

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 136/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) A. B. Singh

Respondent(s) U. O. I. 90NM

Advocate for the Applicant(s) .. N. Anex Singh.....  
... S. Khadem, Ranjit  
... N. K. Dein.....

Advocate for the Respondent(s) U. C. G. S. C. M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

21.7.2006

The claim of the applicant is for getting patient care allowance.

Heard Mr. A. Anex Singh, learned counsel for the applicant. Mr. M. U. Ahmed, learned Addl. C. G. S. C. represented the respondents.

Mr. Ahmed submits that he would like to get instruction as to the applicant are regularised employees or not and other matters. Let it be done.

Also issue notice to respondent No. 5. Post on 5.9.2006.

Vice-Chairman

bb

Mn. Kanak

Pls. comply.

NB  
21.7.06.

Notice & order sent to D/Section for issuing to resp. no-5 by regd. A/0 post.

21.7.06. D/No. 766  
DT=25/7/06

05.09.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice-Chairman.

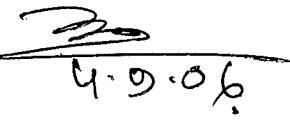
Notice duly served  
on resp - no - 5.  
(See 18/10/06)

Learned Counsel for the Applicant submitted that it is a covered matter. Considering the issue involved, I am of the view that the O.A. is to be admitted. Admit.

Mr M.U. Ahmed, learned Addl. C.G.S.C. for the Respondents submitted that he will file reply statement positively by the next date.

Post on 17.10.2006.

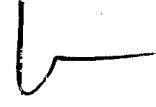
  
Vice-Chairman

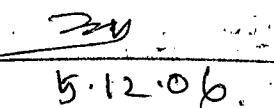
  
/mb/

4.9.06  
No W.L.s has been filed.

3.11.06 Four weeks time is granted to the counsel for the respondents to file written statement.

Post on 6.12.2006.

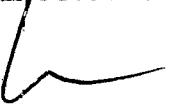
  
Vice-Chairman

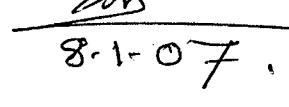
  
pg

5.12.06  
No W.L.s has been filed.

06.12.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice - Chairman.

Learned Counsel for the Respondents wanted to have further time to file reply statement. Post on 09.01.2007.

  
Vice-Chairman

  
/mb/

8.1.07  
No W.L.s has been filed.

9.1.2007 Mr. M.U. Ahmed, learned Addl. C.G.S.C. requests for further time to file reply statement. Let it be done within four weeks.

Post on 9.2.2007.

  
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
WTS. Submitted by Report. No. 1, to 5. Page No. 1 to 8.	09.02.2007	Mr. M.U.Ahmed, learned Addl. C.G.S.C. submits that reply statement is being filed today. Let it be brought on record, if it is otherwise in order.  Post the matter on 13.03.2007. In the meantime, Applicant is at liberty to file rejoinder, if any.
<i>Q/H</i>		<i>U</i>
No rejoinder has been filed <i>22</i> 12.3.07.	/bb/ 13.3.07.	Counsel for the applicant has submitted that he would like to file the rejoinder. Let it be done. post the matter on 30.4.07.
<i>22</i> No rejoinder has been filed <i>23</i> 23.4.07.	1m 30.4.2007	<i>U</i> Member vice-Chairman  Let the case be posted on 17.5.2007 for filing of rejoinder.
No rejoinder has been filed <i>22</i> 16.5.07.	/bb 17.5.07.	Vice-Chairman  The claim of the applicant is for getting patient care allowance. Counsel for the applicant has submitted that he could not contact the applicant. Three weeks further time is granted to file rejoinder. post the matter on 8.6.07.
<i>22</i> No rejoinder has been filed <i>23</i> 7.6.07.	1m	<i>U</i> Vice-Chairman

8.6.07. Written statement has been filed by the counsel for the respondents. No rejoinder has been filed by the applicant. In the meantime, further four weeks time is granted to the applicant to file rejoinder if any. List the matter on 4.7.07.

3.7.07  
No rejoinder filed.

lm

Vice-Chairman

Informed the learned advocate for applicant about the next date of hearing.

10/7/07

4.7.2007

None appeared for the Applicant. Registry is directed to send a letter to the learned counsel for the Applicant informing him to be present on the next date.

Post on 19.7.2007.

✓

Vice-Chairman

Rejoinder not filed.

/bb/

18.7.07

18.7.2007

It is reported that there is bereavement in the family of Mr.N.A.Singh, learned counsel for the Applicant. List the matter on 6.8.2007.

10.8.07

Rejoinder submitted by the Applicant. page 1 to 8. Copy served.

/bb/

Vice-Chairman

The case is ready for hearing.

27.8.07

28.08.2007

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

16.10.07  
C. Copy has been collected by the parties respecting on 14.5.07 on 10.10.07

9.11.07  
8.11.07

Vice-Chairman

nm

3/11/07  
6

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.176 of 2006

DATE OF DECISION: 28.08.2007

Arambam Barunkanta Singh and 7 others ....APPLICANT(S)

Mr A. Anix Singh, S. Khaidem, Ranjit and N.K. Devi. ADVOCATE(S) FOR THE APPLICANT(S)

- versus -

Union of India & Ors. ....RESPONDENT(S)

Mr M.U. Ahmed, Addl. C.G.S.C. ADVOCATE(S) FOR THE RESPONDENT(S)

CORAM:

The Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman  
(G)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 176 of 2006

Date of Order: This the 28<sup>th</sup> day of August 2007.

The Hon'ble Shri K. V. Sachidanandan, Vice-Chairman.

1. Arambam Barunkanta Singh,  
36 years (A.B.K.), s/o A. Bharat Singh of  
Lilong Chajing.
2. Sanjoy Roy, 35 years of C.R.P.F.,  
Langling, Imphal West, Manipur.
3. V. Kham Gin Lian, 33 years,  
s/o (L) Shri Chin Za Neng of C.R.P.F.,  
Langjing, Imphal West, Manipur.
4. Kailash Das, 36 years, s/o Nawab Das  
of C.R.P.F., Langjing, Imphal.
5. Anil Kumar, 32 years, s/o R. Pachak  
of C.R.P.F., Langjing, Imphal.
6. Narendra Kumar, 39 years,  
s/o Chaman Lal Puri of C.R.P.F.,  
Langjing, Imphal.
7. Mukesh Kumar, 39 years,  
s/o Chetram Singh of C.R.P.F.,  
Langjing, Imphal.
8. N. Robindro Singh, 40 years,  
s/o (L) N. Jugeshwar Singh of  
Kyamjei Khoirom Leikai. ....Applicants

By Advocates Mr A. Anix Singh, S. Khaidem,  
Ranjit and N.K. Devi.

- versus -

1. Union of India, Home Affairs Department,  
through its Secretary,  
North Block, New Delhi.
2. Ministry of Health and Family Welfare,  
through its Secretary, New Delhi.

3. C.R.P.F., through its Director General,  
C.G.O. Complex-N-1,  
Lodhi Road, New Delhi.
4. The Director,  
Medical Directorate General,  
Central Reserve Police Force,  
East Block, R.K. Puram,  
New Delhi.
5. C.M.O., C.R.P.F. Hospital Group  
Centre, Langjing, Manipur. .... Respondents

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.

.....

