

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O.A No. 205/97

Shri S.K. Pandey & Ors

Applicant(s)

- VS -

Union of India & Ors

Respondant(s)

Mr. A.K.G. Thakuria

Advocate for the Applicant(s)

Mr. A.D. Roy, Sr. C.G.S.C.

Advocate for the Respondant(s)

Office Note	Date	Court Orders
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17.9.97

Dr A.K.G.Thakuria, learned counsel for the applicant and Mr S.Ali, learned Sr.C.G.S.C for the respondents are present.

Dr Thakuria submits that he finds that the application submitted needs certain amendment and for that purpose he prays for adjournment.

Adjourned for consideration of admission to 24.9.97.

Member

pg

17/9

24.9.97

Dr A.K.G.Thakuria, learned counsel for the applicant and Mr S.Ali, learned Sr.C.G.S.C for the respondents are present.

Consolidated amendment application has been submitted. Heard Dr Thakuria for admission. Application is admitted. Issue notice on the respondents.

List for written statement and further orders on 5.11.97.

Member

pg

17/9

This application is in form and within time

of R. Reg.

of R. Reg.

IPO NO. 7/11/97

Dated 18.9.97

Dr. Registrar

21

Registrar

22-9-97

In terms of order

dated 17-9-97 passed

in O.A 205/97

Amendment petition

filed on behalf of

the applicant.

20.9.97

Notice issued to

the concerned

parties by Regd A/D

for Report No. 1-4

on 20-9-97.

20

(2)

5.11.97

Mr S.Ali, learned Sr.C.G.S.C prays for one month time to file written statement. Prayer allowed.

List on 3.12.1997 for written statement and further orders.

Member

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13-10-97

Memo of appearance

filed by Mr. S.Ali, Sr, 3.12.97
C.G.S.C.

En

31.10.97

Notice duly served
on 1, 2, 3, 4, 5.

nkm

ms
1/12

21.1.98

Dr A.K.G.Thakuria is present for the applicant. None however, is present for the respondents and no written statement has since been submitted by them. The matter is closely related to the other cases decided by this Tribunal such as O.A.9/95 and ~~Box 6/97~~ in O.A.174/96. The decision in those cases were based following the orders of the Hyderabad Bench dated 24.2.94 in O.A.151/94 and also the order dated 3.2.94 in O.A.931/93 of the Principal Bench. The order in dated 3.2.94 in O.A.931/93 of the Principal Bench above has been stayed by the Hon'ble Supreme Court in their order dated 13.9.96 in Special Leave to Appeal(Civil) No. 1093/95. Following this stay order the

Member





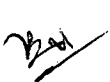
Bon

w/s has not been b'nd.

SB
2/12

w/s has not been b'nd

SB
20/11

Notes of the Registry	Date	Order of the Tribunal
	21.1.98	<p>Hon'ble Supreme Court had also stayed the order dated 17.1.96 passed in O.A. 1245/94 of the Hyderabad Bench vide order dated 13.9.96 in SLA(Civil) ..CC 4260/96.</p> <p>In the facts and circumstances above the hearing cannot be proceeded without getting the information as to the present position in those two matters before the Hon'ble Supreme Court. Therefore, hearing is adjourned to 4.3.98.</p> <p>The parties concerned in this application may endeavour to find out the position of the above matters before the Hon'ble Supreme Court and apprise this Tribunal in the next date of hearing so that the hearing can be proceeded.</p> <p>Hearing adjourned to 4.3.98.</p> <p style="text-align: right;"> Member</p>
<p>Copy of this order may be furnished to the counsel of the parties.</p> <p style="text-align: right;"><u>By order</u>  21.1.98</p> <p>Please comply order dated 21.1.98.</p> <p> 22/1/98</p> <p><u>23.1.98</u></p> <p>Copy of order dtl 21.1.98 issued to the counsel of parties.</p>	<p style="text-align: right;">22/1</p> <p>4.3.98</p> <p style="text-align: right;">pg 28 5/3</p>	<p>Dr A.K.G.Thakuria is present for the applicant. Mr A.K.Choudhury prays for adjournment on behalf of Mr S.Ali. Written statement has been submitted. Copy of the same may be served on the applicant.</p> <p>List on 1.4.98 for hearing.</p> <p style="text-align: right;"> Member</p>
<p><u>Ben</u> 24-2.98</p> <p>Written Statement filed on behalf of the R. No-1,2,3 & 4 at page-19 to 23.</p> <p></p>	<p>1-4-98</p>	<p>Mr.G.Sarma, learned Addl.C.G.S.C., prays for adjournment on behalf of Mr.S.Āli, learned Sr.C.G.S.C. on the ground of personal difficulties of Mr.Ali. Dr.A.K.G.Thakuria, learned counsel opposes to the adjournment prayer and desires to proceed on merit. For the ends of justice, I consider</p> <p style="text-align: right;">contd/-</p>

