

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Kahla
28.11.17

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/ Cont. Petn/ Rev. Appl. 22/06

In O.A. _____

Name of the Applicant(S) Humenwar Kunni Jais (6)

Name of the Respondent(S) N.O.I Jais

Advocate for the Applicant J. Sarma, S.M. Bonah

Counsel for the Railway/ C.G.S.C. _____

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

20.2.2004

Heard learned counsel for the applicant.

Issue notice to show cause as to why application shall not be admitted. Returnable by four weeks.

List on 24.3.2004 for admission.

116378/SS
9.2.04.

[Signature]
19/2/04

Exec. money Rs. 10/- mb

Submitted by the applicant, 24.3.2004,
on 19.2.04 S.L.No. 1151.

[Signature]

[Signature]
Member (A)

Heard Mr. J. Sarma, learned counsel for the applicant. The O.A. is admitted. Issue notice to the parties.

List the case for order on 26.4.04

[Signature]
Member (A)

Notice & order dt- 20/2/04 sent to D/Section for issuing to respondent nos. 1 to 7.

bb

Received copy
by the respondent
NB. 5, 6 & 7.

[Signature]
5/3/04
A.F.C. (Mide)
SSB

✓
Notice issued vide
D. No. 470 to 472
Dtd - 19-3-04

26.4.2004

On the plea of Mr. A. Deb Roy, learned Sr. C.G.S.C. four weeks time is allowed to file written statement to the respondents. List on 27.5.2004 for order.

K. P. Bhattacharya
Member (A)

bb

No w/s has been
filed.

27.5.2004

Since Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents is on leave, list the case on 14.7.2004 for orders.

K. P. Bhattacharya
Member (A)

A/D card return
from resp. No. 1.

mb

9.8.2004

Four weeks time is granted to the respondents to file written statement as prayed by Mr. A. Deb Roy, learned Sr. C.G.S.C. List on 8.9.2004 for orders.

K. P. Bhattacharya
Member (A)

bb

8.9.04

Written statement filed. List for hearing on 10.9.04.

K. P. Bhattacharya
Member (A)

pg

10.9.2004

List the case for hearing on 15.9.2004.

K. P. Bhattacharya
Member (A)

15.09.2004

Heard learned counsel for

7-9-04
w/s has been Secn. filed

[Signature]

6-8-04
H/Ws duly served on
D-No. 1
NO w/s has been Secn. filed
[Signature]

23.8.04
w/s submitted
by the respondents.
[Signature]

Notes of the Registry

Date

Order of the Tribunal

15.09.2004

Respondents shall take a decision on the payment of Hospital Patient Care allowance to the Para Medical Staff of SSB within 6 months from the date of receipt of this order. Details order will be passed separately.

O.A. is accordingly disposed of.
No order as to costs.

[Signature]
Member (A)

mb

17.9.04

Copy of the Judgment has been sent to the Dysec. for info. The same to the applicant as well as to the R. C.G.S.C for the Registry.

[Signature]
Order Copy received on behalf of Registrar.
[Signature] 24/9

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXX.No. 22/2004.

DATE OF DECISION 15.09.2004.

Sri H. Kurmi & Ors.APPLICANT(S)

Mr. J. Sarma & Mr. S.M. BaruahADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

The Union of India & Ors.RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other Benches ?
- Judgment delivered by Hon'ble (A).

bw

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 22 of 2004.

Date of Order : This, the 15th Day of September, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Sri Humeswar Kurmi
2. Sri Nitul Saikia
3. Sri Krishna Kanta Das
(applicants serving in the office
of the Inspector General
Frontier Headquarter
S.S.B., Tezpur.)
4. Sri Binu Mathews
5. Sri Th.Subash Chandra Singh
6. Sri Sundeep kuma
(applicants serving in the office
of the Deputy Inspector General
Training Centre, Special Service Bureau
Salanibari, Tezpur. . . . Applicants.

By Advocates Mr.J.Sarma & Mr. S.M.Baruah.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
North Block, New Delhi.
2. Union of India
Represented by its Secretary
Ministry of Health & Family Welfare
New Delhi.
3. The Director General of Security
Block-V(East), R.K.Puram
New Delhi-110 066.
4. The Director
S.S.B, Directorate, R.K.Puram
New Delhi.
5. The Deputy Inspector General
Training Centre, S.S.B.
Salanibari, Tezpur.
6. The Divisional Organization
S.S.B., North Assam Division
Tezpur.

Contd./2

7. Chief Medical Officer
North Assam Division
S.S.B., Tezpur.

. Respondents.

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

O R D E R (ORAL)

K.V.PRAHLADAN, MEMBER(A):

The applicants are working in the Special Service Bureau (S.S.B. in short), Salanibari, Tezpur as Group 'C' and 'D' (Non Ministerial), Para-medical employees. This application has been filed against the denial of patient care allowance which is being paid to Para-medical staff in hospital under Central Govt. Health Scheme w.e.f.1.12.1987 (C.GF.H.S. in short) / and other Central Police Organisations like I.T.B.P., B.S.F. and C.R.P.F. w.e.f.8.9.2000. The petitioners claim that their services are similar to that of B.S.F., C.R.P.F. and I.T.B.P. and hence they are eligible for patient care allowance.

2. The respondents, in their written statement, stated that the Ministry of Home Affairs is in the process of taking a decision in granting patient care allowance to the Para-medical staff in S.S.B. and hence they should be given enough time to take a decision in the matter.

3. I have heard Mr.J.Sarma, learned counsel for the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

4. On perusal of the pleadings and considering the facts and circumstances of the case, I am of the opinion that S.S.B. is also a Central Police Organisation under

Ministry of Home Affairs like I.T.B.P., B.S.F. and C.R.P.F. having more or less the same working conditions. Therefore, Ministry of Home Affairs will take a decision on the payment of patient care allowance to the Para-medical staff of S.S.B. within a period of six months from the date of receipt of this order.

The O.A. is, therefore, disposed of with the above directions. No order as to costs.

K.V. Prahladan
(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

bb

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. NO. 22/2004

Sri Humeswar Kurmi & Others

-vs-

Union of India & others

SYNOPSIS

Applicants are working in the special service bureau, Salanibari, Tezpur at Group 'C' and 'D' (non ministerial) paramedical employees.

In the year 1983 Govt. of India had issued a office memorandum wherein grant of patient care allowance to Group 'C' and 'D' (non ministerial) Hospital employees working in the Central Government Hospital under Central Govt. Health Scheme have been provided. Subsequent to issue of the said circular Hospital employees of Group 'C' and 'D' category of various Central Govt. Hospital / Dispensary are drawing the Hospital Patient care allowance / Patient care allowance.

- But the applicants are still deprived of getting the Patient Care allowance though they are also group 'C' and 'D' (non ministerial) Paramedical Central Govt. employees as S.S.B. Directorate has also functioning under the Ministry of Home Affairs, Govt. of India.

Being aggrieved the applicants field the present application before this Hon'ble Tribunal with a prayer for granting Patient Care allowance with effect from their date of joining in the S.S.B.

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9 FEB 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI

O.A. NO. 22 /2004

Sri Humeswar Kurmi & Others

.....Applicants

-Vs-

Union of India & Others

.....Respondents

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Filed by

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH

GUWAHATI

(An application under Section 19 of the Administrative
Tribunal Act, 1985)

O.A. No. 22 of 2000

1. Sri Humeswar Kurmi
2. Sri Nitul Saikia
3. Sri Krishna Kanta Das

(applicants serving in the
office of the Inspector
General, frontier Headquarter
S.S.B., Tezpur)

4. Sri Binu M.Mathews
5. Sri Th.Subash Chandra Singh
6. Sri Sundeep Kuma

(Applicants serving in the
office of the Deputy
Inspector General, Training
Centre Special Service
Bureau, Salanibari,
Tezpur

- Applicants

- VERSUS -

1. Union of India

*Filed by
Humeswar Kurmi
through Jyoti Prasad Sarma, Assisted
07/2/00*

Represented by the Secretary
to the Govt. of India,
Ministry of Home Affairs,
North Block, New Delhi.

Himeswar Kumari

2. Union of India

Represented by its
Secretary, Ministry of Health
& Family Welfare, New Delhi

3. The Director General of
Security, Block-V(East) R. K.
Puram, New Delhi-110066

4. The Director

S.S.B. Directorate, R.K.
Puram, New Delhi

5. The Deputy Inspector General,
Training Centre, SSB,
Salanibari, Tezpur

6. The Divisional Organization
S.S.B. North Assam Division,
Tezpur

7. Chief Medical Officer

North Assam Division,

S.S.B. Tezpur

- Respondents

Himeswar Karmi

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MOVED :

Illegal and arbitrary action on the part of the respondents whereby the applicants are not allowed to draw Hospital Patient Care Allowance/Patient Care Allowance though the said allowance is admissible to the other similarly situated Central Government Employees.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter upon which their grievance is based on and against which they seek redressal is well within the jurisdiction of this Hon'ble Court.

3. LIMITATION :

The applicants further declare that the present application has been preferred by the applicants under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

i) That the present applicants are working in the Special Service Bureau (for brevity, hereinafter referred to as S.S.B.), Salanibari, Tezpur as Group 'C' and 'D' (Non Ministerial), Para-medical employees. All the applicants are serving in the Unit Hospitals/dispensaries attached to frontier Head Quarter, S.S.B. as well as to the Training Centre, S.S.B. Salanibari, Tezpur in different categories/designation.