### ORDER (ORAL)

#### K.V. SACHIDANANDAN (VICE-CHAIRMAN)

There are eight applicants who were appointed as Assistant Sub-Inspector/Pharmacist/Laboratory Technician/Nursing Assistant, Saphai Karmachari/Cook respectively in the Central Reserve Police Force (CRPF for short) on different dates. The averment of the applicants is that the applicants possess all requisite qualification for the respective post the applicants are holding. The grievance of the applicants is that the applicants have not been extended the benefit of patient care allowance under the O.M. dated 08.09.2000 (Annexure-6). The applicants contend that similarly situated persons have already been granted the benefit and there are court orders as well. The Bangalore Bench of the Tribunal vide order dated 17.04.2005 in O.A.No.1093 and series of cases granted the benefit of patient care allowance and disposed of the cases in favour of the applicants therein. The contention of the present applicants is that the present applicants' case is covered by the order of the



Bangalore Bench. Aggrieved by the inaction of the respondents, the applicants have filed the present O.A. seeking the following reliefs:

"7.1 To give a direction to the Respondents to pay the Patient Care Allowance

7.2 Cost of the application.

7.3 Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal."

2. The respondents have filed a detailed written statement contending the claim of the applicants and submitted that since the applicants are combatant staff of the CRPF the applicants do not come under the jurisdiction of the Tribunal. However, since earlier orders have been passed by different Tribunals granting the benefit to similarly situated applicants I do not find any reason to uphold that this Tribunal has no jurisdiction. Hence the claim of the respondents is rejected.

3. The applicants have also filed a detailed rejoinder reiterating the contentions raised in the application.

4. I have heard Mr N. Anix Singh, learned counsel for the applicant and Mr M.U. Ahmed, learned Addl. C.G.S.C. appearing on behalf of the respondents.

5. When the matter came up for hearing the learned counsel for the applicant submitted that the grant of the allowance to the applicants was rejected on the ground that vide order dated 18.02.2006 the Addl. DIGP, GC, CRPF, Imphal, Manipur informed that as per Director (Medical), Directorate General, CRPF, New Delhi HPAC/PAC could be sanctioned only to those who were petitioners in



court cases filed in various CATs/High Courts. The order dated 18.02.2006 is reproduced below:

"Subject :- REG. GRANT OF HOSPITAL PATIENT CARE ALLOWANCE

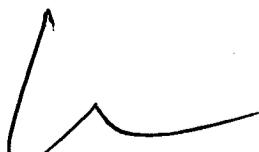
Please refer to your letter No.M.III-4/2006-GC Hosp. Dated 14/2/2006.

2. Application for grant of Hospital Patient Care Allowance in r/o following personnel of your Hospital vide your letter under reference are returned herewith with the remarks that as per Director (Medical), Dte. General, CRPF, New Delhi signal No.J.II-2/2002-Med.II-MHA dated 18/1/2002 (Copy enclosed). HPCA/PAC only be sanctioned to those who were petitioners in court cases filed in various CATS/High Courts and the concerned Hon'ble Courts passed order favourably :-

.....

6. It is further argued that since the applicants have not obtained a court order the applicants are not entitled to get the benefit of the relief. It is a well settled proposition of law that Government being a model employer and certain benefits granted to one set of employees those benefits are to be extended to other similarly situated persons. Relief being granted to certain individuals in law cannot be denied to those who are similarly placed merely because they have not come to Court earlier. The learned counsel for the applicants submitted that he will be satisfied if a direction is given to the respondents similar to that of O.A.No.22 of 2004 disposed of by this Tribunal on 15.09.2004, which is quoted below:

"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 case allowance to the Para-medical staff of S.S.B. within a period of six months from the date of receipt of this order."



8. In furtherance of the above order it appears that the Addl. DIGP, GC, CRPF vide order dated 18.02.2006 has taken a decision extending the benefit to some applicants who were petitioners before the Tribunals/Courts but similarly placed persons like the present applicants were not granted the benefit on the ground that no court order has been obtained by these applicants for the said benefit. It is made clear that it shall not stand in the way for grant of the said benefit to the present applicants.

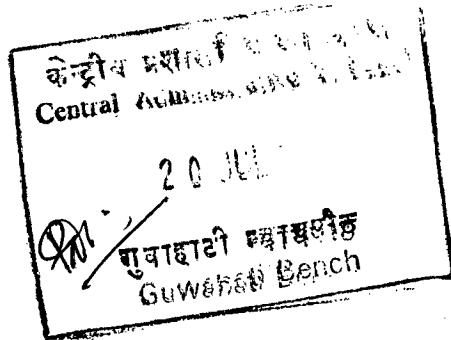
9. In view of the above, in the interest of justice this court directs the applicants to make a comprehensive representation to the respondent No.3 will all relevant records within a time frame of one month from the date of receipt this order and the respondent No.3 shall take a decision granting the benefit to the applicants as has been granted to other similarly placed applicants and pass appropriate orders within a period of three months thereafter.

The O.A. is accordingly disposed of. In the circumstances there shall be no order as to costs.



( K. V. SACHIDANANDAN )  
VICE-CHAIRMAN

nkm



12

Filed By :  
C. Anis Syed  
Advocate  
20.7.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

( An Application Under Section 19 of  
the Central Administrative Tribunal Act 1985)

CA 176/06

SYNOPSIS

That the Applicant were appointed as Assistant Sub-Inspector ( ASI ) / Pharmacist, Lab.Techitian, Nursing Assistant, Saphai Karmachari and cook respectively of the CRPF, Union of India on different dates and they possess all the requisite qualification.

That the applicants claiming that to extend the benefit of Patient Care Allowance under Government of India, Ministry of Home Affairs dated 8<sup>th</sup> September, 2000 ( Anx- A/6).

That the Hon'ble Central Administrative Tribunal, Bangalore Bench, Bangalore order dated 17. 4 .2003 stated that the other applicant claims for getting the benefit of Patient Care Allowance the same was disposed of in favour of the applicants , however the present applicants are cover up by the said aforesaid order.

\*\*\*

20 JUL 2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

गुवाहाटी न्यायपाल  
GUWAHATI BENCH  
11 WOMEN Bench

13  
PRESENTED BY  
K. Mahesh Singh  
19.7.2006  
ADVOCATE

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

Title of the Case : O.A. No. 176/2006

Shri A. Barunikanta Singh : Applicants.  
and 7 others.

- Versus -

Union of India & Ors. : Respondents.

I N D E X

Sl. No.	Annexure	Particulars	Page No.
1.	-	Application	1 to 7
2.	-	Verification	8
3.	1	Particulars of the Applicants.	9
4.	2 to 5	Initial appointment orders.	10 - 15
5.	6 and 7	Order dt. 13.3.2006, 8.9.2000	16 - 18
6.	8 and 9	Order of the Hon'ble CAT and Representing -	19 to 26

Date:

Filed by:

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

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

O. A. NO. 176 OF 2006

BETWEEN

1. Arambam Barunikanta Singh,  
36 yrs. (A.B.K.), s/o, A.  
Sharat Singh of Lilong Chajing.
2. Sanjay Roy, 35 yrs. of C.R.P.F.,  
Langjing, Imphal West, Manipur.
3. V. Kham Gin Lian, 33 yrs, s/o,  
(1) Shri Chin Za Neng of C.R.P.F.  
Langjing, Imphal West, Manipur.
4. Kailash Das, 36 yrs, s/o Nawab Das  
of C.R.P.F. Langjing, Imphal.
5. Anil Kumar, 32 yrs, s/o R. Pachak  
of C.R.P.F. Langjing, Imphal.
6. Nares<sup>ndar</sup> Kumar, 39 yrs., s/o  
Chaman Lal Puri of C.R.P.F.  
Langjing, Imphal.
7. Mukesh Kumar, 39 yrs. s/o,  
Chetram Singh of C.R.P.F.  
Langjing, Imphal.
8. N. Robindro Singh, 40 yrs. s/o  
(1) N. Jugeshwor Singh of  
Kyamgei Khoirom Leikai.

... APPLICANTS.

