

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc. Petn/Cont. Petn/Rev. Appl. 14/04

In O.A. 22/04

Name of the Applicant(s) Humenwar Kusmi Boss

Name of the Respondent(s) H. O. I Gons

Advocate for the Applicant Adil Ahmed

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

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

Review application has been filed by the counsel w/s (f) of Smb. Section (3) read with Smb. Section (1) of Section 22 of the CAT Act, 1985 read with Rule 17 of the CAT (Procedure) Rule, 1987.

26.10.2004

Heard Mr. A. Ahmed, learned counsel for the applicant.

Issue notice to the respondents to show cause as to why the R.A. shall not be admitted, returnable by two weeks. List on 3.12.2004 for admission.

[Signature]
Member (A)

Laid before the Honorable Court for further orders.

bb

3.12.2004

3.12.2004

3.12.2004

~~Mr. A. Deb Roy, learned counsel for the applicant and Mr. A. Ahmed, learned counsel for the respondents.~~

Mr. A. Ahmed, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Learned counsel for the applicant seeks to withdraw the R.A. and permitted to withdraw the R.A..

The application is accordingly dismissed as withdrawal. No costs.

[Signature]
Member (A)

mb

ft. comply order dated 26/10/04.

Recd. Copy for Respondent.
26/10/04

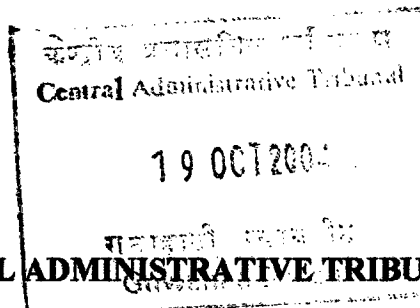
Notice & order
Sent to D/section
for issuing to
resp. Nos. 1 to 7
by regd. A/D post.

24/11/04.

13.12.04

Copy of the order
has been sent to the
Office for issuing the
line to the L/Adm
for the parties.

ACF



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**REVIEW APPLICATION NO. 14 OF 2004.
IN ORIGINAL APPLICATION NO. 22 OF 2004.**

Shri Humeswar Kurmi & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

IN THE MATTER OF :

An Application under Clause (f) of Sub-Section (3) read with Sub-Section (1) of Section 22 of the Administrative Tribunal Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rule, 1987.

-AND-

IN THE MATTER OF

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

(The Review Applicants/Applicants No.1 to 3 are serving in the Office of the Inspector General, frontier Headquarter S.S.B., Tezpur)

4. Shri Binu M. Mathews
5. Shri Th. Subash Chandra Singh
6. Shri Sandeep Kuma

(The Review Applicants/Applicants No.4 to 6 are serving in the Office of the Deputy Inspector General, Training Central Special Service Bureau, Salanibari, Tezpur)

... Review Applicants/Applicants

-VERSUS-

The Union of India & Others

... Opposite Parties/Respondents

Filed by
Shri Humeswar Kurmi
Applicant No. 1
through [Signature]
(Abul AHMED)
Advocate

Humeswar Kurmi

The Review Applicants/Applicants above named

MOST RESPECTFULLY SHEWETHS:

1) That the Review Applicants/Applicants had filed an Original Application No.22 of 2004 before this Hon'ble Tribunal for payment of Hospital Patient Care Allowance/Patient Care Allowance, which is admissible to other similarly situated Central Government Employees. This Hon'ble Tribunal finally disposed the said Original Application on 15 September 2004. The said Judgment Copy was sent to the Instant Review Applicants/Applicants by the Registry of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati vide Despatch No.CAT/GHY/JUDL/1532 Dated Guwahati the 20-9-04. The Hon'ble Tribunal vide its Judgment directed the Opposite Parties/Respondents to take a decision on payment of Patient Care Allowance to the Para Medical Staff of S.S.B. within a period of 6 (six) months from the date of the receipt of the Order. While the Hon'ble Tribunal passed the aforesaid Judgment and direction on 15-09-2004, the Review Applicants/Applicants could not properly place vital points of law and important facts of the said case before this Hon'ble Tribunal.

