

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

RECORD SECTION INDEX SHEET

O.A. No. 1428 /199 5

a) Applicant (S) J M Bolav & 2nd

Versus

b) Respondent (S) Secretary, min of Home Affairs, New Delhi & 2nd

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15/2/96

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

ORIGINAL APPLICATION NO. 1428 of 1995

Shri J. M. Bolar and 2 others Applicant(S)

VERSUS

The Secretary, Ministry of Home Affairs
New Delhi 92 4 others

Respondent(S)

The application has been submitted to the Tribunal by
Shri J. V. Prasad Advocate/

Party-in-person, under section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the Administrative Tribunal (Procedure) Rules 1987.

The application is in order and may be listed for admission on 11-95

Cv
35/11
Scrutiny Asst.

Prasad
DEPUTY REGISTRAR (JUDL)

10. Has the impugned orders Original/duly attested legible copy been filed ?
11. Have legible copies of the annexures duly attested been filed ?
12. Has the Index of documents been filed and pagination done properly ?
13. Has the applicant exhausted all available remedies ?
14. Has the declaration as required by item No.7 of Form I been made.
15. Have required number of envelopes (file size) bearing full address of the respondents been filed ?
16. (a) Whether the relief sought for, arise out of single cause of action ?
(b) Whether any interim relief is prayed for ?
17. In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant ?
18. Whether this case can be heard by Single Bench ?
19. Any other point ?
20. Result of the scrutiny with initial of the scrutiny clerk ?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

May be filed

By
15/11/95

By
15/11/95
Scrutiny Asst.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Dairy No. 3420/95

Report on the Scrutiny of Application

Presented by Mr. J.V. Prasad Date of presentation 9/11/95
Applicant (S) J.M. Bolar & 2 others
Respondent (S) The Secretary, Min. of Home Affairs, New Delhi
Nature of grievance Patient Care allowance
No. of applicants 3 No. of Respondents 3

CLASSIFICATION

Subject (No.) Department General (No)

1. Is the application in the proper form ?
(Three complete sets in paper books form in two compilations) Yes
2. Whether name, description and addresses of all the parties been furnished in the cause title ? Yes
3. (a) Has the application been duly signed and verified ? Yes
(b) Have the copies been duly signed? Yes
(c) Have sufficient number of copies of the application been filed ? Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed ? -
6. Is the application on in time ? (See Section 21) Yes
7. Has the Vakalatnama / Memo of Appearance / authorisation been filed ? Yes
8. Is the application maintainable ? (u/s 2, 14, 18, or U.R. 8 etc) Yes
9. Is the application accompanied IPO/DD, for Rs. 50/- ? Yes

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

I N D E X - S H E E T

O.A.NO. 1428 of 1995

CAUSE TITLE Z.M. Bolan & 20th

VERSUS

Secretary, m/o. H.A., v. Delhi & 40th

Sl. NO	Description of documents	Page NO.
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4.	Objection Sheet	1
5.	Spare Copies 5. (five)	
6.	Covers 5. A	

o A 1628/95

(1)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
16-12-95.		<p>Admst.</p> <p>List it (for orders) on</p> <p>28-12-95.</p> <p>HARR ✓ M(A)</p> <p>HARRAS ✓ VC</p>
1-1-96.		<p>List - o A 1628/95 o A 1266/95 &</p> <p>o A 1265/95 for orders on</p> <p>17.1.96 at the request for the</p> <p>respondents.</p> <p>HARR ✓ M(A)</p> <p>HARRAS ✓ VC</p>
17.1.96		<p>Judgement is delivered</p> <p>The OA is ordered accord-</p> <p>ingly. No costs. Orders</p> <p>vide separate sheets.</p> <p>HARR ✓ M(A)</p> <p>HARRAS ✓ VC</p>

Admst
noted
2.15.96
✓

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. No. 1428 of 1995

Z. M. Bolar & 20th Applicant (S)

VERSUS

Secretary, M/o. Home Affairs, N. Delhi & 20th

Respondent (S)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
		<p><u>29.11.95</u></p> <p>List it on 4.12.95</p> <p>HABG M(A) HVNRJ VC</p> <p>By order</p> <p>↓</p> <p>DR(S)</p> <p><u>4-12-95</u></p> <p>List on 7-12-95.</p> <p>HRRN M(A) B.O. HVNRJ VC</p> <p>↓</p> <p>DR(S)</p> <p>List on 14/12/95</p> <p>at the request for respondents.</p> <p>HRRN M(A) B.O. HVNRJ VC</p> <p>↓</p> <p>DR(S)</p>

7-12-95

HYDERABAD BENCH : HYDERABAD

OA/~~TX~~/~~RX~~/~~CP~~ No. 1428 of 1995

(a) Applicants J.M. Solar & 2 others.

(b) Respondents The Secretary, Ministry of Home Affairs,
New Delhi and 4 others.

[illegible]

CA 1428/95



DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
14-12-95		<p>Admit.</p> <p>List of (for orders) on</p> <p>28-12-95.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>✓</p> <p>HRRN</p> <p>m(A)</p> </div> <div style="text-align: center;"> <p>✓</p> <p>HVNRS</p> <p>VC</p> </div> </div>
1-1-96		<p>List CA 1428/95, CA 1246/95 &</p> <p>CA 1243/95 for orders on</p> <p>17.1.96 at the request for the</p> <p>respondents.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>✓</p> <p>HRRN</p> <p>m(A)</p> </div> <div style="text-align: center;"> <p>✓</p> <p>HVNRS</p> <p>VC</p> </div> </div>
17.1.96		<p>Judgement is delivered</p> <p>The OA is ordered accord-</p> <p>ingly. No costs. Orders</p> <p>vide separate sheets.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>✓</p> <p>HRR</p> <p>m(A)</p> </div> <div style="text-align: center;"> <p>✓</p> <p>HVNRS</p> <p>VC</p> </div> </div>

See 159

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. No. 1428 of 1995

Z. M. Bolar & 20th Applicant (S)

VERSUS

Secretary, M/o Home Affairs, N. Delhi & Utt

Respondent (S)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
		<p><u>29.11.95</u></p> <p>List it on 4.12.95</p> <p>HABG M(A) HVNRJ VC By order DR (7)</p> <p><u>4-12-95</u></p> <p>List on 7-12-95.</p> <p>HARN M(A) B.O. HVNRJ VC ↓ D.R (5)</p> <p>List on 14/12/95 at the request for respondents.</p> <p>HARN M(A) B.O. HVNRJ VC ↓ D.R (5)</p>

7-12-95

Reg: - To direct the Respondents to pay all the allowances including the Patient Care allowance that are being paid to the employees working in other Central Govt. Hospitals in accordance with the IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADD: BENCH AT HYDERABAD. recommendations of the 3rd and 4th pay Commission by the orders of Govt. of India.

Patient Care allowance

S-19-case

SINGLE MEMBER CASE A.No. 1428 of 1995

General (D)

GENERAL

Between:

J.M. Bolar & Ors.

Vs.

The Govt. of India & Ors.



! Applicants

... Respondents.

I N D E X

S.No.	Description	Date	Page Nos.
1.	Application		1-7
2.	Judgment in O.A.Nos.150/94 in 151/94	dt.24.02.94	8-11
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4.	Judgment in O.A.No.122/89	dt.13.04.90	13-17
5.	Judgment in O.A.No.65/90	dt.24.09.90	18-22
6.	Order in R.P.No.100/91 in O.A.No.65/90	dt.20.08.92	23-24
7.	Order in C.P.No.74/90 in O.A.Ni.65/90	dt.18.06.93	25-26
8.	Letter No.O.VIII-3/89-Med	dt.15.03.1989	27-28
9.	Letter No CGHS/Hyd/Acctt/92-93/6490	dt.05.01.1993	29
10.	Letter No.B.11011/1/90-CGHS	dt.10.07.2990	30
11.	Letter No.J.II.1/90-2 BH-ECIL	dt.04.01.1993	31
12.	Letter No.U.II.1/90-Medical	dt.14.02.91	32
13.	Letter No.A.IX-1/89-Med-MHA	dt.07.03.1989	33
14.	Letter No.G.51/I-EC-III	dt.15.02.1993	34

Hyderabad

Dt. 9.11.95

Li.

Counsel for Applicants.

Recd
9.11.95
for R. D. D. D. D.

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADD: BENCH
AT HYDERABAD

C.A. No 428 OF 1995.

BETWEEN:

1. J.M. BOLAR S/o N.C. Bolar,
Aged 35 years, Staff for
sister Mess II Base Hospital,
Central Reserve Police Force,
Chandrayangutta, Hyderabad.

and Two Others.

.... APPLICANTS

A N D

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

and 4 OTHERS.

.... RESPONDENTS

A N N E X U R E

CHRONOLOGICAL EVENTS:

Sl. No.	DATE	DESCRIPTION	Page No.
01.	01.10.1996	Respondents were directed to pay all the allowances (including Patient Care Allowance)	04
02.	01.04.1987	The Respondents have taken an unjust, Arbitrary and discriminatory attitude by not paying the patient care allowance.	05
03.	15.02.1992	Till recently the applicants have been seeking payment of patient care allowance for long time.	05
04.	01.04.1987	The applicant is entitled w.e.f. 01.04.1987 since, inspite of several reminders & requests by applicants, the Respondents have not paid the Patient Care Allowance.	05

HYDERABAD,

COUNSEL FOR PETITIONERS

DATED: 21.11.1995.

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH: HYDERABAD

(U/s. 19 of the Central Administrative Tribunals Act, 1985)

Original Application No. 1428 of 1994.

Between:

1. J.M. Bolar S/o N.C. Bolar,
aged 35 years, Staff for
sister Mess IInd Base Hospital,
Central Reserve Police Force,
Chandrayangutta, Hyderabad.
2. C. Shiva Shanmugum S/o Chithirai
aged 30 years. Nursing Assistant,
IInd Base Hospital, Central Reserve
Police Force, Chandrayanagutta,
Hyderabad.
3. D.P. Patole S/o Late Piraji
aged 47 years, Hospital Cook,
Group Centre, Ranga Reddy.

2. 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,
4. The Inspector General of Police, Central Reserve
Police Force, Road No.12, Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
Central Reserve Police Force, Chandrayanagutta,
Hyderabad - 5.

...Respondents.

DETAILS OF APPLICATION:

1. Particulars of the Applicants:

- | | | | |
|--|---|---|-----------------------------------|
| a) Name of the applicants; |) | } | Applicants
as mentioned above. |
| Name of the father | : | | |
| Designation | : | | |
| b) Office address in which
employed | : | } | |
| c) Address for service
for all notices. | : | | |

M/s. J.V. PRASAD, Advocate,
3-4-874/1/A/5, Barkatpura,
Hyderabad-27.

(5)

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 | : | |
| iii) Address for service of all notices | : | |

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 benefit claimed herein. |
| ii) Date | : | Nil |
| iii) Passed by | : | Nil |
| iv) Subject in brief | : | The applicants who are working in the CRPF 2nd Base Hospital Hyderabad Ranga-Reddy Group Centre Claim allowances which were recommended by 3rd & 4th pay commission and which were accepted by the Central Government. |

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 subjects matter in respect of which they want redressal is within the jurisdiction of the Tribunal as per Sec.14 of the Central Administrative Tribunal Act.

5. Limitation:

The applicants declare that the application is within the limitation prescribed in Sec.21 of the Administrative Tribunals 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, Chandrayanagutta, Hyderabad-5.

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b) It is submitted that the applicant 1 ~~xxxxxx~~ is working as cook in staff for Sister Mess, Central Reserve Police Force, Hyderabad. and applicant No.2 is working as a Nursing Assistant in the Central Reserve Police Force, Hyderabad. The applicant No.3 is working as a Hospital cook Group Centre, Ranga Reddy, Central Reserve Police Force, Hyderabad.

c) The applicants are entitled for patient care allowance at the rate of Rs.80/- per month. The Ministry of Health & Family Welfare issued an order the sanction of the president was given for payment of patient care allowance at the rate of Rs.80/- per month. This allowance is not being paid to the applicants whereas employees working in other central Government Hospitals are getting the benefit. The applicants co-employees are also being paid the said allowance.

d) The applicants submit that they perform the same duties as that of the other employees working in other central Government Hospitals. In fact the duties of the applicants working in the CRPF, Base Hospital are more arduous and onerous than those working in the other Central Government Hospitals. They have to accompany the battallion wherever they go in times of emergency. The applicants cannot be deprived to the legitimate allowances due to them simply because they belong to different hospitals. The applicants have to go wherever they are sent alongwith the a battallion and their services are 'Obligatory Service' and they have to be available for nay emergency. Having extra acted hard work, it is unjust and uncharitable on the part of the respondents to discriminate the applicants in payment of allowances and other benefits. The applicants also are Governed by the Central Civil Services Regulation just as the other Central Government employees and other.

who are working in Central Government Hospitals. The applicants are also entitled to the same allowances as are being paid to the other employees working the Central Government Hospitals and Art.239(d) of the Constitution of India also envisages the same and if that principles as violated, it would be discriminatory and violative of Arts.14 ' 16 of the Constitution of India.

e) The applicants submit that an allowance called the Patient Care allowance is being paid to all Group 'C' &'D' staff working in Central Government Hospitals. The said allowance is however not paid to the Hospital Staff working in the C.R.P.F. inspite of the recommendations of the 3rd & 4th Pay Commission. Some of the Hospital staff of the CRPF who have been deprived of the said allowances approached this Hon'ble Tribunal in O.A. No.65 of 1990. Before the Gauhati Bench of the Hon'ble Tribunal, O.A.No.122 of 1989 was filed by some Hospital Staff working there. The said O.A. was allowed and the respondents were directed to pay all the allowances (including Patient Care Allowance) to the applicants therein wef 1-10-1986. The Appeal filed by the respondents therein in Special Leave to Appeal (Civil)No.9605 of 1990, against the order in O.A.No.122/89 was dismissed by the Hon'ble Supreme Court of India on merits. Therefore, that the respondents have to pay all allowances including Patient Care Allowance to the Hospital Staff of CRPF from R 1-10-1986 became final. This Hon'ble Tribunal following the above orders allowed O.A. No.65 of 1990. Some of our colleagues also filed O.A.No.150 of 1994 and O.A.No151 of 1994 seeking a similar relief and the said applications were allowed by this Hon'ble Tribunal on 24.02.1994.

f) I submit that however, the respondents have taken an unjust stand in that the Patient Care Allowance is not being paid to the applicants as the applicants have not approached this Hon'ble Tribunal. It is submitted that once the law is declared in a particular manner in favour of some of the staff

(8)

who approach a Court of Tribunal, the same has to be applied uniformly to all similarly situated staff of the same Department, irrespective of the fact that they have not approached the Tribunal. Unfortunately, the respondents have taken an unjust, arbitrary and discriminatory attitude by not paying the patient care allowance to the applicants from 01-04-1987, only because they have not approached this Hon'ble Tribunal.

g) It is submitted that the applicants have been seeking payment of Patient Care Allowance for long. Even as recently as on 15.02.92, the respondents had informed the staff that the sanction of Patient Care Allowance to the hospital staff other than nursing staff was under consideration. After the disposal of the above referred O.A.No.150 of 1994 and O.A.No.151 of 1994 by this Hon'ble Tribunal, we had requested the respondents at the regular meetings to pay us the allowance. We were informed that the matter is under consideration. It is now becoming more and more obvious that the respondents do not intend to pay the allowance unless we approach this Hon'ble Tribunal and seek relief.

h) The applicants submit that in spite of several requests the respondents have not paid the Patient Care Allowance to which they are entitled w.e.f. 01.04.1987. The action of the respondents is illegal, arbitrary, discriminatory and unjust. The non-payment of the allowance is contrary to the judgement of this Hon'ble Tribunal and the Hon'ble Supreme Court of India and violates the principles of fairplay and natural justice. Under such circumstances, the applicants have no other alternative remedy except to approach this Hon'ble Tribunal.

7. Reliefs sought: In view of the facts mentioned in para 6 above the applicants pray for the following:

a) Main Reliff: The applicants pray that the Hon'ble Tribunal may be pleased to declare the action of the respondents in not paying the allowances due to the applicants as discriminatory and violative of Arts. 14, 16 & 39 (d) of the Constitution of India and to direct the respondents to extend all the benefits and pay all the allowances that ~~that~~ are being paid to the employee working in other Central Government Hospital in accordance with the recommendations of the 3rd & 4th pay Commissions and in accordance with Government of India orders including the Patient Care Allowance with arrears wef 01.10.1986, and to grant promotional benefits to the applicants 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:-~~

15/10/95

Interim relief: To direct the respondents to pay the patient care allowance w.e.f. 01.10.1986, pending disposal of the O.A., and to pass such other orders as are necessary in the interests of Justice.

8. Details of remedies exhausted:

The applicants declare that they have availed all the remedies available to them under the relevant rules act.

9. 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.

10. Particulars of Bank/Postal order in respect of the Application:

a) Name of the Bank/
Post Office at which drawn:

50/-

b) Demand Draft No./
Postal Order No.

810 426 248
G.P.O.

Rs. 50/- A
17.10.1995

Date: 9-11-95

(10)

11. Details of Index:

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

12. List of Enclosures:

()

VERIFICATION

I, J.M. Bolar, S/o N.C. Bolar aged 35 years Staff for Sister Mess (Cook working in CRPF, Hyderabad, 2nd Base Hospital, the 1st applicant herein do hereby verify that the contents from 1 to 12 paras are true to my personal knowledge and belief and that I have not suppressed any material facts.

I am filing this application on behalf of the another applicants also on their instructions.

Verified on this the 5th day of November, 1995 and signed their names in my presence at Hyderabad.

1ST APPLICANT

J.M. Bolar
J.M. BOLAR

2ND APPLICANT

C. Srinivasan
C. SRINIVASAN

3RD APPLICANT

D.P. Patole
D.P. PATOLE

Li:
Counsel for Applicants

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

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 Mithila saram singh

2. M.V.Verkey

.... 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 Delhi3. 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 Pradesh6. The Commandant, 65 Bn
Central Reserve Police Force
Padmarao Nagar
Secunderabad - 500 025.

.... Respondents

O.A. 151/94.1. J.J. Das
2. V. Seetha Raman
3. L. Ramachander
4. T. Narasimhulu
5. G.S. Beneraji
6. C. Yadaiah
7. Jaitu Nisha
8. Murarilal Goya9. Shivacharan
10. Mahalaxmi
11. N. Chkaravarte
12. Molly Thankachan
13. Syed Fasiulla Hussaini
14. V. Pennamma
15. Veera Ragharam
16. Kamelsh M.

- 2 -

17. Mrs. Sati Babu
18. Mrs. Krishna Devi
19. Mrs. V. Chandraw
20. Mrs. P.N. Thankmani
21. P. Chandran
22. K.K. Nambiyar
23. Gullam Modh. Ashfaq
24. Mallamma
25. T. Nookraj
26. Mrs. Laxmi K. Pillai
27. Mrs. Ponnamma
28. J. Ramesh
29. Manorama
30. Yesam Dasrathi31. ED. Vargheesh
32. Maria Kutty Skaria
33. Bydu Prabhakar
34. Ch. Srinivas 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 Samual
42. Abhaya Kumar.

.... Applicants

- 2 -

(12) (A)

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.
4. The Inspector General of Police,
Central Reserve Police Force,
Rd.No.12, Banajara Hills, MYD-34.
5. The Chief Medical Officer, 2nd Base
Hospital, Central Reserve Police Force,
Kesavgiri, Hyderabad-5. ... Respondents

Counsel for the Applicants : Shri J.V. Prasad

Counsel for the Respondents : Shri N.V. Ramana, CGSC.

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI RANGARAJAN : MEMBER (ADMN.)

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

(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. Some 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 Force (CRPF) base. They filed these OAs praying for 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 O.A. 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 OA65/92 and

13

14

15

some other X OAs.

4. It is stated for the applicants that when they were not given the patient care allowances, 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 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 OA.150/94.

5. The learned standing counsel for the respondents referred to the letter No.B. 11011/90 CGHS(P), dated 10.7.1990 to state that the patient care allowance to Group 'C' and 'D' non ministerial employees including the nursing personal in CGHS organisation was granted with effect from 1.4.1987 only subject to the condition that no night allowances 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 benefits has to be limited from one year prior to the filing of these OAs.

7.8. As per the order dated 24.9.1991 in OA 65/92, the patient care allowance was directed to be given from 1.10.1986 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 just and proper to direct the respondents to pay the patient care allowances to the applicants here in also from the date it was sanctioned to the concerned staff in the hospital in CGHS organisation.

As the letter dated 10.7.1990 disclose 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 results, the respondents are directed to pay the patient care allowance to these applicants with effect from 1.4.1987 and they are entitled to the night waitage allowance and the risk allowance and if the night waitage 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 notice 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

88/-17-3-94

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

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.
4. The Inspector General of Police, Central Reserve Police Force, Rd.No.12, Banjara Hills, Hyd.
5. The Additional Dy. Inspector General of Police, Group Centre, Central Reserve Police Force, Neemuch, M.P.
6. One copy to Shri J.V.Prasad advocate 3-4-874/1/A/5, Barkatpura, Hyd.
7. One copy to Sri N.V.Ramana, Addl. CGSC, CAE, Hyd.
8. One Copy to Library, CAT, Hyd.
9. One Spare copy.
10. One copy to the commandant, 65 Bn, Central Reserve Police Force, Padmarabnagar, Sec'bad-25.

T.C. H

Item No. 15 Court No. 1 Section XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

After Notice

Petition(s) for Special Leave to a Appeal (Civil) No. 9605/90

(From the Judgement and order dated 12.4.1990 of the C.A.T. Guhati Bench in O.A.No.122/89).

Union of India & Ors. ... Petition(s)

Vs.

Smt. Rhoda Pal & Others
(with appln, for stay) ... Respondents.

Date: 5-1-1990: This/These petition(s) was/were called on for hearing today.

CORAM:

Hon'ble the Chief Justice.

Hon'ble Mr. Justice Kukdip Singh.

for the petitioner: Mr. Kapil Sibal, ASG,
Mr. Kamini Jaiswal, ADV.
Mr. C.V.S.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 on merit.

Sd/- (P.K. Bajaj) Court Master
Sd/- (Gai Chand) Asst. Registrar

//true copy//

(62) - A-3 (13) (16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

O.A. No. 122 of 1989

Date of Decision: The 13th day of April, 1990.

Smt. Rhoda & Ors. .. Applicants.

Vs.

Union of India & Others .. Respondents.

For the applicants : M/s. B.K. Sharma and
B.M. Bhuzarbaruah, Advocate.

For the Respondents : Mr. S. Ali, Sr. S.G.S.C.

CORAM:-

THE HON'BLE SHRI K.P. ACHARYA, VICE-CHAIRMAN

AND

THE HON'BLE SHRI J.C. ROAY, ADMINISTRATIVE MEMBER.

1. Whether reporters of local papers may be allowed to see the judgement.
2. To be referred to the Reporters or not.
3. Whether their Lordships wish to see the fair copy of the judgement?

JUDGEMENT:-

ACHARYA.J.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner (24 in numbers) pray for directed to the opposite parties and ~~nursing~~ giving effect to the reversed rates of uniform washing and nursing allowances as recommended by the Fourth Pay Commission.