A. B. K. Singh  
(Arambam Barunikanta Singh)

-:(2):-

- Versus -

1. Union of India, Home Affairs  
Department, through its Secretary,  
North Block, New Delhi.
2. Ministry of Health and Family  
Welfare, through its Secretary,  
New Delhi.
3. C.R.P.F. through its Director  
General, C.G.O. Complex-N-1,  
Lodhi Road, New Delhi.
4. The Director, Medical Directorate  
General, Central Reserve Police  
Force, East Block, R.K. Puram,  
New Delhi.
5. C.M.O., C.R.P.F. Hospital Group  
Centre, Langjing, Manipur.

.. RESPONDENTS.

Details of Application

1. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

2. Limitation

The applicant further declares that the present application is filed within the limitation prescribed under section 21 of the Administrative Tribunals Act, 1985.

A. B. K. Singh  
(A. B. K. Singh & Sons)

3. Facts of the Case.

3.1. The applicants are the citizen of India and as such they are entitled to all the rights, privileges and protection, guaranteed to the citizens of India by the Constitution of India and the laws framed thereunder. The applicants are the employee of Central Reserve Police Force (C.R.P.F) working in the Central Reserve Police Force, Langjing, Imphal, Manipur.

3.2 That, the applicants were initially appointed on regular basis as ASI/ Pharmacist, Lab. Technician, Nursing Asst., Saphai Karmachari, Cook respectively by an order of the competent authority of the C.R.P.F. Union of India on different dates as they possessed the requisite educational qualification for the said posts which they are now holding.

A copy of the table consisting of the particulars of the present applicants is enclosed herewith as Annexure-A/1.

3.3 That the present applicants were initially appointed as ASI/Pharmacist, Lab-Technician, Nursing Asst., Saphai Karmachari, Cook respectively in the year, 1991, 1992, 1993, 1994 and 2000 respectively under Central Reserve Police Force, in short C.R.P.F. and now they are posted at C.R.P.F. Langjing, Imphal, Manipur.

3.4 . That, the applicants are working in their respective posts with their capacities as a Govt. employees without any break in service for the satisfaction of the Authorities

as well as the public. In this connection it is stated that the decision was taken by the Central Reserve Police Force in the C.R.P.F. Langjing, Imphal or any where through out States of India where is the applicants posted at different places of India to do the jobs also involves right duties, treatment of patient involved in any C.R.P.F Langjing or their posted places.

The true and exact copy of the initial appointment order of the applicant are annexed as Annexure A/2 to A/5 respectively.

3.5. That, the jobs of the applicants are regular attachment and is placed the essential category. It is a high risk job considering the importance and risk factor involved persons serving as patients' care daily and to undergo periodic medical check-up.

3.6. That, for the said patients, Cook and Washing, the applicants was detailed for duty in the office of the C.R.P.F. Langjing, Imphal. Thereafter they were continuously working and discharging their duties in the C.R.P.F. Langjing without any break in service till today.

3.7. That, the applicants have acquired valuable and legal right for absorption on regular basis as they are gathered sufficient experience after working about 10 to 15 years in service, in their respective posts as well as their capacities.

3.8. That, the applicants are working in the Central Reserve Police Force, Langjing and other office/places of C.R.P.F. and successfully running the treatment and others with all satisfaction for the last about 10 to 15 years.

-:(5):-

3.99 That, vide office letter No.C.III-1/2006-EC.III dated 13.3.2006 the Addl. DIGP, GC, C.R.P.F., Imphal, Manipur issued an office note for granting of Hospital patient care allowance in respect of No.891560089 ASI/ Lab.Tech. Sanjay Roy of the concerned Hospital and the same was received by the said Sanjoy Roy as per the Hon'ble CATS/High Courts and the concerned Hon'ble Courts passed order favourably.

A true and exact copy of the letter dt 8.9.06 order issued by the concerned Authority dt.13.3.2006 is enclosed as Annexure-A/6 and A/7 respectively

3.10. That, in the case of some other similarly situated incumbents/employees serving under the same C.R.P.F., Union of India the Hon'ble CAT directed the Respondents/ Union of India for payment of Patient Care Allowance (PCA) within a time frame as such the employees who are getting the order of the Hon'ble CAT.

The true and exact copies of the Hon'ble CAT's order <sup>and representation 12.2.06</sup> are enclosed herewith as Annexure-A/8 and A/9 respectively.

3.11. That, this application is made bonafide and for the cause of justice.

4. Grounds for relief(s) with legal provisions.

4.1 For that the applicants have not been getting the Patient Care Allowance (PCA) even though the similar employees were getting the P. C. Allowance. The duty of the applicants have been categorised in the "essential Category".

*A. R. K. Singh  
Ct. Sanjay Kanta Singh*

It is a high risk job. Considering the importance and risk factor involved, required to undergo periodic medical check-up.

- 4.2 For that the Authority/Respondents have been treating the applicants are unequal as such there is an illegal, arbitrary, most unfair and wholly unjustified.
- 4.3 For that, the Authority/Respondents have not disposed of the ~~unsuccessful~~ humble representation filed on 12.2.2006 till today without any reason.
- 4.4 For that, the action of the Respondents is illegal, arbitrary, unreasonable, most unfair and wholly unjustified.

5. Details of remedies exhausted:

That the applicants state that they have no other alternative and other efficacious remedy than to file this application. The applicants have filed a representation dated 12.2.2006 highlighting their problems to the competent authority but to no result.

6. Matters not previously filed or pending with any other Court.

The applicants state that they had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, 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.

-:(7):-

7. Reliefs sought for:

Under the facts and circumstances of the case, the applicants pray that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicants shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs;

- 7.1 To give a direction to the Respondents to pay the Patient Care Allowance.
- 7.2 Cost of the application.
- 7.3 Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

8. Interim relief prayed for:

### 8.1. To dispose of the humble representation.

9. Particulars of the Postal Order:

i. Postal Order No. : 134.013276  
ii. Date of Issue : 28.3.06  
iii. Issued from : Gurnah.  
iv. Payable at : Gurnah.

10. List of enclosures:

An index showing the particulars of documents  
enclosed.

-:(8):-

VERIFICATION

I, Arambam Barunikanta Singh, s/o A. Sharat Singh, aged about 36 years, resident of Lilong Chajing, P.S. Singjamei, P.O. Lilong - 795133 do hereby verify that the statements made in paragraph No.1 to 17, are true to my knowledge and those ~~maximum~~ legal paras/advise which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 20th day of July, 2006.

Signature:

A.B.K. Singh  
(A. Barunikanta Singh)

TABLE SHOWING THE PARTICULARS OF THE APPLICANTS:

Sl. No.	Name	Name of post	Date of initial appointment	Present posting
1.	A. Barunikanta Singh	ASI/Pharmacist	8.4.1994	C.R.P.F., Langjing.
2.	Sanjay Roy	Lab. Technician	17.7.1991	-do-
3.	V. Khem Gian Lian	Nursing Asst.	24.12.1993	-do-
4.	Kailash Das	Saphai Karmachari	42.9.1991	-do-
5.	Anil Kumar	Cook	10.3.1997	-do-
6.	Naresh Kumar	Saphai Karmachari	28.4.1992	-do-
7.	Mukesh Kumar	Nursing Asst.	16.5.2000	-do-
8.	N. Robindro Singh	ASI/Pharmacist	21.6.1991	-do-

TRUE COPY

X. Mahesh Singh

ADVOCA

Registered

OFFICE OF THE ADDL.DIGP GROUP CENTRE CRPF AVADI CHENNAI-65.  
No.A-VI-3/97-GC-EC-3

Dated the 10 <sup>Naik</sup> Feb. '97.

To

✓ Shri Anil Kumar. P  
S/O Shri Pachan,  
Charuvila Puthan Veedu,  
Nettayam,  
PO: NILAMEL,  
Distt: Kollam,  
KERALA. Pin: 691535.