2) That the Opposite Parties/Respondents have already admitted and accepted that the Hospital Patient Care Allowance/Patient Care Allowance^{which} was sanctioned to the Non-Ministerial Hospital Employees in the Central Government w.e.f. 01-12-1987 vide Ministry of Health & Family Welfare order dated 25-01-1988. The Instant Review Applicants/Applicants are also similarly placed Non-Ministerial Hospital Employees in Central Government Department and working in the Central Government Dispensary/Hospital under the S.S.B. Department under Ministry of Home. The above said order regarding Hospital Patient Care Allowance/Patient Care Allowance, which was sanctioned by the Government of India more than 16 (sixteen) years ago but till now the Opposite Parties/Respondents are seeking time to take a decision in this matter. Although similarly situated persons of other Departments specially those who are working under the same Ministry with the Instant Review Applicants/Applicants i.e. Home Ministry are enjoying this benefit without any interruption.

3) That the Opposite Parties/Respondents have admitted that Hospital Patient Care Allowance/Patient Care Allowance is admissible in Central Government Hospitals/Dispensary under C.G.H.S.w.e.f. 01-12-1987 and the said allowance has been extended to the similarly placed staff w.e.f. 08-09-2000

Himeswar Kumi

in C.P.O.s like I.T.B.P., B.S.F., C.R.P.F. etc. while the S.S.B. is also part of C.P.O.s since 15-01-2001 but the said benefit was not extended to the S.S.B. staff.

4) That the Instant Review Applicants/Applicants have avail all remedies before filing the Original Application No.22 of 2004 before this Hon'ble Tribunal. The Instant Review Applicants/Applicants have already filed many Representations/Remainders before the Opposite Parties/Respondents for payment of Hospital Patient Care Allowance/Patient Care Allowance. But till now they have not taken any decision against the Representations/Remainders filed by the Instant Review Applicants/Applicants. The similarly situated persons like C.R.P.F. who is also part of C.P.O.s under control of Ministry of Home Affairs filed the Original Applications No.1254 of 1994 before the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad for payment of Hospital Patient Care Allowance/Patient Care Allowance and the Hon'ble Tribunal, Hyderabad Bench, Hyderabad directed the Respondents to pay the said benefit w.e.f. 1987.

5) That the Judgment dated 15-09-2004 of the Hon'ble Tribunal was passed without proper placing of the vital points of law and important facts by the Instant Review Applicants/Applicants for satisfaction of the Hon'ble Tribunal with the provision of law. If the said Judgment dated 15-09-2004 is not reviewed on the basis of law/Rules the Instant Review Applicants/Applicants will suffer irreparable loss and injury.

6) That being highly aggrieved the Review Applicants/Applicants has filed this Review Application before this Hon'ble Tribunal for seeking review of the aforesaid Judgment on the following amongst grounds: -

- G R O U N D S -

6.1) For that the Opposite Parties/Respondents have already admitted and accepted the facts that the Hospital Patient Care Allowance/Patient Care Allowance was sanctioned by the Government of India w.e.f. 01-12-1987 to Non-Ministerial Hospital Employees and the Review Applicants/Applicants are similarly placed and working under the same Ministry i.e. Home Ministry. Therefore they cannot deny the said benefits to the Review Applicants/Applicants by delaying the matter by taking vague plea of that the "matter is under process and final

Himeswar Kumar

Administrative decision is awaited". Hence this Application for Review of the Judgment & Order dated 15-09-2004 passed by this Hon'ble Tribunal.

6.2) For that the Government of India has already settled the matter sixteen years ago now the said benefits has already extended to Others C.P.O.s like I.T.B.P., B.S.F., C.R.P.F. etc. In the instant case the Opposite Parties/Respondents have taken extension of time for taking an Administrative decision. Hence this Application for Review of the Judgment & Order dated 15-09-2004 passed by this Hon'ble Tribunal.

6.3) For that it is an admitted fact that other similarly placed staff are enjoying the said benefit w.e.f. 08-09-2000 without any interruption till date. Hence this Application for Review of the Judgment & Order dated 15-09-2004 passed by this Hon'ble Tribunal.

6.4) For that the Review Applicants/Applicants have filed Representations/Remainders before the Opposite Parties to look after this matter since long time back but the Opposite Parties willfully did not passed necessary order to grant of Hospital Patient Care Allowance/Patient Care Allowance. Hence this Application for Review of the Judgment & Order dated 15-09-2004 passed by this Hon'ble Tribunal.