2. Shortly stated, the case of the petitioner is that they are members of the Nursing Staff in various categories in the base Hospital No.3, C.R.P.F., Guwahati. The petitioners have been drawing uniform and washing allowances at the rate of Rs. 200/-- per annum and their grievance is that though the rate of uniform allowances, washing allowances etc., have been enhanced in respect of Nursing staff of the other hospitals in the Ministry of Health and Family Welfare, Yet such enhanced rate of uniform and washing allowances are not being paid to the petitioners for which representations had been made to petitioner the concerned

authority and the representation have not yielded any fruitful result. Hence this application has been filed with the aforesaid prayers.

3. In their counter, the opposite parties do not dispute the enhancement of rate as stated by the petitioners.

The only ground taken in the counter for disallowing the claim is that the claim of the petitioner has not found favour with the Government.

4. We have heard Mr. B.M. Bazarbarwah, the learned counsel for the petitioners and Mr. S. Ali, the learned MR. S.G.S.C. at some length. On behalf of the petitioners reliance was placed on Annexure '4' which is an office memorandum dated 4.1.1988 issued by the Government of India in Ministry of Health and Family Welfare relating to the subject 'Revision of Rates of various allowances Admissible to the Nursing personal in the Central Government'. It is stated as follows:-

"The undersigned is directed to say that this Ministry after obtaining the concurrence of the Department of Personnel and Training and Ministry of Finance, have raised/enhanced the allowance/stipend to the Nursing Personnel of all categories at all level working in the Central Government Hospitals/Institutions/Hospitals run by Delhi Administrative including Municipal Committee and the Centrally Founded statutory bodies/autonomous Bodies with effect from 1.10.1986 as per details given below:-

i) Uniform allowance would be admissible @ Rs.1500/- per annum.

ii) Washing allowance would be admissible @ Rs.75/-P.A.

iii) A new allowance called the Nursing allowance would be admissible @ Rs.150/- per annum.

iv) Stipend @ Rs. 500/- per month informally for all the 3 years would be admissible to student

Nurse undergoing General Nursing and Midwifery courses.

- 6 -

(15) (18)

5. Reply on this office memorandum, Mr. B.M. Buzarbaruh contended that denial of such enhanced rate of allowance to the petitioner would be violating articles 14 and 16 of the Constitution. Nursing Staff attached to the CRPF Hospital discharge the same nature of work as that of the Nursing Staff attached to any other hospital under the Ministry of Health and Family welfare. He further contended of Finance have given their concurrence in the Ministry of Finance have given their concurrence to the Ministry Health and Family Welfare enhancing of the rate of allowances, should be made applicable to the present petitioners..

6. We have given careful consideration to the averments in the counter. However it is stated on behalf of the opposite parties that the nature of duties discharged by the Nursing Staff attached to the C.R.P.F. Hospital is in any way different from the nature of duties discharged by the Nursing Staff of the Hospitals under the Ministry of Health and Family Welfare or those Hospitals mentioned in the said office memorandum quoted above. In such circumstances there is not option left with this Bench, but to presume that the nature of duties of the petitioners and that of the Nursing Staff of the Hospitals mentioned in the said office memorandum are one and the same. In the connections a judgement reported in AIR 1982 Supreme Court 897) Randhir Singh Vs. Union of India and ors) would be relevant. Their Lordships held considering the principles of equal pay for equal work, The petitioners before their Lordships was a driver constable in the Delhi Police Force under the Delhi Administration and he demanded the this scale of pay should be atleast the same as the scales of pay of other Drivers in the Services of the Delhi Administration. The scale of pay of Driver Constable in the Delhi Police was Rs.210/- 270/- in case of Non-matriculates and Rs.225/- Rs.308/- in the case of Matriculates. The scale of pay of a Driver in the Railway Protection force was Rs.280/- Rs.400/-.

The scale of pay of Drivers in the non-Secretariat Officers of Delhi is Rs. 260-6-290-EB-6-326 8-EB-390-10-400. While dealing with the case, their lordships were pleased to observe as follows:-

"Equal pay for equal work is not a mere Demagogic Slogan. It is constitutional goal capable of attainment through constitutional remedies, by the enforcement of Constitutional ~~rights~~ rights. Articles 39(d) the Constitutional goal of "equal pay for equal work for both men and women". Articles 14 and 16 guarantee respectively the fundamental rights to equality before the law and equality of opportunity in the matter of Public employment and Article 32 provides the remedy for the enforcement of the fundamental rights".

The basic principles laid down by the Hon'ble Supreme Court in a plethora of Judicial pronouncements is that there should not be any discrimination of pay, allowances and to other services benefits between one set of allowances and other in particular, ~~unit~~ of the Government and that of another set of employees in another unit, if the nature and duties of work discharged by the members of both units are one and the same. At the present case there is absolutely no dispute raised on behalf of the opposite parties that the nature and duties of work, of the petitioner is different from that of the nature and duties of work nursing staff of ~~xxx~~ other hospitals. In such circumstances we find no justifiable reasons to deny to the petitioner the allowances such as uniform allowances, washing allowances and the non allowed called nursing allowances at the enhanced rate as stated in the above quoted office memorandum, therefore, we direct that the enhanced rate of such allowances be paid to the petitioner by the virtue of this

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Judgment be paid to each of them within 120 days from the date of receipt of a copy of this Judgment.

8. Thus, the application allowed, leaving the parties to bear their own costs.

Sd/-

(J.C. ROY)
12.04.1990.
MEMBER

Sd/-

(K.P. ACHARYA)
12.04.1990
VICE-CHAIRMAN

Certified to copy on 17.04.1990.

Temp

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 65/90

Dt.of Order 24.09.1991.

- 1.P.Wilson Mathew
 - 2.R.M.R.Naidu
 - 3.N.Babu
 - 4.G.L.Nageswara Rao
- 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 of General of Police,
Central Reserve Police Force,
New Delhi.

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.

Counsel for the Applicants : Ms.J.Chamanthi, Advocate

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys.

C.O.R.A.M:-

THE HON'BLE SHRI J.NARASIMHA MURTHY: MEMBER (J)

THE HON'BLE SHRI R.BALASURAM ANIAN : MEMBER (A)

(Judgment of the Division Bench delivered by
Hon'ble Shri J.N.Murthy, Member(J)).

This is an application filed for a relief to declare the
action of the respondents in not paying the allowance due to the
applicants as discriminatory and violative of Article 14 and
16 of the Constitution of India and to direct the respondents
to extend all the benefits and pay working all the allowance
that are being paid to the employees working in other Central
Government Hospitals is in accordance with the recommendations
of the 3rd and 4th Pay Commission and in accordance with the
Government of India orders and to grant promotional benefits
to the applicants.

Brief facts of the case as follows:

The applicants are members of the Hospital Staff working in the Central Reserve Police Force Base Hospital. The 1st applicant is working as Lab Technician in the 2nd Base Hospital, CRPF, Hyderabad. The 2nd applicant is working as Carpenter in the same Hospital. The 4th applicant is working as Lab Technical in the same Hospital. All the applicants are governed by the Central Civil Services Rules and such other rules as framed from time to time by the Union of India under Art. 309 of the Constitution of India and they belong to 'C' and 'D' category of employees.

In order to better the conditions of the Government employees, the 3rd and 4th Pay Commissions have made certain recommendations regarding some allowance such as washing duty allowance, extra duty allowance additional charge duty allowance. The Government of India also after careful consideration of the recommendations of the Pay Commission issued several orders granting allowances to 'C' and 'D' employees. ~~Though~~ Though the employees working in other Central Government Hospitals are being paid all these allowances, the applicants who are working in the 2nd Base Hospital, CRPF, 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.

~~The~~ The applicants are being paid at the rate of Rs. 4.50 per month towards working allowance whereas the 4th Pay Commission recommended at the rate of Rs. 15/- per month and employees working in other Central Government Hospitals are being paid the same.

The applicants are entitled for patient care allowances at the rate of Rs.80/- per month. The Ministry of Health & Family Welfare issued an order that sanction of the President was given for payment of Patient Care Allowance at the rate of Rs. 80/- per month. This allowance is not being paid to the applicants whereas employees working in other Central Government Hospitals are getting the benefits.

It is submitted that the 4th Pay Commission recommended overtime allowance to be paid as Honorarium for compensating over stayal. The Government of India also accepted the recommendation and allowed extra work allowance. The employees who are working in other Government Hospitals are being paid the extra work allowance whereas the applicants are deprived of the said benefit though they have to perform extra duties whenever required. The 4th Pay Commission also recommended 'Night Duty Allowance' and also recommended refixation of the rates of 'Night Duty Allowance. Though this allowance is being paid in the other Government Hospitals, the applicants are not being paid the night duty allowance whenever they are to do the same. It is submitted that the 4th Pay Commission recommended the appointment of extra committee to examine the need for grant of risk allowance for different categories, also recommended increase of allowance by 100%. The applicants submit that they are entitled for risk allowance as the Base Hospital in which they are working is having isolated wards for T.B. Jaundice, Skin diseases and other infectious diseases. The Additional Dy. Inspector General of Police, CRPF, Awadi Group Centre in his admissible to Central Government employees will be given to employees recruited in the CRPF Hospital. The applicants also are governed by the Central Civil Services Regulations as that of the Central Government employees and others who are working in Central Government Hospitals and these applicants are also entitled to the same allowance as are being paid to the other employees working in Central Government Hospitals. Hence this petition.

- 2 -

(24)

• A counter has been filed on behalf of the Respondents, wherein it is averred that the applicants are non-combatised CRPF Hospital Staff and attached to CRPF Hospitals as such and not to the Civil Hospitals under the Ministry of Health. The performance of some work has no relevance in so far as grant of allowances to the CRPF Hospital staff is concerned as this is considered having regard to the terms and conditions of service are and as such they are not similarly situated for the purpose of these allowances. The distinction is proper, valid and justified and is in accordance with law. It is further stated that the provisions of the constitution of in articles 14, 16 and 39(6) have not been violated in any manner. It is further stated that the respondents have yet to take a decision to revise the washing allowance.

In regard to the payment of patient care allowance, it is stated that this allowance is applicable exclusively to the Hospital Staff of Ram Manohar Lohia Hospital, Safdarjung Hospital, Sucheta Kriplani Hospital and other Hospitals under the control of Delhi Administration and not applicable to these staff.

In regard to the night duty allowance, it is stated that the night duty allowance as sanctioned in terms of OM.No.120/2/4/86. Estt(Allowances) dt. 04.10.1989 was duly taken into consideration while granting pay scales and such the night duty allowance was duly taken into account in the pay scales of the applicants. It is further submitted that as the extra duty allowance, risk allowance and additional charge of work and assigned duties of the CRPF Hospital Staff and accordingly not being paid to them. The duties of the CRPF Hospital have been laid down in the Medical Manual and as such, they are not similarly situated as that of Hospital Staff of Civil Hospitals under the Ministry of Health. With these contentions the respondents say that the application is liable to be dismissed.

We have heard Mrs.J.Chamanthi, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents. The Respondents have stated that the applicants are non-combatised CRPF Hospital Staff and belong to the 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 judgement dated 13.04.1990 in O.A.No.122/89. There, the 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 judgement of the Guwahati Bench, the respondents want 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~~ 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, the following the Guwahati Bench Judgement 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 01.10.1986 on par with similar staff in other establishments in the respective areas. The order may be complied with in a period of three months from the date of receipt of this order. There is no order as to costs.

CERTIFIED TO BE TRUE COPY

Sd/-10/10/1991

Court Officer
Central Admn. Tribunal
Hyderabad Bench

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- 16 -

23 26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.NO.100/91

in

O.A.No.65/90

Date of Order : 20.08.1992.

Between:

The U.O.I. rep.by its
Secretary, Min.of Home Affairs,
North Block, New Delhi.

2. The Secretary
Min.of Health & Family Welfare
New Delhi.

3. The Director General of Police,
Central Reserve Police Force,
New Delhi.

4. The Inspector General of Police,
C.R.P.F., Hyderabad.

5. The Chief Medical Officer,
2 BN, CRPF, Hyderabad.

... Applicants/Respondents.

AND

1. MR.P.Wilson Mathew

2. Mr.R.M.R.Naidu

3. Mr. N.Babu

4. Mr.G.L.Nageswara Rao

... Respondents/Applicants.

Counsel for the Applicants :: Mr.V.Rajeshwar Rao for
Mr.N.V.Ramana

Counsel for the Respondents :: Mr.J.V.Prasad for
Mrs.J.Chamanthi

C O R A M:-

HON'BLE SHRI R.BALASUBRAMANIAM, MEMBER (ADMN).

HON'BLE SHRI T.CHANDRASEKHAR REDDY, MEMBER (JUDL.).

Order of the Division Bench delivered by Hon'ble Shri
R.Balakubramanianm, Member (Admn.).

M.A.No.1529/91 is filed for condoning the delay for R.P.
After hearing both sides M.A. is allowed.

2. This Revision Petition is filed by the Union of India,
Ministry of Home Affairs against wilson Mathow and other 3
respondents. The review applicants were respondents in the
O.A. and the review respondents were the O.A. applicants.

3. The prayer in the review petition is to evaluate on
merits the necessity for grant of each allowance.

(21) (29)

- 17 -

4. In the Judgment dated 24.09.1991 in O.A.No.65/90 this Bench directed the respondents to pay the applicants also the enhanced rates of allowances w.e.f. 01.10.1986 on par with similar staff in other establishments in the respective areas. The said judgment was totally based on a judgment of Guwahati Bench of this Tribunal in their O.A. No.122/89.

It was subsequently upheld on merits by the Hon'ble Supreme Court During the course of hearing the Bench was informed that all the 4 review respondents are at present working as Nurses in the various C.R.P.F. Hospitals in Hyderabad.

5. Under these circumstances, we direct the respondents to pay the applicants the enhanced rates of allowance from 01.10.1986 on par with similar nursing staff posted in other hospitals under the Ministry of Health and the Family Welfare Govt. of India at Hyderabad. Review Petition is disposed of with no order as to costs.

CERTIFIED TO BE TRUE COPY

Sd/-4/9/92
Court Officer
Central Admn. Tribunal, Hyderabad

Copy to:

1. Secretary, Ministry of Home Affairs, Union of India, North Block, New Delhi.
2. The Secretary, Ministry of Health & Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve Police Force, New, Delhi.
4. The Inspector General of Police, CRPF, Hyderabad.
5. The Chief Medical Officer, 2 BH, CRPF, Hyderabad.
6. One copy of Sri.N.V.Ramana, Addl.CGSC, Hyderabad.
7. One copy to Smt.J.Chamanthi, Advocate CAT, Hyderabad.
8. One spare Copy.

// true copy //

A-6 - 12 - 58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

C.P.No. 74/92

in

O.A.No. 65/90.

dt-of Order 13-6-93

1. P. Wilson Mathew
2. R.M.R.Naidu
3. N.Babu
4. G.D.Nageswar Rao.

... Applicants.

Vs.

1. Sri M.G.Gobbole,
Secretary, Ministry of Home Affairs,
CSI, North Block, New Delhi.
2. Sri P.L.Mishra,
Secretary, Ministry of Health &
Family Welfare, New Delhi.
3. Sri D.P.N.Singh
The Director General of Police,
Central Reserve Police Force,
CGO Complex, Lodhi Road, New Delhi.
4. Sri D.R.Kartikayan,
The Inspector General of Police,
CRPF, Road No.12, Banjara Hills, Hyderabad.
5. Sri K.M.Mahaptra,
The Chief Medical Officer,
2 BH, CRPF, Hyderabad.

... Respondents.

Counsel for the applicants: M/s.J. Chamanthi &
J.V.Prasad.

Counsel for the Respondent : Shri N.V.Ramana, Addl. CGSC.

CORAM:-

The Hon'ble Sri A.S.GORTHY, MEMBER(A)

AND

The Hon'ble Sri T.Chandrasekhar Reddy, Member(J).

(Order of the Div. Bench passed by the Hon'ble
Sri A.S.Gorthi, Member(A).)

While disposing of OA 65/90 and R.P. 100/91 this
Tribunal directed the respondents therein to pay the
applicants enhanced rates to allowances from 1-10-86 on par
with similarly placed persons in other Hospitals under the
Ministry of Health and Family Welfare at Hyderabad. The
applicants are working as Lab Technicians, cook, and carpenter
in the C.R.P.F. Base Hospital. The allegation in the
Contempt Petition is that the respondents have not complied
with the said order.

2. We heard Sri J.V.Prasad, for the petitioner and
Sri N.V.Ramana for the respondents. From the counter affidavit
filed by the respondents it is apparent that the directions

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given by the Tribunal have sufficiently been complied with.

3. Sri J.V.Prasad, learned counsel for the applicants however contends that the applicants working in Group 'C' and 'D' posts are entitled to overtime allowance also which is not being paid to them by the Respondents. Sri N.V.Ramana, learned standing counsel for the respondents disputes this contention and states that the applicants as per the extent rules are not entitled to overtime allowance. In anycase we would not like to enter into examination of this, which may be taken up by the applicants, if they as desire with the competent authority. In case the applicants represent to be competent authority on this matter the said authority may dispose of the representation by within three months from the date of receipt of such a representation by means of a reasoned order.

Certified to be true copy

Sd/- Court Officer 30/6/93

Central. Admin. Tribunal, Hyderabad Bench

Copy to:-

1. Sri M.G.Godbole, Secretary, Ministry of Home Affairs Union of India, North Block, New Delhi.
2. Sri P.L.Mishra, Secretary, Ministry of Health & Family Welfare New Delhi.
3. Sri D.P.N.Singh, Director General of Police, Central Reserve Police Force, CSO Complex, Lodhi Road, New Delhi.
4. Sri D.R.Kartikayan, Inspector General of Police, Central Reserve Police Force, Road No.12, Banjara Hills, Hyderabad.
5. Sri K.M.Mahapatra, Chief Medical Officer, 2nd Base Hospital Central Reserve Police Force, Kesvgiri, Hyderabad.
6. One copy to Sri J.Chamanthi, Advocate, 3-4-874/1, -Barkatpura Hyderabad.
7. One copy to Sri N.V.Ramana, Addl. COSG, CAT, HYd.
8. One Spare copy.

A-7
- 20 -

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DIRECTOR-GENERAL, CRPF, CSC COMPLEX, LODI ROAD, NEW DELHI-3.
(Ministry of Home Affairs)

No.O.VIII-3/89-Med.

Dated, the 15th March '89

To

The Chief Medical Officer
Base Hospital, 1 CRPF,
New Delhi.

Subject: BI monthly Station Meetings

The following point was sponsored by your officer for BI-Monthly Meeting which was held in this Directorate General during the month of February, 1989.

1. Upgradation of post of Carpenter and steward to Group 'C' Boat:

Carpenter and steward of this organisation filed writ petition regarding upgradation of post in the High Court of Andhra Pradesh at Hyderabad and both of them post their cases on the ground of qualification being different in the various organisation. Their cases upgradation of post may please be sent after giving the full jurisdiction if deemed fit.

2. Enhancement of Uniform allowance of Nursing Staff:

The case regarding enhancement of Uniform allowance of Nursing Staff has been taken by the pay Commission cell of this Directorate General vide U.O.No.P.I-25/86-PC(NHA) with the Government. The decision will be communicated by the pay Commission cell on receipt from the NHA.

3. Hospital Patient care allowance to Group 'C' & 'D' Hospital Staff (Non-Ministerial).

The representation on the subject mentioned above were received in this Directorate alongwith the orders from the Ministry of Health and Family Welfare New Delhi. On Perusal of the same the cases are referred to the Government that said allowance may kindly be allowed to the para medical staff of this organisation. It has been intimated by the Ministry of Health & Family Welfare that the orders of the grant of hospital patient care allowance are applicable to Group 'C' & 'D' (Non-Ministerial) employees working in the 3 Central Government Hospital in Delhi namely Dr. Ram Manohar lohia Hospital, safdar

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jung Hospital, Smt. Suchetha Kripalini Hospital and Hospital
under Administrative Central of Delhi Administration. The
para medical staff of your office may kindly be informed
accordingly.

Sd/-

(Dr. K.K. Saini)

(Deputy Director Medical)

[Faint, mostly illegible text, possibly a list or schedule, with some handwritten marks like 'P-C' and '9/10/74']

Yours faithfully

[Faint signature and text at the bottom of the page]

A-8 - 22 - 32
Mo. CGHS/Hyd/Acctt/92-93/6490
Central Govt. Health Scheme
Kendriya Swasthya Bhavan
Prakash Nagar, Begumpet
Hyderabad-500 016.

Dated the 5 Jan 1993.

To

The Chief Medical Officer
BH, CRPF
Hyderabad - 500 005.

Sub:- Allowances of Hospital Staff-Beg.

Sir,

Please refer to your letter No. J.II:1/90-2 BH-EC-II dated 5-1-93 on the subject noted above and to inform that the following category of medical and para medical staff working under CGHS are being paid allowances.

1. Staff Nurse

Washing allowance, Uniform allowance
Rs.1500/- per annum. Rs.75/-P.M.

Nursing allowance Rs.150/-P.M.

2. Nursing Staff

3. Chowkidar

4. Safaiwala

Washing allowance Rs.75/-PM

5. Dresser

Other Group 'C' Staffs \$ Patient care allowance
and Group 'D' Staff \$ @Rs.70/-PM.
Excluding Nursing Staffs \$
like staff nurse \$

No other allowance except mentioned above is being paid to para Medical staff in CGHS Hyderabad.

T.C. L.H.
Yours faithfully

Sd/-
Additional Director
CHS, Hyderabad.

No.B.11011/1/90-CGHS(?)
Government of India
Ministry of Health and Family Welfare

To
Mirman Bhavan, New Delhi
Dated the 10th July, 1990.
The Directorate General
of Health Service,
Nirman Bhavan,
New Delhi - 110011

Sub:- Grant of patient Care Allowance to Group 'C' & 'D'
(Non-Ministerial) employees of CGHS.

Sir,

I am directed to convey the sanction of the President to the grant of patient Care Allowance to Group 'C' & 'D' (non-Ministerial) employees excluding Nursing Personnel for Central Government Health Scheme in CGHS Organisation. 70/-w.e.f. 01-4-1987 subject to the condition that no Night Weightage Allowance and Risk Allowances. If sanctioned by the Central Government will be admissible to these employees.

2. Sanction is also accorded for the up-gradation of 35 posts of Staff Nurses in the scale of Rs.1400-2600 as Nursing Sisters in the scale of Rs.1640-2900 with immediate effect as indicated below:

<u>Name of the City</u>	<u>Members of Post-Up-Graded</u>
Allahabad	3
Bombay	9
Calcutta	2
Hyderabad	3
Meerut	1
Delhi	17
	<u>35</u>

3. The expenditure involved will be met out of the budget grant of CGHS Organisation of the year 1990-91.

4. This issue with the concurrence of Ministry of Finance, Deptt. of Expenditure vide their I.,D.No.7(12)-E.III/90 dated 15-05-1990.

Yours faithfully
Sd/-
(I.S.RIST)
Director (PH)

No.B.11011/1/90-CGHS(?)

Copy to:

1. All Addl. Directors of CGHS with 5 spare copies.
2. Shri T.Trivedy, Secretary General, A.I. CGHSE.A.K.42 Srinivasa Puri, New Delhi.
3. Pay and Accounts Office, M/o. Health & F.W. New Delhi.
4. Finance Division.
5. Cabinet Secretariat (Attn: Shri G.S.Chatterjee, C.S.N.)

Sd/-
(I.S.RIST)
Director (PH)

T.C 41

A-10
- 24 -

7/3

34

OFFICE OF THE CHIEF MEDICAL OFFICER, 2. BH, CRPF, HYDERABAD-5.