Subject:- OFFER OF APPOINTMENT FOR THE POST OF HOSP.COOK  
(COMBATISED) - GROUP 'D' HOSP. STAFF IN CRPF.

As a result of recruitment for the post of Group 'D' Hospital Staff held at Group Centre, CRPF Pallipuram on 10-12-96, you are hereby offered the post of Hospital Cook in CRPF, purely on temporary capacity on the following terms and conditions:-

- (a) The post carries pay scale of Rs.0750-012-0870-EB-014-0940 plus allowances as sanctioned by the Central Government from time to time.
- (b) The appointment carries with it the liability to serve in any part of India and outside if required.
- (c) On joining the Force, you will be governed under CRPF Act 1949 and CRPF Rules 1955.
- (d) The post of Hospital Cook is a combatised one, you are required to undergo such training and course as are/will be prescribed by the Directorate General, CRPF New Delhi from time to time.
- (e) Other conditions of service will be governed by the relevant rules/and orders in the Force from time to time.
- (f) You must produce a certificate of character on the prescribed form (specimen enclosed).
- (g) This offer of appointment is subject to your being declared medically FIT in all respects by the CRPF Medical Officer for which you will have to appear before the Medical Officer at the place of your reporting.
- (h) If you tender resignation under Rule 16 or discharge under rule 17 of CRPF Rules, 1955,

...2

✓ Anil S  
6.2.97

you will have to refund to the Govt. a sum equal to three months pay and allowances prior to the resignation or discharge, as the case may be or the cost of training imparted to you in the Force, whichever is higher.

2. You will be entitled to all the concessions of grade of Follower - Hospital Cook available to the members of combatised Hospital Staff sanctioned for the present and as may be sanctioned from time to time.

3. The following certificates in original will also to be produced:-

- a) Education certificate
- b) Date of Birth certificate for age proof.
- c) Caste certificate.

4. You should proceed duly prepared with light bedding as per your requirement alongwith suitcase. Kit/ Uniform items as per authorisation will be issued free of cost at the place of your duty.

5. If you are willing to join on aforesaid terms and conditions, you are advised to report to the Additional DIGP, Group Centre, CRPF Avadi, Chennai-65 on or before 10-3-97 alongwith this letter.

6. You may also carry amount for your initial personal expenses. Deposit of Rs.700/- (Rupees seven hundred) only as mess advance will also be required to be made by you.

7. If you fail to report to the aforesaid authority as mentioned in para 5 above by 10-3-97, this offer will be treated as cancelled.

8. No TA/DA will be paid for the journey undertaken by you to join duty.

Encl:(1)

(S.K. Sankaran)  
Addl.DIG  
GC CRPF Avadi.

-12-

# ANNEXURE-A/3

REGISTERED.

OFFICE OF THE COMMANDANT 122 Bn. CRPF GANDHINAGAR (GUJARAT)  
No. A.VI.1/92-122-EC-2 Dated, the 28 April '92.

To

✓ Shri Narendra Kumar,  
S/O Shri Chaman Lal,  
New Deep Nagar Village,  
Jalandhar Post,  
Jalandhar (Punjab).

Subject:- APPOINTMENT TO THE POST OF SAFAI KARMACHARI (SWEEPER)  
IN CRPF: OFFER OF APPOINTMENT.

On selection as result of test, you are hereby offered the post of Safai Karmachari (Sweeper) in the Central Reserve Police Force on the following terms and conditions:-

*✓ notice*

- a) The post is purely temporary but likely to continue for an indefinite period.
- b) The post carries pay scale of Rs.750-12-870 -EB-14-940 plus usual allowances as sanctioned by the Central Government from time to time.
- c) The appointment carries with it the liability to serve in any part of India as per order issued by the Competent authority.
- d) On joining the Force, you will be governed under CRPF Act and Rules.
- e) The appointment may be terminated at any time by serving a month's (on either side). The appointment authority, however reserve the right of terminating the service of the appointee forthwith or before the expiry of the stipulated period of the notice by making payment to him a sum equivalent to ~~any~~ pay and allowances for the period of notice or the expired ~~period~~ period ~~thereby~~.
- f) Other conditions of services will be governed by the relevant rules and order in force from time to time.
- g) You must produce the following certificate in original:-
  - i) Educational certificate + Proof for your date of Birth.
  - ii) Experience certificate if any.
  - iii) Certificate of character in the prescribed form (Specimen form attached) duly signed by any Gazetted Officer. ~~xxxxxxxxxxxxxx~~  
~~xxxxxxxxxxxxxx~~  
~~xxxxxxxxxxxxxx~~  
~~xxxxxxxxxxxxxx~~

Contd ..../2.

*Certified to be true Copy*  
*Anil Singh*  
*Advocate*

h) This offer of appointment is subject to:-

- i) Submission of declaration marital status in the prescribed form and in the event of the candidate having more than one wife living or being married to person having more than one wife living. The appointment will be subject his being exempted from the enforcement of the recruitment rules in this behalf.
- ii) Taking oath of allegiance/faithfulness to the constitution of India (or making solemn certificate to that effect) in the prescribed form.
- iii) No objection certificate from present department may also be produced on joining the force if any.

2. If any declaration given or information furnished by you proves to be false at any stage or if it is found that you have willingly superseded any material information, you will be liable to be removed from service and subject to such other action as Government may deem necessary.

3. You are also required to carry some amount for your personal expenses. Initial deposit of Rs.500/- as Mess advance will also be required. You should also be in possession of bedding as per your requirement.

4. You are posted to 122 Bn. CRPF Gandhinagar (Gujarat). If you are willing to join on aforesaid terms and conditions you should report to commandant 122 Bn. CRPF, Gandhinagar (Gujarat) alongwith the letter on or before 30-4-92 at 1000hrs.

5. If you fail to report on or before 30-4-92 to join duty, the offer will be treated as cancelled.

6. No TA/DA will be paid for journey undertaken by you to join duty at this location.

Encl:I

*(Signature)*  
(B.S.Chauhan) 27/4/92  
Commandant.

No.A.VI.1/92-122-EC-II

Dated the April 1992.

Copy to:-

1. D.D.(Medical), Dte.Genl. CRPF Lodhi Road, New Delhi for favour of information please.
2. IGP, Special Sector, CRPF R.K.Puram N/Delhi with reference to his letter No.A.VI.3/92-Adm-II dated 10-3-92.
3. Dy.Inspector General of Police, CRPF, Special Range, ~~XXXX~~ New Delhi for information please.

*(Signature)*  
(B.S.Chauhan)  
Commandant.



Dated: the Dec,93

**NOTICE**

Consequent on his selection by a Board of Officers , as per result of recruitment held at NC CRPF, Imphal on 16.12.93 Shri V. Khamginlian, S/O Shri V. Chinzumong is hereby appointed as temporary ward boy (combatise) w.e.f. 24.12.93 (FN) in the pay scale of Rs.750-17-870-EB-14-940 plus usual allowances as permissible to the Central Government employees from time to time. His appoint is purely temporary and liable to be terminate at any time as one months notice without assigning any reasons. He can be posted anywhere in India as he has got all India service liability. His particulars are as under:

Name: : V.Khamginlian  
F/Name : Shri V. Chinzumang  
Vill- : Chingmun  
P.O. : Chingmun  
Dist- : Churacandpur  
State : Manipur  
Religion : Christian  
Date of birth: 01.03.1973  
Date of appointment: 24.12.93

Education Qualification: Class -IX pass  
Height/Weight :169 Inch/69 Kg.  
Chest :85-90 cms  
Force No. :931152541  
Identification: 1) A black mole over chest.  
2) Black mole over right arm.

