

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of order : 14.03.2002

O.A. No. 562/1996

1. Ramjas R. Vaishya son of late Shri Ram Niwas aged about 43 years resident of 4/487, Jawahar Nagar, Jaipur, presently working as Pharmacist, P&T Dispensary No. 2, Jaipur.
2. A.K. Pathak son of Shri Vidhyadhar Pathak aged about 37 years resident of 11/1446, Malviya Nagar, Jaipur, presently working as Pharmacist, P&T Dispensary No. 1, Jaipur.
3. C.L. Mali son of Shri Arjun Lal Mali aged about 48 years resident of Plot No. C-68/A, J.P. Colony, Tonk Phatak, Jaipur, presently working as Laboratory Technician, P&T Dispensary No.1, Jaipur.
4. M.K. Verma son of Shri Ram Narain Verma aged about 37 years resident of house No. 1382, Baba Harish Chandra Marg, Jaipur, presently working as Dresser, P&T Dispensary No. 1, Jaipur.

... Applicants.

v e r s u s

1. Union of India through Secretary to the Government of India, Department of Posts, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302 007.
3. Senior Superintendent of Post Office, Jaipur City Postal Division, Jaipur - 302 006

... Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

M. D.K. Swamy, Brief holder for Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM:

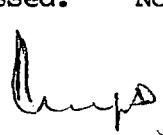
Hon'ble Mr. Justice O.P. Garg, Vice Chairman
Hon'ble Mr. A.P. Nagrath, Administrative Member

: O R D E R :

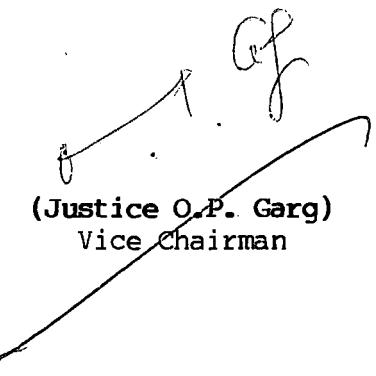
(Per Hon'ble Mr. Justice O.P. Garg)

The applicants are employees of the Postal Department. They are claiming 'hospital patient care allowance' (HPCA) equivalent to Central Government Health Scheme (C.G.H.S.) employees, where such allowance is permissible. The respondents have challenged the rights of the applicants to claim the said allowance on the ground that Group 'C' and 'D' (Non-Ministerial) staff working in P&T Dispensaries do not fall under the category of the staff to whom HPCA is being granted in CGHS as per recommendations of the IVth Pay Commission. It was also urged that there is no equivalence in between the employees of the Postal Department as well as Para Medical employees of CGHS. The learned counsel for the respondents has placed reliance on the observations of the Apex Court in the case of Union of India vs. Makhan Chandra Roy, AIR 1997 SC 2391, in which it was observed that the equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the Court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration.

2. After having heard the learned counsel for the parties, we find that the controversy raised relates to policy decision to be determined by the expert body. This Tribunal would be slow enough to tinker in the matter. The remedy of the applicant lies elsewhere and not before this Tribunal. This O.A. is meritless and is dismissed. No order as to costs.


(A.P. Nagrath)
Adm. Member

cvr.


(Justice O.P. Garg)
Vice Chairman