No.J.II1/90-2 EH-EC-II

Dated the 4th Jan'93

To

The Inspector General of Police, S/S
Central Reserve Police Force,
Hyderabad - 34.

Subject : CONTEMPT PETITION 74/92 AND 77/92 in O.A.No.
65/90 AND 66/90 FILED BY P.WILSON MATHEW AND
CHANDRA WILSON AND OTHERS.

Kindly refer to your notice office Sig.No.J.II-4/90-
Legal S/S dated 3/1/93.

2. The required list of Hospital Staff is enclosed
as under.

- i) List of Nursing staff (as per BH(Med) Letter No.
P.I.25/86-PC-MED-MHA dated 15/10/91.
- ii) Other Group 'c' Hospital Staff.
- iii) Group 'D' Hospital Staff.

Enc; as above

Sd/-CMO-2 BH, CRPF, HYD-5

No.j.II.1/90-BH-2-EC-II

Dated the Jan'93.

Copy enclosed with copies of list forwarded to:-

1. Dy. Inspector General of Police, CRPF, Hyderabad-5.
2. Addl.D.I.G.P. GC, CRPF, Hyderabad-5.
3. The JAD(L), S/S, CRPF, Hyderabad-34.

Sd/-CMO-2 BH, CRPF, HYD-5.

1) LIST OF THE NURSING STAFF:

1. Matron
2. Asstt. Matron
3. Sister Incharge
4. Ward Sister
5. Theatre Sister
6. Staff Nurse.

2. OTHER GROUP 'C' STAFF:

1. Lab. Technician.
2. Pharmacist
3. Radio Graper
4. X-Ray Asstt.
5. Lab. Asstt.
6. Electrician
7. O.T. Asstt.

3) GROUP 'D' HOSP. STAFF

1. Nursing Asstt.
2. Ward Girl/Boy
3. Table Boy
4. Carpenter
5. Gardener (Mali)
6. Steward
7. SFSM
8. Kahar
9. Masalachi
10. Chowkidar
11. Plumber
12. Safai Karmachari
13. Hosp. Cook
14. Hosp. Dhobi
15. Dresser.

J.C. L.A.

A-11
- 25 -

(35)

Copy of DD(medical) Letter No. Y.II-1/91 Medical dated 14/2/91 addressed to IGP S/Sector is re-produced as under:-

Subject: CADRE REVIEW OF HOSPITAL STAFF/GRANT OF VARIOUS ALLOWANCES TO HOSPITAL STAFF.

Kindly refer to your Office letter No. M.V.1/90 Adm-5 dated 27-12-1990.

2. Progress of Sub Pars (i), (ii) & (iii) of Para-2 of your letter under reference is as under :-

(i) CADRE REVIEW OF GROUP 'C' & 'D' HOSP. STAFF

Case is still pending with Govt.

(ii) GRANT OF VARIOUS ALLOWANCES TO NURSING STAFF

Approval for payment of Uniform, Washing and Nursing/allowances to Nursing Staff of our Organisation is still awaited from MHA.

Proposal of sanction of patient care allowance to CRPF Hospital staff Group 'C' & 'D' has again been submitted to MHA vide office

U.O. No.A.IX-1/89-91-Med(MHA) dated 10.1.91.

Sanction is still awaited from MHA.

(iii) GRANT OF RISK ALLOWANCES

The case regarding sanction of patient care allowance to our hospital Staff has been referred to MHA. In case the patient care allowance is sanctioned to our hospital staff they will not be entitled to Risk allowance as per GOI, Ministry of Health & Family Welfare New Delhi Letter No. 2-28015/60-87-H dt.5-1-91.

No.M.M.1/90-Adm-5

Dated, the 6 March '91

Copy forwarded to the DIGP, CRPF, Hyderabad Madras/Neemuch for information and informing the present position of the above cases to their Range Units/Gcs.

Sd/-
AB(Adm)S/S

No.M.III-1/EC-3

Dated, the March '91

Copy forwarded to the Medical Officer, 65 Bn, CRPF, Bantalab for information and necessary action.

Sd/- for Commandant-65.

T-C 41

A-12
- 26 -

(36)

COPY OF DEPUTY DIRECTOR (MEDICAL) DIRECTORATE GENERAL, CRPF
CGO COMPLEX, LODI ROAD, NEW DELHI-3 (MINISTRY OF HOME AFFAIRS)
LETTER NO. A.IX.1/89-Med-MHA DATED 7th MARCH 1989. IS REPRODUCED
BELOW:

SUBJECT: GRANT OF HOSPITAL PATIENT CARE ALLOWANCE TO GROUP
'C' & 'D' (NONMINISTERIAL HOSPITAL EMPLOYEES).

The representations on the subject mentioned above were received in this Directorate from various quarters quoting the orders from the Ministry of Health and family welfare New Delhi. The case was taken up with the Government for allowing the patient care allowance to the para medical staff of this organisation. It has been decided by the Ministry of Home Affairs that the orders for grant of hospital patient care allowance are not applicable to Group 'C' and 'D' staff of CRPF, (other than Nursing Staff). The para medical staff of your sector/office may kindly be informed accordingly.

Sd/-
(Dr. K. K. Saini)
Deputy Director (Medical)

No. A-0-I/89-2Bh-Rk

Dated 14 April 1989

Copy to:-

1. Matron for information to Hospital Staff.
2. EC.I, 2nd BH, CRPF, Hyderabad-5.
3. Notice Board 2nd BH, CRPF, Hyd.
4. P.I/I file

Sd/ 14/4/89
for Chief Medical Officer
2nd Base Hospital, CRPF, Hyd-05.

T.E.

A-13

(34)

(34)

COPY OF DIGP, CRPF, NEEMUCH LETTER NO.G.51/I-EC-III Dated 15/2/92

At the time of visit/Inspection of higher authorities, question of Hospital patient Care allowance to Hospital staff and cadre review of Hospital staff are being raised by the Hospital staff. In this connection it is clarified that case for sanction of Hospital Patient care allowance to Hospital staff other than Nursing staff is under consideration with MHA., Similarly once of cadre review of para medical staff is under examination/ submission to MHA, Decision as and when received shall be initmated.

2. Decision in both the above cases may take time. Hence all the concerned staff may kindly be apprised of the situation so as to avoid repeated raising of the same point before the D.G.

No.M.III-I-EC-III

Dated the 15 Feb 1992.

Copy forwarded to:-

The Medical Officer, 69 Bn, CRPF for your information.

Sd/-

COMMANDANT-65 BN CRPF
Bantalab - JAMMU (J&K)

J.C. 211
9/11/92

J.V. prs Sad.
Couns for petitioner

2

39

OA.1428/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri J.V. Prasad, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA who are reported to be para-medical staff. The third applicant in this OA is a cook. All of them are working under R-5.

3. This OA is filed praying for a direction to the respondents to extend all the benefits and pay all the allowances that are being paid to the employees working in other Central Government Hospitals in accordance with the recommendations of the 3rd and 4th Pay Commissions and in accordance with Government of India orders including the Patient care Allowance with arrears with effect from 1-10-1986 and to grant promotional benefits to the applicants.

4. Similar claim was made in OA.122/89 on the file of Gauhati Bench of Central Administrative Tribunal. It was held therein that the para-medical staff in the hospitals attached to CRPF are also entitled to patient care allowances from 1-10-1986. Following the said judgement, this Bench also gave similar benefits to the applicants in OA.65/90 and other OAs.

6. This Bench also disposed of OA.150/94 and 151/94 on 17-3-1994 following the directions given ⁱⁿ the above OAs. Direction given in OA.150/94 is to the effect that the applicants in that OA are entitled for patient care

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1428/95

Date of Order: 17-1-96.

Between:

1. J.M.Bolar
2. C.Shiva Shanmugum
3. D.P.Patole

.. Applicants

and

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi
2. The Union of India, rep. by its Secretary,
Ministry of Health and Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, CRPF. Road No.12,
Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

Respondents.

For the Applicant :- Mr. J.V.Prasad, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add. CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RANGARAJAN : MEMBER (ADMN)

(48)

2

allowance with effect from 1-4-1987 and they are also entitled to night wait allowance and risk allowance and if the night wait allowance or the risk allowance was already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

7. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to differ from that judgement wherein both of us were parties.

8. In the result, the respondents are directed to pay the patient care allowance to the applicants in this OA with effect from 1-4-1987 and they are entitled to night wait allowance and the risk allowance and if the night wait allowance or the risk allowance was already given to the applicants the same has to be adjusted from out of the amounts to be paid as per this order.

9. Time for compliance is four months from the date of receipt of copy of this order.

10. The OA is ordered accordingly. No costs. //

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केदार नगर, मुंबई
Central Criminal Court (Magistrate)
मुंबई न्यायालय
HUBBARD, D. BENCH

[Signature]
11/2/86

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1428/95

Date of Order: 17-1-96.

Between:

1. J.M.Bolar
2. C.Shiva Shanmugum
3. D.P.Patole

.. Applicants

and

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi
2. The Union of India, rep. by its Secretary,
Ministry of Health and Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, CRPF. Road No.12,
Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

Respondents.

For the Applicant :- Mr. J.V.Prasad, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add. CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

2

39

OA.1428/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri J.V. Prasad, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA who are reported to be para-medical staff. The third applicant in this OA is a cook. All of them are working under R-5.

3. This OA is filed praying for a direction to the respondents to extend all the benefits and pay all the allowances that are being paid to the employees working in other Central Government Hospitals in accordance with the Recommendations of the 3rd and 4th Pay Commissions and in accordance with Government of India orders including the Patient care Allowance with arrears with effect from 1-10-1986 and to grant promotional benefits to the applicants.

4. Similar claim was made in OA.122/89 on the file of Gauhati Bench of Central Administrative Tribunal. It was held therein that the para-medical staff in the hospitals attached to CRPF are also entitled to patient care allowances from 1-10-1986. Following the said judgement, this Bench also gave similar benefits to the applicants in OA.65/90 and other OAs.

6. This Bench also disposed of OA.150/94 and 151/94 on 17-3-1994 following the directions given in the above OAs. Direction given in OA.150/94 is to the effect that the applicants in that OA are entitled for patient care

44

To

S

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi.

2. The Secretary, Ministry of Health and Family Welfare,
Union of India, New Delhi.

3. The Director General of Police,
Central Reserve Police Force, New Delhi.

4. The Inspector General of Police, CRPF,
Road No.12, Banjara Hills, Hyderabad-34.

5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

6. One copy to Mr. J.V. Prasad, Advocate, CAT Hyd.

7. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT Hyd.

8. One copy to Library, CAT Hyd.

9. One spare copy.

10. The GA is ordered accordingly. No costs.

(Sd/-) (Signature)
Vice Chairman

(Sd/-) (Signature)
Member (Admin.)

Dated: 17.01.95
Dictated in Open Court

40

3

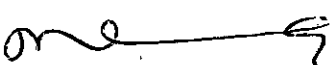
allowance with effect from 1-4-1987 and they are also entitled to night wait allowance and risk allowance and if the night wait allowance or the risk allowance was already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

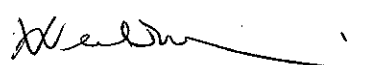
7. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to differ from that judgement wherein both of us were parties.

8. In the result, the respondents are directed to pay the patient care allowance to the applicants in this OA with effect from 1-4-1987 and they are entitled to night wait allowance and the risk allowance and if the night wait allowance or the risk allowance was already given to the applicants the same has to be adjusted from out of the amounts to be paid as per this order.

9. Time for compliance is four months from the date of receipt of copy of this order.

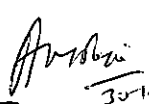
10. The OA is ordered accordingly. No costs. //


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : January 17, 96
Dictated in Open Court

sk


30-1-96
Deputy Registrar(S)

9/11/2
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 17/1 -1996

ORDER/JUDGMENT

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

in

O.A.No.

1428/95

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

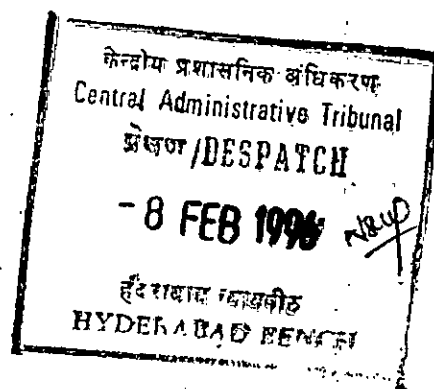
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy



.....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

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

ORIGINAL APPLICATION NO. 1428/95 OF 19

.....

TRANSFER APPLICATION NO.

OLD RETN. NO.


CERTIFICATE

Certified that no further action is required to be taken and the case is fir for consignment to the Record Room (Decided)

Dated. 30/1/96.

Counter Signed:

L
Signature of the Dealing Asst.


Section Officer, Court Officer.

pvm.

.....

2

DA.1428/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri J.V. Prasad, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA who are reported to be para-medical staff. The third applicant in this OA is a cook. All of them are working under R-5.

3. This OA is filed praying for a direction to the respondents to extend all the benefits and pay all the allowances that are being paid to the employees working in other Central Government Hospitals in accordance with the recommendations of the 3rd and 4th Pay Commissions and in accordance with Government of India orders including the Patient care Allowance with arrears with effect from 1-10-1986 and to grant promotional benefits to the applicants.

4. Similar claim was made in OA.122/89 on the file of Gauhati Bench of Central Administrative Tribunal. It was held therein that the para-medical staff in the hospitals attached to CRPF are also entitled to patient care allowances from 1-10-1986. Following the said judgement, this Bench also gave similar benefits to the applicants in OA.65/90 and other OAs.

6. This Bench also disposed of OA.150/94 and 151/94 on 17-3-1994 following the directions given ⁱⁿ the above OAs. Direction given in OA.150/94 is to the effect that the applicants in that OA are entitled for patient care

92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1428/95

Date of Order: 17-1-96.

Between:

1. J.M.Bolar
2. C.Shiva Shanmugum
3. D.P.Patole

.. Applicants

and

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi
2. The Union of India, rep. by its Secretary,
Ministry of Health and Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, CRPF. Road No.12,
Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

Respondents.

For the Applicant :- Mr. J.V.Prasad, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RANGARAJAN : MEMBER (ADMN)

allowance with effect from 1-4-1987 and they are also entitled to night wait allowance and risk allowance and if the night wait allowance or the risk allowance was already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

7. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to differ from that judgement wherein both of us were parties.

8. In the result, the respondents are directed to pay the patient care allowance to the applicants in this OA with effect from 1-4-1987 and they are entitled to night wait allowance and the risk allowance and if the night wait allowance or the risk allowance was already given to the applicants the same has to be adjusted from out of the amounts to be paid as per this order.

9. Time for compliance is four months from the date of receipt of copy of this order.

10. The OA is ordered accordingly. No costs. //

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय न्यायालय, दिल्ली
Central Court, New Delhi
HULLER D. BENCH

12/6

Supreme court File NO. 70/96

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

CIVIL APPEAL NO. 11988 OF 1996
~~SUPREME COURT LEAVE PETITION NO.~~

Petition/Appeal was filed in the SUPREME COURT OF INDIA
by ~~for~~ Union of India & Or. Verlag. J. M. Bolan & others.

~~Department~~ seeking leave to appeal/~~Appeal~~ against the
Order/Judgment of this Hon'ble Tribunal dated 17-1-96
and made in O.A.No. 1428/95

The Supreme Court was pleased to Dismiss ~~the civil Appeal-no~~
order as to costs on 17-10-2001.
~~the leave to appeal/Petition/Stay the operation of Judgment on~~

The Judgment of the Tribunal in O.A.No. 1428/95
and the ~~letter/order/decree~~ of the Supreme Court of India are
enclosed herewith for perusal.

Submitted.

~~60/8/2002~~ Deputy Registrar(J). 1/22002

~~3/2~~ Registrar:

Hon'ble Vice-Chairman:

Hon'ble Member(A) I: 7

Hon'ble Member(A) II: 32

Hon'ble Member(J): 8

The Appeal above-mentioned being called on for hearing before this Court on the 17th day of October, 2001, UPON perusing the record and hearing counsel for ~~the Appellants & the respondents~~ ^{the Appellants & the respondents} appearing parties above-mentioned,

the respondents not appearing though served; WJ

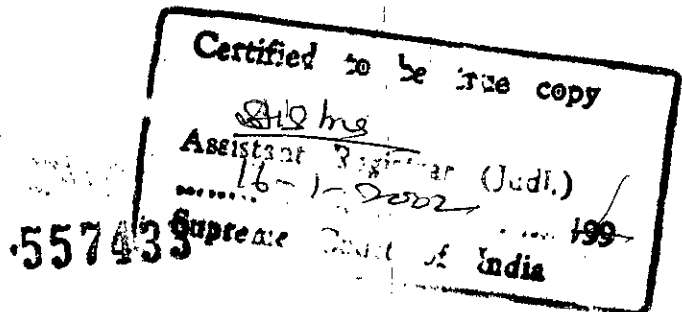
THIS COURT DOTH ORDER:

1. THAT the appeal above-mentioned be and is hereby dismissed;
2. THAT there shall be no order as to costs of this appeal in this Court;
3. THAT the Order of this Court dated the 13th September, 1996 passed in this appeal granting stay be and is hereby vacated;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 17th day of October, 2001.

sd/-
(I.J. SACHDEVA)
JOINT REGISTRAR.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11988 OF 1996.

(Appeal by special leave from the Judgment and Order dated the 17th January, 1996 of the Central Administrative Tribunal Hyderabad Bench at Hyderabad in O.A. No. 1428 of 1995).

The Union of India and Others

...Appellants.

Vs.

J.M. Bolar and Others.

...Respondents.

(For full cause title please see Schedule 'A' attached herewith).

17th October, 2004

CORAM:

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

For the Appellants:

Mr. N.N. Goswami,
Senior Advocate.
(Mr. Hemant Sharma, and
Mrs. Sushma Suri, Advocates
with him).

...2/-

215-20

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CA 11988 of 1996

SPECIAL LEAVE PETITION (C) NO. 13514

OF 1996

IN THE MATTER OF:

A PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA SEEKING FOR
SPECIAL LEAVE TO APPEAL IN THIS
HON'BLE COURT AGAINST THE JUDGEMENT
AND ORDER DT. 17.1.1996 PASSED BY
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD IN O.A.
NO. 1428/95.

AND

IN THE MATTER OF:-

1. The Union of India
represented by its Secretary
Ministry of Home Affairs
North Block
New Delhi.

contd....p/2-

2. The Director General of Police
Central Reserve Police Force
New Delhi.

3. The Inspector General of Police
Central Reserve Police Force
Road.No.12, Banjara Hills
Hyderabad - 34.

4. The Chief Medical Officer
2nd Base Hospital
C.R.P.C., Chandrayanagutta
Hyderabad-5.

... PETITIONERS.

Versus

1. J.M. Bolar
S/O. N.C. Bolar
Staff for Sister Mess IInd Base Hospital
C.R.P.C.,
Chandrayanagutta
Hyderabad.

2. C.Shiva Shanmugum
S/O. Chithirai
Nursing Assistant, IInd Base Hospital
C.R.P.F., Chandrayanagutta
Hyderabad.

Govt. of India
Ministry of Law, Justice & CA
Department of Legal Affairs
Central Agency Section

+++++
New Delhi, the ^{26th} 4th October, 1999.

The Assistant Registrar, (Section XIIA),
Supreme Court of India,
New Delhi.

Subject :- C.A. No. 11988/96
Union of India vs. J.M. Bolar & Ors

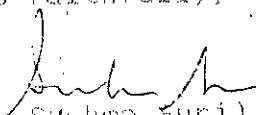
I furnish herewith the latest and correct address of
following respondents as furnished by the Department for
information and necessary action :-

Respondent No. 3 - D.P. Patole has changed his name
and now be read as Dhuraji Krishna Alhat
(Hosp. Cook)

C/o ADI, Group Centre
CRPF, Talekgaon,
P.O. - Vishnupuri
Maharashtra

Pin. 410 507

Yours faithfully,


(Mrs. Sushma Suri)
Government Advocate

3. D.P. Patole

S/O. Late Piraji

Hospital Cook, 2nd Base,
Hospital, CRPF,

Chandrayanagutta

Hyderabad - 5

Contesting
... RESPONDENTS.

TO

The Hon'ble Chief Justice of India
and His Companion Justices of the
Hon'ble Supreme Court of India
New Delhi.

The humble petition of the
petitioners above-named.

MOST RESPECTFULLY SHOWETH:

1. That this is a Petition under Article 136 of the Constitution of India seeking for Special Leave to Appeal against the Judgement and order dt. 17.1.1996 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A. No. 1428/95. The Certified copy of the impugned Order is furnished alongwith the Special Leave Petition.

2. That the Petitioners herein have not

contd...p/4-

FILED
23 MAY 1996
S. Court of

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11988 OF 1996.

The Union of India and Others. ..Appellants.

Vs.

J.M. Bolar and Others. ..Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD

(O.A. No. 1428 of 1995)

DECREE DISMISSING THE APPEAL WITH NO ORDER AS TO
COSTS.

dated this the 17th day of October, 2001.

P. Parmeshwar
Advocate on record for the appellants.

SS

SEALED IN MY PRESENCE
17/11/01

Supreme court File NO. 70/96

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD, BENCH: HYDERABAD.

CIVIL APPEAL NO. 11988 of 1996

~~SUPREME COURT LEAVE PETITION NO.~~

Petition/Appeal was filed in the SUPREME COURT OF INDIA
by ~~the~~ Union of India & Ors. Versus J. M. Bolar & ^{others}
~~Department~~ seeking leave to appeal/~~appeal~~ against the

order/Judgment of this Hon'ble Tribunal dated 17-1-96

and made in ~~the~~ O.A. NO. 1428/95

The Supreme Court was pleased to Dismiss/^{ed the civil Appeal} ~~Allow~~
no order as to costs on 17-10-2001.
~~leave to appeal/Petition/ stay the operation of Judgment on~~

The Judgment of the Tribunal in O.A. No. 1428/95

and the ~~letter~~/order of the Supreme Court of India are enclosed
herewith for perusal.

Submitted.

Deputy Registrar (J)

Registrar.

Hon'ble Vice-Chairman.

Hon'ble Member (A) I

Hon'ble Member (A) II

Hon'ble Member (J)

Common order kept
in JC 73/96.
20/11/01.

LL
20/11.2001
20/11/2001

All communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address :—
"SUPREMECO"

D.NO. 2035/96/XII-A
SUPREME COURT
INDIA
NEW DELHI

Dated: 4th ^{January} ~~December~~, 2000

FROM: ASSISTANT REGISTRAR

TO : The Registrar,
Central Administrative Tribunal
(Hyderabad Bench)
at Hyderabad.

High Court of Andhra Pradesh
HYDERABAD-500 266.

12 JAN 2000

RECEIVED
APPEAL SECTION

53
CIVIL APPEAL NO. 11988 OF 1996
(Ref: D.A. No. 1428/95)

Union of India & Ors.

...Appellants

Versus

J.M. Belar & Ors.

...Respondents

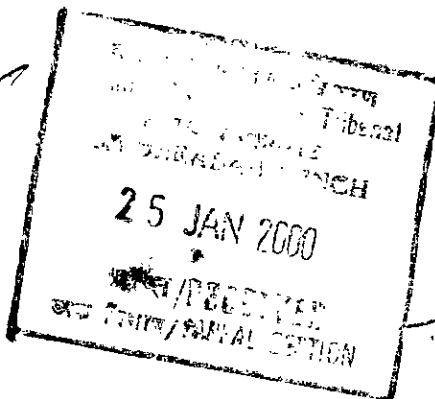
Sir,

I am to draw your attention to the correspondence resting with this Registry's letter of even number dated 28th October, 1999 and to request you to expedite the despatch of Certificate of service of Notice of Lodgment of Petition of Appeal under Order XV, Rule 11 of the Supreme Court Rules, 1966 in respect of Respondent No. 3 in the Appeal above-mentioned.