Sd/-  
(N.S. INDM (Capt.)  
Addl. DIGP

*Certified to be true Copy*  
*Amrit Singh*  
*Advocate*

RECEIVED - HANDBE MUNICIPAL OFFICE, CHITTAGONG, CRPF, GYM-43 (ADM)

Concerning his selection in the post of Laboratory Technician in PHE, GC, CHH, Bangalore, resignation tendered by Lab Asstt. Sonjay on 17.7.01 AM under Reg of this Govt Hospital to truly accepted w.e.f. 17.7.01 AM under the authority of chapter 39 of many to complete Manual on establishment and administration.

He is hereby relieved from this Base Hospital from the same date with direction to report ADIGF, EC, CRHF, Guwahati in order to join now post. He is struck off from the strength of the RAI from 17.7.81 A.M.

Since DSO is away on duty, a classification order shall be issued in his absence.

( Dr. G. J. Ong ) SMD

CHOL. DH-III.CHRP.GLY-23

Y-1 X-02/511-611-11

Dated, the 30th July '91

Copy to -

copy to  
SIR, C.R.P.F., G.T.Y. & M.R.A. H.Q. office letter No. A.V.I. 1  
/91-CC dated 11.6.91.

2. ADIGP, GC, CRPF, CTY, were to rec'd. his letter re. A.W.I.J/81-CC-171  
dated 21.6.91. 1919

7

1/1/ Asstt. Sanjay Roy

( UH B.H. DHO ) 890  
C.M.O. DEPT. L.I.I. C.R.E.T. G.T.Y-23 ( A.D. 1954 )

JOURNAL

DATA UN/PC/CC-111/1991 GBK FILE INFORMATION AND DATA

Certified to be true Copy  
Anix Sy  
Advocate

Government of India  
Ministry of Home Affairs

BY FAX

BS  
3541  
14/11

North Block, New Delhi.  
Dated the 8<sup>th</sup> 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.

Contd. 2

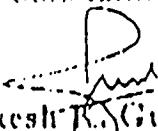
9/3

Certified to be true copy

Amrit  
Advocate

4. This issues with the approval of Ministry of Finance (Department of Expenditure) vide ID No.858/E.IV/2000 dated 7.9.2000 and with the concurrence of the Integrated Finance Division of this Ministry vide their Dy.No.2206/Fin.II/2000 dated 8.9.2000

Yours faithfully,

  
8/1/00  
(Rakesh R. 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.858/E.IV/2000 dated 7.9.2000.
4. Ministry of Health & Family Welfare (H.III Branch), Nirmal Bhawan, New Delhi.
5. IFD (Finance II), MHA, North Block, New Delhi.
6. PF.I/II/III/IV Desk, MHA, New Delhi.
7. Guard File.

INTER OFFICE NOTE  
(list, facsimile)

Mo.C.011-1 2006-03-11

Dated the March 2006

**Subject :- REG. GRANT OF HOSPITAL PATIENT CARE ALLOWANCE**

Please refer to your letter No.M.III-4/2005-CIC/Hosp. Dated 27/3/2006.

2. Application for grant of Hospital Patient Care Allowance in re No.891560089 ASI/Lab Tech. Sanjay Roy of your Hospital received vide your letter under reference is returned herewith with the remarks that as per Director(Medical), Dte.General, CRPF, New Delhi, signal No.111-2 2002- Med.11-MRA dated 18/1/2002, HPCA/PAC may be sanctioned to those who were petitioners in court cases filed in various CATS/High Courts and the concerned Hon'ble Courts passed order favourably.

In view of above, the above individual may please be induced accordingly.

### Plant, One leaf

## For Additional Care Implied (Mimicry)

CMO IC GC Hospital

Certified to be true Copy

*Anil*  
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

O.A.NOS. 1093 & 1100 TO 1105/2002

DATED THIS THE 17TH DAY OF APRIL 2003

SHRI S.K. HAJRA

MEMBER(A)

SHRI MUKESH KUMAR GUPTA

MEMBER(J)

1. Mr. Ajith.A.  
aged 37 years,  
S/o late N. Arjunan,  
Pharmacist

Applicant  
(in OA No. 1093/02)

Q.P.W

2. T.M. Mathen,  
aged 54 years,  
S/o Late C.O. Mathen,  
Pharmacist

Applicant  
(in OA No. 1100/02)

3. Sanjay Kumar, K.N.,  
aged 38 years,  
S/o K.G. Narayanan,  
Pharmacist

Applicant  
(in OA No. 1101/02)

4. R. Vijayalakshmi,  
aged 49 years,  
W/o late Raghavan Pillai,  
Nursing Assistant

Applicant  
(in OA No. 1102/02)

5. R. Gopinathan Pillai,  
aged 56 years,  
S/o late Raghavan Pillai,  
Nursing Assistant

Applicant  
(in OA No. 1103/02)

6. Rathan Lal,  
aged 50 years,  
S/o Udayram,  
Hospital S/K

Applicant  
(in OA No. 1104/02)

Smt. Rekha Devi,  
aged 39 years,  
W/o Rathan Lal,  
Hospital S/K

Applicant  
(in OA No. 1105/02)

Applicants 1 to 7 are working  
at Group Centre, C.R.P.F.,  
Kalyanapura, Bangalore)

By Advocate Smt. Anjana Sundar )



Certified to be true Copy  
Anjana Sundar  
Advocate

- 2 -

1. Union of India by its  
Secretary,  
Government of India,  
Ministry of Home Affairs,  
New Delhi

2. Director General of  
Health Services,  
Central Reserve Policy Force,  
New Delhi

3. Additional DIGP,  
Group Centre,  
C.R.P.F., Yelahanka,  
Bangalore

Respondents

( By Senior Central Govt. Standing Counsel  
Shri M.V. Rao )

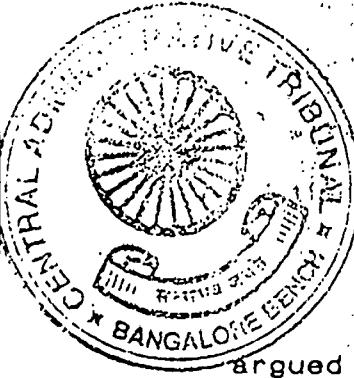
ORDER

SHRI S.K. HAJRA, MEMBER(A)

The applicants, who are Group C and D employees of Central Reserve Police Force (CRPF) Hospital, filed this O.A. seeking the following reliefs:

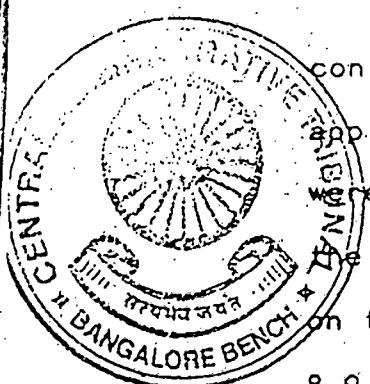
- i) Issue a direction directing the respondents to extend the benefit of Hospital Patient Care Allowance to them at the rate of Rs.80/- per month for the period 15.10.87 to 1.8.97 at Rs.160/- p.m. from 1.8.97 to 2.1.1999 and at Rs.700 p.m. from 2.1.99 to 8.9.2000 and to applicants 6 and 7 at Rs.75 per month from 15.10.87 to 1.8.97 and at Rs.150/- per month from 1.8.97 to 2.1.99 and at Rs.695/- per month from 2.1.99 to 8.9.2000 in terms of Government orders and Supreme Court order; and
- ii) Grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the circumstances of the case in the interest of justice.

