

(S) (41)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.150/94 and
OA.151/94

dated : February, 24, '94.

OA 150/94.

1. Amarendra Kumar
S/o late Sri Mitbala Saram Singh

:

2. M.V. Varkey

: Applicants

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
Padmarao Nagar
Secunderabad 500 025

: Respondents

OA 151/94.

1. J.J. Das

2. V. Seetha Raman

3. L. Ramachander

4. T. Narasimhulu

5. G.S. Benarji

6. C. Yadaiah

7. Jaitu Nisha

8. Murarilal Goyar

9. Shivacharan

10. Mahalaxmi

11. N. Chkravarte

12. Molly Thankachan

13. Syed Fasiulla Hussaini

14. V. Pennamma

15. Veera Ragharam

16. Kamlesh M.

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nursing staff ^{was} ~~is~~ 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 OA 150/94.

5. The ~~xxx~~ ^{standing} learned/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~~ was granted with effect from 1.4.1987 only, subject to the condition that no night waitage allowance and risk allowance will be admissible to those 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~~ sanctioned. It is not a case where it was limited from one year prior to the filing of the said OA. 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.

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

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri J.V.Prasad, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents.

2. Same point arises for consideration in these two OAs and hence they can be considered together.

3. The applicants in these two OAs are working as Para-medical staff in the hospitals attached to the Central Reserve Police Forces (CRP) base. They filed these OAs praying for a direction to the respondents to pay the patient care allowance @ Rs.70/- per month as it is being paid to the para medical staff in the hospitals under the Central Government Health Scheme (CGHS). Similar claim was made in the OA 122/89 on the file of Gowahati Bench of Central Administrative Tribunal. In the said OA, besides patient care allowance, some other allowances were also claimed. It was held therein that the para medical staff in the hospitals attached to CRPF ^{are} also entitled to patient care allowance from 1.10.1986. Following the said judgment, this Bench also gave similar directions in OA 65/92 and some other OAs.

4. It is stated for the applicants that when they were not given the patient care allowance, they and the other para medical staff of 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

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Copy to:-

1. Secretary, Ministry of Home Affairs, Union of India, North Block, 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, Central Reserve Police Force road No.12, Banjara Hills, Hyd-34.
 5. The Additional Dy. Inspector General of Police, Group Centre, Central Reserve Police Force, Neemuch, M.P. *Madhya Pradesh*
 6. One copy to Sri. J.V.Prasad, advocate, 3-4-874/1/A/5, Barkatpura, Hyd.
 7. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
 8. One copy to Library, CAT, Hyd.
 9. One spare copy.
- to one copy to the Commandant, 65 Bn, Central Reserve police force, Peddumal Rao Nagar
Rem/-
See 'b' - 25.

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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 ^{waitage} ~~waitage~~ allowance and the risk allowance and if the night waitage allowance and 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

Date.....

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad.

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