6.5) For that similarly situated persons like C.R.P.F. have filed Original Applications before the Hon'ble Tribunal, Hyderabad Bench, Hyderabad for payment of Hospital Patient Care Allowance/Patient Care Allowance and the said benefits was extended by the Hon'ble Tribunal, Hyderabad Bench, Hyderabad by directing the Respondents of the said Original Application to pay the said Allowance w.e.f. 01-04-1987. Hence this Application for Review of the Judgment & Order dated 15-09-2004 passed by this Hon'ble Tribunal.

6.6) For that in any view of the above facts and circumstances and the provisions of law the Judgment dated 15-09-2004 passed by this Hon'ble Tribunal may kindly be reviewed.

6.7) For that the Review Applicants/Applicants state that the Grounds details above are good grounds of the Review both on Legal and Factual aspects and if the Hon'ble Tribunal did not exercise power of review

Humayun Kurni

then the Review Applicants/Applicants will suffer irreparable loss and injury.

In the premises aforesaid it is respectfully prayed that your Lordship may be pleased to review the Judgment dated 15-09-2004 passed by this Hon'ble Tribunal in Original Application No.22 of 2004 and may be pleased to grant the relief/reliefs as prayed for by the Review Applicants/Applicants and/or a passed such further order/orders as your Lordship deem fit and proper.

And for this act of kindness the Review Applicants/Applicants as in duty bound shall ever pray.

Humeshwar Kumar

- A F F I D A V I T -

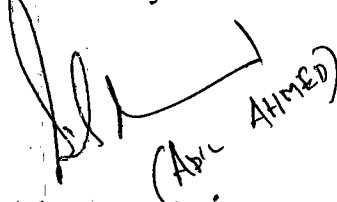
I, Shri Humeswar Kurmi, Son of Late Phaguna Kurmi aged about 39 years working as Pharmacist, Office of the Inspector General, Sashastra Seema Bal (SSB) do hereby solemnly affirm and state as follows:

1) That I am one of the Applicants in O.A.No. 22 of 2004 and also the Petitioner of the instant Review Application and as such I am acquainted with the facts and circumstances of the case and I am also authorized to swear this affidavit on behalf of the other Petitioners.

2) That the contents of this affidavit and the statements made in paragraphs 2, 3, 4, 5 of the above petition are true to my knowledge and those made in paragraphs 1, are being matters of records derived there from I better to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 14th October day of 2004 at Guwahati.

Identified by me:


(Adv. AHMED)
Advocate

Humeswar Kurmi

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

Sukumar Sarma
Advocate

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BY POST / BY AIR

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Application

DESPATCH NO. CAT/GHY/JUDL/ 1532 DATED GUWAHATI THE 20-9-04

✓ ORIGINAL APPLICATION NO. 22 /2004

MISC. PETITION NO. _____ /200

CONTEMPT PETITION NO. _____ /200

REVIEW APPLICATION NO. _____ /200

Sri Humeswar Karmi & ops. APPLICANT(S)

-VERSUS-

U.O.I. & ops RESPONDENT(S)

To
Sri Humeswar Karmi,
O/O The Inspector General,
Frontier Headquarter, S.S.B., Tezpur.

Please find herewith a copy of Judgment/Order dated 15.9.04
passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble Sri
_____, Vice-Chairman/Judl.
Member and Hon'ble Sri K.V. Prahladan Member (Adm.) in the
above noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

Encl:- As above.
(copy of the original
application in O.A.No _____)

17/9/04
SECTION OFFICER (J)

Memo No. _____ dated _____

Copy for information to

1. Mr./Mrs A. Deb Roy, A.C. & S.C.
2. Mr./Mrs _____

SECTION OFFICER.

Attested
By Advocate

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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.

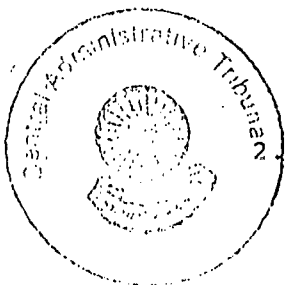
1. Sri Humeswar Kurmi
2. Sri Nitul Saikia
3. Sri Krishna Kanta Das
(applicants serving in the office
of the Inspector General
Frontier Headquarter
S.S.B. (Tezpur).)
4. Sri Binu Mathews
5. Sri Th. Subash Chandra Singh
6. Sri Sundeep kumar
(applicants serving in the office
of the Deputy Inspector General
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.

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

Advocate

: 2 :
- 9 -

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 (C.G.H.S. in short) w.e.f.1.12.1987 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

1

Sd/MEMBER(ADM) .

6-2-19/02

Adm. 121
Adm. 121