places where CRPF are deployed on internal Security duties and placed at the disposal of State Government/Union territories.

Rs-78/-

2. The above sanction is subject to the individuals own contribution towards his ration money being not less than Rs.15/- p.m. when posted in areas mentioned in para 1(1) above. The CRPF personnel who are deployed under the operational control of the Army would continue to contribute Rs.15/- per head per month until further orders. CRPF personnel deployed in other areas mentioned in 1(ii) above will have to contribute at a rate of Rs.37/- per head per month.

3. CRPF non-gazetted personnel mentioned above would have an option either to draw ration allowance as mentioned in para 1(1) and 1(ii) above and the admissible daily/detachment allowance according to the rules applicable to them from time to time. The option would be valid for the entire duration of deployment in any particular place.

4. I am also to convey the sanction of the President to the grant of ration money at a rate of Rs.50/- per head p.m. to the non-gazetted combatant personnel of the CRPF posted in Training Institutions and static formations at their headquarters.

5. The amount contributed by the Government together with the amount contributed by CRPF personnel through the deduction in the salary will be utilised for purchase of rations by the CRPF authorities under the existing arrangements at their disposal. No cash payment of ration money will be made to the CRPF personnel except in cases where common messing arrangements are not administratively feasible and individuals are required to look after their own messing or they are living with their families. In case where ration money is drawn in cash, no deduction from their salary would be made.

6. The rates indicated in para 1(i) and 1(ii) above are subjects to periodic review for which orders will be issued separately.

7. This issues with the consurances of the Integrated Finance Division vide this U.O.3102/FA(H)/79 dt.21st July,1979.

Yours faithfully
Sd/-
(A.H.JUNG)
Deputy Secretary to the
Government of India.

Copy of Govt. of India, Ministry of Home Affairs
Letter No.II-27012/16/87-FP.II(i) dated 6-10-87,
received vide DD(Prov), CRPF, Endt.No.R.4/I-Pröv
dated 9-10-1987.

Subject:- REVISION ON THE RATES OF RATION MONEY

Sir,

I am directed to refer to this Ministry's letter No.II-27012/1/79-FP.II, dated the 10th October, 1979 and No.9/27/85-IA/BSF/FP.II dated 21-4-87, on the subject mentioned above and to say that the position has been reviewed in the light of the recommendations of the Fourth Pay Commission with a view to rationalising the rates in the COPs. It has now been decided that (i) the recovery of Rs.15/- presently being made from the employees may be discontinued, (ii) the distinction between qualifying and non-qualifying/static areas may be removed and a uniform rate may be adopted and (iii) during earned leave, full rate of ration money may be admissible for first 60 days and half the rate for the next 60 days.

2. Accordingly I am directed to convey the sanction of the president to the Government contribution towards ration money being fixed at Rs.204/- per head per month in respect of non-gazetted combatised personnel of BSF and CRPF including non-gazetted combatised personnel posted in static formations and in Training Institutions.

3. Such of those non-gazetted combatised personnel of ITBP who are at present entitled to ration money on the BSF pattern will also be allowed increased ration money being sanctioned now.

4. Non-gazetted personnel of IB posted in category 'IB' and 'C' locations who are at present entitled to ration money on the BSF pattern will also be allowed increased ration money being sanctioned now.
5. The other conditions stipulated in this Ministry's letter dated 10-10-1979 will remain unchanged.
6. These orders will take effect from the date of issue.
7. The expenditure involved will be debitable to the budget grant of BSF, CRPF, ITBP and IB under grant No.41 for the year 1987-88.
8. This issues with the concurrence of Ministry of Finance (Deptt. of Expenditure) vide their I.B. No.2194/E.II(B)/87 dated 29-9-87 and Integrated Finance Division vide that U.O.Dy.No.3181-Fin.III DI/87 dated 5-10-1987.

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Copy of DD(Prov) Letter No.R.IVI/86-Prov. dated 4-8-86
addressed to IGP S/II & Copy to IGP S/I CRPF

subject: RATION MONEY TO HOSPITAL STAFF

Kindly refer to your Office Letter No.
R.IV.I/MC dated 24-12-1985.

In this connection please refer to the letter
No.R.IV.2/79 Prov dated 19-1-1980 copy which has
already been forward to all concerned. In this letter
all the doubts have been clarified.regarding drawal
of R/M by Hospital Staff, Combatised and non-gombatised
M/Staff the case may please be settled at your and as
per information already made.

RG/1 Ady. S/I

Sd/-
Ad.(Prov)
10-8-1986

Copy to DIG CRPF(II) for information

Sd/-
10-9-86
for IGP

..... Hyderabad DISTRICT
Central Administrative Tribunal
High Court of Andhra Pradesh
HYDERABAD

OA No. of 1990

AGAINST

VAKALAT

MR. J. ESWARA PRASAD

MRS. J. CHAMANTHI

MR. J.V. PRASAD

C.W.K. Red. T.V. Kumar

S.L. Nouram

Advocates for Appellant
Respondent
Petitioner