Notes of the Registry	Date	Order of the Tribunal
W/s. has not been b/w 8/5 19/5...	1-4-98	that Mr. Ali may be given another opportunity to place his case. Accordingly, O.A. is adjourned for hearing on 20-5-98. List it on 20-5-98.
W/s. has been b/w on R. No. 1-4	20.5.98	Dr A.K.G. Thakuria for the applicant. Mr. S. Ali, learned Sr. C.G.S.C prays for adjournment to ascertain the position of the SLP before the Hon'ble Supreme Court. Prayer allowed. Hearing adjourned to 10.6.98.
	10.6.98	Dr A.K.G. Thakuria, learned counsel for the applicant is present. None for the respondents. The information regarding the position of the SLP before the Hon'ble Supreme Court is not available. In view of the fact that the matter of granting of Hospital Care Patient Care Allowance in question is pending before the Hon'ble Supreme Court, the hearing is adjourned till 16.9.98. The learned Sr. C.G.S.C is directed to furnish information regarding the position of the SLP on the next date. He may also furnish a copy of the stay order referred to in para 5 of the written statement to the counsel for the applicant before the next date of hearing.
Copy of the order may be furnished to Mr. S. Ali.		
By order. . . pg.		

15.6.98
Copy of order dtd.
10.6.98 is sent to the
Respt's. Counsel. Box

(5)

DA. 205/97

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Notes of the Registry

Date

Order of the Tribunal

W/S in
on R. No. 1-4.

15/9

16.9.98

Heard counsel of both sides. Hearing concluded. Judgment reserved.

Registry to place the matter for judgment after receipt of orders of the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 1093/95 and SLA (Civil ..CC, 4260/96.

Member

pg

18/9

28.4.00

There is no information as to whether above appeal has been disposed of or not. Therefore, the case is released from C.A.V.

List for hearing on 11.7.00.

Member

16-7-2000

The case is ready for hearing.

mk

See annex A
to W/S

11.7.00

Present: Hon'ble Mr S. Biswas,
Administrative Member

None for the applicant. Mr A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Post on 18.8.00 for hearing.

Member (A)

The case is ready for hearing.

28.9.2000

nkm

18.8.00

9m & no bench. Adj. on 14.9.00.

18/6
10

14.9.00

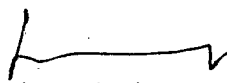
no bench. To be list on 22-9-00.

18/6
10

Notes of the Registry	Date	Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
	29.9.00	<p data-bbox="766 295 1468 376">Present : Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.</p> <p data-bbox="766 403 1532 806">The four applicants are Group 'C' civilian employees working in the C.R.P.F. Base Hospital, 9th Mile, Guwahati and filed the instant Original Application claiming for Hospital Patient Care Allowance as per the Government instruction issued vide letter No. D. 28015/60/87-II dated 25.1.1988 and D. 11011/1/90-CGHS(P) dated 11.7.1990.</p> <p data-bbox="766 819 1532 954">Considering the nature of relief, the applicants are allowed to join in a single application.</p> <p data-bbox="766 967 1532 1505">It is claimed that as per the scheme of the Government of India mentioned above, they are entitled to the allowance with effect from 1.12.1987. Similarly placed persons are allowed to draw the allowance in pursuance of the order of the Central Administrative Tribunal of Delhi Bench in O.A. 931/93 vide order dated 3.2.1994 and order dated 24.2.1994 in O.A. No. 151/94 of the Hyderabad Bench, order dated 10.6.1996 in O.A. No. 9/95 and order dated 20.12.96 in O.A. No. 174/96 of Guwahati Bench.</p> <p data-bbox="766 1518 1532 1706">The Tribunal in conformity with the earlier orders ordered the respondents to pay the applicants the Hospital Patient Allowance within a specific date.</p> <p data-bbox="766 1720 1580 2257">It has been pointed by Mr. A. Deb Roy, learned CGSC that SLP against the order passed by the Central Administrative Tribunal, Principal Bench has been filed before the Supreme Court and as well as against the order of Hyderabad Bench. Mr. Deb Roy referred to Para-6 of the written statement and stated that the matter is pending before the Court since 1997. Mr. Deb Roy however could not present the present state of affairs and/or as to the outcome of the above proceeding in the Supreme Court.</p> <p data-bbox="766 2271 1532 2553">Considering the aspects of the matter I am of the opinion to conclude the proceeding in the light of the earlier orders of this Tribunal. The payment of Hospital care allowance to the applicants shall be subject to condition that the applicants are to give an undertaking</p>

Contd...

Notes of the Registry	Date	Order of the Tribunal
<p>24.10.2000</p> <p>Copy of the order has been sent to the D/Sec. for issuing the same to the applicant as well as to the Dr. C.G.S.C. for the Respondent.</p> <p>HS</p>	<p>29.9.00</p> <p>mk JVS 3/10/20</p>	<p>to this effect that the amount will be refunded in case the result of the Supreme Court goes against them.</p> <p>Subject to the above condition, the application is allowed to the extent indicated above.</p> <p> Vice-Chairman</p>