Details of service particulars of the applicants are being produced at the time of Hearing of the case. 8

ii) That the applicants have a common grievance and interest in the matter in question and as such they are filing a common and single application for resorting to their common grievance. Further, the relief sought for and, if so granted, to them, that will be equally applicable to all the applicants because all of them are similarly situated/placed. Hence, to avoid a multiplicity of litigations, the instant application has been preferred by the applicants herein. The applicants crave leave of this Hon'ble Court/Tribunal to allow them to file a common and single application as provided in

Himeswar Kumar

Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

iii) That before averting to the details of the case, it is worthwhile to mention here certain facts for the convenience of this Hon'ble Tribunal, Prior to the year 2002, the S.S.B. directorate was operated under the Cabinet Secretary to the Government of India. But from the year 2002, the S.S.B. directorate is functioning under the Ministry of Home Affairs, Govt. of India.

iv) That in the year 1983 the Govt. of India had issued a Office Memorandum wherein, grant of patient care allowance to Group 'C' and 'D' (non ministerial) Hospital employees working in the Central Government Hospital under Central Govt. Health Scheme have been provided. The Office Memorandum contains details of terms and conditions requisites for entitlement of Hospital Patient Care allowance/Patient Care allowance to a group 'C' and 'D' (Non-ministerial) Hospital employee.

v) That subsequent to issue of the said Office Memorandum, Hospital employees of group 'C' and 'D' category of various Central Government Hospitals/ Dispensaries are drawing the Hospital patient Care allowance/Patient Care allowance. Some of the

is
Himeswar Kumar

departments of Govt. of India which are granting 'Hospital Patient Care allowance/Patient Care allowance to their group 'C' and 'D' employees working in their Hospitals are Border Security Force, Central Industrial Security Force, Indo Tibetan Border Police, Central Industrial Security Force, Assam Rifles etc.

a photocopy of the letter No. 27012/4/ 2000- PF-IV in respect of granting of Hospital Patient Care Allowance to Hospital employees of different departments of Govt. of India is annexed herewith and marked as ANNEXURE-A

vi) That 'Hospital Patient Care Allowance' is admissible to employees of Group 'C' and 'D' category attached to a Central Government Hospital/Dispensary for the reasons of seriousness and risk factors of the duty, they are preferring. There is likely a great apprehension of deterioration of health of the concerned employee due to transmission/contagion of a disease and other risky factors considering all these material, points in hand, the Central Government (Ministry of Home Affairs) has floated the process of granting of Hospital

J. Sureswar Kurni

Patient Care Allowance/Patient Care Allowance to the eligible employees.

vii) That as narrated in the paragraphs at the outset of this application, in the year 2002, the S.S.B. Directorate has also begun to function under the Ministry of Home Affairs. By virtue of this development, as a matter of fact, the Group 'C' and 'D' categorized Hospital employees of the S.S.B. Directorate, working in S.S.B. Frontier Head Quarter Salanibari and in the Training Centre Salanibari are also entitled to the 'Hospital Patient Care Allowance'/Patient Care Allowance. Further, similarly situated employees of different departments of Central Government have been granted 'Hospital Patient Care Allowance'/Patient Care Allowance. However the applicants have been deprived off from the same in spite of they are similarly situated persons entitled to the Hospital Patient Care Allowance/Patient Care Allowance.

viii) That the applicants had made representation through proper channel before the competent Authority (Respondent No.2) stating inter-alia that as per the Memorandums issued by the Govt. of India regarding entitlement of 'Hospital Patient Care Allowance'/Patient Care Allowance, the applicants are

Himeswar Barm

eligible for grant of 'Hospital Patient Care Allowance'/Patient Care Allowance.

Photocopies of the representations made by the applicants are stated in the aforesaid Paragraphs are annexed herewith and marked as ANNEXURE-B

ix) That even after preferring the aforementioned representations the applicants have not received any response from the concerned authority (Respondent No.2) regarding granting of 'Hospital Patient Care allowance'/Patient Care Allowance. Though the applicants are fully eligible for 'Hospital Patient Care Allowance', the authorities action in this regard is wholly unjustified, arbitrary, discriminatory and illegal in nature.

x) That the Hon'ble Apex Court had already pronounced Judgment to the effect that when a particular benefit is granted to the employees of one department of Government of India, the same can not be denied to other similarly placed employees of the other department. Further, the Hon'ble Apex Court observed that 'Equality is the first principle of justice'. In the instant case also, the benefit of granting 'Hospital Patient Care

Himeswar Kumar

Allowance'/Patient Care Allowance is allowed to the similarly situated employees, employed in various Central Govt. Departments such as BSF; C.R.P.F.; C.I.S.F.; Assam rifles etc. But the employees of the S.S.B. are deprived of the same benefit in violation of the Hon'ble Apex Court as well as Article 14 & 16 of the Constitution of India.

xi) That the Hon'ble Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1248/94 had passed a Judgement to the effect that the 'Hospital Patient Care Allowance'/Patient Care Allowance is applicable to all the employees of the Central Govt. attached to Hospital/Dispensaries under Central Govt. Health Scheme. In the aforesaid Original application No.1245/94, the applicants are working in C.R.P.F. In the instant case also, the applicants are working in S.S.B., Salanibari, Tezpur being similarly placed persons at par with employees of C.R.P.F. or other Central Govt. Departments.

A photocopy of the aforesaid Judgment dated 17.1.96 passed in O.A. 1245/94 is annexed herewith and marked as

ANNEXURE-2

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Himeswar Kumar

xii) That the applicants most respectfully submit before this Hon'ble Court that they have bonafide claim/right over the entitlement of 'Hospital Patient Care Allowance'/Patient Care Allowance and waiting for disposal of their respective representations by allowing them to draw 'Hospital patient Care Allowance' at the same revised rate as are allowed to the similarly situated persons of the various Central Government Departments.

xiii) That the Ministry of Health & Family Welfare, Government of India vide its letter No.Z.28015/60/87-4 dated 25.1.1988 had specifically mentioned the fact that the 'Hospital patient Care Allowance'/Patient Care Allowance is admissible to Group 'C' and 'Group D' (Non-Ministerial) Hospital employees working in Central Government Hospitals. In the instant case also the applicants are working in the S.S.B. unit Hospital, Salanibari, Tezpur and being a Central Government Hospital under Ministry of Home Affairs, they are also entitled for grant of Hospital Patient Care Allowance/Patient Care Allowance.

Photocopy of the aforesaid letter No.Z. 28015/60/87-4 dtd. 25-01-1988 is annexed herewith and marked as ANNEXURE-D.

Humayun Khan

xiv) That Directorate General, special Service Bureau, New Delhi under the Ministry of Home Affairs, Govt. of India issued a Memorandum vide No.1/SSB/MED/2001(4)MC/359-408 dated 28.3.2003 wherein the Grant of Hospital Patient Care Allowance/Patient Care Allowance to the para Medical staff in S.S.B. (group 'C' and 'D' Hospital /employees) are specifically mentioned. In the light of the aforesaid Memorandum also, the applicants are eligible for grant of Hospital patient Care Allowance/patient Care Allowance.

A photocopy of the Memorandum No.1/SSB/MED/2001(4)MC/359 408 dtd.28.3.2003 is annexed herewith and marked as ANNEXURE-E

GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- I) For that the action on the part of the authority/respondent in denying the Hospital Patient Care Allowance/Patient Care Allowance to the applicants is wholly illegal, arbitrary, unjustified and discriminatory in nature and as such the instant case is a fit case wherein this Hon'ble Tribunal will

exercise its jurisdiction and grant relief to the applicants.

II) For that the applicants have been deprived of from the benefit of 'Hospital Patient Care Allowance'/patient Care Allowance although they are similarly situated persons with of those of the C.R.P.F.; B.S.F.; C.I.S.F.; etc. who have been granted the benefit of Hospital Patient Care allowance/Patient Care allowance as per Order of this Hon'ble Central Administrative Tribunal and as such the action of the authorities/Respondent is bad in law and is liable to be set aside.

III) For that since the similarly situated persons of the C.R.P.F.; C.I.S.F.; B.S.F. etc. have been granted Hospital patient Care allowance/Patient Care Allowance, the applicants are also entitled to the Hospital Patient Care Allowance/Patient Care allowance and since the same has not been granted to them, the applicants have been discriminated resulting in violation of Articles 14 & 16 of the Constitution of India.

Hunedan Kurni 22

Himeswar kumari 28

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants had already submitted representations which were duly forwarded to the competent authority but nothing tangible has been done so far.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURTS:

The applicants further declare that they have not previously filed any application, writ-petition or suit regarding the matter in respect of which this application has been preferred, before any Court or any other authority or any other bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. RELIEF SOUGHT :

It is, therefore, most respectfully prayed that Your Lordships would be graciously pleased to admit this application call for the records of the case, ask the respondents as to why the applicants should not be granted the benefit of patient care allowance with effect from their

respective date of joining in service as has been granted to others who are similarly situated persons and after perusing the cause or causes shown, if any and after hearing the parties, direct the respondents to pay the patient care allowances to the applicants with effect from their respective date of joining in the S.S.B. or may pass such further or other order or orders as Your Lordships may deem fit and proper.

Hamasan kurmi

And for this act of kindness Your applicants as in duty bound shall ever pray.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

NIL

10.

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FILED :

*J.P.O NO 119378155 dated 09/02/2004
at Guwahati G.P.O*

12. LIST OF ENCLOSURES :

As stated in the Index

- Verification

- V E R I F I C A T I O N -

I, Sri Humeswar Kurmi, son of Late Phaguna Kurmi, aged about 38 yers, working as Pharmacist in the Frontier Head Quarter, S.S.B., Salanibari, Tezpur do hereby solemnly affirm and state that I am one of the applicants in the accompanying petition and the contents of paragraphs 1, 2, 3, 4 (i, ii, iii, iv, v, vi, vii, ix, x, xii) 5, 6, 7 of the said application including those made in this verification are true to the best of my knowledge and belief and those made in paragraphs 4 (viii, xiii, xiv) being matters of record are true to my information derived therefrom which I believe to be true and rest are my humble submissions before this Hon'ble tribunal. I being one of the applicants have been authorized by other applicants to sign this verification on behalf of them.

And I sign this verification on this the 7th day of February, 2004 at Guwahati.

Humeswar Kurmi

No. 27012/4/2000-PF.IV

Government of India
Ministry of Home Affairs

North Block, New Delhi.

Dated, the 8th September 2000

To

The Directors General

1. Border Security Force, CGO Complex, New Delhi.
2. Central Reserve Police Force, CGO Complex, New Delhi.
3. Indo-Tibetan Border Police, CGO Complex, New Delhi.
4. Central Industrial Security Force, CGO Complex, New Delhi.
5. Assam Rifles, Shillong.
6. The Director, National Police Academy, Hyderabad.

Subject: Grant of Patient Care Allowance/Hospital Patient Care Allowance to Non Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in Dispensaries/Hospitals.

Sir

I am directed to convey the sanction of the President to the Grant of Patient Care allowance/hospital Patient care allowance, to the Non Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in the Dispensaries/Hospitals, at the same rates as has been given to employees similarly placed in the CGHS dispensaries or Central Government Hospitals in Delhi/outside Delhi on the same terms and conditions. This will take effect from the date of issue of these orders.

2. This is subject to the condition that no night duty allowance or risk allowance, if sanctioned by the Central Government will be admissible to these employees.

