

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

ORDERS SHEET

1. Original Application No. 176/06
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) A. B. Singh

Respondant(S) U. O. E. 90MM

Advocate for the Applicant(S) N. Anex Singh.....
S. Khadem, Langit
N. K. Devi.....

Advocate for the Respondant(S) CGSC. M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C F. for Rs. 50/- deposited vide IPC/BD No. <u>134/013276</u> Dated: <u>23.3.06</u></p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>Steps taken with envelope</i></p> <p><i>[Signature]</i></p> <p><i>Mn Kanak</i></p> <p><i>ft. copy</i></p> <p><i>21.7.06</i></p> <p><i>Notice & order sent to D/section for issuing to resp. no-5 by regd. A/D post.</i></p> <p><i>21/7/06. D/No-766</i></p> <p><i>DT-25/7/06</i></p> <p><i>24/7/06</i></p>	<p align="center">21.7.2006</p>	<p>The claim of the applicant is for getting patient care allowance.</p> <p>Heard Mr. A. Anex Singh, learned counsel for the applicant. Mr. M. U. Ahmed learned Addl. C.G.S.C. represented the respondents.</p> <p>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.</p> <p>Also issue notice to respondent No-5. post on 5.9.2006.</p> <p align="right"><i>[Signature]</i> Vice-Chairman</p>

bb

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

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/

3.11.06

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

post on 6.12.06.

Vice-Chairman

pg

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/

9.1.2007

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

post on 9.2.2007.

Vice-Chairman

bb

Notice duly served
on resp-no-5.

14/8/06

Notice duly served
on R.No-5, others
Respondants from
awaited.

20
4.9.06

No Wls has been
filed.

21
2.11.06

No Wls has been
filed.

20
5.12.06

No Wls has been
filed.

20
8.1.07

No Wls has been
filed.

20
8.2.07

Notes of the Registry	Date	Order of the Tribunal
<p>13.2.07</p> <p>W/S Submitted by Dspdt. Nos. 1 to 5. pages No. 1 to 8.</p> <p><i>[Signature]</i></p>	09.02.2007	<p>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.</p> <p>Post the matter on 13.03.2007. In the meantime, Applicant is at liberty to file rejoinder, if any.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No rejoinder has been filed</p> <p><i>[Signature]</i> 12.3.07.</p>	/bb/ 13.3.07.	<p>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.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No rejoinder has been filed</p> <p><i>[Signature]</i> 27.4.07.</p>	lm 30.4.2007	<p>Let the case be posted on 17.5.2007 for filing of rejoinder.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No rejoinder has been filed.</p> <p><i>[Signature]</i> 16.5.07.</p>	/bb 17.5.07.	<p>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.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>No rejoinder has been filed.</p> <p><i>[Signature]</i> 7.6.07.</p>	lm	

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.

Vice-Chairman

lm

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

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/

18.7.2007

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.

Vice-Chairman

10.8.07

Rejoinder submitted by the Applicant. page 1 to 6. Copy served.

/bb/

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.

Vice-Chairman

nlm

The case is ready for hearing.

27.8.07.

16.10.07

C. Copy has been collected by the parties respectively on 14.9.07 or 10.10.07-

9/11/07
28.05.07

b

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

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 176 of 2006

Date of Order: This the 28th day of August 2007.

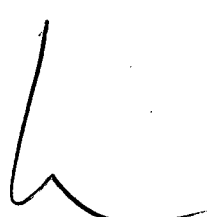
The Hon'ble Shri K. V. Sachidanandan, Vice-Chairman.

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. Narendar 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."



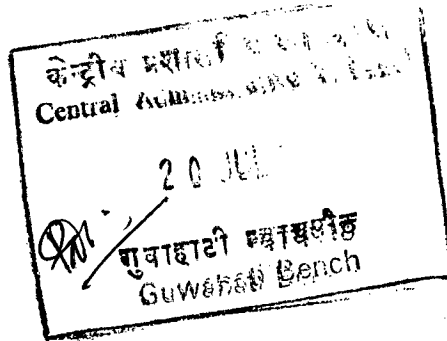
8. In furtherance of the above order it appears that the Addl. DIGP, GC, CRPF vide order dated 18.02.2006 has taken a decision extending the benefit to some applicants who were petitioners before the Tribunals/Courts but similarly placed persons like the present applicants were not granted the benefit 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 within all relevant records within a time frame of one month from the date of receipt of 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



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Filed By:-
V. Anis Syt
Advent
20.7.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

SA 176/06

SYNOPSIS

That the Applicant were appointed as Assistant Sub-Inspector (ASI) / Pharmacist, Lab. Technician, 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 8th 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 न्यायालय
GUWAHATI BENCH
1st Western Bench

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.
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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 representation -	19 to 28

Date:

Filed by:

Advocate

13

PRESENTED BY
X. Mahesh Singh
19.7.2006
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,
(D) 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. Narender 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
(D) N. Jugeshwor Singh of
Kyamgei Khoirom Leikai.

