

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. 150/94 and
O.A. 151/94

dated: February 24, 94.

O.A. 150/94.

1. Amarendra Kumar
s/o late Sri Mitaila Sarma Singh

2. M.V.Varkey

..Applicants.

and

1. The Union of India,
rep. by its Secretary
Min. of Home Affairs,
North Block, New Delhi.

2. The Union of India, rep. by
the Secretary, Min. 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-34.

5. The Additional Dy. Inspector General
of Police, Group Centre,
Central Reserve Police Force,
Neemuch, Madhya Pradesh

6. The Commandant, 65 Bn
Central Reserve Police Force
Padmaraonagar, Secunderabad-25

..Respondents

O.A.No.151/94.

1. J.J.Das
2. V.Seetha Raman
3. L.Ramachander
4. T.Narasimhulu
5. G.S.Benerji
6. C.Yadaiah
7. Jaitu Nisha
8. Murafilel Goyar

9. Shivacharan
10. Mahalasmi
11. N.Chkravarte
12. Molly Thankachan
13. Syed Fasiulla Hussaini
14. V.Ponnamma
15. Veera Ragharam
16. Kamlesh M.

-2-

17. Mrs.Sati Babu
18. Mrs.Krishna Devi
19. Mrs.V.Chandraw
20. Mrs.P.N.Thankmani
21. P.Chendran
22. K.K.Nambyar
23. Gulam Mohd.Ashfaq
24. Mallamma
25. T.Nookraj
26. Mrs.Laxmi K.Pillai
27. Mrs.Ponnamma
28. J.Ramesh
29. Manozamma
30. Yasam Dasrathi

31. ED.Varghash
32. Maria Kutty Skacia
33. Bydu Prabhakar
34. Ch.Srinivasa Rao
35. P.V.Chakra Pani
36. Dashrath Singh
37. Dhana Shekaran
38. Mrs.Aruna Choudary
39. Y.R.Choudary
40. Suryamani Sahoo
41. Mrs.Soosamma Samuel
42. Abhaya Kumar

..Applicants

463

allowance and or the risk allowance was already given to the applicants, the same has to be adjusted from out of the amount to be paid as per this order. Time for compliance is four months from the date of receipt of this order.

9. The OAs are ordered accordingly at the admission stage. No costs.

CERTIFIED TO BE TRUE COPY

Sd/-17/3/94

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

4. It is stated for the applicants that when they were not given the patient care allowance, they and the other para medical staff on the hospital submitted at the time of the inspection of the higher authorities in regard to the same and then they were informed that the sanction of the patient care allowance to the hospital staff other than the nursing staff was under consideration and the said fact was communicated as per the note dated 15.2.1992 by the Commandant vide material paper No.3 as per the additional papers filed by the applicant in O.A. 150/94.

5. The learned standing counsel for the respondents referred to the letter No.B.11011/1/90-CGHS(P), dated 10.7.1990 to state that the patient care allowance to Group 'C' and 'D' non ministerial employees including the nursing personnel in CGHS organisation was granted with effect from 1.4.1987 only subject to the condition that no night waigage allowance and risk allowance will be admissible to these employees.

6. It is also urged for the respondents that in view of the delay on the part of the applicants in approaching this Tribunal, monetary benefit has to be limited from one year prior to the filing of these OAs.

7. As per the order dated 24.9.1991 in OA 65/92, the patient care allowance was directed to be given from 1.10.86, the date from which it was said to have been sanctioned. It is not a case where it was limited from one year prior to the filing of the said O.A. Further, even at the time of inspection in 1992, the concerned staff of the hospital were informed that the sanction of the patient care allowance was under consideration. Hence, we feel that in view of the above material, it is just and proper to direct the respondents to pay the patient care allowance to the applicants herein also from the date it was sanctioned to the concerned staff in the hospitals in CGHS organisation. As the letter dated 10.7.1990 discloses that the said allowance was granted only with effect from 1.4.1987, it is proper to give a direction for payment of the same from 1.4.1987 only.

8. In the result, the respondents are directed to pay the patient care allowance to these applicants with effect from 1-4-1987 and they are not entitled to the night waigage allowance and ex the risk allowance and if the night waigage

• 6 •

is therefore constrained to get this notice issued to you.

You are therefore called upon to pay our coient viz., the 2nd applicant in O.A.No.150 of 1994 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, the patient care allowance wef 1-4-1987 as directed, within a period of two weeks from the date of receipt of this notice, failing which our client will be constrained to approach the Hon'ble Tribunal to seek redressal under the Contempt of Court Act.

Yours faithfully,

Sd/-

(J.V.PRASAD)

Encl: Copy of Judgment dt. 24-2-1994 in O.A.No.150 of 1994
for ready reference.

From: Jasti V. Prasad Advocate

Phones: 661598
661287

Jasti V. Prasad
Advocate
3-4-874/1/A/5,
Barkatpura,
Hyderabad-27.

To

dt.2-9-1994

1. The Union of India, rep. by its Secretary, Ministry of Home Affairs, North Block, New Delhi. By R.P.A.D.
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, CGO Complex, Lodi Road, New Delhi-3.
4. The Inspector General of Police, Central Reserve Police Force, Rd. No. 12, Banjara Hills, Hyderabad-34.
5. The Additional Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Neemuch, Madhya Pradesh.
6. The Commandant, 65 Bn Central Reserve Police Force, Padmarao Nagar, Secunderabad-500 025.

Sir,

Under instructions of our client Sri M.V. Varkey, we hereby issue the following notice to you:

Our client is working as a non-combatised hospital staff of the Central Reserve Police Force. Our client filed O.A. No. 150 of 1994 before the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, seeking payment of allowances including Patient Care allowance. All of you are respondents in the said case. The Hon'ble Tribunal, after hearing the parties in the case, allowed the O.A. by an order dt. 24-2-1994 with a direction to you to pay to the applicants the Patient Care allowance wef 1-4-1987 within a period of 4 months from the date of receipt of the Order.

Our client states that though the period of 4 months granted by the Hon'ble Tribunal expired after receipt of the copy by you, you have not cared to comply with the order of the Hon'ble Tribunal though several oral requests and a representation dt. 23-8-1994 to the Deputy Inspector General of Police, Neemuch, have been made by our client. Our client understands and stated that the amounts have been paid in respect of the 1st applicant in O.A. No. 150 of 1994. Our

Item No.15

Court No.1

Section XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No. 9605/1990
(From the Judgment and order dated 12.4.90 of the C.A.T.
Guhati Bench in O.A. No. 122/89)

Union of India & Ors.

..(PETITIONER(S)

Vs.

Smt. Rhoda Pial & Ors
(with appln. for stay)

..RESPONDENTS

CORAM:

Hon'ble the Chief Justice
Hon'ble Mr. Justice Kuldip Singh

For the petitioners: Mr. Kapil Sibal, ASG
Mr. Kamini Jaiswal, Adv
Mr. O.V.C. Rao, Adv.

For the respondents : Mr. Mohan Pandey, Adv.

UPON hearing counsel the court made the following

ORDER

The Special Leave Petition is dismissed after
hearing the parties and the order of the
Tribunal is affirmed and merit.

Sd/-
(P.K.Bajaj)
Court Master

Sd/-
(Ganesh Chand)
Asst. Registrar

Hyderabad District
In the Central Admin. Tribunal
Hyderabad

Contempt Pet. No. /94

in

Q.A. No. 150 /94



CONTEmPT PETITION

M/s. J. V. PRASAD
PRK, PRASAD
G. SUVARNAKUMARI

Counsel for Petitioner/
2nd applicant