3. The expenditure involved will be met out of the budget grant of the concerned organization.

Carried over to the
next page
S
Adm. Secy

- 17 -

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This issues with the approval of Ministry of Finance,
Department of Expenditure vide ID No.358/E.IV/2000 dated 7.9.2000
and with the concurrence of the Integrated Financial Division of this
Ministry vide their Dy. No.2206/Fin.II/2000 dated 8.9.2000

Yours faithfully

Sd/

(Rakesh K.Gupta)

Director (Police Finance)

Copy to:-

1. Pay & Accounts Officer, BSF/CRPF/ITBP/CISF/Assam Rifles
and NPA, Hyderabad.
2. PAO MHA, New Delhi.
3. Ministry of Finance (E.IV Branch) w.r.t. ID No.358/E.IV/
2000 dated 7.9.2000.
4. Ministry of Health & Family Welfare (II, III branch) Nirman
Bhavan, New Delhi.
5. IFD (Finance III) MHA, North Block, New Delhi
6. PFI/II/III/IV/ Desk, MHA, New Delhi.
7. Guard File.

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ANNEXURE -B

No. V/53/MED/2002/ 63
Government of India,
Ministry of Home Affairs,
O/O the Divisional Organiser,
SSB, North Assam Division, Tezpur

Dated, Tezpur the 15th July/2003

To

The Divisional Organiser,
SSB, North Assam Division,
Tezpur.

Sir,

Please find enclosed herewith a self-explanatory application regarding Grant of Hospital patient care Allowance/ Patient care Allowance of Group "C" and "D" (Non-Ministrial) employees. From Shri Nitul Saikia Lab Technician of Divisional Headquarter, SSB, North Assam Division, Tezpur for your kind perusal and further necessary action at your end please.

Encl:- As stated

Yours faithfully

For
15/07/03
CHIEF MEDICAL OFFICER
NORTH ASSAM DIVISION
SSB TEZPUR

*Carried by me
Advocate*

-19 -

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To

The Director,
Directorate General of Security,
Office of the Director, SSB,
East Block - V, Level-5, R.K. Puram.
New Delhi - 110066.

(Through Proper Channel)

Sub :- Prayer for grant of Hospital patient care allowance.
Patient care allowance.

Sir,

I the undersigned have the honour to state the following few lines for favour of your kind consideration and necessary action please.

1. That sir, Unit M.I Room, Div HMR, NA Division, Tezpur where patients of different ailments/diseases are being attended by me under the supervision of Medical Officers and in the field works during medical civic action which involves transmission of the disease and risk to my health.

2. That sir, the staffs those who are working in Central Government Hospitals are entitled for Hospital patient care allowance vide the revised order No. 2, 20015/41/3-III(1) dated 02-01-1999 of Ministry of Health and Family Welfare, Govt. of India, copy enclosed herewith for your kind perusal Please.

3. That sir, the supreme court of India has also given the verdict that "equality is the first principle of Justice" when a particular benefit is granted to employees of one department of the Government of India the same cannot be denied to other similarly placed employees of other department under the same Government, as the staffs of Central Government Hospitals are getting the patient care allowance so the same facility may also be granted to me on the basis of equality as I am also working in Central Government Hospital (SSB). Copy enclosed herewith for your kind perusal please.

It is therefore requested, hospital patient care allowance may kindly be granted to me, as per admissible revised rates like the other staffs working in Central Government hospitals please.

For the act of your kindness I shall ever remain grateful to you sir.

Place:- Div. HMR, NA Division
Tezpur.

Yours faithfully,

Dated:-

*Certified by me City
Advocal*

15/07/03
(NITUL SAIKIA)
LAB. TECHNICIAN, SSB
NORTH ASSAM DIVISION
TEZPUR.

20

65

30

No.X/53/MED/2002/
Government of India,
Ministry of Home Affairs,
O/O the Divisional Organiser,
SSB, North Assam Division, Tezpur

Dated, Tezpur the 15th July/2003

To

The Divisional Organiser,
SSB, North Assam Division,
Tezpur.

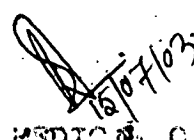
Sir,

Please find enclosed herewith a self-explanatory application regarding Grant of Hospital patient care Allowance/ Patient care Allowance of Group "C" and "D" (Non-Ministrial) employees, from Shri Krishna K. Das Nursing Asst. of Divisional Headquarter, SSB, North Assam Division, Tezpur for your kind perusal and further necessary action at your end please.

Encl:- As stated

Yours faithfully

For


CHIEF MEDICAL OFFICER
NORTH ASSAM DIVISION
SSB, TEZPUR.

Certified to be true copy
G
Advocate

- 24 -

31

To

The Director,
Directorate General of Security,
Office of the Director, DGS,
East Block-V, Level-5, R.K. Puram
New Delhi - 110066.

(Through Proper Channel)

Sub:- Prayer for grant of Hospital patient care allowance/patient care allowance.

Sir,

I the undersigned have the honour to state the following few lines for favour of your kind consideration and necessary action please.

1. That sir, this M.I. Room, Div HQ, RA Division, Tempur where patients of different ailments/diseases are being attended by me under the supervision of Medical Officers and in the field works during medical civic action which involves transmission of the disease and risk to my health.
2. That sir, the staffs those who are working in Central Government Hospital are entitled for Hospital Patient care allowance vide the revised order No.2.28915/41/98-II(I) dated 02-01-1999 of Ministry of Health and Family Welfare, Govt of India, copy enclosed herewith for your kind perusal Please.
3. That sir, the Supreme court of India has also given verdict that "equality is the first principle of justice" when a particular benefit is granted to employees of one department of the Government of India the same cannot be denied to other similarly placed employees of other department under the same Government, as the staffs of Central Government Hospitals are getting the patient care allowance so the same facility may also be granted to me on the basis of equality as I am also working in Central Government Hospital (D). copy enclosed herewith for your kind perusal please.

It is therefore requested, Hospital patient care allowance may kindly be granted to me, as per admissible revised rates like the other staffs working in Central Government hospital Please.

For the act of your kindness I shall ever remain grateful to you sir.

Yours faithfully

Krishna Kant Das
(K. K. Das, Nursing Staff)
(NITU) 24-15/07/03

*Carried over to
24/7
B*

-22-

64

No. A/53/Med/2002/_____
Government of India,
Ministry of Home Affairs,
O/O the Divisional Officer,
S.B. North Assam Division, Tezpur

32

Dated, Tezpur the 15th July/2003

To

The Divisional Officer,
S.B. North Assam Division,
Tezpur.


Sir,

Please find enclosed herewith a self-explanatory application regarding Grant of Hospital patient care allowance/ Patient care Allowance of Group "C" and "D" (Non-Ministrial) employees. from Sri Hameed Khan, Pharmacist, of Divisions" Headquarter, S.B. North Assam Division, Tezpur for your kind perusal and further necessary action at your end please.

Encl:- AS stated

Yours faithfully

For


CHIEF MEDICAL OFFICER
NORTH ASSAM DIVISION
TEZPUR

*Certified to be true
&
Advocate*

-23-

33

To

The Director,
Directorate General of Security,
Office of the Director, SSB,
East Block-V, Level-5, R.K. Puram
New Delhi -110066.

(Through Proper Channel)

Sub:- Prayer for grant of Hospital patient care allowance/patient care allowance.

Sir,

I the undersigned have the honour to state the following few lines for favour of your kind consideration and necessary action please.

1. That sir, Unit M.I Room, Div HQB, NA Division, Tezpur where patients of different ailments/diseases are being attended by me under the supervision of Medical Officers and in the field works during medical civic action which involves transmission of the disease and risk to my health.
2. That sir, the staffs those who are working in Central Government Hospital are entitled for Hospital Patient care allowance vide the revised order No.2.23015/41/98, II(I) dated 02-01-1999 of ministry of Health and Family welfare, Govt of India, copy enclosed herewith for your kind perusal Please.
3. That Sir, the supreme court of India has also given verdict that "equality is the first principle of justice" when a particular benefit is granted to employees of one department of the Government of India the same cannot be denied to other similarly placed employees of other department under the same Government, as the staffs of Central Government Hospitals are getting the patient care allowance so the same facility may also be granted to me on the basis of equality as I am also working in Central Government Hospital (SSB). copy enclosed herewith for your kind perusal please.

It is therefore requested, hospital patient care allowance may kindly be granted to me, as per admissible revised rates like the other staffs working in Central Government hospital Please.

For the act of your kindness I shall ever remain grateful to you sir.

Yours faithfully

Humeswar Kurni, Pharmacist
(Humeswar Kurni)
1 - 15/7/03

*Carried to the
Home Copy
Advocate*

-24-

34

The Deputy Inspector General,
Training Centre, SSB, Salonibari,

[Through Proper Channel]

Subject:

Request for grant of Hospital Patient Care Allowance/Patient Care Allowance.

Sir,

With reference to your Memo No. TCS/11/5th PC/2000/11363 dated 11.09.2002, I would like to bring the following to your kind notice for favour of your kind consideration to accord sanction of hospital patient care allowance/patient care allowance to the para-medical staff of SSB from the competent authority at your earliest convenience please.

The Government of India order as desired vide para-2 of the above mentioned Memo is enclosed herewith for favour of further necessary action please.

In this connection, further I would like to bring to your kind notice that the letter No. 27012/A/2000-PF-IV dated 08.09.2000 issued by the Director (Police Finance, copy enclosed) to all the DG's of all security organizations, except the Directorate, SSB, Cabinet Secretariat, since this organization was not under the MHA. Now our organization is included under the MHA, so Hospital patient Care allowance/ Patient Care allowance is very much entitled to the para-medical staff of SSB as like others security/Police organization under MHA.

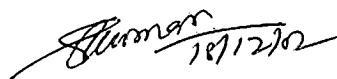
Therefore, I would like to request for your kind sympathetic action so that the said allowance can be extended to me.

For the act of your excellency, I shall be ever grateful to you sir.

Place: Salonibari.

Dated... 18/12/02

Yours Faithfully,



Name. SANDEEP KUMAR

Designation: LABORATORY TECHNICIAN

Cabinet Secretary
S. Advocate

-25-

35

To,
The Director General (SSB)
Government of India,
Ministry of Home Affairs
East Block-V, Level-5
R.K. Puram, New Delhi-110066.

(Through Proper Channel)

Sub: PRAYER FOR HOSPITAL PATIENT CARE ALLOWANCE

Sir,

With due respect and humble submission I beg to state the following few lines for favour of your kind sympathetic consideration please.