Yours faithfully,

Dishu

ASSISTANT REGISTRAR



SC-70/96

U.NO. 2035/96/XII-A

**SUPREME COURT
INDIA
NEW DELHI**

Dated: 29th October, 1999

All communications should be
addressed to the Registrar,
Supreme Court by designation,
NOT by name
Telegraphic address :-
"SUPREMECO"

FROM: ASSISTANT REGISTRAR

TO : The Registrar,
Central Administrative Tribunal,
(Hyderabad Bench)
at Hyderabad.

Judl

10/11/99

CIVIL APPEAL NOS. 11988 OF 1996
(Ref: O.A. No. 1428 of 1995)

Union of India & Ors.

...Appellants

Versus

J.M. Belar & Ors.

...Respondents

Sir,

With reference to your letter No. CAT/Hyderabad/Judl/N/Sc/70/35 dated 15th February, 1999 in the matter mentioned above I am to request you to serve the notice of lodgment of Petition of Appeal on Respondent No. 3 on the latest address given below and transmit to this Court a certificate at an early date as to the date on which the said notice has been served upon him.

Respondent No. 3 Mr. D.B. Patele has changed his name and now be read as Dhuraji Krishna Alhat (Hosp.-Cook)
C/o ADIG, Group Centre,
CRPF, Talekgaon,
P.O.- Vishnupuri,
Maharashtra.
Pin-410507.

Yours faithfully,

[Signature]
ASSISTANT REGISTRAR

17/12

Supreme Court File No. 70/96

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

CIVIL APPEAL

NO. 11988 of 1996

~~LEAVE COURT LEAVE PETITION~~

~~Petition~~/Appeal was filed in the SUPREME COURT OF INDIA
by ~~Union of India & Ors.~~ against J. M. Solar & Ors.

~~Department seeking leave to appeal~~ against the

Order/Judgment of this Hon'ble Tribunal dated 17-1-96

and made in L.A./O.A.No. 1428/95

The Supreme Court pursuant

was pleased to dismiss the leave to appeal/petition/stay the

operation of judgment on 13-9-96

on Respondent Nos. 1 to 3

and transmit appeal record as per Rule

The Judgment of the Tribunal in L.A./O.A.No. 1428/95

and the letter/order of the Supreme Court of India are

enclosed herewith for perusal.

Submitted.

Deputy Registrar (J)

Registrar

Hon'ble Vice-Chairman

Hon'ble Member (A)-I

Hon'ble Member (A)-II

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name
Telegraphic address — "SUPREMECO"

D. No. 2035/96/XII-A

**SUPREME COURT
INDIA**

Dated New Delhi, the ²⁴12th October, 1996

FROM

Rajmal Dhiman,
Assistant Registrar

TO

The Registrar,
Central Administrative Tribunal
(Hyderabad Bench)
at Hyderabad

CIVIL APPEAL NO. 11988 OF 1996

(Appeal by Special Leave granted by this Court's Order dated the 13th September, 1996 in Petition for Special Leave to Appeal (Civil) No. 13514 of 1996 from the Judgment and Order dated the 17th January, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in O.A. No. 1428 of 1995)

Union of India & Ors.

..Appellants

Versus

J.M. Belar & Ors.

..Respondents

Sir,

I am to forward herewith for your information and record a certified copy of the Petition for Special Leave to Appeal filed by the Appellant above-named in this Registry and taken on record as Petition of Appeal. Pursuant to this Court's Order dated 13th September, 1996 (a certified copy of this Court's relevant record of proceedings is enclosed) granting Special Leave to Appeal to the Appellant above-named and to say that the case above-mentioned has been registered as Civil Appeal No. 11987 of 1996.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचपीठ
HYDERABAD BENCH

- 7 NOV 1996

RECEIVED

...2/-

467
7/11/96

You may now, as required by Rule 11, Order XV,

Sec. 1966 cause the enclosed notice of lodgment
of petition of appeal to be served on the respondent
Nos. 1 to 3 and transmit to this Court a certificate
as to the date on which the said notice has been
served within three months from the date of receipt
of notice of lodgment, petition of appeal, failing
which the matter will be listed before the Court
for further directions.

Regarding the preparation of the appeal record
record, your attention is invited to the provisions
contained in amended Rules 11A of Order XVI, Sec.
1966 (amended on 12.3.91) and appropriate steps may
be taken in the matter in accordance with the said
rules.

Yours faithfully,

ASSISTANT REGISTRAR

12/10/96

You may now, as required by Rule 11, Order XV, SCR, 1966 cause the enclosed notice of Lodgment of Petition of Appeal to be served on the Respondent Nos. 1 to 3 and transmit to this Court a certificate as to the dates on which the said notice has been served within three months from the date of receipt of Notice of Lodgment, Petition of Appeal, failing which the matter will be listed before the Court for further directions.

Regarding the preparation of the appeal record, your attention is invited to the provisions contained in amended Rules 11A of Order XVI, SCR, 1966 (amended on 15.3.91) and appropriate steps may be taken in the matter in accordance with the said rules.

Yours faithfully,


ASSISTANT REGISTRAR

MK/12.10.96

0.12

COURT No. 9

SECTION XIV

A/M MASTER

Certified to be true copy

Assistant Registrar (Judl.)

Supreme Court of India

199

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

Petitioner(s) for Special Leave to Appeal (Civil) No. 1093-96
(From the judgment and order dated 03/02/94 in OA 911/93
of The CAT, Principal Bench, New Delhi)

124548

UNION OF INDIA & ANN.

Petitioner (s)

VERSUS

I.M. JOSE & ORS.

Respondent (s)

With

SLP(Civil) No. 12718/96, SLP(Civil) No. 13514/96, SLP(Civil) No. 16431/96,
SLP(Civil) No. 1713/96, SLP(Civil) No. 975-976/96

Date : 13/09/96 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.P. SINGH
HON'BLE MRS. JUSTICE SUJATA V. KAMOHAR

For Petitioner (s)

Mr. A.S. Hambiar, Sr. Adv.
Mr. H.N. Grewal, Sr. Adv.
Mr. V.V. Vaze, Sr. Adv.
M/s Kamant Sharma, RP Srivastava,
P. Parmar, Adv.

For respondents:

Mr. R. Venkatarani, Adv.
Mr. S.H. Garg, Adv.

Mr. Maradishan PS & Mr. V.G. Pragasam, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Leave granted in all the matters. There shall be
an interim stay of the impugned order.

Hearing expedited.

(Ganga Shukur)
P.B. to Registrar

(N. K. J. J.)
Court Master

Certified to be true copy

Assistant Registrar (Judl.)

.....199
Supreme Court of India

CA No. 11988/96

124549

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. _____ OF 1996

(From the Judgement and order dated 17.1.96 passed
by the Central Administrative Tribunal Hyderabad
in C.A.No.1428/95)

IN THE MATTER OF

Union of India & Ors.

.....Petitioners

Vs.

J.M. Bolar & Ors.

.....Respondents

WITH

I.A. NO. _____ OF 1996 Application for Condonation
of delay.

AND

I.A. NO. _____ OF 1996 Application for Stay.

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE PETITIONER MR. P. PARAMESWARAN

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

C. A. No. 11988

SPECIAL LEAVE PETITION (C) NO.

OF 1996

IN THE MATTER OF:

A PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA SEEKING FOR
SPECIAL LEAVE TO APPEAL IN THIS
HON'BLE COURT AGAINST THE JUDGEMENT
AND ORDER DT. 17.1.1996 PASSED BY
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD IN O.A.
NO. 1428/95.

AND

IN THE MATTER OF:-

1. The Union of India
represented by its Secretary
Ministry of Home Affairs
North Block
New Delhi.

contd...p/2-

2. The Director General of Police
Central Reserve Police Force
New Delhi.

3. The Inspector General of Police
Central Reserve Police Force
Road No.12, Banjara Hills
Hyderabad - 34.

4. The Chief Medical Officer
2nd Base Hospital
C.R.P.C., Chandrayanagutta
Hyderabad-5.

... PETITIONERS.

Versus

1. J.M. Bolar
S/O. N.C. Bolar
Staff for Sister Mess IIInd Base Hospital
C.R.P.C.,
Chandrayanagutta
Hyderabad.

2. C.Shiva Shanmugam
S/O. Chithirai
Nursing Assistant, IIInd Base Hospital
C.R.P.F., Chandrayanagutta
Hyderabad.

1. D.P. Patole
S/O. Late Piraji
Hospital Cook
Group Centre
Ranga Reddy.

... RESPONDENTS.

TO

The Hon'ble Chief Justice of India
and His Companion Justices of the
Hon'ble Supreme Court of India
New Delhi.

The humble petition of the
petitioners above-named.

MOST RESPECTFULLY SHOWETH:

1. That this is a Petition under Article 136 of the Constitution of India seeking for Special Leave to Appeal against the Judgement and order dt. 17.1.1996 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A. No. 1428/95. The Certified copy of the impugned Order is furnished alongwith the Special Leave Petition.

2. That the Petitioners herein have not



filed any other or similar Petitions in this Hon'ble Court seeking for similar relief against the impugned order.

3. The question of law that arises for consideration is:

(a) Whether the Central Administrative Tribunal has Jurisdiction under Sec.2 read with Section 14(b) of the Administrative Tribunal Act, 1985 to adjudicate in the application filed by the Respondents herein who belonged to non-combatised category under the Central Reserve Police Force which is an Armed Force as defined under Section 3 of the Central Reserve Police Force Act, 1949 ?

(b) Whether the Respondents herein who are non-combatised Central Reserve Police Force Hospital Staff and who are employed in the Central Reserve Police Force Base Hospital Hyderabad are entitled for payment of patient care allowance which is payable only to the non-Gazetted Staff functioning in the designated operation areas for the efficient functioning of the force.

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4. It is respectfully submitted that the Special Leave Petition (C) No.1093 of 1995 and Special Leave Petition (C) 975 & 976/95 in the matter of Union of India Vs. T.M. Jose & Others & U.O.I. Vs. Amrender Kumar & Others filed against the Judgement and Order of the Central Administrative Tribunal, New Delhi Bench and CAT Hyderabad in identical cases pending disposal before this Hon'ble Court.

5. Briefly stated the facts leading to the filing of the instant Petition are as follows:-

6. The Respondent No.1 is working as cook in staff for Sister Mess, Central Reserve Police Force, Hyderabad and Respondent No.2 is working as a Nursing Assistant in the Central Reserve Police Force, Hyderabad and the Respondent No.3 is working as a Hospital Cook Group Centre, Ranga Reddy, Central Reserve Police Force, Hyderabad.

7. It is submitted that as per para 1(i) of Ministry of Personnel, Public Grievances and Pension Letter No.21042/4/88-Estt. (Allowance) dt. 19/22.8.1988 risk allowance is admissible to the following category of staff:-

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- i) Those engaged in duties involving greater hazards as whose health is liable to be adversely affected progressively over a long period of time because of the Particular avocation and
- ii) Sweepers/Safai Karamcharis engaged in cleaning of underground drains/lines, those working in trenching grounds and infectious diseases hospitals.

8. It is respectfully submitted that in C.R.P.F. there are 100, 50 and 50 bedded hospitals where staff is not posted for long periods in a specific ward but their duties are changed frequently. Further no sweeper/safaiwala are engaged in cleaning underground drains, sewer lines and no infectious diseases hospitals is available in C.R.P.F. Hence this allowance is not payable to hospital staff of C.R.P.F.

9. It is further submitted that Hospital Patient care allowance has only been sanctioned to Group 'C' and 'D' hospital staff in DGHS and

CGHS. The C.R.P.F. is a separate establishment and patient care allowance is not admissible to C.R.P.F. Group 'C' and 'D' Hospital employees and service conditions of C.R.P.F. employees are distinct and different. Moreover, C.R.P.F. hospital staff are enjoying some other allowances which are not admissible to DGHS/CGHS hospital staff.

10. An application was filed on behalf of Respondents herein before the Central Administrative Tribunal, Hyderabad Bench with a prayer for a direction to grant the Respondents herein the benefit of hospital patient case allowance with effect from the due date. It was contended that they should not be discriminated in the sanction of the allowance considering that the working atmosphere in C.R.P.F. hospital is the same as in hospitals where such an allowance has been sanctioned.

11. That the Central Administrative Tribunal, Hyderabad Bench allowed the application being O.A. No. 1428/95 by a Judgement dt. 17.1.1996 following its earlier decision dt. 24.2.1994 passed

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in O.A. No. 150 and 151 of 1994 and directed the Respondents therein to pay the patient care allowance to these applicants w.e.f. 1.4.1987. The Tribunal further directed that the Respondents herein are entitled to Night Waitage Allowance and risk allowance. Whereas in the earlier judgement dt. 24.2.1994 passed in O.A. No. 150 & 151 of 1994, which was relied upon by the Tribunal in the present case it was specifically held that the Respondents herein are not entitled to the Night Waitage allowance and the risk allowance.

12. It is submitted that the Central Administrative Tribunal, Hyderabad Bench allowed the Application mainly on the basis of its earlier Judgement dt. 24.2.1994 passed in O.A. No. 150 and 151 of 1994. It is pertinent to mention here that the above order passed by the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 150 & 151 of 1994 was challenged by the Petitioners herein in this Hon'ble Court by way of a Special Leave Petition (C) Nos. 975 & 976 of 1995 and the same is pending disposal in this Hon'ble Court. It may be further mentioned

contd...p/9.

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that the Special Leave Petition (C) No. 1093/1995 against the Order dt. 3.2.1994 passed by the Central Administrative Tribunal (PB) New Delhi in O.A. No. 931/93 namely Union of India & Anr.

Vs. Shri T.M. Jose & Ors. is also pending in this Hon'ble Court.

13. Aggrieved and not being satisfied with the Judgement and Order dt. 17.1.1996 passed by the Central Administrative Tribunal, Hyderabad Bench in O.A No. 1428/95 the Petition-ers herein are preferring the present petition for Special Leave to Appeal interalia on the following amongst others

G R O U N D S

- A. The Order of the Hon'ble Tribunal is bad in law apparent from the face of the records and the same is liable to be set aside by this Hon'ble Court.
- B. Because the instant petition raises an important and substantial question of law of general importance which requires proper consideration, adjudication and authoritative pronouncement by this Hon'ble Court.

- C. Because the Tribunal failed to appreciate that the C.R.P.F. being an armed force under Section 3 of the C.R.P.F. Act, 1949 and the Respondents herein being non-combatant hospital staff of C.R.P.F. who are not civilians but members of the said armed force, the Administrative Tribunals Act, 1985 (i.e. Sec.2, 14 and 19 thereof) did not confer jurisdiction of the Central Administrative Tribunal for entertaining or adjudication the application preferred by the Respondent herein.
- D. The Hon'ble Tribunal allowed the application being O.A. No.1428/95 by a Judgement dt. 17.1.1996 following its earlier decision Judgement dt. 24.2.1994 passed in O.A. No.150 and 151 of 1994 and directed the respondents therein to pay the patient care allowance to these applicants w.e.f. 1.4.1987. The Tribunal further directed that the

Respondents herein are entitled to Night Waitage Allowance and risk allowance. Whereas in the earlier Judgement dt. 24.2.1994 passed in O.A. No.150 and 151 of 1994, which was relied upon by the Tribunal in the present case it was specifically held that the Respondents are not entitled to the Night Waitage Allowance and the Risk Allowance.

- B. Because the Tribunal did not appreciate that classification of the Respondents non-combatant Central Reserve Police Force Hospital Staff clearly shows that they are not to be treated as equal or alike with Civil Hospital Staff run by Ministry of Health and that there are separate and distinct terms and conditions of service governing the Respondents herein and the duties and allowances of the Respondents herein and governed accordingly. Hence the question of parity with Civil Hospital Staff or similarity in allowance does not arise in the circumstances.

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F. Because the Tribunal failed to appreciate that the Respondents herein being members of non-combatant Central Reserve Police Force Staff, C.R.P.F. being an armed force will have distinct and different terms and conditions of service and as such no violation of Art. 14, 16 and 39(b) would occur merely because the Civil Hospital Staff are being paid different rate of allowances.

G. Because the Tribunal failed to appreciate that Government of India cannot be compelled to change its policy which involves imposing a Financial burden on the Government as has been held by this Hon'ble Court in Union of India Vs. T.P. Bamboats (1991 (3) SCC 11).

H. Because the Tribunal did not examine or consider the merits of contentions advanced on behalf of the Union of India and has rejected the same on untenable grounds.

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- I. Because the Tribunal ought to have appreciated that Hospital Patient care allowance has only been sanctioned to Group 'C' and 'D' hospital staff in DGHS and CGHS. The C.R.P.F. is a separate establishment and patient care allowance is not admissible to C.R.P.F. Group 'C' and 'D' hospital employees and service conditions of C.R.P.F. employees are distinct and different. Moreover, C.R.P.F. hospital staff are enjoying some other allowances which are not admissible to DGHS/CGHS hospital staff.
- J. The Hon'ble Tribunal failed to appreciate that since the orders of the Hospital Patient Care Allowance were specifically made applicable to Group 'C' and 'D'. It is respectfully submitted that the Respondents have not produced any record to show that they are situated in similar circumstances and fall in the same class as other staff which is entitled to Hospital Care Allowance.

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K. The Tribunal has failed to appreciate that the recruitment terms of service conditions, personal policy etc. are distinct and different between persons of Group 'C' and 'D' and other persons who are not entitled to Hospital Patient Care Allowance. The Hon'ble Tribunal failed to appreciate that equal pay for equal work has to be applied on the facts and circumstances of each case as held by this Hon'ble Court in L.P. Chaurasiya's case and further in a series of Judgements of this Hon'ble Court.

L. That the Petitioners reserve the right to add, alter or amend in all the submission made therein above if advised and considered to be necessary hereinafter.

P R A Y E R

In the premises aforementioned it

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is most humbly prayed that this Hon'ble Court may
be pleased to:

- i) grant petition for Special Leave to
Appeal against the Judgement and
Order dt. 17.1.1996 passed by the
Central Administrative Tribunal in
O.A. No.1428 of 1995;and
- ii) pass any such other or further order
or orders as t may deem fit and
proper under the facts and circums-
tances of the case.

AND FOR WHICH ACT OF KINDNESS THE
PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY

FILED BY

(Chava Badri Nath Babu) (P. Parameshwaran)

Advocate.

Advocate for the Petitioner.

Filed On: 5-1996.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. _____ OF 1996

IN THE MATTER OF

Union of India & Ors.

.....Petitioners

Vs.

J.M.Bolar & Ors.

.....Respondents

AFFIDAVIT.

I,

New Delhi

do hereby solemnly affirm and state as under:-

1. That I have gone through the accompanying Special leave petition, application for condonation of delay and application for stay and with reference thereto say that what is stated therein is true and correct on the basis of information derived from records of the case.

2. That the petitioner herein did not file any other petition against the impugned order in this Hon'ble Court.

Deponent.

Verified on this the _____ day of
May 1996 at New Delhi.

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2. That the facts leading to the filing of the instant petition are stated in detail in the petition for special leave to appeal and therefore the same are not repeated herein for the sake of brevity and in order to avoid unnecessary reproduction. The petitioner crave leave of this Hon'ble Court to refer to and rely upon the same as part and parcel of this application.
3. That there is a delay of days in filing the present petition. It is submitted the above delay is not intentional bonafide due to the Departmental/ Administrative procedure involved in obtaining permission in filing the Special leave petition. It is submitted unlike the private litigants the matter relating to the Government are required to be considered at various levels and then only a decision is taken to file the petition. Referring a particular file from one department to another is a time consuming process and unavoidable thus leads to delay. The delay is caused for the following bonafide reasons.
4. That the impugned order has been pronounced by the Central Administrative Tribunal Hyderabad Bench on 17.1.96. The petitioner got applied for the certified copy of the impugned order and the same was received on 12.2.1996. Thereafter the impugned judgement along with the case papers were submitted to the Director

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 1996

IN

SPECIAL LEAVE PETITION(C) NO. _____ OF 1996

IN THE MATTER OF

Union of India & Ors.Petitioners

Vs.

J.M.Bolar & Ors.Respondents

APPLICATION FOR CONDONATION OF DELAY
IN FILING THE SPECIAL LEAVE PETITION

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA.

THE HUMBLE APPLICATION
OF THE APPLICANTS ABOVE NAMED.

MOST RESPECTFULLY SHOWETH

1. That the applicants herein are this day filing the accompanying petition for special leave to appeal in this Hon'ble Court against the Judgement and order passed by the Central Administrative Tribunal, Hyderabad Bench Hyderabad in O.A. No. 1428/95.

contd../-

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General C.R.P.F. 13.2.1996 for necessary orders. Thereafter the file was referred to the Ministry of Home Affairs on 15.2.96 for consideration. The Ministry of Home Affairs after necessary examination inturnd referred the case file to the Ministry of Law Advices 'A' Section on 23.2.96 for examination of the Judgement and order for the opinion. The Ministry of Law examined the papers and referred the same alongwith a note to Government Advocate. Supreme Court on 15.3.96 for obtaining the opinion of one of the Union Law Officer. The Government Advocate inturn referred the matter to the Union Law Officer for opinion. The Additional Solicitor General of India opined on 18.3.96 that it is a fit case to be contested in this Hon'ble Court.

5. Thereafter the Advocate-on-Record entrusted the matter to the penal lawyer for drafting Special leave petition and application for Stay. The draft Special leave petition was received by the petitioner on 11.4.96. for necessary approval. That in the meantime day to day reasons for delay in filing S.L.P. were sent to the office of the Advocate-on-record on 18.4.96.

6. That the Advocate-on-Record in the meantime entrusted the matter to the panel lawyer for drafting the application for condonation of delay on 22.4.96.

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The penal Advocate accordingly drafted the application and returned the file to the Government Advocate on 25.4.96. The Draft Special leave petition ~~draft~~ necessary approval was sent back to the Advocate-on-record on 30.4.95. Thereafter necessary steps were taken for filing of Special leave petition in this Hon'ble Court.

7. This Hon'ble Court in the matter reported in AIR 1982 SC 84 laid down that "the Public interest may suffer if the case of Government are/is thrown out merely on the ground of some delay". Therefore, it is respectfully submitted that the delay as explained above may be condoned and the matter be heard on merits. The balance of convenience is in favour of the petitioners and the petitioners are most likely to succeed in the Hon'ble Court. No prejudice will be caused to the Respondent if the delay is condoned and the matter is heard on merits.

8. The application is made bonafide and in the interest of justice.

PRAAYER

In the premises aforementioned it is most humbly prayed that this Hon'ble Court may be pleased to;-

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- i) condone the delay in filing the special leave petition; and
- ii) Pass any such other or further order or orders as may be deemed fit and proper in the circumstances of the case.

AND FOR WHICH ACT OF KINDNESS THE PETITIONERS/
APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY

FILED BY

C.B.N.Babu
Advocate.

P.Parameswaran
Advocate for the petitioners

New Delhi

Filed on

5.1996

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 1996

IN

SPECIAL LEAVE PETITION(C) NO. _____ OF 1996

IN THE MATTER OF

Union of India & Ors.

