

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 448/96.

Dt. of Decision : 8-4-96.

1. S.M. Sahoo
2. J.M. Baler
3. D.P.Patale
4. Manju Kumari Singh
5. T.R.S.S.Pillai
6. N.M.Joy
7. G. Vishwanatha Reddy

.. Applicants.

Vs

1. The Union of India, Rep. by its Secretary, Min. of Home Affairs, North Block, New Delhi.
2. The Union of India, Rep. by its Secretary, Min. of Health & Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve Police Force, New Delhi.
4. The Inspector 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.

Counsel for the Applicants : Mr. J.V.Prasad

Counsel for the Respondents : Mr. V.Rajeswara Rao for
Mr. N.V.Ramana, Addl. CGSC.

CORAM:

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

O.A. 448/96.

Dt. of Decision : 08-04-96.

ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Adm.) I

Heard Shri V. Rajeswara Rao, learned counsel for the respondents. None for the applicant.

2. There are 7 applicants in this OA and they are now working in various capacities such as Ward Boy, S.F.S.N., H/Cook, F.S.N., N/Asst., Pharmacist etc., in the 2nd Base Hospital, C.R.P.F., Hyderabad. All the applicants in this OA are governed by the Central Civil Services Rules and such other rules as framed from time to time.

3. The prayer in this OA is for a declaration that the action of the respondents in not paying them the ration money as they are termed as non-combatised staff and payment of the ration money to some other hospital staff leaving the applicant herein is unreasonable and violative of Article 14, 16 and 39(d) of the Constitution and for a consequential direction to the respondents to grant them ration money on par with other hospital staff working in other areas w.e.f., 06-10-87 as per the Ministry of Home Affairs letter No.II.27012/16/87-FP.II(1) dt. 06-10-1987 with all arrears.

3. When similarly placed staff filed OA. 17/98 in it was disposed of by that Tribunal Gowhathi Bench of this Tribunal by its judgement dt. 30-03-90 allowing the application. Against this judgement Special Leave Appeal in Civil Appeal No.15728/90 was filed by the respondents in Supreme Court. as an interim measure The Supreme Court granted 50% of the amount to be paid to the respondents as ration money as per the impugned judgement subject to the result of the appeal.

4. Similar OA. 308/93 on the file of this Bench was disposed of by this Tribunal by order dated 23-08-94. That OA was disposed of on the basis of the Supreme Court orders granting the applicants in those OAs 50% of the ration money and it was also ordered that the applicants are entitled to the final relief to be granted by the Supreme Court in Civil Appeal referred to above.

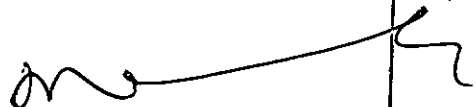
5. A similar OA bearing No. 533/94 was filed on the file of the Madras Bench of the Tribunal which was disposed of on 2-2-96. The Madras Bench had the opportunity of looking into the decision of the Gowhati Bench, the interim order of the Supreme Court in the SLP and the decision of this Bench in OA. 308/93. After taking into account all the factors, the Madras Bench came to the conclusion that no interim relief is necessary but the applicants will get the benefit as per the decisions of the Supreme Court in Civil Appeal No. 15728/90. It was held by the Madras Bench in that OA that there is no mention in that OA that the applicants therein were enjoining the ration money prior to 6-10-87 and there is no prayer to continue the same beyond this date. It was only prayed that in view of the issue of the instructions of the Min. of Home Affairs dt. 6-10-87 the grant of the ration money has been stopped and hence the applicants therein have to be granted the ration money w.e.f., 6-10-87.

6. In this OA also there is no mention that the applicants were getting ration money earlier to 6-10-87 and hence that allowance had to be continued beyond that date. The only prayer in this OA is that they should be given the ration money in terms of the Min. of Home Affairs letter dated 6-10-87 and denial of that allowance is

contrary to the instructions of the Min. of Home Affairs dt. 6-10-87 and a discrimination between a combatised staff and non-combatised staff. In view of the fact that the relief and averments in this OA are similar to the prayer in OA.No.533/94 of the Madras Bench and also because of the fact that the order of the Tribunal of Madras Bench is consolidated order taking into account all the facts and the directions given by the Gowhathi Bench, the Apex Court and this Tribunal, I feel it is not only reasonable but justified also to follow the directions given by the Madras Bench of this Tribunal in the present OA.


7. In the result, the OA is closed with the observations that the main issue raised is already under the consideration with the Supreme Court in Civil Appeal No. 15728/90 and both the parties will be bound by the orders to be passed by the Apex Court.

8. The OA is disposed of accordingly at the admission stage itself. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 8th April 1996.
(Dictated in Open Court)


26-4-96
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