1. That sir, I am working at Unit Hospital, Training Centre, SSB, Salenibari, which is a twenty five(25) bedded hospital vide cabinet Sectt. order No. D-14013/93/85- EA-II dated 23.4.94. In this unit hospital the patient of different ailments/diseases are being attended by me under the supervision of Medical officer which involves transmission of disease and risk to my health.
2. That sir, the staffs those who are working in Central Govt. hospital are entitled for hospital patient care allowance vide order No. (revised)-Z-28015/41/98-H(1) dated 02.01.1999 of Ministry of Health & Family Welfare, Govt. of India, copy enclosed herewith for your kind perusal please.
3. That sir, 'honourable justice, Central Administrative Tribunal(CAT), Hyderabad bench made clear decision that para-medical staff working in the hospital under the Central Govt. health services and other para-military hospital/dispensaries are entitled for hospital patient care allowance, copy enclosed.
4. That sir, I have not been given night duty allowance and risk allowances.
5. That sir, the supreme court of India has also given the verdict that "Equality is the first principle of justice" when a particular benefit is granted to employees of one department of the Govt. of India, the same cannot be denied to other similarly placed employees of other department under the same Govt., the staff central Govt. hospitals and para-military hospital/dispensaries are getting the patient(Hospital) care allowance, so the facility may also be granted to me on the basis of equality as I am also working in Unit hospital, SSB, under Ministry of Home Affairs, Govt. of India. Copy enclosed herewith for your kind perusal please.

From the above facts and circumstances, it is requested that I may kindly be sanctioned Hospital patient care Allowance at the revised rate please.

For the act of your kindness and favourable necessary action I shall ever remain grateful to you sir.

Salenibari

Dated the

th April 2001.

Yours faithfully,



(TH. SUBHASH CHANDRA SINGH)
Designation: PHARMACIST
Unit Hospital, P.O. Salenibari
Salenibari

Certified true copy
Advocate

-26-

36

To,

The Deputy Inspector General,
Training Centre, ASB,
Salonibari.

(Through proper Channel)

Sub : REMITTANCE.

Sir,

Kindly refer to my application submitted on
dated 03.01.2003 regarding grant of Hospital patient
care Allowance/ patient care allowance.

The non-executive paramedical staff posted
in Central Govt. Hospitals/Dispensaries is drawing
HCA/PCA since 1987 and non-executive paramedical
staff posted in para-military Hospitals/Dispensaries
are availing the said allowance since September
2000.

Sir, I am also a non-executive paramedical
staff working in Unit Hospital, S.C. STB, Salonibari
and requesting to grant HCA/PCA like other central
stations under Ministry of Home Affairs. But still I
am seeking for kind consideration from higher head-
quarters.

Therefore, I am requesting for your goodness
to consider the case by granting HCA/PCA since its
inception otherwise I have the only alternative to
knock the door of Honourable Court for justification
please.

Thanking you sir.

Yours faithfully,

Salonibari,

Date: 16.07.03

Binu M. Mathews

Name : BINU. M. MATHEWS

Designation : Radiographer

*Central file from ASB
Advocate*

BENCH IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.
OA.1245/94.

17-1-1996. Date of Judgement 17-1-1996.

Between:-

1. V.M.Joy
2. S.A.Rasu,
3. C.P.Sebastian Applicants.

(All are working in the 2nd Base
Hospital Central Reserve Police
Force, Hyderabad-5.)

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, CGO Complex, Lodi Road, 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, Hyderabad-5.
- By 9 Respondents.

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

Counsel for the Respondents : Mr.N.R.Deva Raj, Sr.CGSC.

CORAM:

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

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

Carried over
from 1st
Advocate

✓
28

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DA.1245/94

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 working as para-medical staff under A-5, the first applicant being a chowkidar. They filed this DA for a direction to the respondents to pay patient care allowance of Rs.70/- p.m. as it is being paid to para-medical staff in the hospitals under the Central Government Health Scheme (CGHS). 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 allowance from 1-10-86. Following the said judgement, this Bench also gave similar direction to the applicants in DA.65/90 and other DAs.

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

..2.

A

already given to the applicants therein the same has to be adjusted from out of the payments to be paid as per this order.

4. As the applicants in this OA are similarly situated as the applicants in OA.150/94 we see no reason to ^{defer} ~~advent~~ from that judgement wherein both of us ^{are} ~~are~~ parties.

5. 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.

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

7. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

हैदराबाद न्यायालय
HYDERABAD BENCH

25/1/86

Copy to:-

1. Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. Secretary, Ministry of Health & Family Welfare, New Delhi.
3. The Director General of Police, Central Reserve Police Force, CGO Complex, Lodi Road, 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, Hyderabad-5.
6. One copy to Mr. J.V. Prasad, Advocate 3-4-874/1/

Contd...

-36-

ANNEXURE D ②

40

No. 2.28015/60/67-H
Government of India
Ministry of Health and Family Welfare

Nirman Bhavan, New Delhi,
Dated the 25th, January, 1988.

To

1. Director General
of Health Services,
Nirman Bhavan,
New Delhi.

2. The Secretary (Medical),
Delhi Administration,
5-Shera Nath Marg,
Delhi-110054.

Subject:-Grant of Hospital Patient Care Allowance to Group 'C'
and 'D' (Non-Ministerial) Hospital employees.

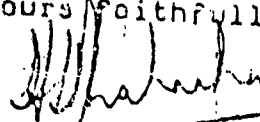
Sir,

With reference to DCHS No. 8.12017/3/87-MH dated 9-4-87 on the subject mentioned above, I am directed to convey the sanction of the President to the grant of Hospital Patient Care Allowance to Group 'C' and 'D' (Non-Ministerial) employees including Drivers of Ambulance Cars, but excluding Staff Nurses, at the rate of Rs. 80/- and Rs. 75/- per month respectively with effect from 1-12-87, subject to the condition that no Night Weightage Allowance, if sanctioned by the Central Government, will be admissible to these employees working in the Central Government Hospitals and Hospitals under the Delhi Administration.

2. The expenditure involved will be met out of the budget grant of the concerned Hospital during the financial year i.e. 1987-88.

3. This issues with the concurrence of Ministry of Finance vide their Dy. No. 1167/Pn/87 dated 15-10-87.

Yours faithfully,



(H.S. Dhokealia)

Under Secretary to the Government of India

Copy forwarded to :-

1. Medical Superintendent, Sardarjang Hospital, New Delhi.
2. Medical Superintendent, Dr. RML Hospital, New Delhi.
3. Principal, Lady Hardinge Medical College & Smt. S.K. Hospital, New Delhi.
4. Ministry of Finance, Department of Expenditure, New Delhi.
5. Department of Personnel and Training, New Delhi.
6. Under Secretary (A-1).

....2/-

Carb. H. S. Dhokealia
Advocate

ANNEXURE - E

32

NO.1/SSB/MED/2001(4)MC/359-403
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL
SPECIAL SERVICE BUREAU
EAST BLOCK-V, P.K. PURAM
NEW DELHI 110066

DATED, THE 25th MARCH, 2003.

MEMORANDUM

SUB: GRANT OF HOSPITAL PATIENT CARE ALLOWANCE/PATIENT CARE ALLOWANCE TO THE PARA MEDICAL STAFF IN SSB.

The matter was taken up with the MHA for grant of HPCA/PCA to all the categories of SSB (Para Medical staff) service in terms and conditions of MHA's letter No.27012/4/2000/PF IV/ dated 8.9.2000 and CRPF's letter No.A-IX-1/2000/Med/II/MHA dated 22.9.2000 (copies enclosed for ready reference).

The financial advisor has made the following observations :-

"As per MHA's letter No.27012/4/2000-PF-IV dated 8.9.2000, patient care allowance and Hospital patient care allowance is admissible to Non Ministerial Group 'C' and 'D' civilian employees who are posted in Dispensaries/Hospitals only whereas SSB Hqrs. has proposed these allowances to all Para Medical Staff posted in the field.

In our opinion, these allowances are admissible to only those Group C and D non ministerial employees who are posted in Dispensaries and Hospitals. SSB Hqrs. is therefore requested to let us know the number of Dispensaries and Hospitals and detail of para medical staff posted in each Dispensaries and Hospitals. Total financial implications involved towards the payment of these allowances to the staff posted there may also be worked out and indicated in the proposal to proceed further in the matter."

The requisite information as desired by IFA above especially for those number of para medical staff category wise and nature of duties assigned for caring the patients in the SSB dispensary and hospitals and No. of patients admitted as indoor patients for the last three years along with total financial implications may please be worked out and intimated to the DIG(EA) at SSB Directorate under intimation to the undersigned to enable them to send a reply to IFA.

[Signature]
25.3.03

(DR. P. KALITA)
DIRECTOR (MEDICAL)

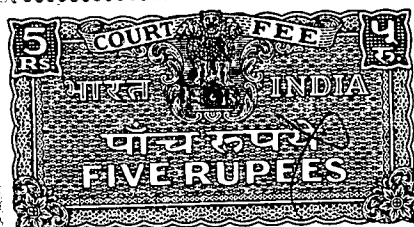
To ✓
The Commandant WATS, Dehondamagar,
All SSB Units
Copy to AD EA IV SSB Dir. w.r. to his letter No.15/SSB/A-4/2001/2/752 of 21.2.03 for information and necessary action.

Carried over to next page
Advocate

2-265
15/4/03

M.T. Rom
WATS
gilt M/A
for
Dy 15/4/2003

District :



Assam,

Assam and Arunachal Pradesh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

(Civil/Criminal.....Jurisdiction)

In the court of.....

No.....of 2004.....

Humeswar Karmi kers Appellant
Petitioner Applicant

- Versus -

Union of India kers Respondents
Opposite Party

On behalf of.....