.....Petitioners

Vs.

J.M.Bolar & Ors.

.....Respondents

APPLICATION FOR SEAY.

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA.

THE HUMBLE APPLICATION OF
THE PETITIONER ABOVE NAMED
MOST RESPECTFULLY SHOWETH

1. That the petitioners herein are this day filing the accompanying petition for Special leave to appeal in this Hon'ble Court against the Judgement and order dated 17.1.96 passed by the Central Administrative Tribunal Hyderabad in O.A.No. 1428/95.

contd../-

2. That the facts leading to the filing of the instant Application are stated in detail in the petition for special leave to appeal and therefore the same not repeated herein for the sake of brevity and in order to avoid unnecessary reproduction. The petitioner crave leave of This Hon'ble Court to refer to any rely upon the same as part and parcel of this Application.

3. That as would be evident from the facts of the case the petitioners herein have a good case on merits and they have every hope of success before this Hon'ble Court.

4. That the balance of convenience lies in favour of the petitioners and in favour of staying the operation of the impugned judgement and order.

5. That is the order as prayed for is not granted the petitioners would suffer irreparable loss and hardships. In these circumstances it is submitted that it would be in the interest of justice if the operation of the impugned judgement is stayed during the pendency of the special leave petition and Appeal arising therefrom.

28

6. The application is made bonafide and in the interest of justice.

PRAYER

In the premises aforementioned it is most humbly prayed that this Hon'ble Court may be pleased

- 1) grant ad- interim ex-parte stay of the operation of the judgement and order dated 17.1.96 passed by the Central Administrative Tribunal Hyderabad Bench in O.A.No.1428/95.
- ii) confirm the same on notice of Motion ; and
- iii) Pass any such others or further order or orders as may be deemed fit and proper in the circumstances of the case.

AND FOR WHICH ACT OF KINDNESS THE PETITIONERS,
APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY.

Drawn by

Filed by

Chava Badri Nath Babu
Advocate.

P. Parmeswaran
Advocate for the petitioner

Filed on

5.1996

Supreme Court File No. 70/96

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

CIVIL APPEAL

~~SUPREME COURT LEAVE PETITION~~ NO. 11988 of 1996

~~Petition~~/Appeal was filed in the SUPREME COURT OF INDIA by ~~set~~ Union of India & Ors. Against J. m. Bolax & Ors. ~~Department~~ seeking leave to appeal/~~appeal~~ against the Order/Judgment of this Hon'ble Tribunal dated 17-1-96 and made in T.A./O.A.No. 1428/95. The Supreme Court was pleased to ~~dismiss the leave to appeal/petition~~/stay the operation of judgment on 13-9-96.

The Judgment of the Tribunal in T.A./O.A.No. 1428/95 and the letter/order of the Supreme Court of India are enclosed herewith for perusal.

Submitted.

7/9/96
31/09/96 Deputy Registrar (J) *[Signature]*

~~Registrar~~

Hon'ble Vice-Chairman *[Signature]*

Stay be noted

Hon'ble Member (A) I *[Signature]*

Hon'ble Member (A) II *[Signature]*

Communications should be
sent to the Registrar.
Court, by designation.
by name
Telegraphic address —
"SUPREMECO"

D. No. 2035/96/XII-A

SUPREME COURT INDIA

Dated New Delhi, the 18th September, 1996.

FROM : Rajmal Dhiman,
Assistant Registrar.

TO : The Registrar,
Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad.

INTERLOCUTORY APPLICATION NO. 2
(Application for Stay by Notice of Motion)

IN THE MATTER OF :

CIVIL APPEAL NO. 11988 OF 1996

The Union of India & Ors.

...Petitioners/
Appellants

-Versus-

J. M. Bolar & Ors.

...Respondents

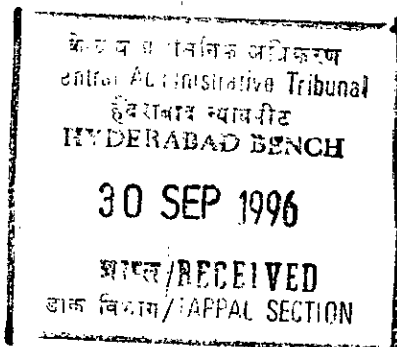
Sir,

I am directed to forward herewith a Certified
Copy of the Order of this Court dated 13th September,
1996 passed in the matter above-mentioned, for your
information and necessary action.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR



115660

Sup. C. 52

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION
INTERLOCUTORY APPLICATION NO. 2

(Application for Stay by Notice) of Motion

Certified to be true copy

Assistant Registrar (Judicial)

XXX 18/9/96

Supreme Court of India

XX

XX

IN THE MATTER OF :

of

CIVIL APPEAL NO. 11988 OF 1996

(Appeal by Special Leave granted by this Court's Order dated the 13th September, 1996 in Petition for Special Leave to Appeal (Civil) No. 13514 of 1996 from the Judgment and Order dated the 17th January, 1996 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O. A. No. 1428 of 1995)

1. The Union of India, rep. by its Secretary, Ministry of Home Affairs North Block, New Delhi.
2. The Director General of Police, Central Reserve Police Force, New Delhi.
3. The Inspector General of Police, Central Reserve Police Force, Road No. 12, Banjara Hills, Hyderabad-34.
4. The Chief Medical Officer, 2nd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad-5.

...Petitioners/
Appellants

-Versus-

1. J. M. Bolar, S/o. N. C. Bolar, Staff for Sister Mess IInd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
2. C. Shiva Shanmugam, S/o. Chithirai, Nursing Assistant, IInd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
3. D. P. Patole, S/o. Late Piraji Hospital Cook, 2nd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad-5.

...Respondents

13th September, 1996.

CORAM :

HON'BLE MR. JUSTICE. N. P. SINGH.

HON'BLE MRS. JUSTICE SUJATA V. MANOHAR.

For the Petitioners/
Appellants

: M/s. A.S. Nambiar, N.N. Goewami and V. V. Vaze, Senior Advocates.
(M/s. Hemant Sharma, H.P. Srivastava & P. Parmeswaran, Advocates with them.)

....2/-

SUPREME COURT

CRIMINAL CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 2
(Application for Stay) ~~by Notice of Motion~~

~~NOXX~~

~~XXXX~~

~~XXXXXX~~

IN THE MATTER OF :

CIVIL APPEAL NO. 11988 OF 1996

The Union of India & Ors.

Appellant **S**

Petitioner **S**

Versus

J. M. Bolar & Ors.

Respondent **S**

ORDER GRANTING STAY.

13th day of September 1996

Engrossed by SHRI P. Parmeswaran,

Examined by Advocate on Record for the Petitioners/Appellants.

Compared with SHRI

No. of folios Advocate on Record for

SEALED IN MY PRESENCE

THE APPLICATION FOR STAY above-mentioned being called on for hearing alongwith connected matters before this Court on the 13th day of September, 1996, UPON hearing counsel for the Petitioners/Appellants herein THIS COURT DOETH ORDER that pending the hearing and final disposal by this Court of the Appeal above-mentioned, the operation of the Judgment and Order dated 17th January, 1996 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A.No. 1428 of 1995 be and is hereby stayed;

AND THIS COURT DOETH FURTHER ORDER THAT this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Aziz Mushabber Ahmadi, Chief Justice of India at the Supreme Court, New Delhi, dated this the 13th day of September, 1996.


(C. L. CHAWLA)
DEPUTY REGISTRAR

Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Judl/Sc/70/96

Date: 1-10-96

The Order of the Supreme Court of India in C.A. No. 11988 of 1996, dt. 13-9-96, may be communicated to the concerned.

~~TD~~ 3/10/96
S.O.

DR (J)

To

1. The Secretary,
min. of Home Affairs, Union of India,
North Block, New Delhi.
2. The Secretary,
min. of Health & Family Welfare,
U. O. I, New Delhi. ✓
3. The Director General of Police,
C. R. P. F., New Delhi. —
4. The Inspector General of Police,
C R P F, Road No. 12,
Banjara Hills, Hyd-34. ✓
5. The Chief medical officer,
2nd Base Hospital, C R P F,
Chandrayanagutta, Hyd-5. —
6. Mr. J. V. Phad, Advocate, CAT, Hyd.
7. Mr. N. R. Devoraj, Sr. Csr, CAT Hyd
8. One Span Gpy. —
9. one copy to applicant.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

Endt. No. CAT/Hyd/Jud1/SC/70/96

Date: 1-10-96

The Order of the Supreme Court of India in Civil Appeal No.11988 of 1996, dt.13-9-96, is communicated to the concerned herewith.

Sd/-
Dy.Registrar(J)

//True copy//

[Signature]
S.O.(J)

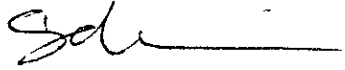


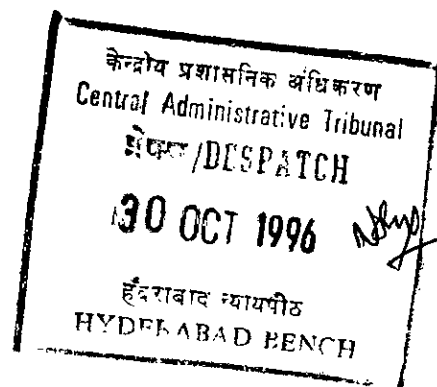
1. The Secretary,
Ministry of Home Affairs,
Union of India, North Block,
New Delhi.
2. The Secretary,
Ministry of Health & Family Welfare,
Union of India, New Delhi.
3. The Director General of Police,
Central Reserve Police Force,
New Delhi.
4. The Inspector General of Police,
Central Reserve Police Force,
Road No.12, Banjara Hills,
Hyderabad-34.
5. The Chief Medical Officer,
2nd Base Hospital, C.R.P.F.,
Chandrayangutta, Hyderabad-5.
6. Mr. J.V. Prasad, Advocate, CAT, Hyd.
7. Mr. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
8. Mr. P.M. Bolar,
S/o N.C. Bolar,
Staff for Sister Mess IInd Base Hospital,
C.R.P.F., Chandrayanagutta,
Hyderabad.
9. One spare copy.

THE APPLICATION FOR STAY above-mentioned being called on for hearing alongwith connected matters before this Court on the 13th day of September, 1996, UPON hearing counsel for the Petitioners/Appellants herein THIS COURT DOETH ORDER that pending the hearing and final disposal by this Court of the Appeal above-mentioned, the operation of the Judgment and Order dated 17th January, 1996 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A.No. 1428 of 1995 be and is hereby stayed;

AND THIS COURT DOETH FURTHER ORDER THAT this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Aziz Mushabber Ahmedi, Chief Justice of India at the Supreme Court, New Delhi, dated this the 13th day of September, 1996.


(C. L. CHAWLA)
DEPUTY REGISTRAR



115669

Sup. C. 52

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION
INTERLOCUTORY APPLICATION NO. 2

(Application for Stay by Notice of Motion)

Certified to be true copy

Assistant Registrar (Judicial)

Supreme Court of India

XX

XX

IN THE MATTER OF :

CIVIL APPEAL NO. 11988 OF 1996

(Appeal by Special Leave granted by this Court's Order dated the 13th September, 1996 in Petition for Special Leave to Appeal (Civil) No. 13514 of 1996 from the Judgment and Order dated the 17th January, 1996 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O. A. No. 1428 of 1995)

1. The Union of India, rep. by its Secretary, Ministry of Home Affairs North Block, New Delhi.
2. The Director General of Police, Central Reserve Police Force, New Delhi.
3. The Inspector General of Police, Central Reserve Police Force, Road No. 12, Banjara Hills, Hyderabad-34.
4. The Chief Medical Officer, 2nd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad-5.

...Petitioners/
Appellants

-Versus-

1. J. M. Bolar, S/o. N. C. Bolar, Staff for Sister Mess IInd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
2. C. Shiva Shanmugan, S/o. Chithirai, Nursing Assistant, IInd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
3. D. P. Patole, S/o. Late Piraji Hospital Cook, 2nd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad-5.

...Respondents

13th September, 1996.

CORAM :

HON'BLE MR. JUSTICE. N. P. SINGH.

HON'BLE MRS. JUSTICE SUJATA V. MANOHAR.

For the Petitioners/
Appellants: M/s. A.S. Nambiar, N.N. Goswami
and V. V. Vaze, Senior
Advocates.
(M/s. Hemant Sharma,
R.P. Srivastava & P. Parmeswar
Advocates with them.)

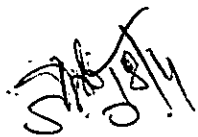
....2/-


Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Judl/N/SC/70/96

Date: 12-11-96

Despatch the Notice of Lodgment of Appeal for Service on Respondent Nos. 1 to 3, pursuant to the order of the Supreme Court dt. 13-9-96 in C.A. No. 11988 of 1996.




D. R. (J)

To

1. J. m. Bolar —
S/o M. C. Bolar, —
Staff for sister mess IInd Bore Hospital,
C. R. P. F., Chandrayanagutta,
Hyderabad. —
2. C. Shiva Shanmugam,
S/o Chithirai
Nursing Assistant, IInd Bore Hospital,
C. R. P. F., Chandrayanagutta,
Hyderabad. —
3. D. P. Patole —
S/o Late Piraji,
Hospital Cook, IInd Bore Hospital,
C. R. P. F., Chandrayanagutta,
Hyderabad.

By R P AD

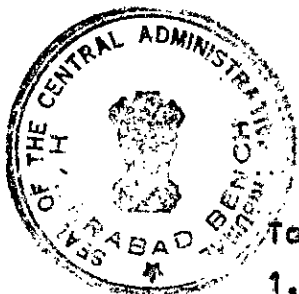
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

Max 52 No. 5-18-193, 1st floor,
HACA Bhavan, P.S. No. 10,
Opp. Public Gardens,
Hyderabad-500 004.

No. CAT/Hyd/Jud1/N/SC/870/96/185, 186, 187 Date: 12-11-96

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos. 1, 2 & 3, pursuant to
the order of the Supreme Court dated 13-9-96 in
Civil Appeal No. 11988 of 1996.

Sd/-
By Registrar (J)cc



- To
1. J.M. Bolar,
S/o N.C. Bolar,
Staff for Sieter Mess IIInd Base Hospital,
Central Reserve Police Force, C,
Chandrayanagutta,
Hyderabad.
 2. C. Shiva Shanmugam,
S/o Chithirai,
Nursing Assistant,
II Base Hospital,
C.R.P.F., Chandrayanagutta,
Hyderabad.
 3. D.P. Patole,
S/o Late Piraji,
Hospital Cook, IIInd Base Hospital,
C.R.P.F., Chandrayanagutta,
Hyderabad.

[Signature]
S.J. (3)
or

- Returned. as
posted in Jammu

— Sd. on 29/11/96

- Returned as
posted in Ajmer

**(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE
RESPONDENT)**

(RULE 11 OF ORDER IV, S.C.R., 1966)

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 11988 OF 1996

**(Appeal from the Judgment and Order dated the 17th January,
1996 of the Central Administrative Tribunal (Hyderabad Bench)
at Hyderabad in O.A. No. 1428 of 1995)**

Union of India & Ors.

..Appellants

Versus

J.M. Belar & Ors.

..Respondents

To,

1. J.M. Belar
S/o M.C. Belar
Staff for Sister Mess Hind Base Hospital
C.R.P.C., Chandrayanagutta, Hyderabad
2. C. Shiva Shanmugam
S/o Chithirai
Nursing Assistant, Hind Base Hospital
C.R.P.F., Chandrayanagutta, Hyderabad
3. D.P. Patele
S/o late Piraji
Hospital Cook, Hind Base Hospital
C.R.P.F. Chandrayanagutta, Hyderabad


**TAKE NOTICE that the Appellants above-named have on
BX 8th May, 1996 filed in the Registry of the Supreme
Court, Petition for Special Leave to Appeal (Civil) No.
13514 of 1996 (copy enclosed) from the Judgment and Order
of the Tribunal above-mentioned and pursuant to this
Court's Order dated 13th September, 1996 granting Special
Leave to Appeal the cases has been registered as Civil
Appeal No. 11988 of 1996.**

**NOTICE is hereby given to you that if you wish to
contest the Appeal you may within thirty days of the
receipt of this Notice enter appearance before this Court
either in person or by an Advocate on record of this**

Court appointed by you in that behalf and take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and **NO** further Notice in relation thereto shall be given to you.

Dated this, the ²⁴12th day of October, 1996.


ASSISTANT REGISTRAR

ME/12.10.96

**(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE
RESPONDENT)**

(RULE 11 OF ORDER XV, S.C.R., 1966)

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 11988 OF 1996

**(Appeal from the Judgment and Order dated the 17th January,
1996 of the Central Administrative Tribunal (Hyderabad Bench)
at Hyderabad in C.A. No. 1428 of 1995)**

Union of India & Ors.

..Appellants

Versus

J.M. Belar & Ors.

..Respondents

To,

1. J.M. Belar
S/o M.C. Belar
Staff for Sister Mess Hind Base Hospital
C.R.P.C., Chandrayanagutta, Hyderabad
2. C. Shiva Shanmugam
S/o Chithirai
Nursing Assistant, Hind Base Hospital
C.R.P.F., Chandrayanagutta, Hyderabad
3. D.P. Patele
S/o late Piraji
Hospital Cook, Hind Base Hospital
C.R.P.F., Chandrayanagutta, Hyderabad

**TAKE NOTICE that the Appellants above-named have on
21 8th May, 1996 filed in the Registry of the Supreme
Court, Petition for Special Leave to Appeal (Civil) No.
13514 of 1996 (copy enclosed) from the Judgment and Order
of the Tribunal above-mentioned and pursuant to this
Court's Order dated 13th September, 1996 granting Special
Leave to Appeal the cases has been registered as Civil
Appeal No. 11988 of 1996.**

**NOTICE is hereby given to you that if you wish to
contest the Appeal you may within thirty days of the
receipt of this Notice enter appearance before this Court
either in person or by an Advocate on record of this**

11 2 11

Court appointed by you in that behalf and take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and ~~HEX~~ no further Notice in relation thereto shall be given to you.

Dated this, the ²⁴13th day of October, 1996.

[Signature]
ASSISTANT REGISTRAR

MK/12.10.96

(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE RESPONDENT)

(RULE 11 OF ORDER XV, S.C.R., 1966)

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 11988 OF 1996

(Appeal from the Judgment and Order dated the 17th January, 1996 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in C.A. No. 1428 of 1995)

Union of India & Ors.

..Appellants

Verams

J.M. Bolar & Ors.

..Respondents

To,

1. J.M. Bolar
S/o M.C. Bolar
Staff for Sister Mary Hind Base Hospital
C.R.P.C., Chandrayanagutta, Hyderabad
2. C. Shiva Shanmugam
S/o Chithirai
Nursing Assistant, Hind Base Hospital
C.R.P.F., Chandrayanagutta, Hyderabad
3. D.P. Patole
S/o Late Piraji
Hospital Cook, Hind Base Hospital
C.R.P.F. Chandrayanagutta, Hyderabad

TAKE NOTICE that the Appellants above-named have on 08 08th May, 1996 filed in the Registry of the Supreme Court, Petition for Special Leave to Appeal (Civil) No. 13514 of 1996 (copy enclosed) from the Judgment and Order of the Tribunal above-mentioned and pursuant to this Court's Order dated 13th September, 1996 granting Special Leave to Appeal the cases has been registered as Civil Appeal No. 11988 of 1996.

NOTICE is hereby given to you that if you wish to contest the Appeal you may within thirty days of the receipt of this Notice enter appearance before this Court either in person or by an Advocate on record of this

11 2 11

Court appointed by you in that behalf and take such part in the proceedings as you may be advised.

TAKES FURTHER NOTICE that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and ~~AND~~ no further Notice in relation thereto shall be given to you.

Dated this, the ²⁴12th day of October, 1996.

R. G. MP
ASSISTANT REGISTRAR
5/1

MK/12.10.96

PROCESSED	FILED
INDEXED	FILED
OCT 11 1996	
FBI - NEW YORK	

By hand

OFFICE OF THE CHIEF MEDICAL OFFICER, BH-2, C.R.P.F., HYDERABAD-05 (AP)
No. J.II-1/96-2BH-EC.II Dated the Dec'96.

To

The Registrar,
C.A.T., Hyderabad
No. 5-10-193, 1st floor,
HACA Bhavan, Opps. Public Garden
Hyderabad- 500 004 (AP).

Subject:-

REG. REMITTANCE OF Rs.40/- TOWARDS TRANSMISSION
CHARGES FOR TRANSFER OF ORIGINAL RECORDS
IN THE CASE OF CIVIL APPEAL NO. 11988 OF 1996
(O.A. No. 1428/95 ON THE FILE OF CAT HYDERABAD.)

Sir,

Please refer to your letter Notice under Rule 140
of CAT, Rules of Practice, 1993. dated 6.12.96.

2. A sum of Rs 40/- (Rupees Forty) only is remitted
herewith towards the transmission charges for transfer of original
records in O.A. No. 1428/95 to the Supreme Court in the case of
Civil Appeal No. 11988 of 96 (O.A.No. 1428/95 on the file of
CAT Hyd) in the case of Union of India & Ors versus J.M. Bol
Ors.

3. Please acknowledge the receipt.

Encl: Rs 40/- Cash

Yours faithfully,


CHIEF MEDICAL OFFICER
BH-2, C.R.P.F., HYD

No. J.II-1/96-2BH-EC.2

Dated the . . . De . . .

Copy to :-

Mr. N.R. Devraj, Sr.CGSC, C.A.T., Hyderabad for
favour of information and necessary action.

Amount of Rs 40/-
paid in Acc. Sec. 112
Cash Receipt No. 14037
dt. 16-1-97.

CHIEF MEDICAL OFFICER
BH-2, C.R.P.F., HYDERABAD

CAT

COPY

No.CAT/Hyd/Jud1/N/SC/70/96/22

To

The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

241046

20-1-97

Sir,

Sub: Service of Notice of Lodgment of Petition
of Appeal on Respondent Nos.1,2 & 3 in
C.A.No.11988/96 on the file of Supreme
Court - Certificate - Reg.

Ref: Your letter D.No.2035/96/XII-A,
dt.24-10-96.

...

With reference to your letter cited on the
above subject I am to send herewith the Certificate
as to service of notice of Lodgment of Petition of
Appeal on Respondent Nos.1,2 & 3 in Civil Appeal
No.11988 of 1996 preferred against O.A.No.1428/95
on the file of this Tribunal as desired therein.

Encl.: As above.

Yours faithfully,

(A.V.S. RAJU)

Deputy Registrar(J)cc

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

C E R T I F I C A T E

Date:20-1-97

The Notice of Lodgment of Petition of Appeal sent to the Respondent Nos.1,2 and 3 in Civil Appeal No.11988 of 1996 on the file of ~~the~~ Supreme Court of India, New Delhi have been served/returned on the dates mentioned against the respondents as hereunder.

<u>Respondent Number</u>	<u>Date of Service of Notice</u>
R1	- Returned as party posted to Jammu.
R2	- Served on 29-11-96
R3	- Returned as party posted to Ajmer.

DEPUTY REGISTRAR (J)c.c.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

5-10-193, 1st floor,
RACA Bhavan, Opp. Public Sq.
Hyderabad-500 004.

Date: 20-12-96

NOTICE Under Rule 140 of CAT, Rules
of Practice, 1993

CIVIL APPEAL No.11988 of 1996 (on the file of Supreme Court)
C.A.No.1428/95, on the file of C.A.T.,Hyd.)