The learned counsel for the applicants argued as follows:



The applicants 1 to 3 are Pharmacists, 4 and 5 Nursing Assistants and 6 & 7 Safai Karamcharis (Sweepers). They being Group C and D employees of the CRPF hospital, are entitled to Hospital Patient Care Allowance (HPCA) at the rates extended to Group C and D employees similarly placed in the CGHS dispensaries/Central Govt. Hospitals w.e.f. 1.12.87 by orders dated 25.1.88, 1.8.97, 23.9.98 and 2.1.99. Unfortunately, the applicants were not paid the HPCA inspite of their entitlement w.e.f. 1.12.87 and submission of their representations to competent authority. The Cuttack Bench of the Tribunal by order dated 8.5.90 in O.A. No. 299/89 granted this relief (Annexure A-4). The order of the Cuttack Bench was challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court confirmed the aforesaid order by order dated 17.10.2001. Persons similarly placed as the applicants were extended the benefit.

The learned counsel for the respondents contended that this allowance was paid to the applicants w.e.f. 8.9.2000 at the same rates as were applicable to the employees similarly placed in the CGHS Dispensaries/Central Government hospitals on the same terms and conditions as per orders dated 8.9.2000 issued by the Ministry of Home Affairs (MHA) (Annexure R-1). The O.A. is liable to be dismissed on the ground of limitation.



We heard both sides and perused the records.

The contention of the respondents that the O.A. is barred by limitation is untenable as the Hon'ble Supreme Court in M.R. Gupta v/s Union of India & Ors. - (1995) 5 SCC 628 held that right to fixation of correct salary is a continuous cause of action. Salary includes allowances.

It is indisputable that HPCA was extended to Group C and D (Non-Ministerial) hospital employees w.e.f. 1.12.87 working in Central Government Hospitals and Hospitals under the Delhi Administration. The relevant excerpt of the order dated 25.1.88 of the Ministry of Health and Family Welfare (Annexure A-1) is reproduced below:

"With reference to DGHS 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.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."

(emphasis added)

The rates of HPCA payable to Group C and D (Non Ministerial CGHS employees) were revised by order dated 28th September, 1998. The relevant excerpts are re-produced below:

Emm

"I am directed to convey the sanction of the President to revise the rate of Hospital Patient Care Allowance payable to Group C and D (non-ministerial) hospital employees and patient care allowance payable to Group C and D (non-ministerial) CGHS employees w.e.f. 1.8.1987. The revised rates will be as under:

1. Group C (non-ministerial) from Rs.80/- to Rs.160/-  
hospital employees. p.m. p.m.
2. Group D (non-ministerial) from Rs.75/- to Rs.150/-  
hospital employees p.m. p.m.
3. Group C and D (non- ministerial) CGHS employees from Rs.70/- to Rs.140/-  
p.m. p.m.

2. The terms and conditions for payment of Hospital Patient Care Allowance/patient care allowance will remain the same as mentioned in this Ministry's letters No.A-28015/60/87-H dated 25.1.1988 Z.28015/102/88-H dated 30.10.1989 and B.11011/1/90-CGHS dated 10.7.1990."

Some employees working in C.R.P.F. Hospital, Bhubaneswar filed O.A.No.299/89 before the Cuttack Bench of the Central Administrative Tribunal. The Tribunal by order dated 8.5.90 directed the payment of HPCA to Applicant Nos.1 and 2 of the O.A. who were working as Pharmacists and Laboratory Technician respectively in CRPF Hospital, Bhubaneswar. The Civil Appeal No.11966 of 1996 filed by the Union of India against the aforesaid order of the Tribunal was dismissed by order dated 17.10.2001 by the Hon'ble Supreme Court (Annexure

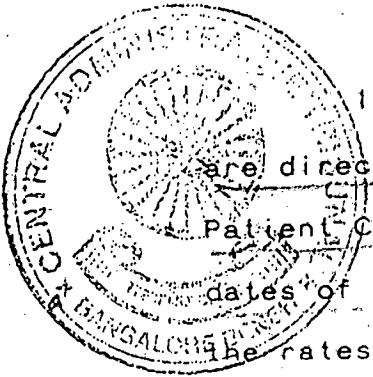


Admittedly, the HPCA was granted to non-ministerial Group C and D civilian employees of CRPF, ITBP, CISF, Assam Rifles and National

Sir

Police Academy, Hyderabad employed in the dispensaries/hospitals at the same rates as had been given to employees similarly placed in the CGHS Dispensaries or Central Government Hospitals in Delhi/outside Delhi on the same terms and conditions w.e.f 8.9.2000 by order No.27012/4/2000-PF dated 8.9.2000 of the Ministry of Home Affairs, Government of India (Annexure R-1). In view of the order of the Cuttack Bench of the Tribunal in O.A.No.299/89 dated 8.5.90 which was confirmed by the Hon'ble Supreme Court by judgement dated 17.10.2001 (Annexure A-5) and the implementation of the aforesaid order of the Tribunal by Government of India (Annexure A-6), the applicants who are Group C and D (non-ministerial) employees working in CRPF Hospital are entitled to HPCA at the same rates as are applicable to similarly placed Group C and D employees (non-ministerial) of Central Government Hospitals by order dated 25.1.88 (Annexure A-1) followed by order dated 28.9.98 (Annexure A-2) and subsequent orders of revision w.e.f. 1.12.1987 or the dates of their appointments whichever is later.

In the light of these facts, the respondents are directed to pay to the applicants the Hospital Patient Care Allowance w.e.f. 1.8.87 or from the dates of their appointments, whichever is later, at the rates of the allowance sanctioned to Group C and



of non-ministerial hospital employees by order dated 25.1.88 (Annexure A-1) and revised by order dated 28.9.98 (Annexure A-2) and subsequent orders of revision of the allowance. The order shall be complied with within a period of three months from the date of receipt of a copy of this order. The O.As. are accordingly allowed. No costs.

Sd- *[Signature]*

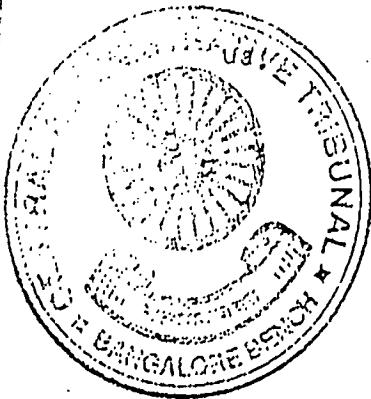
(MUKESH KUMAR GUPTA)  
MEMBER(J)

Sd- *[Signature]*

( S. K. RAJRA )  
MEMBER(A)

TRUE COPY

*[Signature]*  
Section Officer,  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore



26  
ANNEXURE - A/9. w

To,  
The Chief Medical Officer  
Hospital Group Circle, Langzing  
Manipur.

**Subject:** Request for payment of patient case allowance to us as per rules.

**Sir,**

With due request we have the honour to request you the following few lines for favour of your goodself kind consideration and favourable order in the matter under reference.

That, we are initially appointed as ASI/Pharmacist Lab Technician, Nursing Asstt., Saphai Karmachari and cook respectively on regular basis on different dates i.e. 1991, 1992, 1993, 1994 and 2000 under Central Reserve Police Force is short CRPF and now we are posted at CRPF, Langzing, Imphal, Manipur.

That, the authority of the CRPF, Union of India issued an order that the Patient Care Allowance (PCA) will be paid to the employees who are pharmacist, Lab Technician, Nursing Asstt Saphai Karmachari and cook etc.

That we request you to pay or extend the benefit of patient care allowance to us like other similarly situated persons who were getting the said benefit.

That, we are now facing financial hardship and untold miseries.

We, therefore, request your goodself be pleased to extend the patient care allowance like other similarly situated persons.

For the acts of your kindness be shall even remain grateful to you.

With regards

Yours faithfully,

Dated Longzing  
The 12.2.2006.