Know all men by these presents that the above named.....
do hereby nominate, constitute, and appoint Shri.....
Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocate to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including deposition or drawing money, filing in or taking our papers, deeds of composition, etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts so done by the said Advocate as mine/ours to all intents and purposes. In case of nonpayment of the stipulated fee in full no Advocate will be bound to appear or act on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the..... day of..... 2004

ADVOCATES

Sri Pabindra Nath Sarma	Sri Sujit Kr. Mazumdar	Sri Joginder Singh	A.K.Md. Enamul Hoque
Sri Bharat Ch. Das	Md. Fayezer Rahman	Sri Vijoy Kumar Dewan	Sri Tarun S. Lahkar
Sri Nirendra Mohan Lahiri	Sri Hareswar Das	Sri Dipak Ranjan Guha	Sri Uttam Ch. Nath
Sri Trailokya Nath Phukan	Md. Harunar Rashid	Sri Kamalesh Sarma	Sri Baikuntha Sarma
Sri Nathmal Sharma	Sri Sailendra N. Medhi	Sri Nabin Ch. Das	Sri Hari Kanta Deka
Sri Bishnu Kinkar Goswami	Sri Suresh Ch. Choudhury	Md. Danishur Rahman	Sri Pramode Ch. Sarma Barua
Sri Madan Lal Barjatya	Md. Junaid Ahmed	Sri Chandi Charan Deka	Sri Mahesh Coomar Garodia
Sri Jyoti Prakash Bhattacharjee	Sri Nagendra Nath Saikia	Sri Shyam Sunder Sharma	Sri Mani Ram Bora
Sri Kishorilal Jain	Sri Rohini Kr. Mazumdar	Sri Bhubaneswar Bujarbarua	Sri Jadav Ch. Deka
Sri Pradyot Bijoy Das	Sri Dwijesh Ch. Choudhury	Sri Bishu Ranjan Dey	Dr. Nalini Kanta Deka
Sri Sailendra K. Barua	Sri Ramesh Ch. Kalita	Sri Dulan Ch. Nath	Syed Ikram Rasul
Sri Bhairab Ch. Sarma	Sri Anil Ratan Barthakur	Sri Bhargav Choudhury	Sri Jitendra Kr. Das
Sri Dilip Kr. Hazarika	Sri Alok Kumar Roy	Sri Gokul Ch. Goswami	Sri Nirad Kr. Das
Md. Rahim Baksh	Sri Krishna Dewan	Sri Ramawatar Sarma	Sri Shanti Lal Jain
Sri Suchendra Nath Bhuyan	Sri Madhab Ch. Barua	Sri Prabin Kumar Das	Sri Tara Ch. Majumder
Sri Bansi Ram Das	Sri Jatindra Mohan Choudhury	Sri Rabindra Nath Malakar	Sri Akon Ch. Saikia
Sri Birendra Kr. Choudhury	Sri Rohini Kumar Das	Sri Khagendra Ch. Mahanta	Sri Pradip Kr. Kalita
Sri Pratap Ch. Deka	Sri Sukanta Kr. Paul	Sri Birendra Kr. Sarma	Sri Hem K. Sarma
Sri Deba Kumar Bhattacharya	Sri Pradip Kr. Choudhury	Sri Kshirod Kr. Choudhury	Sri Tarun Ch. Sarma
Sri Nirmalendu Chakraborty	Sri Janardan Das	Sri Prafulla Ch. Gayan	Sri Sanjib Ch. Chakraborty
Sri Kularanjan Pathak	Sri Madhabanda Sarma Pathak	Sri Madhab Lahkar	Sri Kishanlal Agarwal
Sri Girija Kanta Das	Sri Satya Narain Kejriwal	Sri Dalim Pathak	Sri Byomkesh Basu
Sri Prabhat Ch. Sarma	Sri Lalit Mohan Kshetri	Sri Jyotish Ch. Barman	Sri Kiran Kr. Bhatra
Sri Dhanajit Kr. Talukdar	Sri Satyendra Pd. Deka	Dr. Achyut Kr. Goswami Thakuria	Sri Nani Gopal Debroy
Sri Debendra Nath Das	Sri Labanya Malla Barua	Sri Mukul Ch. Bhuyan	Sri Gopal Behari Das

Sri Nilamoni Goswami	Sri Atul Ch. Sarma	Ms. Anjali Das	Ms. Ruprekha Sarma
Sri Mahendra Ch. Kalita	Sri Dimbeswar Talukdar	Sri Hemendra Kr. Goswami	Dr. Pabitra Kr. Choudhury
Dr. Haren Das	Sri Joy Prakash Sharma	Sri Bijan Kr. Mahajan	Sri Nirmali Choudhury
Abdul Khaleque	Sri Kishori Prasad Sarma	Sri Amrit Kr. Phukan	Ms. Supriya Brahma Chowdhury
Abdus Samad Choudhury	Md. Hamidur Rahman	Sri Jagadish Sharma	Sri Panchananda Bhatta
Sri Vikram Kr. Dewan	Sri Kailash Chand Sikhwal	Sri Baharul Islam	Sri Dulal Ch. Kath Hazarika
Md. Pajiruddin Ahmed	Sri Dilip Kumar Deka	Sri Kamaleswar Barman	Sri Dileep Kr. Kothari
Sri Narayan Ch. Sarma	Ms. Kuntala Deka	Sri Hashibur Rahman	Ms. Madhuri Singh
Sri Bhaben Bhushan Narzary	Sri Ram Chandra Sancheti	Sri Padmadhar Upadhyaya	Sri Jai Ram Giri
Sri Krishna Sinha	Sri Santosh Kr. Tewari	Ms. Renuka Kakati	Sri Subrata Roy
Sri Jiten Dutta	Sri Dip Barua	Sri Pradip Kr. Sarma	Sri Ranu Pathak Borah
Sri Hirendra N. Sarma	Sri Dayal Ch. Barman	Sri Sanjib Kr. Choudhury	Sri Arundhati Baruah
Sri Gopi N. Mahanta	Sri Bhairab Ch. Das	Sri Pankaj Kr. Barman	Sri Debabrata Saha
Sri Lakshapati Sharma	Sri Ajit Ch. Mahanta	Sri Ritumoni Bora	Sri Santwana Choudhury
Sri Pramoth Mohan Dastidar	Sri Martuz Ali Ahmed	Sri Brajendra Kr. Talukdar	Sri Pranati Talukdar
Sri Laksheswar Kataki	Sri Brajendra N. Das	Sri Gobinda Lal	Sri Rama Sarkar
Sri Ramesh Kr. Jain	Sri Bhubaneswar Kalita	Sri Ashok Kr. Bora	Sri Shefali Das
Md. Barkat Ullah	Sri Chandan Kumar Bhowmik	Sri Jitendra Nath Barman	Sri Anjana Gogoi
Md. Samnur Ali	Sri Pulin Ch. Goswami	Sri Tarun Ch. Chutia	Sri Paresch Kalita
Sri Gautam kr. Bhattacharyya	Sri Jogendralal Sarkar	Sri Bhaskarjyoti Dutta	Sri Rudra Hazarika
Sri Gunindra Nath Kakati	Sri Atul Ch. Sarma	Sri Pabitraran Saikia	Sri Sikha Devi
Sri Harekrishna Deka	Sri Ramavtar Sharma	Ms. Aparna Neog	Sri Rajeswar Sarma
Sri Durga K. Sharma	Ms. Ruma Bardoloi	Bharadwaj Sri Mrinal Choudhury	Sri Satyen Sarma
Sri Bhagaban Ch. Das	Sri Ahmed Ali	Sri Monomohan Talukdar	Sri Sunil Kumar Jain
Jonab Ali Ahmed	Sri Balo Ram Hazarika	Sri Paresch Ch. Mazumdar	Sri Ujjal Bhuyan
Sri Kanak Ch. Sut	Sri Kamal Nayak	Sri Dhiren Kalita	Sri Stuti Deka Barua
Md. Akdas Ali Mir	Sri Rajen Choudhury	Md. Nakibur Zaman	Sri Angsuman Chakraborti
Sri Laksheswar Talukdar	Sri Jnan Chandra Nath	Sri Satya Narayan Devnath	Sri Bhabani Charan Sarma
Md. Julphikor Ali	Sri Sarbannanda Kalita	Sri Bhupen Ch. Bhattacharya	Sri Rina Bhattacharyya
Sri Gurumoorthy Gopal ..	Sri Baikuntha Nath Thakuria	Sri Jyotsnamoyee Choudhury	Sri Jyotirmay Roy
Sri Lohit Ch. Kalita	Sri Dharanidhar Neog	Sri Swarifa Aftab Saikia	Sri Ashim Kr. Barua
Sri Sailendra Nath Choudhury	Sri Ram Kumar Seal	Ms. Padumi Talukdar	Syed Imdad Rasul
Sri Ramadhar Lall	Sri Himangshu Das	Sri Mahendra Kr. Jain	Sri Sudama Chouhan
Md. Faiznur Ali	Sri Rizwanur Rahman	Sri Chandra Kanta Talukdar	Sri Nekib Ullah
Sri Dhiren Barua	Sri Badan Ch. Barua	Sri Naren Sarma	Sri Jayanta Kr. Misra
Sri Sailendra Kr. Barkataki	Sri Jyoti Prasad Bora	Sri Thaneswar Sarma	Sri Kalyan Bhattacharyya
Sri Shyam Sundar Agarwal	Sri Rabindra P. Singh	Ms. Rehashree Das	Sri Malabika Talukdar
Sri Ganesh Ch. Nath	Sri Dilip Kr. Mahanta	Sri Singhanad Choudhury	Sri Ranjit Kr. Bhuyan
Sri Pradip Kr. Gogoi	Sri Bhubaneswar Sarma	Md. Sikdar Abul Kashem	Sri Basdeo Prasad
Sri Pradip Khataniar	Sri Sukumar Sarma	Md. Ashan Ali	Sri Hiralal Talukdar
Sri Ramchandra Saikia	Sri Abdul Sattar	Md. Zakir Hussain	Sri Santanu Bharali
Sri Chakradhar Goswami	Sri Arabindra Kalita	Sri Dhananjay Bayan	Sri Santanu Sen
Sri Bipin Ch. Deka	Mrs. Niva Sarma Thakuria	Sri Rajdeep Kr. Saikia	Sri Matilal Dutta
Sri Singeshwar p. Roy	Sri Girin Das	Suchandra N. Kalita	Sri Vijoy Kr. Chopra
Sri Paramananda Choudhury	Sri Dandi Nath Choudhury	Sri Ratna K. Malakar	Sri Sanjit Shil
Sri Ramlal Yadav	Sri Mazmal Hoque	Sri Biraj Kr. Chaudhury	Sri Biraj Mohan Chakraborty
Sri Pranab Kr. Sarma	Sri Kalpana Bhagawati	Md. Joshimuddin Ahmed	Sri Gopal Ch. Deka
Ms. Kalpana Yadav	Sri Gautam Ch. Kalita	Md. Aftab Alam	Sri Dilip Kumar Nath
Sri Mahendra N. Das	Sri Narendra Nath Karmakar	Sri Tapan Kumar Das	Sri Sanjeev Kumar Lahkar
Md. Nurul Islam	Sri Ashok Kr. Jain	Md. Sazzad Zahir	Sri Satya Bharali
Sri Mridula Barkakaty	Sri Soneswar Das	Sri Sailendra Das	Sri Tarini Kumar Das
Sri Nagen Barman	Sri Amar Chandra Bora	Sri Kumud Kr. Singh	Sri Pallab Kataki
Sri Dindayal Agarwala	Md. Ziaul Kamar	Sri Keshab Kr. Barua	Sri Krishna Pathak
Sri Kamal Agarwal	Md. Shirazul H. Saikia	Sri Paresch Ch. Roymedhi	Sri Giyasuddin Ahmad
Md. Kashem Ali Sheikh	Sri Karuna K. Barman	Quazi Syed Kutubuddin	Sri Altaf H. Mullah
Md. Abdul Karim Ali	Sri Nivedita Borgohain	Sri Achinta Sharma	Sri Narendra Nath Jha
Sri Tarun Sen Deka	Sri Dhananjay Saha	Sri Mahesh Ch. Das	Sri Subrata Debthakur
Sri Nilamani Sen Deka	Sri Manoranjan Das	Sri Nabasish Chakraborty	Sri Anowara Begum
Sri Balindra N. Sarma	Sri Banti Choudhury Kakati	Sri Kedar Prasad Maheswari	Sri Jawahar Singh
Sri Ramesh Kr. Jalan	Ms. Minati Saikia	Md. Nazimuddin Ahmed	Sri Shyem Kr. Singh
Dr. Bimal Kumar Baishya	Sri Pradip Sen Deka	Md. Mokibor Rahman	Sri Ranjit Choudhury
Sri Lohit Mahanta	Sri Billal Hussain	Sri Mrinal Kr. Choudhury	Sri Hironmoy Karmakar
Sri Dilip Kr. Das	Sri Pritam K. Nag	Sri Chinmoy Choudhury	Sri Dilip Kr. Jain (1)
Sri Anil Kr. Bhattacharyya	Sri Sushil K. Das	Sri Binod Kumar Jain	Sri Dilip Kr. Choudhury
Sri Bhabesh Ch. Talukdar	Sri Rabindra Nath Mazumdar	Sri Trailokys Das	Sri Ujjwal Das