Union of India & Ors.

...Appellants

Versus

J.P.Bolar & Ors.

...Respondents

To

The Chief Medical Officer,
2nd Base Hospital,
C.P.F., Chandrayanagutta,
HYDERABAD-5.

The Registrar of the Hon'ble Supreme Court of India in his letter dt.24-10-96 in O.No.2035/96/1XX-A, requested the office of this Tribunal for transmission of original records in C.A.No.1428/95 from the file of this Tribunal for reference in C.A.No.11988 of 1996 on the file of Supreme Court of India, New Delhi, which was filed by you.

Rule 140 of the C.A.T., Rules of Practice, 1993 reads as follows:

140. Steps to comply with Supreme Court directions.

(A) Unless otherwise ordered by the Supreme Court, the appellant or his Advocate shall be notified to deposit the transmission charges and cost of preparation of record, if any, etc., within 15 days of the receipt of the notice.

(B) ~~When~~ If the party or Advocate fails to deposit the amount as aforesaid, the Registrar shall forthwith submit a report thereof to the Registrar of the Supreme Court of India.

Therefore, you are requested to take immediate steps to deposit the transmission charges for transfer of the original records in C.A.No.1428/95 to the Supreme Court in a sum of Rs.40/- by way of Cash or I.D.D., drawn in favour of Registrar, C.A.T., Hyderabad by 7-1-97.

Copy to:
Mr. N. R. Devaraj, Sr. CGSC,
C.A.T., Hyd.

DEPU

2

30

DA.1428/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri J.V. Prasad, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are three applicants in this DA who are reported to be para-medical staff. The third applicant in this DA is a cook. All of them are working under R-5.

3. This DA is filed praying for a direction to the respondents to extend all the benefits and pay all the allowances that are being paid to the employees working in other Central Government Hospitals in accordance with the recommendations of the 3rd and 4th Pay Commissions and in accordance with Government of India orders including the Patient care Allowance with arrears with effect from 1-10-1986 and to grant promotional benefits to the applicants.

4. Similar claim was made in DA.122/89 on the file of Gauhati Bench of Central Administrative Tribunal. It was held therein that the para-medical staff in the hospitals attached to CRPF are also entitled to patient care allowances from 1-10-1986. Following the said judgement, this Bench also gave similar benefits to the applicants in DA.65/90 and other OAs.

6. This Bench also disposed of DA.150/94 and 151/94 on 17-3-1994 following the directions given in the above OAs. Direction given in DA.150/94 is to the effect that the applicants in that DA are entitled for patient care

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1428/95

Date of Order: 17-1-96.

Between:

1. J.M.Bolar
2. C.Shiva Shanmugum
3. D.P.Patole

.. Applicants

and

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi
2. The Union of India, rep. by its Secretary,
Ministry of Health and Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, CRPF. Road No.12,
Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

Respondents.

For the Applicant :- Mr. J.V.Prasad, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER (ADMN)

40

2

allowance with effect from 1-4-1987 and they are also entitled to night wait allowance and risk allowance and if the night wait allowance or the risk allowance was already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

7. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to differ from that judgement wherein both of us were parties.

8. In the result, the respondents are directed to pay the patient care allowance to the applicants in this OA with effect from 1-4-1987 and they are entitled to night wait allowance and the risk allowance and if the night wait allowance or the risk allowance was already given to the applicants the same has to be adjusted from out of the amounts to be paid as per this order.

9. Time for compliance is four months from the date of receipt of copy of this order.

10. The OA is ordered accordingly. No costs. //

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
देव प्रसाद, न्यायाधीश
Chief Justice, District Court
HYDERABAD BENCH

[Signature]
11/2/96

CAT

COPY

BY R.P.A.D.

No.CAT/Hyd/Jud1/R/SC/70/96/43

To

The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

241046

24-2-97

Sir,

Sub: Transmission of Original Records
in C.A.No.11988 of 1996 on the
file of Supreme Court of India-Reg.

Ref: Your letter D.No.2035/96/XII-A,
dt.24-10-96.

...

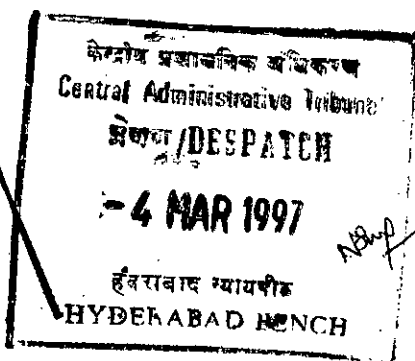
With reference to the letter cited above,
I am to send herewith the Original Records in
O.A.No.1428/95 on the file of C.A.T.,Hyderabad
for reference in Civil Appeal No.11988 of 1996
on the file of the Supreme Court of India, as
desired therein.

Please acknowledge.

Yours faithfully,

Encl.: Original Record
in OA.1428/95.

(Signature)
(A.V.S.RAJU)
Deputy Registrar(J)cc.



C. No. 2035/96/ Sec. XII-A
SUPREME COURT OF INDIA
NEW DELHI.

Date: 20th February, 1997

From:
Assistant Registrar.

To : The Registrar,
~~High Court of Judicature,~~
~~Andhra Pradesh, Central Administrative Tribunal (Hyd. Bench)~~
at Hyderabad.

CIVIL APPEAL NO. 11988 of 1996
(Ref: CA No 1423/95)

Union of India & Ors

Versus

J. M. Bolan & Ors

.....Appellant(s)

.....Respondent(s)

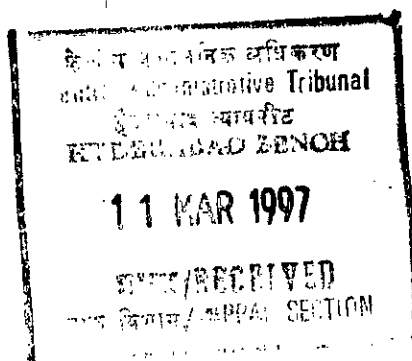
Sir,

I am to acknowledge the receipt of the certificate of service of Notice of Dismissal of Petition of Appeal in respect of Respondent No. 2 sent to this Registry alongwith your letter No CAT/Hyd/Judl/N/SC/79/96/22 dated 20th Feb, 1997 in the appeal above-mentioned.

Yours faithfully,

For Asst
20/2/97.

ASSISTANT REGISTRAR.



vv.

130
11/3/97

Received
SC-secy
12/3/97

D.NO. 2035/96 SEC.XII-A

SUPREME COURT OF INDIA,
NEW DELHI.

DT.: 26th March, 1997

From :

Assistant Registrar.

To : The Registrar,

*Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad
A.P.*

CIVIL APPEAL NO(S) 11988 of 1996

(Ref: O.A No. 1428/95)

Union of India & Ors

...Appellant(s)

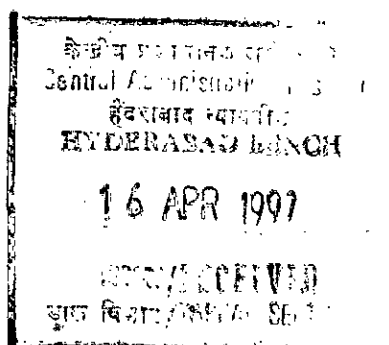
-Versus-

J.M. Bolar & Ors

...Respondent(s)

Sir,

I am to acknowledge the receipt of Original
Record/~~Transcript Record~~ including ~~one~~ authenticated
~~copy~~ thereof sent with your letter no. CAT/Hy/Tribl/R/SC/
dated 24th Feb., 1997



Yours faithfully,
for 26/3/97
ASSISTANT REGISTRAR

CAT
High Court of SECTION XII- A
HYDERABAD-500 203.

D.No. 2035/96/S-21A
SUPREME COURT OF INDIA
NEW DELHI.

DATED: 27th June, 1997

From : Mr. R.K. Palani
Mr. R.N. Lakshampal,
Assistant Registrar.

To

361
The Registrar,
High Court of Judicature,
Andhra Pradesh at Hyderabad.

CIVIL APPEAL NOS. 1/1988 & 1/1996

(Ref: OA No 1428/95)

Union of India & Ors

...Appellant(s)

Versus

J. M. Bolar & Ors

...Respondent(s)

Notes: C
may be sent
to central
Admission
Tribunal
Sir,
With reference to your letter No. CAT/Hyd/Judl/A/SC/70/96/22
dated 20th January, 1997 in the matter mentioned above I
do to request you to serve the notice of lodgment of Petition of
Appeal on Respondent No. 1 and 3 on the latest
address given below and transmit to this Court a certificate at an
early date as to the date on which the said notice has been served
upon him.

1. Mr. J. M. Bolar, Ward Boy,
20 Bed Hospital, CRPF, C/O. 56 APO.
2. Mr. D.P. Patole, Hospital Cook,
Vill: Wagholi, P.O. Wagholi, P.S.-
Shevgoan Distt. Maharashtra.

CAT
Yours faithfully,

AB-5
30/6/97
ASSISTANT REGISTRAR

Agent
SC-2
Service of notice on the
latest address
25/3/98

R.P.A.O.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

No.5-10-193, 1st Floor,
HACA Bhevan, P.O.No.10,
Opp.Public Gardens,
Hyderabad-500 004.

No.CAT/Hyd/Jud1/N/SC/70/96/45 & 46

Date: 31-3-98

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos.1 and 3, pursuant to the
order of the Supreme Court dated 13-9-96 in Civil Appeal
No.11988 of 1996, and Annex in letter D.No.2035/96/S-XII-A,
dt.27-6-1997. *furnishing the latest address of the*
Respondents lands in CA No 11988 of 1996 given
Below.

Deputy Registrar

(Signature)
S.D.(A)
Ok

To

1. J.M.Solar, Ward Boy,
20 Sec Hospital,
CRPF, C/o 56 APO.
2. D.P.Patole, Hospital Cook,
Vill: Wagholi, P.O.Wagholi, P.S.,
Shavgan Distt.
Maharashtra.

R P A D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

Max 50

No. 5-18-193, 1st floor,
HACA Bhavan, P.B. No. 10,
Opp. Public Gardens,
Hyderabad-500 004.

No. CAT/Hyd/Jud1/N/SC/270/96/187

Date: 12-11-96

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos. 1, 2 & 3, pursuant to
the order of the Supreme Court dated 13-9-96 in
Civil Appeal No. 11988 of 1996.



Sd/-
Dy. Registrar (J)cc

[Signature]
S.O. (9)

To

1. J.M. Bolar,
S/o N.C. Bolar,
Staff for Sister Mess IIInd Base Hospital,
Central Reserve Police Force, C,
Chandrayanagutta,
Hyderabad.
2. C. Shiva Shanmugam,
S/o Chithirai,
Nursing Assistant,
II Base Hospital,
C.R.P.F., Chandrayanagutta,
Hyderabad.
- ✓ 3. D.P. Patole,
S/o Late Piraji,
Hospital Cook, IIInd Base Hospital,
C.R.P.F., Chandrayanagutta,
Hyderabad.

R PAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

Max 50

No.5-10-193,1st floor,
HACA Bhavan,P.B.No.10,
Opp.Public Gardens,
Hyderabad-500 004.

No.CAT/Hyd/Jud1/N/SC/870/96/185

Date: 12-11-96

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos.1,2 & 3, pursuant to
the order of the Supreme Court dated 13-9-96 in
Civil Appeal No.11988 of 1996.

Sd/-
Dy.Registrar (J)cc



- To
1. J.M.Bolar,
S/o N.C.Bolar,
Staff for Sister Mess IInd Base Hospital,
Central Reserve Police ~~Force~~ 2,
Chandrayanagutta,
Hyderabad.
 2. C.Shiva Shanmugum,
S/o Chithirai,
Nursing Assistant,
II Base Hospital,
C.R.P.F.,Chandrayanagutta,
Hyderabad.
 3. D.P.Patole,
S/o Late Piraji,
Hospital Cook, IInd Base Hospital,
C.R.P.F.,Chandrayanagutta,
Hyderabad.

R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

No.5-18-193, 1st floor,
HACA Bhavan, P.B.No.10,
Opp.Public Gardens,
Hyderabad-500 004.

No.CAT/Hyd/Jud1/N/SC/70/96/45846 Date: 31-3-98

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos.1 and 3, pursuant to the
order of the Supreme Court dated 13-9-96 in Civil Appeal
No.11988 of 1996, and ~~letter~~ in letter D.No.2035/96/S-XII-A,
dt.27-6-1997. *furnishing the latest address of the*
Respondents 1 and 3 in CA No.11988 of 1996
given below.

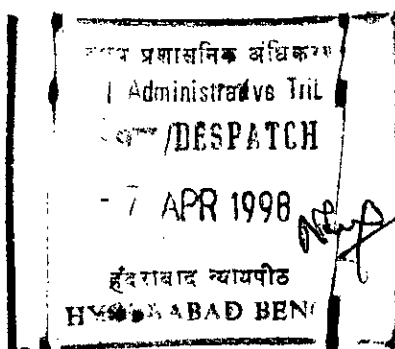
Deputy Registrar

To

1. J.M.Bolar, Ward Boy,
20 Bed Hospital,
CRPF, C/o 56 APO.
2. D.P.Patole, Hospital Cook,
Vill: Wagholi, P.O.Wagholi, P.S.,
Shevgoan Distt.
Maharashtra.



Returned
un sd. dt. 21-4-98



All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name
Telegraphic address :-
"SUPREMECO"

D. No. 2035/96/Sec.XII

**SUPREME COURT
INDIA**

23rd September, 1997

Dated New Delhi, the.....19

From: Assistant Registrar.

To: The Registrar,
High Court of Judicature,
Andhra Pradesh,
AT HYDERABAD.

CIVIL APPEAL NO. 11988 OF 1996.
(Ref: O.A. No. 1428/95).

Union of India and Ors.

Appellants.

Versus

J.M.Belar and Ors.

Respondents.

I am to draw your attention to the correspondence resting with this Registry's letter of even number dated 24th October, 1996 and to request you to expedite the despatch of Certificate of service in respect of Respondent Nos. 1 and 3 at the earliest.

Yours faithfully,

ASSISTANT REGISTRAR.

HYDERABAD BENCH

- 2 APR 1998

RECEIVED

APPEAL SECTION

This matter does not relate to

AP Admin. Tribunal. May be forwarded to

CAT

forwarded to CAT, And

Verification of our records shows that on 1428/95 is decided by CAT. And it will be the need for

11/4/98.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

No.5-10-193, 1st floor,
HACA Bhavan, P.O.No.10,
Opp.Public Garden,
Hyderabad-500 004.

No.CAT/Hyd/Jud1/N/SC/8270/96/99

Date: 12-6-98

To
The Sr.Post Master,
Khairatabad Post Office,
Khairatabad,
HYDERABAD.

Sub: Registered letter - Non-receipt of
Acknowledgment - Reg.

Sir,

A registered letter with Ack.Due has been handed over in Khairatabad Post Office on 07-4-98. The receipt number assigned by your post office in token of receipt of the said letter is furnished hereunder for your easy reference. We have not so far received back the acknowledgment to know about the delivery of the registered letter issued by us.

Therefore, I request you to furnish the information with reference to the delivery of the said registered letter to the addressee immediately, as the service of notice in Civil Appeal No.11938 of 1996 has to be reported to the Supreme Court of India at once.

Yours faithfully,

Encl. A & B

[Signature]
(A.V.S.RAJU)
Deputy Registrar(J)cc

<u>Case No.</u>	<u>Addressed to</u>	<u>Regd.Lr.No.</u>	<u>Date of Regn.</u>
C.A.No. 11988/96	J.M.Dolar, Ward Boy, 20 Bed Hospital, CRPF, C/o 56 APO.	1094	07-4-98

No. CAT/Hyd/Jud1/N/SC/70/96/98

To

The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

15-6-98

Sir,

Sub: Service of Notice of Lodgment of Appeal on Respondent Nos. 1 and 3 in C.A. No. 11988/96 on the file of Supreme Court, New Delhi-Certificate-Reg

Ref: Your Lr. D. No. 2035/96/S-XIIA, dt. 24-10-96

2. Your Lr. D. No. 2935/96/Sec. XII, dt. 23-9-97.

...

With reference to your letter ^{2nd} cited on the subject, I am to send herewith the Certificate as to service of notice of Lodgment of Appeal on Respondent No. 3 in Civil Appeal No. 11988/96 preferred against O.A. No. 1428/95, as desired. The notice sent to Respondent No. 1 has not been returned served so far. A letter is being addressed to the Postal Dept. for reporting service of notice on the respondent to this Tribunal. As soon as the report is received a Certificate will be sent.

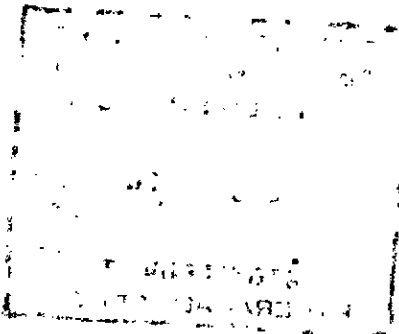
Yours faithfully,

Encl.: As above.

(AUS RAJU)

Asst. Registrar (3)cc

[Handwritten signature]



CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

CERTIFICATE

Date: 12-6-98

The Notice of Lodgment of Appeal sent to the Respondent No.3 in Civil Appeal No.11988 of 221596 on the file of the Supreme Court of India, New Delhi ~~On~~ the latest address has been returned unserved.


DEPUTY REGISTRAR(J)cc


DEPARTMENT OF POST : INDIA
HYDERABAD CUSTOMER CARE CENTRE
O/O CHIEF POSTMASTER GENERAL, A.P. CIRCLE, HYDERABAD-500 001
Phone # 4606848, Fax # 4606847

No. : HCCC/CR03A/7/1998/8711-COM02

Date : 01/07/98

To,

~~Sri/Smt/Ms.~~ THE DY REGISTRAR (J) CC
CENTRAL ADMINISTRATIVE
TRIBUNAL, 5-10-193, HACA
KHAIRATABAD, HYD-500004

Dear Sir/Madam,

Ref : Your Letter No. CAT/HYD/JUDL/N/SC/70/96/9

We have received your letter dated 12/06/1998 with reference to your
REGISTERED LETTER No. 1094 dated 07/04/1998,
booked at KHAIRATABAD Post Office.

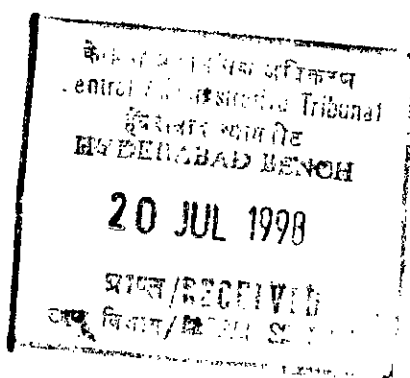
We are enquiring into it and will write to you again shortly.

Please intimate this office about receipt of acknowledgement/
any communication regarding delivery/~~payment~~ of the above article
subsequently by you.

Assuring you of our best services.

Yours faithfully,

For ASST. DIRECTOR (PG&EO)
HYDERABAD CUSTOMER CARE CENTRE



395
20/7/98

20/7
JWL
20/7
2

SC-sec
20/7

DEPARTMENT OF POST : INDIA
HYDERABAD CUSTOMER CARE CENTRE
O/O CHIEF POSTMASTER GENERAL, A.P. CIRCLE, HYDERABAD-500 001
Phone # 4606848, Fax # 4606847

Final Reply

No. : HCCC/CR03A/7/1998/8711-COM02

Date : 04/08/1998

To,

Sri/Smt/M/s. THE DY REGISTRAR (J) CC
CENTRAL ADMINISTRATIVE
TRIBUNAL, 5-10-193, HACA
KHAIRATABAD, HYD-500004

Ref : CAT/HYD/JUDL/N/SC/70/96/9

Dear Sir/~~Madam~~,

In continuation of this office letter dated 01/07/1998, it is to inform you that the REGISTERED LETTER No. : 1094 dated 07/04/1998 ~~for Rs. 0.00~~ booked at KHAIRATABAD Post Office has been delivered on 12/04/1998 to you/the addressee by IC BPO C/O 56 APO P.O.

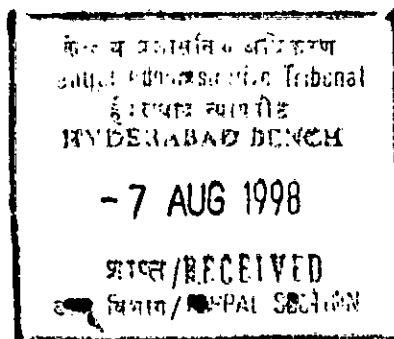
The inconvenience caused to you is regretted.

Assuring you of our best services.

Yours faithfully

for ASST.DIRECTOR (PG&BD)
HYDERABAD CUSTOMER CARE CENTRE

Encl. : ~~Attested copy of addressee receipt~~



467
11-8-98

Seal
17/8



सत्यमेव जयते

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
Hyderabad Bench

No. 5-10-193, 1st Floor,
HACA Bhavan, Post Bag No. 10
(Opp. Public Gardens)
Hyderabad - 500 004.
Grams : "CENTAD" GIR
Tel. No. ~~234049~~ 234049

No. CAT/Hyd/Jud1/N/SC/70/96/98

Date: 15-6-98.....

To
The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

Sir,

Sub: Service of Notice of Lodgment of
Appeal on Respondent No.1 in C.A.No.
11988/96 on the file of Supreme
Court, New Delhi-Certificate-Reg.

Ref: 1. Your Lr.D.No.2035/96/S-XIIA, dt.24.10.96
2. " " No.2035/96/Soc.XII, 23.9.97.
3. This office letter of even Number dt.
15-6-98.

...

With reference to your letters cited above
and in continuation to our letter 3rd cited, I am
to send herewith the certificate as to service of
notice of Lodgment of Appeal on Respondent No.1 in
Civil Appeal No.11988/96 preferred against O.A.No.
1428/95 on the file of this Tribunal as desired.

Yours Faithfully,

Encl.: As above.

[Signature]
DEPUTY REGISTRAR
P.ULAGANATHA
N

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

CERTIFICATE

Date: 15-9-98

The Notice of Lodgment of Petition of Appeal sent to the Respondent No.1 in Civil Appeal No. 11988/96, on the file of Supreme Court of India has been served on 12-04-98.


DEPUTY REGISTRAR 

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name. Telegraphic address :— "SUPREMECO"

No. 2035/95/III-A

SUPREME COURT
INDIA

NEW DELHI

Dated, the 13th July, 1998.

From : Assistant Registrar.

To : The Deputy Registrar,
(Attention: Mr. A.V.S. Raju)
Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad.

CIVIL APPEAL NO. 11988 OF 1996

Union of India & Ors.

...Appellants

-Versus-

J. M. Bolar & Ors.

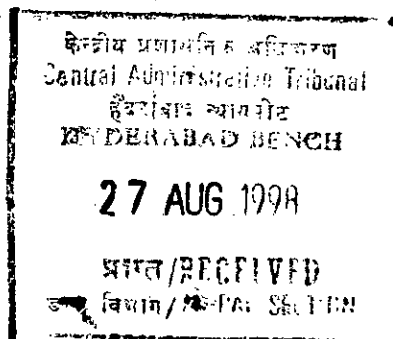
...Respondents

Sir,

With reference to your letter No. CAT/Hyd/Judl./N/SC/70/98, dated 15th June, 1998, I am to say that you have stated that Notice of Lodgment of Petition of Appeal sent to Respondent No. 3 has been returned unserved. I, therefore, request you to send the postal remarks of the unserved notice so that the matter may be processed further.