**Sd/-**

1. A.B. K. Singh
2. Sanjoy Roy
3. V. Kham Gin Law
4. Kailash Das
5. Anil Kumar
6. N. Kumar
7. Mukesh Kumar
8. N. Robindro Singh

*certified to be  
true copy  
S. D.*

9.2.07

सामाजिक न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

O.A.NO.176 of 2006

Shri Arambam Barunikanta Singh : Applicant  
And Others

- VS -

Union of India & Others : Respondents

- AND -

IN THE MATTER OF:

Written statement submitted by the  
Respondent Nos.1 to 5

WRITTEN STATEMENT:

The humble answering respondents submit their  
written statements a follows:

1(a). That I am JOGINDRA SINGH S/O SH.  
HARPAL SINGH. 2 Addl. DIGP, CRPF, G 44.  
and respondent No. 5 in  
the above case. I have gone through a copy of the  
application served on me and have understood the contents  
thereof. Save and except whatever is specifically admitted  
in this written statements, the contentions and statements  
made in the application may be deemed to have been denied.

File No. 1  
New Ahmed Case  
9/2/07

I am competent and authorized to file the written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents against the applicants had suffered from the vice of illegality.

2. **BRIEF HISTORY OF THE CASE**, which may be treated as an integral part of the written statement.

Government of India, Ministry of Home Affairs Order No.270124/2000/PF 4 dated 08.09.2000 (copy enclosed) conveyed the sanction of the President for 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 following rates:-

Hospital Patient Care Allowance

- a) Group 'C' - Rs. 700/- p.m.
- b) Group 'D' - Rs. 690/- p.m.

Patient Care Allowance

All Group 'C' & 'D' (non-Ministerial- CGHS employees working in the CGHS Dispensaries.

In this connection Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18.01.2002 (copy enclosed) has conveyed the order of MOF, Department of Expdr. U.O. No.1950/2/2001-E/IV dated 14.01.2002 that HPCA/PCA only to be sanctioned to those Group 'C' and 'D' combatised Hospital staff who were petitioners in Court Cases filed in various CATs/High Courts and the concerned Hon'ble Courts passed order favourably. The following petitioners have now filed case in the Central Administrative Tribunal, Guwahati Bench of Guwahati vide their Original Application No.176/2006/766 dated 21.07.2006 against Union of India, Ministry of Health and Family Welfare, DG, CRPF, Director, Medical CRPF & CMOGC Hospital, Imphal regarding sanction of Patient Care Allowance by them:-

1. ASI/Phar. A.B.K. Singh
2. ASI/Lab.Tech. Sanjay Roy
3. Nursing Asstt. V. Khan Gin Lian
4. Hosp./S.K. Kailash Das (presently posted at 101 RAF)

44

5. Hosp. Cook Anil Kumar
6. Hosp./SK N. Kumar
7. Hosp./SK Mukesh Kumar
8. ASI Phar. N. Robindro Singh

**Parawise Comments:**

3: That with regard to the statements made in paragraphs 1, 2, 3, 3.1 to 3.8, 3.11, 4, 4.1, 6 and 7.1 to 10 of the Original Application, the answering respondents do not admit anything except those which are in record, based on legal foundation and as such the applicants are put to the strictest proof thereof.

4. That with regard to the statements made in paragraph 3.9 of the Original Application, the answering respondents beg to submit that the Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18/01/2002 has conveyed the order of MOF, Department of Expenditure U.O. No.1950/2/2001-E/IV dated 14/01/2002 that IIPCA/PCA is to be sanctioned only to those Group 'C' and 'D' combined Hospital Staff who were petitioners in Court Cases filed in various CATs/High Courts and the concerned Hon'ble Courts have passed order favourably. Neither the petitioner i.e. ASI/Lab. Tech. Sanjay Ray has filed any petition in CATs/High Courts nor any favourable orders passed to him by the Hon'ble Court for granting HPCA/PCA. Hence, his case for granting Patient Care Allowance was not considered by this Office.

5. That with regard to the statements made in paragraphs 3.10 of the Original Application, the answering respondents beg to submit that the Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18/01/2002 has conveyed the order of MOF Department of Expenditure U.O. No.1950/2/2001-E.IV dated 12/01/2002 that IIPCA/PCA is to be sanctioned only to those Group 'C' and 'D' combatised Hospital Staff who were petitioners in Court Cases filed in various CATs/High Courts and the concerned Hon'ble Courts passed order favourably. Hence, the petitioners' allegations against the Department are baseless.

6. That in reply to the statements made in paragraph 4.2 of the Original Application, the answering respondents beg to the state that it is incorrect that the departmental authorities are treating the petitioners in an unjustified discriminatory way. The Department is taking action as per the Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18/01/2002.

7. That in reply to the statements made in paragraph 4.3 of the Original Application, the answering respondents beg to submit that it is incorrect that any representation dated 12/02/2006 has been filed by the petitioners. However, Hos./SK Narendra Kumar, Hosp. Cook P. Anil Kumar, Hosp./SK Kailash Das, Nursing Asstt. V. Khan Gin. Lian,

ASI/Lab.Tech. Sanjay Ray, ASI/Phar. A.B.K. Singh and ASI/Phar. N. Robindra Singh have submitted applications dated 14/02/2006, 15/02/2006, 27/03/2006, 01/04/2006 and 03/07/2006 regarding sanction of Hospital Patient Care Allowance/Patient Care Allowance. Suitable replies were immediately given to them vide this office Inter Office Notes No.C.III-1/2006-EC-III dated 18/02/2006, 21/02/2006, 13/03/2006, 06/04/2006 and 15/07/2006 respectively (copies <sup>m</sup> enclosed).

8. That with regard to the statements made in paragraph 4.4 of the Original Application, the answering respondents beg to submit that it is incorrect that the departmental authorities are treating the petitioners in an unjustified and discriminatory way. The Department is taking action as per the Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18/01/2002.

9. That with regard to the statements made in paragraph 5 of the Original Application, the answering respondents beg to submit that there is no representation dated 12/02/2006 filed by the petitioners received in this Office. Besides, petitioners No.7 & 8 i.e. Mukesh Kumar and N. Robindra Singh were not posted in GC CRPF Imphal. It is not understood how the above petitioners filed the representations as stated in paragraph 5 of the petition. Hence the allegations made by the petitioners are baseless.

10. That with regard to the statements made in paragraph 7 of the Original Application, the answering respondents beg to submit that the action taken by the respondents was in compliance to the Director (Medical), Directorate General, CRPF, New Delhi vide Signal No.J.II-2/2002-Med.II-MHA dated 18/01/2002.

11. That the respondents beg to submit that the application is devoid of any merit and as such liable to be dismissed.

12. That the respondents beg to submit that this Written Statement is made bonafide and for the ends of justice and equity.

P R A Y E R

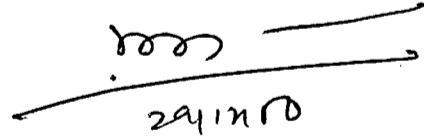
In view of the facts and circumstances as brought out above, in reply to the various paragraphs of the Original Application and there being no merit in the Original Application filed by the petitioners, the Hon'ble Tribunal may be pleased to dismiss the Application for the ends of justice.

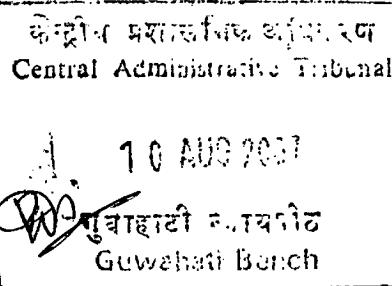
VERIFICATION

I, JOGINDRA SINGH s/o SH. HARPAL SINGH aged about 54 years, working as Addl. DIGP Group centre, CRPF, Guwahati and competent officer of the answering respondents, do hereby verify that the statements made in paras 1 to 9 are true to my knowledge and those made in paras 10 to 14 being matters of record are true to my information derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 29/12 th day of Dec 2006 at Guwahati.