... APPLICANTS.

- 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.B.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.

.. 3/-

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

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

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

[Signature]

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 17 to 15 years.

A. B. K. Seif
(A. Baerakant Seif)

3599 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/16 and A/7 respectively

3.10. That, in the care 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 and representation 12.2.06 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. B. K. Singh
(H. B. K. 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 ~~unlike~~ 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.

A. B. K. Singh
(H. Barwani & Co.)

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 | : Gunaahad. |
| iv) | Payable at | : Gunaahad. |

10. List of enclosures:

An index showing the particulars of documents enclosed.

A. B. K. Singh.
(H. B. K. Singh)

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

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 ~~xxxxxx~~ legal paras, advice 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)

-(9):-

ANNEXURE-A/1

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. Khan Gin Lian	Nursing Asst.	24.12.1993	-do-
4.	Kailash Das	Saphai Karmachari	12.9.1991	-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

ADVOCATE

-10-
ANNEXURE A/2

Registered

OFFICE OF THE ADDL.DIGP GROUP CENTRE CRPF AVADI CHENNAI-65.

No.A-VI-3/97-GC-EC-3

Dated the 10th Feb. 197.

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
6.3.77

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.

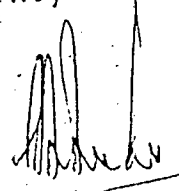
5. If you are willing to join on aforesaid terms and conditions, you are advised to report to the Additional DIGP, Group Centre, CRPF Avadi, Chennai-65 on or before 10-3-97 alongwith this letter.

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.

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

✓ Shri Narendra Kumar,
S/O Shri Chaman Lal,
New Deep Nagar Village,
Jalendhar Pos4t,
Jalendhar (Punjab).

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:-

- 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 C.R.P. Act and Rules.
- e) The appointment may be terminated at any time by serving a month's notice 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 thereof.
- 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. ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Contd / 2.

Certified to be true Copy
Advocate

-13-

26

/2/

n) 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.

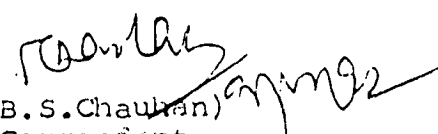
3. You are also required to carry some amount for your personal expenses. Initial deposit of Rs.500/- as Mess advance will also be required. You should also be in possession of bedding as per your requirement.

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



(B.S. Chauhan)
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.


(B.S. Chauhan)
Commandant.

• 40 •

[illegible]

Name	V. Khamgoolian ✓
Address	Mr. V. Khamgoolian
City	Chingun
State	Chingun.
Country	Churachandur.
Religion	Hindu.
	Oristian (✓/T)

Date of Birth : 01-03-1973

Copy of information 24-12-43 (7)

ORGANIZATIONAL CHART

1940-1941

1 33-98 366

231152500

2) A black scale over about 1/2 inch
shown in triangle.

[illegible]

(N.S. 1404) - 6547

[illegible]

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07.001.154

100-373000-11

Supp. Filed No. 1

The Inspector General of Police, H.M., C.A.F.,
The Inspector General of Police, H.M., C.A.F.,
The Inspector General of Police, H.M., C.A.F.,

(9.9.1994) 12576

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

4 (C.F. 8.1)

1940-1941

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list includes names such as "John A. Smith", "John B. Smith", "John C. Smith", "John D. Smith", "John E. Smith", "John F. Smith", "John G. Smith", "John H. Smith", "John I. Smith", "John J. Smith", "John K. Smith", "John L. Smith", "John M. Smith", "John N. Smith", "John O. Smith", "John P. Smith", "John Q. Smith", "John R. Smith", "John S. Smith", "John T. Smith", "John U. Smith", "John V. Smith", "John W. Smith", "John X. Smith", "John Y. Smith", and "John Z. Smith".

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Advocate

7

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 (combatiser) 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 appointment is purely temporary and liable to be terminated at any time as one month's 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- : Churachandpur
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
N. Anix
Advocate

OFFICE OF THE DEPUTY COMMISSIONER, DISTRICT, DHULI, CRPF, DIV-23 (ASSAM)
 Dated, the July '91

Consent on his selection in the post of Laboratory Technician in PHE, CC, CRPF, Dibrugarh, resignation tendered by Lab Asstt. Sanjay Roy of this Base Hospital is hereby accepted w.e.f. 17.7.91 AM under the authority of chapter 39 of Army's complete Manual on establishment and administration.

He is hereby relieved from this Base Hospital from the same date with direction to report ADICP, CC, CRPF, Dibrugarh in order to join new post. He is struck off from the strength of the Bt from 17.7.91 AM.