In respect of Respondent No. 1, you are reminded to send the Certificate of Service of Notice of Lodgment as the matter is expedited.

Yours faithfully,



[Signature]
15/7/98
ASSISTANT REGISTRAR

SJ/13-7-98.

Miss
Hammill
29/7/98

27/8

[Signature]
S. S. S. S. S.
2

527
27/8/98

SECTION XII-A

D.No. 2035/96/5-20A
SUPREME COURT OF INDIA
NEW DELHI.
DATED: 27 June, 1997

From: Mr. R. N. Lakhanpal,
Assistant Registrar.

To

The Registrar,
High Court of Judicature (Central Administrative Tribunal,
Andhra Pradesh Bench) at Hyderabad.

CIVIL APPEAL NOS. 1/988 & 1/991
(Ref: 01/20/1438/95)

Union of India & Ors.

Versus

J. M. Bolan & Ors.

...Appellant(s)

...Respondent(s)

Sir,

With reference to your letter No. CAT/Myd/ Jde/ N/SC/79/16/22 dated 20th January, 1997 in the matter mentioned above I am to request you to serve the notice of lodgment of Petition of Appeal on Respondent Nos. 1 and 3 on the latest address given below and transmit to this Court a certificate at an early date as to the date on which the said notice has been served upon him.

1. Mr. J. M. Bolan, Ward Boy,
20 Bed Hospital, GHPT, C/O, 56 APO.
2. Mr. D.P. Patole, Hospital Cook,
Vill: Vagheli, P.O. Vagheli, P.S.-
Shevgaon Distt. Maharashtra.

Yours faithfully
20/6/97
ASSISTANT REGISTRAR

Jedl
29/9/98

D.NB. 2035/96 /XII-A
SUPREME COURT OF INDIA
NEW DELHI.
DATED 22nd Sept., 1998.

From: Assistant Registrar

To : ~~THE REGISTRAR,~~
~~HIGH COURT OF HYDERABAD,~~
~~HYDERABAD BENCH.~~

The Registrar,
Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad.

CIVIL APPEAL NO. 11988 OF 1996

Union of India & Ors.

....Appellant(s)

Versus

J. M. Bolar & Ors.

...Respondent(s)

Sir,

I am to acknowledge the receipt of the certificate of service of Notice of Lodgment of Petition of Appeal in respect of Respondent No(8) 1 sent to this Registry alongwith your letter CAT/Hyd/Judl/N/SC/20/96/B dated 15th September, 1998 in the appeal above-mentioned.

I am also to request you to send Certificate of service of Notice of Lodgment of Petition of Appeal in respect of R. No. 3.

Yours faithfully,

22/9
ASSISTANT REGISTRAR.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

29 SEP 1998

RECEIVED

Recd direct
Sent on 12/10/98
11/10/98

for fresh
2nd advice
pl. done
14/10
6/5
29/9/98
SJ
SK/5-12-97
SC 70/96

No. CAT/Hyd/Jud1/N/SC/70/96/193

To

The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

12-10-98

Sub: Service of Notice of Lodgment of Appeal
on Respondent No. 1 and 3 in C.A.No.
11988 of 1996 on the file of Supreme Court,
New Delhi - Reg.

Ref.: 1. Your letter D.No.2035/96/XII-A, dt.13-7-98.

2. This office Lr.No.CAT/Hyd/Jud1/N/SC/70/96/98,
dt.15-9-98.

...

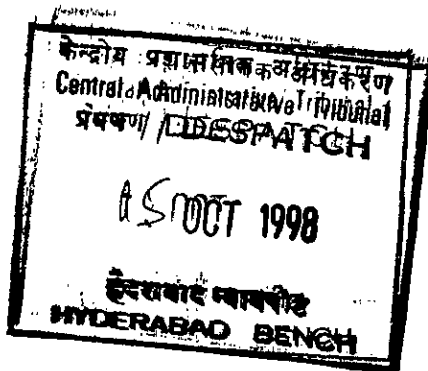
Sir,

With reference to your letter 1st cited on the
above subject, I am to state that the certificate of service
of notice of Lodgment of petition of Appeal on Respondent
No.1 in C.A.No.11988 of 1996 has already been sent alongwith
letter 2nd cited.

I am to further state that the notice of Lodgment
of petition of Appeal sent to Respondent No.3 has been
returned unserved with postal remarks "

सदर मालक
पूरावी पता सहित नवी सब पत्र । "तपाक
प्रीता रि लंक मुद्दी ।" (Addressee out of Town,
hence returned to sender. House found locked.)

Yours faithfully,



1
REGISTRAR
12/10

All communications should be addressed to the Registrar, Supreme Court, by designation, NOT by name
Telegraphic address :—
"SUPREMECO"

D.No. 2035/96/Sec.XIIA

SUPREME COURT
INDIA

3rd December, 98

Dated New Delhi, the.....19

From: Assistant Registrar.

To: The Registrar,
Central Administrative Tribunal,
Hyderabad Bench
At Hyderabad.

CIVIL APPEAL NO. 11988 OF 1996.

Union of India and Ors.

..Appellants.

Versus

J.M.Bolar and Ors.

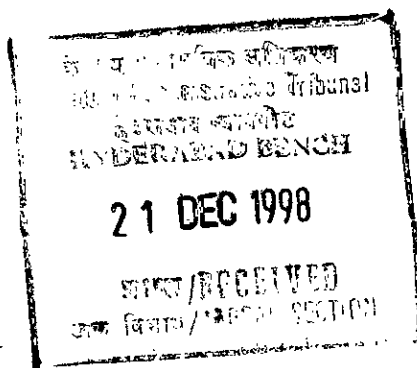
..Respondents.

Sir,

I am to invite your attention to this Registry's letter of even number dated 13th July, 1998 and subsequent reminder dated 22nd September, 1998 regarding the postal remarks of Notice in respect of Respondent No. 3. I, therefore, remind you to send the postal remarks of the Unserved notice so that the matter may be processed further.

Yours faithfully,

[Signature]
S- ASSISTANT REGISTRAR.



817
21/12/98



सत्यमेव जयते

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

हैदराबाद न्यायपीठ
Hyderabad Bench

No.CAT/Hyd/Jud1/N/SC/70/96/35

Central Administrative Tribunal

No. 5-10-193, 1st Floor,

HACA Bhavan, (Opp: Public Gardens),

HYDERABAD - 500 004.

~~6th Floor,~~

~~Insurance Building Complex,~~

~~T. Hale Road, Post Bag No-7~~

Hyderabad - 500 004

Grams: "CENTADTRIB"

Telephone No. ~~23~~ 241046.

Date: 15-2-99

To

The Assistant Registrar,
Supreme Court of India,
New Delhi.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

17 FEB 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH

Sub: Service of Notice of Lodgment of Appeal
on Respondent No.3 in C.A.No.11986/96
on the file of S.C.of India, N.Delhi-Reg.

Ref: 1. Your Lr.D.No.2035/96/XII-A, dt.13-7-98.
2. " reminder -do- dt.3-12-98.
3. This office Lr.No.CAT/Hyd/Jud1/N/SC/
70/96/193, dt.12-10-98.

Sir,

With reference to your letters 1&2 cited above,
I am to state that this office vide letter 3 cited above,
regarding service of Notice on Respondent No.3, the
postal remarks of unserved notice on Respondent No.3
therein have already been sent to you.

However, a xerox copy of the letter 3rd cited
containing postal remarks of unserved Respondent No.3
is enclosed for necessary action.

Yours faithfully,

Encl.: Xerox copy of
letter dt.12-10-98.

FOR REGISTRAR

[Signature]

D.NO.2032/80XII-A
SUPREME COURT OF INDIA
30th February,
1999.



DEPUTY REGISTRAR
PILAKHMAN

Civil Appeal No. 1188 of 1998
(Writ: Central Administrative Tribunal (Hyderabad Bench)
at Hyderabad in O.A. No.1452 of 1998)

...Appellants

The Union of India & Ors.

VERSUS

...Respondents

1.1. Joint & Ors.

Next Civil A.V.O. No.1.

In the above matter a request for sending certificate of service of notice of removal of position of appeal was made to Central Administrative Tribunal vide this Registry's letter dated 12th September, 1998 and subsequent remittances dated 12th September, 1998 but the certificate of service in respect of Respondent No. 3 viz. O.P. Patil has not been received so far.

May I request you to kindly look into the matter personally and arrange to send the required certificate of service urgently.

Yours sincerely,

(GIAN MADHU)

Dr. A.V.O. No.1
Deputy Registrar
Central Administrative Tribunal
No.5-12-193-1st floor
H.A. Bhawan, Post Box No. 10
(Opposite Public Garden)
Hyderabad-500004



D.NO.2035/96/XII-A

SUPREME COURT OF INDIA

New Delhi, the 22nd February, 1999.

GIAN CHAND
DEPUTY REGISTRAR

CIVIL APPEAL NO. 11988 OF 1996
(Ref: Central Administrative Tribunal (Hyderabad Bench)
at Hyderabad in O.A. No.1428 of 1995)

The Union of India & Ors.

...Appellants

Versus

J.M. Belar & Ors.

...Respondents

Dear Shri A.V.S. Raju,

In the above matter a request for sending certificate of Service of Notice of Lodgment of Petition of Appeal was made to Central Administrative Tribunal vide this Registry's letter dated 22nd September, 1998 and subsequent reminder dated 3rd December, 1998 but the Certificate of service in respect of Respondent No. 3 viz. D.P. Patole has not been received so far.

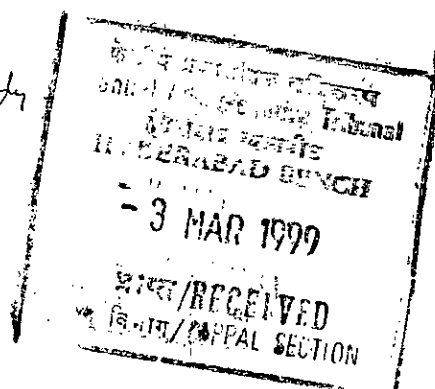
May I request you to kindly look into the matter personally and arrange to send the required Certificate of service urgently.

Yours sincerely,

(GIAN CHAND)

✓
Shri A.V.S. Raju
Deputy Registrar
Central Administrative Tribunal
No.5-10-193-1st Floor
HACA Bhavan, Post Box No. 10
(Opposite Public Garden)
Hyderabad-500004

So 61
pl take steps urgently
3/3/99



BY RPAD.

Lr.No.CAT/Hyd/Judl./SC/70/96/N/38/99

3-03-1999.

To

Sri. Gnan Chand,
Deputy Registrar,
Supreme Court of India,
New Delhi.

Sub: Service of Notice of Lodgment of Appeal on
Respondent No. 3 in C.A.No.11988 of 1996 on the
file of Supreme Court of India, New Delhi. Reg:...

Ref:(1)Your Letter D.No.2035/96/XII-A, dated: 13.7.98.

(2)This Office letter No.CAT/Hyd/Judl./N/SC/70/96/
35/dated 15.2.99.

(3)Your Reminder in letter D.No.2035/96/XII-A/
dated: 22.2.1999.

Sir,

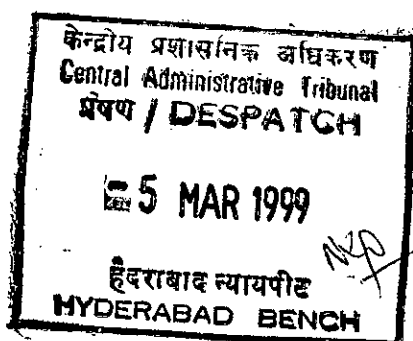
I am to refer to your letter 3rd cited on the above subject
and to state that the Postal remarks of unserved Respondent No.3
in C.A.No.11988 of 1996 on the file of Supreme Court has already
been furnished in the letter 2nd cited.(copy enclosed).

However, a ~~(Certificate)~~ containing the postal remarks of the
unserved Respondent No.3 in C.A.No.11988 of 1996 is enclosed herewith
for necessary action.

Encl:As above with a
certificate dt.3.3.99.

Yours faithfully,

FOR REGISTRAR.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

CERTIFICATE

Dated: 3.3.1999.

The Notice of Lodgement of Petition of Appeal sent to Respondent No.3 Viz., Sri. D.P. Patole in C.A.No. 11988/96 on the file of Supreme Court of India has been returned unserved with the following Postal date and remarks.

Postal Date:

18.4.98.

Postal Remarks:

सदर मातक
परगावी पता
सहित नाही
सबक परत!
तपाक परीत
शिल्लक मारी!


FOR REGISTRAR.

R.P.A.O.

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

No.5-10-193, 1st Floor,
HACA Bhavan, D.R.No.10,
Opp.Public Gardens,
Hyderabad-500 004.

No.CAT/Hyd/Jud1/N/SC/70/96/H6

16-4-98
Date: 31-3-98

Despatch of the Notice of Lodgment of Appeal
for service on Respondent Nos.1 and 3, pursuant to the
order of the Supreme Court dated 13-9-96 in Civil Appeal
No.11988 of 1996, and ~~letter~~ in letter D.No.2035/96/S-XII-A,
dt.27-6-1997. *Furnishing the latest address of the*
Respondents 1 and 3 in CA No. 11988 of 1996 given
below.

Sd/-
Deputy Registrar

[Signature]
S.O.(J)

To

1. J.M.Goler, Ward Boy,
20 Bed Hospital,
CRPF, C/o 56 APD.

2. D.P.Patole, Hospital Cook,
Vill: Wagholi, P.O.Wagholi, P.S.,
Shevgoan Distt.
Maharashtra.



All communications should be addressed to the Registrar, Supreme Court, by designation, NOT by name
Telegraphic address :—
"SUPREMECO"

SUPREME COURT
INDIA
NEW DELHI

Dated: 12th March, 1999

FROM: ASSISTANT REGISTRAR

TO : The Registrar,
Central Administrative Tribunal,
(Hyderabad Bench),
Hyderabad.

Judl
24399
CIVIL APPEAL NO. 11988 OF 1996

Serve
Union of India & Ors.

...Appellants

Versus

J.M. Bolar & Ors.

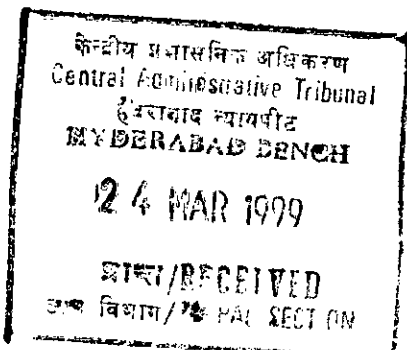
...Respondents

Sir,

With reference to your letters Nos. CAT/Hyderabad/Jud1/N/SC/35 & 38 dated 15th February, 1999 and 3rd March, 1999 you have informed that Notice of Lodgment could not be served on Respondent No. 3 as addresse out of town, hence returned unserved House found locked. In such a case you are request to make one more effort to serve the same notice on him and file certificate of service as early as possible.

Yours faithfully,

ambli
8 ASSISTANT REGISTRAR



By RPAD

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

NO.5-10-193, 1st Floor,
HACA Bhavan, P.O. No. 10,
Opp. Public Gardens,
Hyderabad-500 004.

No. CAT/HYD/JUDL/N/SC/70/96/46

Dated: 16-4-99

Despatch the Notice of Lodgment of Appeal for Service on Respondent No. 3, pursuant to the order of the Supreme Court dated 13-9-96 in Civil Appeal No. 11988 of 1996, and in letter D. No. 2035/96/S-XII-A, dated 27-6-1997 furnishing the latest address of the Respondent No. 3 in O.A. NO. 11988 of 1996 given below.

For Registrar



To

D.P. Patole, Hospital Cook,
Vill: Wagholi, P.O. Wagholi, P.S.,
Shaugan Distt.,
Maharashtra.

Returned, unfiled.
dt. 29-4-99.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

20 APR 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH

By RPAD

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH,

NO.5-10-193, 1st Floor,
HACA Bhavan, P.B.No.10,
Opp. Public Gardens,
Hyderabad-500 004.

No. CAT/HYD/JUDL/N/SC/70/96/46

Dated: 16-4-99.

Despatch the Notice of Lodgment of Appeal for Service on Respondent No.3, pursuant to the order of the Supreme Court dated 13-9-96 in Civil Appeal No.11988 of 1996, and in letter D.No.2035/96/S-XII-A, dated 27-6-1997 furnishing the latest address of the Respondent No.3 in O.A.NO. 11988 of 1996 given below.

[Signature]
For Registrar



To

D.P.Patole, Hospital Cook,
Vill: Wagholi, P.O.Wagholi, P.S.,
Shavgoan Distt.
Maharashtra.

central Administrative Tribunal,
Hyd. Bench.

NO. CAT / Hyd / Jud / N / SC / 70 / 96 Dt. 16-12-99

Despatch the notice of Lodgment of Appeal for service on Respondent No. 3, pursuant to the order of the Supreme Court dated 13-9-96 in Civil Appeal No. 11988 of 1996, and in letter D.No. 2035 / 96 / XII - A, Dt. 29-10-99, furnishing the latest address of the Respondt. No. 3, in CA. No. 11988 of 1996 given below.

D.R

T. S. S. (T)

To

Dhwaraji Krishna Alhat
(Hosp. - cook)
c/o ADIG, group centre,
CRPF, Talekgaon,
P.O - Vishnupuri,
Maharashtra,
Pin - 410507.

By RPAO

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

NO.5-10-193, 1st Floor,
HACA Shavan, P.B.No.10,
Opp.Public Gardens,
Hyderabad-500 004.

No.CAT/HYD/JUDL/N/SC/70/96/195

Dated: 17-12-1999.

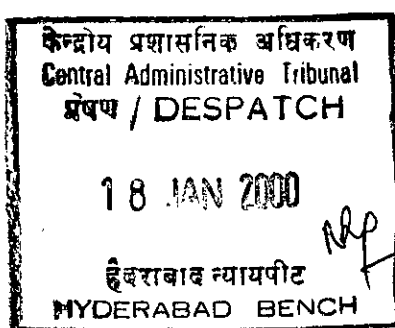
Despatch the Notice of Lodgment of Appeal for Service on Respondent No.3, pursuant to the order of the Supreme Court dated 13-9-96 in Civil Appeal No.11988 of 1996, and in letter D.No. 2035/96/XII-A, dated 29-10-99, furnishing the latest address of the Respondent No.3, and who has changed his name in CA.No.11988 of 1996 given below:

[Signature]
DEPUTY REGISTRAR.
17/12/99.

To

DHURAJI KRISHNA ALNAT (HOSP.- COOK)
C/o ADIG, Group Centre,
CRPF, Talekgaon,
P.O- Vishnupuri,
Maharashtra, Pin- 410 507.

— Served on 21-1-2000.





सत्यमेव जयते

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
Hyderabad Bench

By RFA

No. 5-10-193, 1st Floor,
HACA Bhavan, Post Bag No. 10
(Opp. Public Gardens)
Hyderabad - 500 004.
Grams : "CENTADTRIB"
Tel. No. 248880 3234049

1b.CAT/HYD/JUOL/IV/SC/70/96/7

To

The Assistant Registrar,
Supreme Court of India,
NEW DELHI.

Date. **31-1-2000**

Sir,

Sub: Service of Notice of Lodgment of petition
of Appeal on Respondent No.3 in C.A.No.
11988/96 on the file of Supreme Court-
Certificate- Reg.

Ref: Your letter D.No.2035/96/XII-A, dated 29-10-99.
2.Your letter No.2035/96/XII-A, dated 4-1-2000.

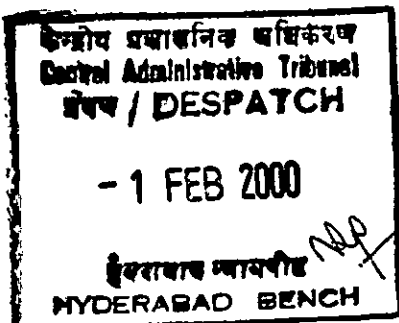
With reference to your letters cited on the above
subject, I am to send herewith the certificate as to
service of Notice of Lodgment of petition of appeal on
Respondent No.3 in C.A.No.11988/96 on the file of the
Supreme Court of India preferred against O.A.No.1428/95
on the file of this Tribunal as desired therein.

Yours faithfully,

Encl: As above.

(P.ULAGANATHAN)
DY. REGISTRAR.


31/1/00



CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD Bench: HYDERABAD.

C E R T I F I C A T E

The Notice of Lodgment of petition of Appeal sent to Respondent No.3 in C.A.No.11988/96 on the file of Supreme Court of India, New Delhi has been served on 21-1-2000.

o/c
4/3/11

DEPUTY REGISTRAR.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

No. CAT/HYD/JUDL/SC/70, 71, & 77 of 1996/2001/00 Dt. 20-12-2001.

The Order of the Supreme Court of India, in Civil Appeal Nos. 11985- 11986, 11987, 11988 and 12084 of 1996, dated 17-10-2001 is communicated to the concerned.

Sd/- x x
DY. REGISTRAR (J).

//true copy //

Sushant
SECTION OFFICER (J).

To

1. The Secretary, Union of India, Ministry of Home Affairs, North Block, New Delhi.
2. The Secretary, Union of India, 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,
5. The Addl. Dy. Inspector General of Police, Group Centre, C.R.P.F., Neemuch, Madhya Pradesh.
6. The Commandant, 65 Bn., Central Reserve Police Force, Padmarao Nagar, Secunderabad-25.
7. Mr. J.V. Prasad, Advocate, 3-4-874/1/A/5, Barkatpura, Hyderabad-27.
8. Mr. B.N. Sharma, Sr. CGSC, CAT, Hyderabad.
9. The Chief Medical Officer, 2nd Base Hospital, C.R.P.F., Chandrayangutta, Hyderabad-5.
10. One spare copy to Baby M.P., Pharmacist, 2nd Base Hospital, C.R.P.F. Hyderabad.
11. Mr. J.M. Bolar, s/o. N.C. Bolar, Staff for Sister Mess II Ind Base Hospital, C.R.P.F. Chandrayana Gutta, Hyderabad.
12. to 15) - Spare copies.

XII A

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Appeal No. 11966 of 1996

538357

Union of India & Anr.

Appellants

VERSUS

T.M. Jose & Ors.

Respondents

(With office report)

With C.A. Nos. 11985-11986/1996

C.A. No. 12018/1996 - With office report

C.A. No. 11954/1996

C.A. No. 11987/1996 - With appln. for stay and office report

C.A. No. 11988/1996 - With office report

C.A. No. 12034/1996

Date : 17/10/2001 These appeals were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

Certified to be true copy

19/10/2001
Assistant Registrar (Judl.)

Supreme Court of India

For Appellant (s) Mr. N.N. Goswami, Sr. Adv.
Mr. Hemant Sharma, Adv.
Ms. Sushma Suri, Adv.
for Mr. P. Parmeswaran, Adv.

For Respondent(s) Mr. Satya Mitra Garg, Adv.
Mr. V.A. Mohta, Sr. Adv.
Mr. R. Mohan, Sr. Adv.
Mr. V.G. Pragasam, Adv.

In-person (N/P)

UPON hearing counsel the Court made the following
O R D E R

The civil appeals are dismissed.

No order as to costs.

T. I. Rajput
(T.I. Rajput)
Court Master

Shelly Sengupta
(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

17/10

17/10

80/10/10

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 11966 of 1996

Certified to be true copy

19/10/2001
Assistant Registrar (Judl.)