Signature

  
29/12/06



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 176 OF 2006

SHRI ARAMBAM BARUNIKANTA SINGH & 7 OTHERS.

- Applicants.

-: Versus :-

UNION OF INDIA & 4 OTHERS.

- Respondents.

IN THE MATTER OF :

REJOINDER of the Applicants to the  
Written Statement submitted by the  
Respondents No.1 to 5 to the above  
case.

**MOST RESPECTFULLY SHEWETH :**

1. That, the present Applicants, after receiving a similar copy of the Written Statement of the Respondents No.1 to 5 of the above case, have gone through the contentions made therein and have well acquainted with the statements and averments made therein.

2. That, the Applicants, after perusal of the Written Statement strongly deny the averments and contentions made by the Respondents in their Written statement, as such, take the leave of this Hon'ble Court for allowing them to file rejoinder to the Written Statement by denying the wrong allegations and submissions made therein as the averments and contentions are in-admissible and un-reasonable.

Contd ...

29  
Filed by the Petitioner  
through Bipradeep Deb. Ad  
107807

# THE CENTRAL BANK OF HAWAII

BOOKS TO DAY ON CONTACT 1994 BOOKS TO DAY ON CONTACT 1994

SEÑOR ARAMBÚA BARNIKANTIA SINON & COTHERE.

### ANSWER

- 1 -

СИМВОЛЫ ОБРАЗОВАНИЯ

### • Definitions

10 KELVIN ET AL.

sent an email to [MECHINFO@DRI.EDU](mailto:MECHINFO@DRI.EDU)

Winnipeg Sunbeam announced yesterday

every site on 2 of 100 sites measured

卷之三

нгзвнне ушчтбччя тэом

After the `beforeAll` hook is run, the `before` hook is run, then the `it` block, then the `after` hook, and finally the `afterAll` hook.

What is the outcome of the Respondents' fail to file a spouse case? Please

Other people's groups have such basic standards about who can join and who can't.

Minister of Environment and Sustainable Development

Задача 1. Найдите значение выражения  $\frac{1}{2} \sin 2\alpha + \cos^2 \alpha$ , если  $\sin \alpha = \frac{1}{3}$ .

two old men who had been promised their reward as soon as possible.

privates, yd næmefaré, nætrn [sd] at tekniget erit cd meðs júnivals, ríðar

et homines erit as nimiris obsum anolazimdua bta anodagello paciu orbz

1000

3. That, save and except those which are specifically admitted herein, the Applicants deny the whole allegations and averments made by the Respondents No. 1 to 5 in their Written Statement, as the same are unreasonable and in-admissible.

4. That, with regard to Para No.1(a) of the Written Statement of the Respondents, the Applicants have nothing to say as it is formal, but the Applicants deny the statements made therein that "the contentions and statements made in the application may be deemed to have been denied."

4.1. The Applicants, in this regard, humbly submitted herein that the claim/grievances of the Applicants made in their application of the above mentioned case are all genuine and admissible in the eyes of Law. The Respondents, in other sense stated the same for discriminating the legitimate rights and genuine grievances of the Applicants.

5. That, with regard to Para No.1(b) of the Written Statement of the Respondents, the Applicants deny the whole statements made therein that "The application is filed unjust and unsustainable both on facts and in law."

5.1. It is humbly submitted that the Applicants filed the above case for getting their genuine grievances as the same has been extended to other similarly situated employees/ incumbents, working under the Central Government.

6. That, with regard to Para No.1(c) of the Written Statement of the Respondents, the Applicants deny the whole allegations and contentions made therein that "the application is bad for non-joinder of necessary parties and mis-joinder of unnecessary parties."

6.1. The applicants, after proper application of their mind and also after having considered all the relevant aspects, filed the above case with the prayer for getting their genuine and reasonable grievances before the Hon'ble Court of the Central Administrative Tribunal, Guwahati Bench, Guwahati, which the same have enough jurisdiction to try it. As such, the said application has no defect.

7. That, with regard to Para No.1(d) of the Written Statement of the Respondents, the Applicants deny the whole statements and submissions made therein that "the application is also hit by the principle of waiver estoppels and acquiescence and liable to be dismissed."

7.1. It is hereby submitted that the allegations are unjust and unreasonable and the same is not admissible.

8. That, with regard to Para No.1(e) of the Written Statement of the Respondents, the Applicants deny the whole statements and submissions made therein that "any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents against the applicants had suffered from the vice of illegality."

9. The Applicants humbly submitted herein that the contentions are totally baseless and un-reasonable.

10. That, with regard to Para No.2 of the Written Statement of the Respondents, the Applicants have nothing to say as the contentions are admitted facts as well as those are the relief(s) and grievances, as sought for therein by the Applicants in the related Original Application.

11. That, with regard to Para No.3 of the Written Statement of the Respondents, the Applicants deny that "the answering respondents do not

admit anything except those which are in record, based on legal foundation and as such the applicants are put to the strictest proof thereof."

11.1. That, those statements made by the Applicants in their Original Application are all connected with the relevant provisions and Rules, as contained in the existing Administrative Tribunals Act, 1985 and Government Orders which were issued by the authority concerned applicable to the Applicants.

12. That, with regard to paragraph No. 4 of the Written Statement, the Applicants humbly submitted herein that even though, no application were filed before a competent Court, prior to the filing of the present case, the same benefits should be extended to the present petitioners also as the same have been extended and enjoyed by the similarly situated incumbents.

13. That, with regard to Para No.5 of the Written Statement of the Respondents, the Applicants deny that "the petitioners' allegations against the Department are baseless."

13.1. That, the Applicants humbly submitted herein that they are all working in the C.R.P.F. under the Central Government, as such, the benefits as per Signal, dated 18/01/2002 of the Director (Medical), Directorate General, CRPF, New Delhi is admissible and extendable to the Applicants also.

14. That, with regard to Para No.6 of the Written Statement of the Respondents, the Applicants deny that "in reply to the statements made in paragraph 4.2 of the Original application, the answering respondents beg to the state that it is incorrect that the departmental authorities are treating the petitioners in an unjustified discriminatory way."

Contd ...

: ( 5 ) : -

14.1. It is humbly submitted herein that the averments and contentions are all false and concocted as the respondents have never took any positive action in respect to the Signal, dated 18/01/2002 of the Director (Medical), Directorate General, CRPF, New Delhi. As such, they are not getting their grievances, till today.

15. That, with regard to Para No.7, 8, 9, 10, 11 and 12 of the Written Statement of the Respondents, the Applicants strongly deny the whole allegations and contentions made therein as the same are all false and not admissible and un-reasonable.

16. That, the Written statement of the Respondents is not admissible and their submissions are all false and unreasonable thereby submitted for defending them from their undutiful acts, whereby are not considering the representation of the Applicants till today without any reasonable cause.

#### P R A Y E R

In the premises aforementioned, it is, most respectfully prayed that Your Honour may most graciously be pleased to reject and dismiss the Written statement of the Respondents by directing them to consider and dispose of the representation, thereby granting the Applicants to afford Patient Care Allowance at an early date, for the ends of justice.

Dated, Imphal  
The 3<sup>rd</sup> July, 2007.

SIGNATURE OF THE COUNSEL ON  
BEHALF OF THE APPLICANTS

M. San D.

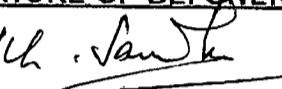
Contd ...

VERIFICATION

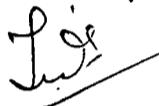
Verified that the above contents made in para No.1 and 16 of the accompanying Original Application are all true to the best of my knowledge and belief and legal points are received from my counsel, which I verily believed to be true and correct. No part of this affidavit is false and nothing has been concealed.

Dated/Imphal  
The

SIGNATURE OF DEPONENT.



Drawn by :



Advocate.