

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00057/2015

Date of Order: 02.12.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

1. Indian Railway Pharmacists Association, NWR Zone (Jodhpur Division) Registration No.2220U/D under Society Registration Act, 1860, Head Office Central Hospital, New Delhi and Divisional Office at Railway Hospital, Jaipur.

2. S.K. Sachan S/o Shri Motilal Sachan aged about 59 years, resident of Ayodhya Path, Shyam Nagar, Sodala, Jaipur.

3. Ashok Varandani S/o Shri B.D.Varandani, aged about 52 years, resident of A-139, Mahal Scheme, Jagatpura, Jaipur 302017.

4. Kamlesh Kumar Sharma S/o Shri Ramesh Kumar Sharma aged about 54 years, resident of 19, Visveshwaria Nagar (Ext.), Gopalpura Bypass, Jaipur-302018.

5. Indra Kumar Sharma S/o Shri Ramniwas Sharma, aged about 48 years, resident of B-40, Kishore Nagar, Murlipura, Jaipur.

6. Surendra Kumar Yadav S/o Shri P.S.Yadav, aged about 51 years, resident of 21/256, Kaveri Path, Mansarovar, Jaipur.

7. Vikas Kumar Meena S/o Shri Bachu Lal Meena, aged about 30 years resident of A-6, LIC Flats, Ramesh Marg, C-Scheme, Jaipur.

(Applicant No.2 to 7 are working as Pharmacists in Central Hospital, NWR, Jaipur).

.....Applicants

(By Advocate Mr. P.P. Mathur)

VERSUS

1. The Union of India through the General Manager, North Western Railway, Jaipur.

2. The Railway Board through its Chairman, Rail Bhawan, New Delhi-110001.

3. The Medical Director, Central Hospital, Jaipur, North Western Railway, Jaipur.

4. The Chief Medical Superintendent, Railway Hospital, North Western Railway, Jaipur.

.....Respondents

(By Advocate Mr. Anupam Agarwal)

ORDER

This OA has been filed by the applicants Indian Railways Pharmacists Association, NWR Zone, Jodhpur & others under Section 19 of the Administrative Tribunals Act, 1985 aggrieved with the denial of Hospital Patient Care Allowance (HPCA) vide order dated 09.01.2015 (Ann.A/1) and order dated 08.07.2014 (Ann.A/2) seeking the following reliefs:-

8.i) to direct the respondents to grant HPCA to all the pharmacists working in the Jaipur Division and Central Hospital;

ii) quash and set aside any attempt to make classification amongst the existing cadre of pharmacists for denying the benefit of Hospital Patient Care Allowance.

iii) quash and set aside order dated 09.01.2015 whereby HPCA granted to S.K.Sachan, K.K.Sharma, Indra Kumar Sharma, S.K.Yadav and Vikas Kumar Meena has been stopped;

iv) quash and set aside order dated 08.07.2014 whereby the payment of arrears of HPCA has been denied to S.K.Sachan, K.K.Sharma, Indra Kumar Sharma and Ashok Varandani;

v) direct the respondents to release the payment of arrears of HPCA to all the pharmacists working in the Jaipur Division and Central Hospital which are part of the same cadre along with interest of 18% p.a. from the date due and till the same is paid to them;

vi) direct the respondents to provide for payment of risk allowance to all the pharmacists in the Jaipur Division and the Central Hospital;

vii) direct the respondents to provide safety equipment including masks, special washing soaps and disinfectants timely and on regular basis;

viii) direct the respondents to provide training to the pharmacists to upgrade their knowledge for dealing with the latest threats of infections and take all steps to provide the requisite infrastructure equipment and facilities to safeguard them from getting infected;

ix) direct the respondents to provide for special insurance cover to the pharmacists look in to the hazardous nature of their duties. The schemes pertaining to compassionate appointment after death during

service may also be favourably reviewed in case of pharmacists who are a class apart than other railway staff who are not subject to the risks of getting infected rendering their life at stakes;

x) respondents may be directed to constitute a special committee to review the beneficial legislations pertaining to the pharmacists category in the Railways and to suggest methods to increase the safety environment for them in their day to day working. Special budget may be provided accordingly;

xi) any other relief which this Hon'ble Tribunal deems fit in the facts and circumstances of the case may be granted to the applicant.

2. When the matter came up for consideration and hearing today on 02.12.2016, at the very outset the Ld. Counsel for the applicant submitted that the main issue in this OA is regarding the grant and payment of Hospital Patient Care Allowance (HPCA) to certain category of Pharmacists. In this regard he referred to circular Ann.A/5 RBE No.01/2008 dated 09.01.2008 wherein as per para 2 (a)(ii) Pharmacists [except exclusive Store Pharmacists and not involved in dispensing of medicines] were granted HPCA. He further submitted that after certain inquiries and reports of the respondents the matter has since been resolved by the respondents and letter No. E (P&A) II-98/HW-6 Vol.III dated 18.04.2016 (RBE No.36/2016) has been issued by which it has been decided to remove exception made for "exclusive store pharmacists" in para 2(a) (ii) of the earlier RBE No.01/2008 dated 09.01.2008, now the pharmacists including the applicants would be entitled to HPCA w.e.f. 01.01.2008. He also submitted a copy of the RBE No.36/2016 dated 18.04.2016 and the same was taken on record. Counsel for applicant submitted that as the grievance of the applicants has been resolved at the level of respondents themselves, the matter has been rendered infructuous and submitted that the OA may be dismissed accordingly.

3. Counsel for the respondents has no objection to the same.

4. Accordingly the OA is disposed of as having rendered infructuous as the grievance of the applicants has been redressed at the level of respondents themselves.

5. The MA No.291/00248/2015 also stands disposed of.



(Ms. Meenakshi Hooja)
Administrative Member

Adm/