Supreme Court of India

Union of India & Anr.

...Appellant(s)

Versus

538258

T.M. Jose & Ors.

....Respondent(s)

With C.A. No. 12018/1996, C.A. No. 11954/1996, C.A. No. 11987/1996 C.A. No. 11988/1996, C.A. No. 12084/1996 and C.A. Nos. 11985-11986/1996.

O R D E R

We have heard learned counsel for the appellants and gone through the record. We are satisfied that no interference under the provisions of Article 136 of the Constitution is required. The civil appeals are dismissed.

No order as to costs.

— Self —

.....J.
(S.P. Bharucha)

— Self —

.....J.
(Y.K. Sabharwal)

— Self —

.....J.
(Brijesh Kumar)

New Delhi,
October 17, 2001.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYD.

No.CAT/HYO/JDL/SC/70/96/21 /2002.

Dated: 27-3-2002.

The Decretal order of the Supreme Court of India in C.A.No.11988 of 1996, dated 17-10-2001 is communicated to the concerned.

Sd/- x x x
DY.REGISTRAR(JDL)

//true copy //

SECTION OFFICER(JDL).

To

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi.
2. The Secretary, Ministry of Health & Family Welfare,
Union of India, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, Central Reserve
Police Force, Road No.12, Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital, C.R.P.F.,
Chandrayanagutta, Hyderabad-5.
6. Mr.J.M.Solar, S/o.N.C.Solar, Staff for Sister Miss,
IInd Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
7. Mr.J.V.Prasanna,
3-4-874/1/A/5, Barkhate, ~~xxxxxxHyderabad~~
-37.
8. Mr. B.N.Sharma, Sr.CGSC, C.A.T. Hyderabad.
9. One spare copy.

: 2 :

The Appeal above-mentioned being called on for hearing before this Court on the 17th day of October, 2001, UPON perusing the record and hearing counsel for ~~the Appellants herein~~ ~~appearing parties above-mentioned,~~

the respondents not appearing though served;

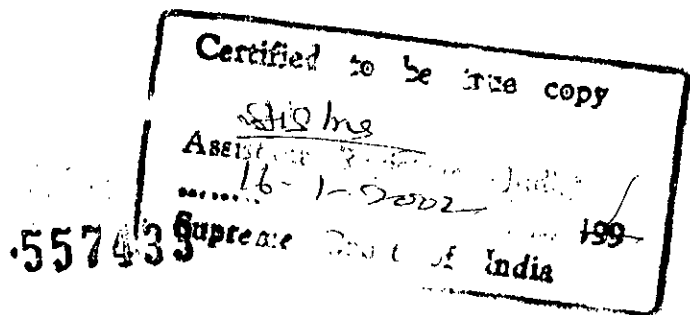
THIS COURT DOTH ORDER:

1. THAT the appeal above-mentioned be and is hereby dismissed;
2. THAT there shall be no order as to costs of this appeal in this Court;
3. THAT the Order of this Court dated the 13th September, 1996 passed in this appeal granting stay be and is hereby vacated;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 17th day of October, 2001.

sd/-
(I.J. SACHDEVA)
JOINT REGISTRAR.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11988 OF 1996
(Appeal by special leave from the Judgment and Order dated
the 17th January, 1996 of the Central Administrative
Tribunal Hyderabad Bench at Hyderabad in O.A. No. 1428 of 1995).

The Union of India and Others

...Appellants.

Vs.

J.M. Bolar and Others.

...Respondents.

(For full cause title please see Schedule 'A) attached
herewith).

17th October, 2001

CORAM:

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

For the Appellants:

Mr. N.N. Goswami,
Senior Advocate.
(Mr. Hemant Sharma, and
Mrs. Sushma Suri, Advocates
with him).

...2/-

2. The Director General of Police
Central Reserve Police Force
New Delhi.

3. The Inspector General of Police
Central Reserve Police Force
Road.No.12, Banjara Hills
Hyderabad - 34.

4. The Chief Medical Officer
2nd Base Hospital
C.R.P.C., Chandrayanagutta
Hyderabad-5.

... PETITIONERS.

Versus

1. J.M. Bolar
S/O. N.C. Bolar
Staff for Sister Mess IIInd Base Hospital
C.R.P.C.,
Chandrayanagutta
Hyderabad.

2. C.Shiva Shammugum
S/O. Chithirai
Nursing Assistant, IIInd Base Hospital
C.R.P.F., Chandrayanagutta
Hyderabad.

215-20

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CA 11983 of 1996

SPECIAL LEAVE PETITION (C) NO. 13514

OF 1996

IN THE MATTER OF:

A PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA SEEKING FOR
SPECIAL LEAVE TO APPEAL IN THIS
HON'BLE COURT AGAINST THE JUDGEMENT
AND ORDER DT. 17.1.1996 PASSED BY
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD IN O.A.
NO. - 1428/95.

AND

IN THE MATTER OF:-

1. The Union of India
represented by its Secretary
Ministry of Home Affairs
North Block
New Delhi.

contd...p/2-

30 MAY 1996
Supreme Court of India

3. D.P. Patole
S/O. Late Piraji
Hospital Cook, 2nd Base,
Hospital, CRPF,
Chandrayanagutta
Hyderabad-5 ... Contesting
... RESPONDENTS.

TO

The Hon'ble Chief Justice of India
and His Companion Justices of the
Hon'ble Supreme Court of India
New Delhi.

The humble petition of the
petitioners above-named.

MOST RESPECTFULLY SHOWETH:

1. That this is a Petition under Article 136
of the Constitution of India seeking for Special
Leave to Appeal against the Judgement and order
dt. 17.1.1996 passed by the Central Administrative
Tribunal, Hyderabad Bench, Hyderabad in O.A. No.
1428/95. The Certified copy of the impugned Order
is furnished alongwith the Special Leave Petition.

2. That the Petitioners herein have not

contd...p/4-.

20 MAY 1996
JUDGE
HYDERABAD BENCH

FILED
29 MAY 1996
Supreme Court of India

Govt. of India
Ministry of Law, Justice & CA
Department of Legal Affairs
Central Agency Section

New Delhi, the ^{26th} 4th October, 1999.

The Assistant Registrar, (Section **XIIA**),
Supreme Court of India,
New Delhi.

Subject :- C.A.No. 11988/96
Union of India Vs. J.M. Bolar & Ors

Sir,

I furnish herewith the latest and correct address of following respondents as furnished by the Department for information and necessary action :-

Respondent No. 3 - D.P. Patole has changed his name
and now be read as Dhuraji Krishna Alhat
(Hosp. Cook)

C/o ADI, Group Centre

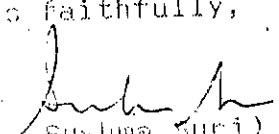
CRPF, Talekgaon,

P.O. Vishnupuri

Maharashtra

Pin. 410 507.

Yours faithfully,


(Mrs. Sushma Suri)
Government Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

NO.CAT/HYG/JDL/SC/70/95/21 /2002.

Dated: 27-3-2002.

The Decretal order of the Supreme Court of India in C.A.No.11988 of 1996, dated 17-10-2001 is communicated to the concerned.

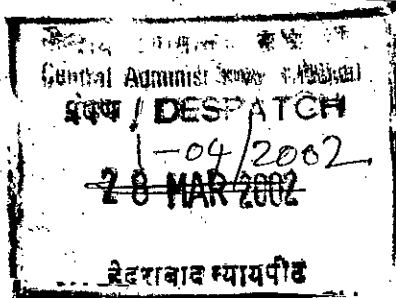
Sd/- x x x
DY.REGISTRAR(JDL)

//true copy //

[Signature]
SECTION OFFICER(JDL).

To

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi.
2. The Secretary, Ministry of Health & Family Welfare,
Union of India, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, Central Reserve
Police Force, Road No.12, Banjara Hills, Hyderabad-34.
Chandraya Medical Officer, 2nd Base Hospital, C.R.P.F.,
5. Mr. J.M.Bolar, S/o.N.C.Bolar, Staff for Sister Mass,
11th Base Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
6. Mr. J.V. Prasad, Advocate, ~~xxxxxxHyderabad~~
~~Hyderabad-37.~~
7. Mr. B.N.Sharma, Sr.CSGC, C.A.T. Hyderabad.
8. One spare copy.



: 2 :

The Appeal above-mentioned being called on for hearing before this Court on the 17th day of October, 2001, UPON perusing the record and hearing counsel for ~~the Appellants herein~~ ^{the Appellants herein} ~~appearing parties above-mentioned,~~

the respondents not appearing though served; WJ

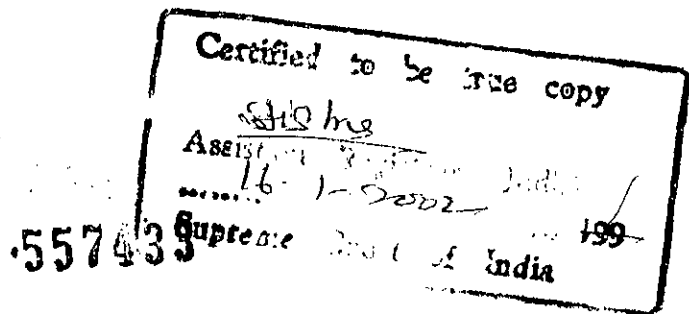
THIS COURT DOTH ORDER:

1. THAT the appeal above-mentioned be and is hereby dismissed;
2. THAT there shall be no order as to costs of this appeal in this Court;
3. THAT the Order of this Court dated the 13th September, 1996 passed in this appeal granting stay be and is hereby vacated;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Dr. Adarsh Sein Anand, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 17th day of October, 2001.

sd/-
(I.J. SACHDEVA)
JOINT REGISTRAR.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11988 OF 1996
(Appeal by special leave from the Judgment and Order dated
the 17th January, 1996 of the Central Administrative
Tribunal Hyderabad Bench at Hyderabad in O.A. No.1428 of 1995).

The Union of India and Others

...Appellants.

Vs.

J.M. Bolar and Others.

...Respondents.

(For full cause title please see Schedule 'A' attached
herewith).

17th October, 2001

CORAM:

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

For the Appellants:

Mr. N.N. Goshwami,
Senior Advocate.
(Mr. Hemant Sharma, and
Mrs. Sushma Suri, Advocates
with him).

...2/-

2. The Director General of Police
Central Reserve Police Force
New Delhi.

3. The Inspector General of Police
Central Reserve Police Force
Road.No.12, Banjara Hills
Hyderabad - 34.

4. The Chief Medical Officer
2nd Base Hospital
C.R.P.C., Chandrayanagutta
Hyderabad-5.

... PETITIONERS.

Versus

1. J.M. Bolar
S/O. N.C. Bolar
Staff for Sister Mess IInd Base Hospital
C.R.P.C.,
Chandrayanagutta
Hyderabad.

2. C.Shiva Shanmugam
S/O. Chithirai
Nursing Assistant, IInd Base Hospital
C.R.P.F., Chandrayanagutta
Hyderabad.

215-20

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CA 11988 of 1996

SPECIAL LEAVE PETITION (C) NO. 13514

OF 1996

IN THE MATTER OF:

A PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA SEEKING FOR
SPECIAL LEAVE TO APPEAL IN THIS
HON'BLE COURT AGAINST THE JUDGEMENT
AND ORDER DT. 17.1.1996 PASSED BY
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD IN O.A.

NO. - 1128/95.

AND

IN THE MATTER OF:-

1. The Union of India
represented by its Secretary
Ministry of Home Affairs
North Block
New Delhi.

contd...p/2-

3. D.P. Patole
S/O. Late Piraji
Hospital Cook, 2nd Base,
Hospital, CRPF,
Chandrayanagutta
Hyderabad-5 *Contesting*
... RESPONDENTS.

TO

The Hon'ble Chief Justice of India
and His Companion Justices of the
Hon'ble Supreme Court of India
New Delhi.

The humble petition of the
petitioners above-named.

MOST RESPECTFULLY SHOWETH:

1. That this is a Petition under Article 136
of the Constitution of India seeking for Special
Leave to Appeal against the Judgement and order
dt. 17.1.1996 passed by the Central Administrative
Tribunal, Hyderabad Bench, Hyderabad in O.A. No.
1428/95. The Certified copy of the impugned Order
is furnished alongwith the Special Leave Petition.

2. That the Petitioners herein have not

contd...p/4-

FILED
29 MAY 1996
SUPREME COURT OF INDIA

Govt. of India
Ministry of Law, Justice & CA
Department of Legal Affairs
Central Agency Section

+++++

New Delhi, the ^{26th} 4th October, 1999.

The Assistant Registrar, (Section XIIA),
Supreme Court of India,
New Delhi.

Subject :- C.A. No. 11988/96
Union of India Vs. J.M. Bolar & Ors

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following respondents as furnished by the Department for
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Respondent No. 3 - D.P. Patole has changed his name
and now be read as Dhuraji Krishna Alhat
(Hosp. Cook)

C/o ADI, Group Centre
CRPF, Talekgaon,
P.O. Vishnupur
Maharashtra

Pin. 410 507

Yours faithfully,

(Mrs. Sushma Suri)
Government Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH; AT HYDERABAD

NO.CAT/HYD/JDL/SC/70/86/21 /2002.

Dated: 27-3-2002.

The Decretal order of the Supreme Court of India in C.A.No.11988 of 1996, dated 17-10-2001 is communicated to the concerned.

Sd/- x x x
DY.REGISTRAR(JDL)

//true copy //

[Signature]
SECTION OFFICER(JDL).

To

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi.
2. The Secretary, Ministry of Health & Family Welfare,
Union of India, New Delhi.
3. The Director, ~~Police~~ ~~Force~~, New Delhi.
4. The Inspector General of Police, Central Reserve
Police Force, Road No.12, Banjara Hills, Hyderabad-34.
5. The ~~Director~~ ~~Force~~, ~~Central~~ C.R.P.F.,
Chandrayanagutta, Hyderabad-5.
6. Mr. J.N.Gole, S/o.N.C.Gole, Staff for Sister Kees,
Indra Bess Hospital, C.R.P.F., Chandrayanagutta, Hyderabad.
3-4-074/1/A/5, Borkatpura, Hyderabad
7. Mr. B.H.Sharma, Sr.CESC, C.A.T. Hyderabad.

One more copy.

: 2 :

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the Respondents not appearing though served; WJ

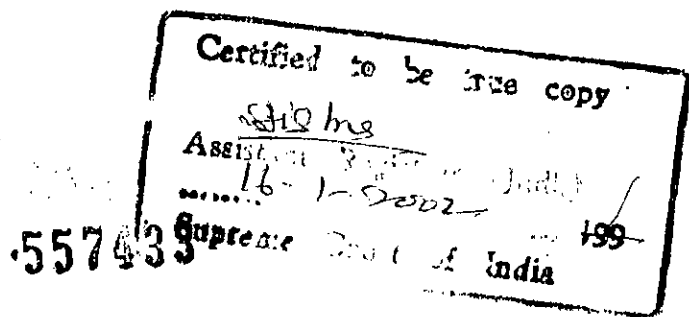
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(I.J. SACHDEVA)
JOINT REGISTRAR.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11988 OF 1996
(Appeal by special leave from the Judgment and Order dated
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The Union of India and Others

...Appellants.

Vs.

J.M. Bolar and Others.

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(For full cause title please see Schedule 'A' attached
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HON'BLE MR. JUSTICE BRIJESH KUMAR

For the Appellants:

Mr. N.N. Goshwami,
Senior Advocate.
(Mr. Hemant Sharma, and
Mrs. Sushma Suri, Advocates
with him).

...2/-

2. The Director General of Police
Central Reserve Police Force
New Delhi.

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4. The Chief Medical Officer
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C.R.P.C., Chandrayanagutta
Hyderabad-5.

... PETITIONERS.

Versus

1. J.M. Bolar
S/O. N.C. Bolar
Staff for Sister Mess IIInd Base Hospital
C.R.P.C.,
Chandrayanagutta
Hyderabad.

2. C.Shiva Shanmugam
S/O. Chithirai
Nursing Assistant, IIInd Base Hospital
C.R.P.F., Chandrayanagutta
Hyderabad.

gl 5-20

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CA 11981 of 1996

SPECIAL LEAVE PETITION (C) NO. 13514 OF 1996

IN THE MATTER OF:

A PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA SEEKING FOR
SPECIAL LEAVE TO APPEAL IN THIS
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AND ORDER DT. 17.1.1996 PASSED BY
THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD IN O.A.

NO. 1428/95.

AND

IN THE MATTER OF:-

1. The Union of India
represented by its Secretary
Ministry of Home Affairs
North Block
New Delhi.

contd...p/2-

FILED
30 MAY 1996
Supreme Court of India

3. D.P. Patole
S/O. Late Piraji
Hospital Cook, 2nd Base,
Hospital, CRPF,
Chandrayanagutta
Hyderabad-5
Contesting
... RESPONDENTS.

TO

The Hon'ble Chief Justice of India
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The humble petition of the
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2. That the Petitioners herein have not

contd...p/4-

FILED
29 MAY 1996
Supreme Court of India

Govt. of India
Ministry of Law, Justice & CA
Department of Legal Affairs
Central Agency Section

New Delhi, the ^{26th} October, 1999.

The Assistant Registrar, (Section XIIIA),
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New Delhi.

Subject :- C.A. No. 11988/96
Union of India vs. J.M. Bolar & Ors

Sir,

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Respondent No. 3 - D.P. Patole has changed his name
and now be read as Dhuraji Krishna Alhat
(Hosp. Cook)

C/o ADI, Group Centre
CRPF, Talegaon,
P.O. Vishnupuri
Maharashtra

Pin. 410 507.

Yours faithfully,

(Mr. Sur Indu Suri)
Government Advocate

2

39

DA.1428/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri J.V. Prasad, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. There are three applicants in this OA who are reported to be para-medical staff. The third applicant in this OA is a cook. All of them are working under R-5.

3. This OA is filed praying for a direction to the respondents to extend all the benefits and pay all the allowances that are being paid to the employees working in other Central Government Hospitals in accordance with the recommendations of the 3rd and 4th Pay Commissions and in accordance with Government of India orders including the Patient care Allowance with arrears with effect from 1-10-1986 and to grant promotional benefits to the applicants.

4. Similar claim was made in OA.122/89 on the file of Gauhati Bench of Central Administrative Tribunal. It was held therein that the para-medical staff in the hospitals attached to CRPF are also entitled to patient care allowances from 1-10-1986. Following the said judgement, this Bench also gave similar benefits to the applicants in OA.65/90 and other OAs.

6. This Bench also disposed of OA.150/94 and 151/94 on 17-3-1994 following the directions given ⁱⁿ the above OAs. Direction given in OA.150/94 is to the effect that the applicants in that OA are entitled for patient care

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1428/95

Date of Order: 17-1-96.

Between:

1. J.M.Bolar
2. C.Shiva Shanmugum
3. D.P.Patole

.. Applicants

and

1. The Secretary, Ministry of Home Affairs,
Union of India, North Block, New Delhi
2. The Union of India, rep. by its Secretary,
Ministry of Health and Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve
Police Force, New Delhi.
4. The Inspector General of Police, CRPF, Road No.12,
Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base Hospital,
CRPF, Chandrayanagutta, Hyderabad-5.

Respondents.

For the Applicant :- Mr. J.V.Prasad, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

allowance with effect from 1-4-1987 and they are also entitled to night wait allowance and risk allowance and if the night wait allowance or the risk allowance was already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

7. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to differ from that judgement wherein both of us were parties.

8. In the result, the respondents are directed to pay the patient care allowance to the applicants in this OA with effect from 1-4-1987 and they are entitled to night wait allowance and the risk allowance and if the night wait allowance or the risk allowance was already given to the applicants the same has to be adjusted from out of the amounts to be paid as per this order.

9. Time for compliance is four months from the date of receipt of copy of this order.

10. The OA is ordered accordingly. No costs. //

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्र न्यायालय, मुंबई
Central Court Office, Mumbai
मुंबई न्यायालय
MUMBAI N.Y. BENCH

[Signature]
12/6

ANNEXURE

FORM OF INDEX

List of papers in MA/~~CP/PA~~/NO.1025/95 in OA.⁸NO 3420/1995

Serial NO. of papers on record part-I	Date of papers or Date of filing	Description of papers	Remark
--	--	--------------------------	--------

9/11/95

Petition

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL. BENCH
AT HYDERABAD.

M.A.No. 1025 of 1995

(under Section 83 Rule 4(5)(a) of
The C.A.T. (Procedure)
Rules, 1987)

in

O.A.No. 3420 of 1995

Between:

1. J.M. Bolar
2. C. Shiva Shanmugam
3. D.P. Patole

.. Applicants/
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.
4. The Inspector General of Police,
Central Reserve Police Force,
Road No.12, Banjara Hills, Hyderabad-34.
5. The Chief Medical Officer, 2nd Base
Hospital, Central Reserve Police Force,
Chandrayangutta, Hyderabad- 5.

.. Respondents/
Respondents.

BRIEF FACTS:

The above O.A. is filed by the applicants for a brief common to all these applicants. The applicants for have a common cause of action and are working in the same Department. The O.A. is also filed against common respondents. We are small employees and it will be very different to file separate O.A. The previous O.A.No.65 of 1990 in which we are relying in this O.A. was filed by more than one applicant. It is therefore submitted that a single O.A. is filed. It is therefore prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file a single O.A.

PRAYER: It is prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file a single O.A. and to pass such other orders as are necessary in the interests of justice.

Recd
10.11.95
FORWARDED
m

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

I, J.M.Bolar, S/o. N.C.Bolar, aged 35 years, staff for Sister mess (Cook), working in C.R.P.F., Hyderabad, 2nd Base Hospital, and the 1st applicant herein, do hereby that the contents from 1 to 12 Paras are true to my personal knowledge and belief and that I have not suppressed any material facts.

I am filing this application on behalf of the another applicants also their instructions.

Verified on this the 5th day of November 1998, and signed their names in my presence at Hyderabad.

L1:
Counsel for Applicants.


1st applicant.

Reg! - Seeking permission to file
single OA application

Hyderabad District

In the Central Administrative
Tribunal: Addl. Bench
Hyderabad.

M.A.No. of 1995

in

O.A.No. of 1995



PERMIT PETITION

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

Counsel for Applicants.

may be filed
C.A.
9/11/95

GENERAL

ORIGINAL

MA. 1025/KT in O.A. No. 3420/KT

23-11-95

For the reasons stated
in the MA, the MA is allowed.
Let the OA be registered
if otherwise in order and
post it for admission
on 29-11-95.

J
HABG
M(B)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH.
AT HYDERABAD.

M.A. NO. 1025 of 1995

IN

O.A.S.R. NO. 3420 of 1995

PETITION FOR SEEKING PERMISSION
TO ADDITIONAL APPLICANTS IN A
SINGLE APPLICATION.

Mr. J.V. Prasad.

COUNSEL FOR THE APPLICANTS

AND

Mr. _____

Sr. Addl. Standing Counsel for
C.G. Rlys.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. REGD. NO. 3420/95

Date: 9/11/95

To Mr. J. V. Prasad, Advocate
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

1. Original and duplicate copies of OA are to be signed by the Counsel for the applicants.
2. How para ~~of~~ (b) is maintainable?
3. Impugned order only clubbed to the OA copies. Other material papers filed separately.
4. Chronological events of OA to be filed.

Complim. with

[Signature] 18/11/95

DEPUTY REGISTRAR (JUDL)

As
14/11/95