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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.66 of 1990

DATE OF JUDGMENT: 24/SEPTEMBER, 1991.

BETWEEN:

1. Mrs. Chandra Wilson
2. Mrs. Merry Jessy Vennala
3. Mr. Mangal Singh
4. Mrs. V. Suguna Danial ..

Applicants

AND

1. The Union of India, rep. by its Secretary, M  
Ministry of Home Affairs,  
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,  
CRPF, Hyderabad. ..
5. The Chief Medical Officer, 2B4  
CRPF, Keesavagiri, Hyderabad.

Respondents

COUNSEL FOR THE APPLICANTS: Mrs. J. Chamanthi

COUNSEL FOR THE RESPONDENTS: Mr. N.V. Ramana,  
Addl. CGSC.

3. The respondents filed a counter with the following contentions:-

Certain facilities which are being extended to members of the force in the CRPF are not admissible to the non-combatised staff, including the Hospital staff who are not yet combatised. A proposal is under consideration of the Department to combatise the hospital staff. Once they are combatised, they will be entitled to all the benefits presently availed of by the combatised staff. The nature of duties of members of the force and that of the hospital staff are not identical. The members of the Force are required to do more hard duties compared to the duties performed by the hospital staff. The nature of duties of the hospital staff and that of the ministerial staff are entirely different. They are never put to work for 24 hours round the clock. They work during the prescribed working hours only. However, when their services are utilised in the exigencies, they are granted compensatory off besides making commendation entries in their service records, according to the existing rules and instructions. The hospital staff and the combatised ministerial staff are governed by different set of rules. The nature of duties of combatised ministerial staff cannot be equated with the

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and such others rules as framed from time to time by the Union of India under Article 309 of the Constitution of India.

2. In order to improve the conditions of the Government employees, the 3rd and 4th pay commissions have made certain recommendations for payment of some allowances such as Risk Allowance, Extra Duty Allowance in the shape of honorarium, washing allowance and uniform allowance etc. The Government of India also after careful consideration issued several orders granting allowance to Nursing Staff such as Nursing Allowance, Uniform Allowance, Washing Allowance, Operation Theatre Allowance, Overtime Allowance, Night Duty Allowance, Intensive Care Unit Allowance and Risk Allowance and additional charge duty allowance. Though the nursing staff working in other Central Government hospitals are being paid all these allowances, the applicants who are working in the CRPF 2nd Base Hospital, Hyderabad are not being paid these allowances though they are similarly situated and their work is similar to those working in other Central Government hospitals. The action of the respondents in not paying the above mentioned allowances to the applicants is highly arbitrary, illegal and violative of Articles 14, 16 and 39(d) of the Constitution of India. Hence, they filed this application for the above said relief.

hospital staff and belong to the CRPF which is an armed force according Section 3 of CRPF Act, 1949. It is, therefore, contended that this Tribunal has no jurisdiction to adjudicate their cases. The applicants have filed a reply affidavit in which it is stated that a similar case was adjudicated upon by the Guwahati Bench of this Tribunal. We have seen that Judgment dated 13.4.1990 in O.A.No.122/89. There, the respondents had only taken a plea that the claim of the petitioners therein had not found favour with the Government. The question of jurisdiction was not raised there. It is surprising that all of a sudden, the question of jurisdiction is raised now. Again, against the Judgment of the Guwahati Bench, the respondents went in appeal to the Supreme Court. The Hon'ble Supreme Court while disposing of Special Leave Appeal (Civil) No.9605/90 relating to the judgment of the Guwahati Bench in O.A.No.122/89, dismissed the case of the Union of India on merits. We find that the nature of duties performed by the applicants is the same as similar staff in other establishments under the Ministry of Health. Hence, following the Guwahati Bench judgment as upheld by the Supreme Court, we direct the respondents that the enhanced rates of allowance be paid to the applicants also with effect from 1.10.1986 on par with similar staff in other establishments in the respective arears."

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hospital staff who are not combatised. Neither the hospital staff nor the ministerial staff (non-combatised) are governed by the CRPF Act and the rules. All the above categories are governed by the Civil Services Regulations. However, their duties are specified in the CRPF manuals. Scheme of combatisation of hospital staff is optional. The members are forced to opt for the combatisation scheme and there is no discrimination. ~~members~~ The allowances and other benefits exclusively granted to the combatised staff cannot be extended to the civilians and hospital staff. The claims of the applicants for payment of allowances as recommended by the 4th pay commission is under consideration of the Department and the application is premature and liable to be dismissed.

4. Mrs. J. Chamathi, learned counsel for the applicants and Mr. N.V. Ramana, learned Additional Standing Counsel for the respondents argued the matter.

6. A similar case viz., O.A.No.65/90, was ~~recently~~ disposed of ~~today~~, the facts of which are similar to that of the present case. In O.A.No.65/90, we held as follows:-

"The respondents have stated that the applicants are non-combatised CRPF

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7. Following the Judgment in O.A.No.65/90, we hold that the applicants are entitled to all the benefits ~~that are being paid to the employees working~~ <sup>in Hyderabad</sup> in other Central Government Hospitals ~~in accordance~~ with the recommendations of the 3rd and 4th pay commissions and in accordance with the orders of the Government of India. We direct the respondents to implement the order within a period of three months from the date of receipt of this order.

8. The application is accordingly allowed. There is no order as to costs.

CERTIFIED TO BE TRUE COPY  
 Shri. S. R. Bally  
 Date: ..... 4/10/91  
 Court Officer  
 Central Administrative Tribunal  
 Hyderabad Bench  
 Hyderabad

## Copy to:-

1. Secretary, Ministry of Home Affairs, Union of India, New Delhi.
2. Secretary, Ministry of Health & Family Welfare, Union of India, New Delhi.
3. The Director General of Police, Central Reserve Police Force, New Delhi-3.
4. The Inspector General of Police, CRPF, Hyderabad.
5. One copy to Shri. J. Chamathi, Advocate, H.No.3-4-874/1, Barkatpura, Hyderabad.
6. One copy to Shri. N. V. Ramana, Addl. CGSC., CAT Hyderabad.
7. One spare copy.
8. The Chief Medical Officer, 2B/H, CRPF, Kesavagow, Hyderabad.

RSM/-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. Narasimha Murthy (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : (A)

DATED: 24/9 1991 ✓

ORDER / JUDGMENT:

M.A./R.A./C.A. No.

O.A. No. 66/90

T.A. No.

Admitted and Remanded in directions  
Issued. 14/10/91

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered Rejected

✓ order as to costs.

24/9/91  
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