Sri Subhash Ch. Keyal	Sri Anowara Begam	Sri Alaka Devi	Miss Sabina Yasmin
Sri Makib Talukdar	Sri Sunil Agarwal	Sri Narayan Chandra Das	Sri Kalyan R Surana
Sri Binod Kr. Bora	Miss Neera Devi Goswami	Sri Dulal Talukdar	Sri Kamini Sarma
Md. Jyotsna Ali	Sri Gopal Chokhani	Sri Rita Das	Sri Nibedita Tamuly Nath
Sri Masud Ali	Sri Nava kumar Kalita	Sri Tulu Devee	Sri Kabita Pathak Ojah
Sri Kalyan Choudhury	Sri Nripen Mazumdar	Sri Maman Deka	Sri Lina Barua
Sri Pradip Kr. Konwar	Sri Banani Naha	Miss Anjali Das (2)	Smti Eva Kakoti
Sri Girindra Kr. Thakuria	Sri Anjana Dutta	Sri Harendra Nath Thakuria	Sri Farida Begum
Sri Amitav Thakuria	Sri Juri Devi	Sri Alpana Devi	Sri Tilak Rajbanshi
Sri Bijan Kalita	Syeda Ilma Ara Begum	Ms. Jarina Haque Choudhury	Sri Manorama Kumari
Sri Tankeswar Deka	Sri Pranab Talukdar	Ila Das	Md Khalilur Rahman
Sri Jakir Ojah	Sri Bhikhari Jha	Sri Pranjit Talukdar	Sri Nayan Shankar Barua
Sri Bhuban Ch. Barooah	Sri Hiralal Maurya	Md. Deraj Khan	Sri Joy Prakash Chauhan
Sri Mumtaz Begum	Sri Manik Ali Ahmed	Sri Anita Sharma	Miss Rumi Devi
Ms. Bijoy Lakshmi Talukdar	Sri Pompa Chakrabarty	Md Arfan Ali	Mrs. Aparajita Sarma
Sri Gokul Kr. Medhi	Md. Abu Alfari	Begum Raushan Ara Sultana	Syeda Mehbuba Rahman
Sri Sadhan Kalita	Sri Tara Prasad Mazumdar	Sri Nripen Ch. Das	Sri Krishna Das
Sri Jagat Barua	Sri Parag Kanti Dutta	Sri Sashin Ch. Nath	Sri Akkas Uddin Ahmed
Sri Krishna N. Sharma	Mrs. Tarifa Begum	Sri Pankaj Kr. Poddar	Sri Lalan Prasad Thakuria
Sri Madhab P. Sarma	Mrs. Niranda Dutta Sarma	Sri Jagadish Thakuria	Sri Zakiror Rahman
Md. Aminul Ahmed	Sri Paramesh Ch. Das	Sri Bhupen Mazumdar	Sri Ananta Ram Medhi
Sri Kula Prasad Gogoi	Smti. Arna Das	Sri Ashish Kr Dey	Sri Bimal Kr. Das
Sri Baharun Saikia	Md. Kuddus	Sri Puranjay Barua	Sri Anju Ara Begum
Sri Dilip P. Datta	Sri Murari Pandit	Sri Debajit Bhattacharyya	Sri Himadri Mali Rajbonsi
Sri Hemanta Kr. Saikia	Sri Bhaskar Kumar Das	Sri Rishiraj Sarma	Sri Ranjana Thakuria
Sri Dipak Kr. Das	Sri Tilak Chandra Thakuria	Sri Shyam Barua	Sri Makibul Haque
Sri Golok Ch. Kalita	Sri Narendra N. Deka	Sri Padma Lochan Das	Sri Jogesh Bhattacharya
Sri Soneswar Barman	Dr. Bishnu Pr. Chaudhury	Sri Simanta Deka	Sri Chandra Kr. Nath
Sri Mina Ram Bharali	Sri Dipa Rani Deka	Sri Sanjoy Sarma	Sri Biraj Kr. Dutta
Sri Debajit Kr. Sarma	Sri Prasanta Kr. Deka	Sri Robin Kr. Medhi	Sri Pratim Kr. Chakraborty
Sri Madhab Ch. Kalita	Sri Al-Morjia Sultana	Sri Rupjyoti Das	Sri Alal Uddin Ahmed
Sri Sondeep Deb Roy	Sri Dilip Kr. Jain (2)	Sri Anamika Gupta	Miss Lipika Kalita
Sri Juri Sarma	Sri Bhabesh Barman	Sri Nanima Das	Sri Prahlad Kr Brahma
Sri Jayanta Sarma	Sri Motin Ud-din Ahmed	Sri Malabika Talukdar (2)	Sri Biswajit Bhattachryya
Sri Dilip Kr. Barman	Sri Biplab Kr. Sarma	Sri Ashit Biswas	Sri Dipok Kr. Kalita
Sri Pranab Kalita	Sri Sushil Kr. Singh	Sri Achyut Kr. Bharali	Sri Satya Narayan Nath
Sri Hiranmoyee Sarma	Sri Debjani Seal	Sri Dinesh Agarwal	Miss Lalita Bora
Sri Anjali Sarma	Sri Parashmani Devi	Sri Gajanand Sahewalla	Sri Sana Chowba Singha
Sri Aparna Devi Goswami	Sri Manju Dutta	Sri Apurba Kr. Sarma	Md Abubakkar Siddique
Sri Amal Kr. Barua	Sri Kailash Ch. Sarma	Sri Cittaranjan Barman	Sri Rumi Kumari Kalita
Ms. Indira Kaur	Sri Pallavi Barua	Sri Anuj Sinha Roy	Sri Dhiren Das
Sri Narayan Ch. Kalita	Sri Ajungla Aier	Sri Tutumoni Dev Goswami	Sri Dipak Kr. Barua
Sri Sabita Bhuyan	Sri Manju Deka	Sri Dilip Ch. Kalita	Sri Shikha Rani Das
Sri Ganesh Ch. Das	Ahmed Nekibuez Zaman	Sri Gitanjali Sarma	Sri Rita Joshi
Miss Jonali Deka	Ms. Eva Saikia	Mrs. Anita Roy	Md. Ramjan Ali Ahmed
Sri Dilip Kr. Borah	Sri Pranati B. Hatikakoti	Miss Nabasmita Gogoi	Sri Chandra Mohan Das
Shah Syed Samadur Rahman	Sri Trailokya Gohain Barua	Sri Bidyut Rajkhowa	Sri Bhaben Chandra Kalita
Sri Hirak Kr. Baruah	Sri Sabitri Das Barua	Sri Nilayananda Dutta	Miss Archana Das
Sri Islamuddin Ahmed	Sri Nalini Kanta Sarma Barua	Sri Gitika Medhi	Md Baharul Islam
Sri Jayanta Kr. Das	Sri Tailendra Nath Das	Sri Dinesh Ch Kalita	Mrs. Pranita Pathak
Md. Fajal Ali	Sri Hemanta Kr. Das	Sri Pranab Chakrabarty	Miss Rajita Sarma
Miss Indrani Chetia	Md. Rekibuddin Ahmed	Sri Santanu Bhattacharyya	Sri Abani Deka
Sri Rohini S. Baruah	Md. Jiaur Rahman	Sri Kanhaya Lal Gupta	Sri Mahesh Kr. Sah
Ms. Archana Kri. Das	Mrs. Babita Dutta Das	Sri Mitali Gogoi	Miss Jaya Singh
Sri Jagadish Ch. Gaur	Sri Utpal Das	Sri Manash Pratim Barua	Miss Jyotsna Mudoi
Sri Kamini Kamal Bhuyan	Miss Manjuli Dev	Sri Biraj Sarma	Sri Kushamani Nath
Sri Chandana Sengupta	Sri Runu Kumar Barua	Sri Satyajeet Sarma	Miss Ivalina Deka
Sri Bhaskarjyoti Das	Sri Bibekananda Das	Sri Pranab Talukdar	Sri Prabal Kataki
Sri Jeuti Choudhury	Sri Rubul Buragohain	Sri Shyamal Kamal Paul	Sri Jatin Kalita
Sri Mrinal Kalita	Sri Ugra Kanta Thakuria	Sri Gautam Bikash Das	Sri Rina Sarkar
Sri Bhaskar Dev Konwar	Sri Krishna Kanta Mahanta	Sri Sushanta Das	Sri Sukhbindar Kaur
Sri Krishna Kant Mour	Sri Bhikham Chand Agarwal	Miss Aparna Dev	Sri Archana Dutta
Sri Prakash Sarmah	Sri Brajendra Mohan Choudhury	Sri Banasree Neog Deka	Sri Kalpana Deka
Sri Suresh Kr. Bhatra	Miss Swagata Das	Sri Zehadul Islam Ansari	Sri Jeuti Kalita
Sri Pushpa Prashad Das	Sri Onkarmal Mahesree	Sri Lutfur Rahman	Sri Nirmal Sarma

JYOTIRMOY SARMAH

S.M BARUAH

Syed Majnuru-ddin Ahmed	Madhusmita Goswami	Sri Khanindra Mazumdar	Sri Hemen Nath
Sri Najrul Islam Chaudhury	Sri Purna Ch. Sarma	Sri Dhiraj Kr. Gupta	Sri Trailokya Baishya
Sri Abhijit Kalita	Sri Dhrubajyoti Sarma	Sri Hitesh Rajbongshi	Sri Tridib Ranjan Das
Sri Pankaj Kr. Sarma	Miss Hira Devi	Sri Paresch Chandra Dekha	Sri Utpal Das
Sri Punya Lata Sarma	Sri Sarbeswar Dekha	Sri Biswa Jyoti Khataniar	Sri Jatindra Nath Neog
Sri Lakhimoni Saikia	Miss Shewali Das	Miss Neeta Talukdar	Pratibha Dekha
Sri Monoranjan Das (2)	Miss Jahanara Begum	Sri Sisir Kumar Kakati	Sri Manmohan Talukdar (2)
Mrs Meera Hazarika Bora	Sri Anjan Kumar Nath	Sri Kumaresch Das	Jaisri Talukdar
Miss Mira Kalita	Miss Ashma Barbhuyan	Merina Khan	Sri Minakshi Talukdar
Sri Reshma Begum	Sri Muruli Dhar Dekha	Barasa Dekha	Sri Bikram Sarma
Sri Priti Rekha Barua	Sri Bhupen Ch. Thakuria	Sri Mahananda Sarma	Sri Gopi Kanta Medhi
Sri Abdul Mannaf	Sri Ranjit Kr. Sarma	Talat Hamid Hazarika	Sri Baijayanti Barpatra Gohai
Sri Sankar Kumar Das	Sri Kush Ram Bora	Pragati Das	Sri Karabi Choudhury
Sri Sewali Kalita	Sri Sisir Kumar Sarma	Jitamani Devi	Md. Sabedul Islam Ahmed
Sri Swapna Devi	Sri Bijoy Kumar Barman	Sri Utpal Pathak	Sri Simanta Dekha (2)
Sri Chayanika Devi	Sri Sheeladitya	Miss Farida Ahmed Bhuyan	Md. Jakir Hussain Khan
Sri Hemanta Kr. Sarma	Miss Mina Mahanta	Sri Chandan Kumar Barua	Sri Srabani Das
Miss Bhabani Dekha	Mrs Anupama Roy	Trishna Kalita	Sri Pranati Das
Sri Mitali Das	Miss Ijumoni Thakuria	Mrs. Nawanita Das Barman	Sultan Sahidur Rahman
Sri Anita Medhi	Sri Pranab Choudhury	Sri Partha Chaudhury	Mridusmita Haloi
Sri Sushil Kr. Sarma	Sri Rakesh Kumar Mour	Miss Nandita Dekha	Afsaruddin Choudhury
Sri Bishnu Prasad Kumar	Anuradha Das	Miss Gita Barua	Sri Ashit Baran Roy
Md. Rafiqur Rahman	Miss Juri Kalita	Sri Sanjib Kumar Jain	Utpal Kumar Kalita
Sri Nageswar Das	Sri Indu Bhushan Kakati	Sri Doli Medhi	Miss Jahnabi Das
Abida Rahman Hazarika	Miss Krishnasmita Nath	Md Ritazuddin Ahmed	Anup Ojah
Md. Shajahan Ahmed	Sri Manash Garodia	Mrs. Reema Chakraborty	Sri Krishna Brahma
Md. Abdus Sabur Akand	Sri Gungoon Talukdar	Miss Murchana Sarma	Basabi Das
Bornali Bordoloi	Miss Priti Rekha Devi	Miss Rakhi Pathak	Sri Ram Babu Sah
Sri Anjan Kumar Das	Miss Geetima Choudhury	Parul Das	Sri Anjan Jyoti Baishya
Ranjana Baishya	Sri Mukul Chandra Talukdar	Sri Bijoy Das	Sri Ganesj Pegu
Md. Akbar Ali Ahmed	Miss Mira Bhattacharya	Miss Bini Bhattacharyya	Aparajita Bhuyan
Sri Hirumani Sarma	Sri Nira Devi	Miss Binita Kshetry	Biswajit Kumar Das
Sri Dwipen Das	Sri Suresh Singh Yadav	Sri Dipika Sarma	Miss Tanusree Roy
Manju Bardoloi	Sri Benudhar Nath	Miss Helen Das	Chandana Das
Md. Abdul Basir	Miss Manju Bharali	Sri Kaushik Dekha	Miss Manika Konwar
Md. Aftab Ali	Mrs. Sangita Devi	Manima Goswami	Jyoti Das
Sri Madan Talukdar	Miss. Santana Mudoi	Mrs. Kabita Kalita	Sri Samar Das
Sri Sanjeev Benarjee	Mrs. Hira Das	Sri Arup Jyoti Rajkhowa	Miss Sima Rani Dey
Sri Arnab Jan Dekha	Sri Ritu Raj Baishya Saud	Imdad Ahmed	Sri Dharendra Nath Kumar
Sri Mrigen Das	Md Hazrat Bhuyan	Sri Dipu Barman	Sri Basanta Kumar Sarma
Sri Prasanta Khataniar	Sri Bijan Kr. Das	Miss Niyati Kalita	Sri Bibekananda Dekha



Received from the executant, satisfied and accepted

Lawyers' Association, Gauhati

Jyoti Kumar Samal

SL. No. E

13102

Advocate



Filed by
19/8/04
S.C.S.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

23 AUG 2004
গুৱাহাটী বেঞ্চ
Guwahati Bench

GUWAHATI BENCH::: GUWAHATI

O.A.NO.22 of 2004

Humeshwar Kurmi & Others

-Vs-

Union of India & Others.

In the mater of :

Written Statements submitted by
the respondents.

The respondents beg to submit a
brief history of the case which
may be treated as a part of the
written statement.

(BRIEF HISTORY OF THE CASE)

Shri Humeshwar Kurmi & 5 others Group 'C' & 'D'(Non-ministerial) Para Medical employees posted at Training Centre, SSB, Salonibari, I.G. HeadQuarters, Tezpur have filed an O.A. in C.A.T.Guwahati praying that the applicants should be authorized Patient Care Allowance with effect from their respective date of joining in service as has been granted to other similarly situated persons. The Hospital Patient Care Allowance/Patient Care Allowance was sanctioned by the Ministry of Health and Family Welfare to the Group 'C' & 'D' (Non-Ministerial). Hospital employees in Central Government and Hospitals under the Delhi Admn. w.e.f.01.12.87. This facility was extended to Non-Ministerial Group 'C' & 'D' employees in similarly placed Hospital/Dispensaries in CPMG later on w.e.f. 08.09.2000. The SSB has been transferred from the Admn.control of Cabinet Secretariat to MHA w.e.f.15.01.2001 and after discharging duties as a Border Guarding Force and establishment of various units on the Indo Nepal Border, the proposal regarding establishment of Base Hospitals/M.I.Rooms is in process.

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Amr 9/9/04

Inspector General
Frontier Head Quarter
Sasbartra Secuka Bal. (MHA)
Guwahati

PARAWISE COMMENTS :

1. That with regard to the statement made in para.1, of the application the respondents beg to state that the allegation leveled by the applicants of illegal and arbitrary action on part of respondents are not true as per facts of the case. In fact the Hospital patient Care Allowance/Patient Care Allowance was sanctioned by the Ministry of Health and Family Welfare to the Group 'C' & 'D' (non-ministerial Hospital employees in Central Government and Hospitals under Delhi administration w.e.f.01.12.87). As the same was not meant for the SSB para medical staff hence the said allowance could not be made applicable to them. However, a proposal for scope of extending the same to the concerned SSB para medical staff is in process and as and when final administrative decision on the same is received from the concerned Ministry further action will be initiated accordingly.

2. That with regard to paras 2 & 3, of the application the respondents beg to offer no comments.

3. That with regard to the statement made in para 4 (i), of the application the respondents beg to state that it is matter of record.

4. That with regard to the statement made in para 4 (ii), of the application the respondents beg to state that calls for no reply on behalf of the Respondents.

5. That with regard to the statement made in para 4(iii), of the application the respondents beg to state the Administrative control of SSB has been transferred from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.2001 and not 2002 as stated by the applicants.

6. That with regard to para 4(iv), of the application the respondents beg to state that same as para 1 is reiterated here for the sake of brevity.

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7. That with regard to the statement made in para 4 (v), of the application the respondents beg to state that admitted to the extent that the Hospital Patient Care Allowance/Patient Care Allowance is admissible in Central Govt. Hospital/Dispensaries under C.G.H.S. w.e.f. 1.12.1987. However the facility of said allowance has been extended to the similarly placed staff w.e.f. 8.9.2000 in CPOs like ITBP, BSF, CRPF & Assam Rifles later on vide Annexure - 'A'. The proposal for authorization of Hospital Patient Care Allowance to Para-Medical Staff in SSB is also under process and decision is yet to be taken on the issue by the Competent Authority,

8. That with regard to the statement made in para 4(vi), of the application the respondents beg to state that relating issued of deterioration of health due to transmission/contagion of a disease and other risky factors for want of Hospital Care Allowance/Patient Care Allowance by the petitioners is baseless and without having account of varacity as all the concerned employees of SSB in the Para Medical side cadre to which the present petitioners belong are serving in clean and healthy conditions. It is not only the SSB Para Medical Staff that are working in isolation there but all personnel of SSB are deployed alongwith the Para Medical Staff and every care is taken for the Welfare of the personnel. However, proposal for award of said allowances is under process and decision is yet to be taken on the issue.

9. That with regard to the statement made in para 4(vii) of the application the respondents beg to state that an allowance does not automatically gets authorization to a particular organization. It has to be duly processed and unless and until the same is allowed/approved the same cannot be granted to the individuals. The applicant by annexing Annexure 'E' to the O.A. are themselves clear on the issue of processing of the case by the Respondents. At least some time is required to process the case and obtain an Administrative decision of the competent authority.

As on date the OA of the applicants is premature as final decision on the authorization of Hospital Patient Care Allowance is yet to be arrived at.

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Inspector General
Frontier Head Quarter
Sashastra Seema Bal (MHA)
Guwahati

10. That with regard to the statement made in paras 4 (viii) & (ix), of the application the respondents beg to state that on receipt of representations from the officials of the para medical cadre of SSB the matter regarding authorization of Hospital Patient Care Allowance /Patient Care Allowance to the Para Medical Cadre is being processed by the Department and a decision is yet to be arrived at.

11. That with regard to the statement made in para 4 (x), of the application the respondents beg to state that in reply to this para has already been furnished in Para 4(vii) of the O.A. and the same is reiterated here for the sake of brevity.


12. That with regard to the statement made in para 4(xi), of the application the respondents beg to state that the O.A. No. 1245/1994 quoted by the applicant does not pertain to SSB Department to which the applicants belong hence question of implementing the judgement as aforesaid does not arise. However, the subject of the allowances under reference is under active process for obtaining decision of the competent authority which is likely to consume some time as examination at various stages is to be undertaken.

13. That with regard to paras 4(xii) (xiii) & (xiv) of the application the respondents beg to state that same as para 4(v) and 4(vii).

14. That with regard to the statement made in para 5(1), of the application the respondents beg to state that the allegation of the applicants that they have been denied the facility of Hospital Patient Care Allowance/Patient Care Allowance is baseless as proposal for grant of Hospital Patient Care Allowance/Patient Care Allowance to eligible Group 'C' & 'D' employees working in SSB Hospitals/M.I. Rooms is already under consideration. The said allowance can be authorized to them only after the approval of Ministry of Home Affairs/Ministry of Finance.

15. That with regard to paras 5(II) & (III), of the application the respondents beg to state that same as paras 4(v) and 4 (vii).

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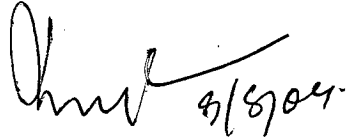

Inspector General
Frontier Head Quarter
Bashobra Secunderabad, (MHA)
C. S. S. S. S.

16. That with regard to the statement made in para 6, of the application the respondents beg to state that the matter is already under process with the competent authority and as and when the matter is finalized same will be intimated to the applicants accordingly. As now the O.A. is premature.

17. That with regard to the statement made in para 7, of the application the respondents beg to state that calls for no reply being matter of record.

18. That with regard to the statement made in para 8, of the application, the respondents beg to state that as the orders of Ministry of Health Family Welfare relating to grant of Hospital Patient Care Allowance have not so far been extended to SSB Para medical staff by the Government, their claim for grant of the Hospital Patient Care Allowance/Patient Care Allowance w.e.f. joining in SSB is not justified and liable to be rejected. However, as the matter is already under process the applicants should await decision of the competent authority.

19. That with regard to the statement made in paras 9 to 12, of the application the respondents beg to state that calls for no reply being matter of record. In the light of the foregoing submissions it is prayed that the instant O.A. be dismissed being premature as the matter is still under process and no final decision has been arrived at.


Verification **Inspector General**
Frontier Head Quarter
Sashastra Seema Bal, (MHA)
Guwahati

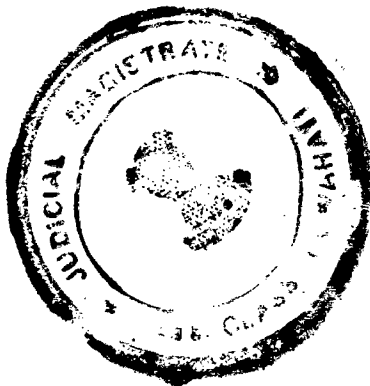
V E R I F I C A T I O N

I, J. B. S. Negi, Inspector General,
Frontier Headquarters, SSB, Guwahati Uzanbazar, Assam, do hereby verify
that the statements made in paragraph _____ to _____
of the written statement are true to my knowledge, those made in paragraphs
_____ to _____ being matter of records are true to my
information derived therefrom which I believe to be true and those made in the
rest are humble submissions before the Hon'ble Tribunal. I have not
suppressed any material facts.

And I signed this verification on this 9th day of Aug^t 2004,
at Guwahati.

Identified by me
J. Negi (Suryabhar. Choudhary)
a.s. 2004
Deocati

[Signature] 9/8/04
Deponent
Inspector General
Frontier Head Quarter
Sashastra Secuba Bal. (MHA)
Guwahati



[Signature] 9/8/04
Signed before me
MAGISTRATE, Guwahati
Judicial Magistrate,
1st. Class. Guwahati

No. 27012/4/2000-PR.IV
Government of India
Ministry of Home Affairs

North Block, New Delhi.
Dated, the 8th September 2000

To

The Directors General

1. Border Security Force, CGO Complex, New Delhi.
2. Central Reserve Police Force, CGO Complex, New Delhi
3. Indo-Tibetan Border Police, CGO Complex, New Delhi
4. Central Industrial Security Force, CGO Complex, New Delhi.
5. Assam Rifles, Shillong.
6. The Director, National Police Academy, Hyderabad.

Subject: Grant of Patient Care Allowance/Hospital Patient Care Allowance to Non Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in Dispensaries/Hospitals.

Sir

I am directed to convey the sanction of the President to the Grant of Patient Care allowance/hospital Patient care allowance, to the Non Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in the Dispensaries/Hospitals, at the same rates as has been given to employees similarly placed in the CGHS dispensaries or Central Government Hospitals in Delhi/outside Delhi on the same terms and conditions. This will take effect from the date of issue of these orders.

2. This is subject to the condition that no night duty allowance or risk allowance, if sanctioned by the Central Government will be admissible to these employees.

3. The expenditure involved will be met out of the budget grant of the concerned organization.

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This issues with the approval of Ministry of Finance,
Department of Expenditure vide ID No. 853/E.IV/2000 dated 7.9.2000
and with the concurrence of the Integrated Financial Division of this
Ministry vide their Dy. No. 2205/Fin.II/2000 dated 8.9.2000

Yours faithfully

Sd/

(Rakesh K. Gupta)

Director (Police Finance)

Copy to:-

1. Pay & Accounts Officer, BSF/CRPF/ITBP/CISF/Assam Rifles
and NPA, Hyderabad.
2. PAO MHA, New Delhi.
3. Ministry of Finance (E.IV Branch) w.r.t. ID No. 853/E.IV/
2000 dated 7.9.2000
4. Ministry of Health & Family Welfare (II, III branch) Nirman
Bhavan, New Delhi.
5. IPD (Finance III MHA, North Block, New Delhi
6. PFI/II/III/IV/ Desk, MHA, New Delhi.
7. Guard File.

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AMAR

No. Z.28015/60/87-H
Government of India
Ministry of Health and Family Welfare

Nirman Bhawan, New Delhi,
Dated the 25th January, 1988.

To

1. Director General
of Health Services,
Nirman Bhawan,
New Delhi.

2. The Secretary, (Medical),
Delhi Administration,
5-Sham Nath Marg,
Delhi-110054.

Subject:-Grant of Hospital Patient Care Allowance to Group 'C'
and 'D' (Non-Ministerial) Hospital employees.

Sir,

With reference to GHS No. B.12017/3/87-MH dated 9-4-87 on the subject mentioned above, I am directed to convey the sanction of the President to the grant of Hospital Patient Care Allowance to Group 'C' and 'D' (Non-Ministerial) employees including Drivers of Ambulance Cars, but excluding Staff Nurses, at the rate of Rs. 80/- and Rs. 25/- per month respectively with effect from 1-12-87, subject to the condition that all Night Lightening Allowance, if sanctioned by the Central Government, will be admissible to these employees working in the Central Government Hospitals and Hospitals under the Delhi Administration.

2. The expenditure involved will be met out of the budget grant of the concerned Hospital during the financial year i.e. 1987-88.

3. This issues with the concurrence of Ministry of Finance vide their Dy. No. 1167/Pd/87 dated 15-10-87.

Yours faithfully,

(H.S. Dhokealia)

Under Secretary to the Government of India

Copy forwarded to :-

1. Medical Superintendent, Seedarjung Hospital, New Delhi.
2. Medical Superintendent, Dr. RML Hospital, New Delhi.
3. Principal, Lady Womans Medical College & Smt. S.K. Hospital, New Delhi.
4. Ministry of Finance, Department of Expenditure, New Delhi.
5. Department of Personnel and Training, New Delhi.
6. Under Secretary (A-1).

....2/-

ANNEXURE E

NO.1/SSB/MED/2001(1)MC/359-403
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL
SPECIAL SERVICE BUREAU
EAST BLOCK 7, P.K. PURAM
NEW DELHI 110055

DATED, THE 28th MARCH, 2003.

MEMORANDUM

SUB: GRANT OF HOSPITAL PATIENT CARE ALLOWANCE/PATIENT CARE ALLOWANCE TO THE PARA MEDICAL STAFF IN SSB.

The matter was taken up with the MHA for grant of HPCA/PCA to all the categories of SSB (Para Medical staff) service in terms and conditions of MHA's letter No.27012/4/2000/PF IV/ dated 8.9.2000 and CRPF's letter No.A-IX-1/2000/Med/II/MHA dated 22.9.2000 (copies enclosed for ready reference).

The financial advisor has made the following observations:-

"As per MHA's letter No.27012/4/2000-PF-IV dated 8.9.2000, patient care allowance and Hospital patient care allowance is admissible to Non Ministerial Group 'C' and 'D' civilian employees who are posted in Dispensaries/Hospitals only whereas SSB Hqrs. has proposed these allowances to all Para Medical Staff posted in the field."

In our opinion, these allowances are admissible to only those Group C and D non ministerial employees who are posted in Dispensaries and Hospitals. SSB Hqrs. is therefore requested to let us know the number of Dispensaries and Hospitals and detail of paramedical staff posted in each Dispensaries and Hospitals. Total financial implications involved towards the payment of these allowances to the staff posted there may also be worked out and indicated in the proposal to proceed further in the matter."

The requisite information as desired by IFA above especially for those number of para medical staff category wise and nature of duties assigned for caring the patients in the SSB dispensary and hospitals and No. of patients admitted as indoor patients for the last three years along with total financial implications may please be worked out and intimated to the DIG(EA) at SSB Directorate under intimation to the undersigned to enable them to send a reply to IFA.

(DR. P. KALITA)
DIRECTOR (MEDICAL)

To

1. The Comm. (an) W.P.S. De. Secy. Magare

2. SSB Units

Copy to AD EA IV SSB Dir. w.r. to his letter No.15/SSB/A-4/2001/2/752 of 21.2.03 for information and necessary action.