Since ESO is away on duty, ratification order shall be issued on his arrival.

(Dr B. H. Das) SMO

SMO, DH-III, CRPF, DIV-23

T. IX. 7/91-DH-III

Dated, the July '91

Copy to:-

1. ADICP, CRPF, DIV, w.r.t. his office letter NO. A.VI.2 /91-CC dated 11.6.91.
2. ADICP, CC, CRPF, DIV, w.r.t. his letter NO. A.VI.3/91-CC-III dated 21.6.91.
3. Lab/ Asstt. Sanjay Roy

(Dr B. H. Das) SMO

SMO, DH-III, CRPF, DIV-23 (ASSAM)

INTERNAL

MATERIAL/CC-III/XXX GSK FILE INFORMATION AND BY A

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Anix S
 Advocate

- 16 - AND NO. 1 RE-A/16

30

GOVERNMENT OF INDIA
Ministry of Home Affairs

BY FAX
35-49
14/9

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.

Contd.. 2

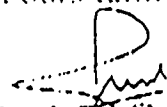
9/9

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Anix
Advocate

31
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,

 8/9/00
(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.858/E.IV/2000 dated 7.9.2000.
4. Ministry of Health & Family Welfare (H.III Branch), Nirman 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.

8

INTER OFFICE NOTE
(Dist. Branch)

No. C.III-1 2006-EC.III
Dated: the March 2006

Subject :- REG. GRANT OF HOSPITAL PATIENT CARE
ALLOWANCE

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

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

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

Encl. One leaf

12/3/06
Per Addl. D. P. C. C. R. P.
Imphal (Manipur)

CMO EC GC Hospital.

Hemant Kumar
19/3/06

Verified to be true Copy

Anix
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)

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

Applicant
(in OA No.1104/02)

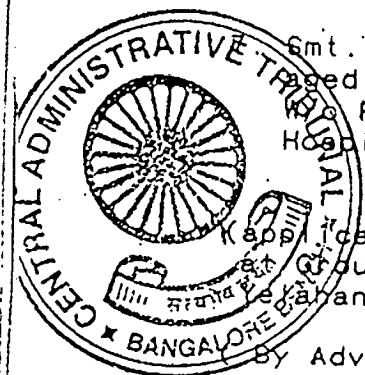
Smt. Rekha Devi,
aged 39 years,
W/o Rathana Lal,
Hospital S/K

Applicant
(in OA No.1105/02)

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

By Advocate Smt. Anjana Sundar)

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Anix Sph
Advocate



1. Union of India by its
Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi
2. Director General of
Health Services,
Central Reserve Police 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)

O R D E R

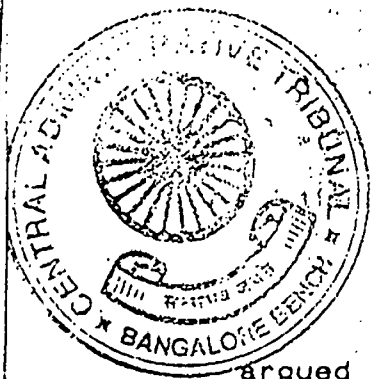
SHRI S.K. HAJRA, MEMBER(A)

The applicants, who are Group C and D employees of Central Reserve Police Force (CRPF) Hospital, filed this O.As. 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

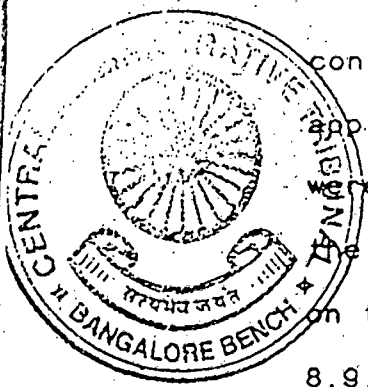
ii) Grant such other relief or reliefs as this Hon'ble Court deems fit to grant in the circumstances of the case in the interest of justice.

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. 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.

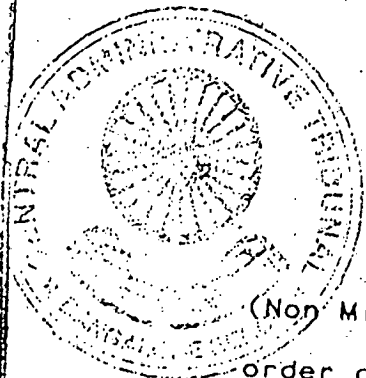
It is indisputable that HPCA was extended to Group C and D (Non-Ministerial) hospital employees w.e.f. 1.12.87 working in Central Government Hospitals and Hospitals under the Delhi Administration. The relevant excerpt of the order dated 25.1.88 of the Ministry of Health and Family Welfare (Annexure A-1)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

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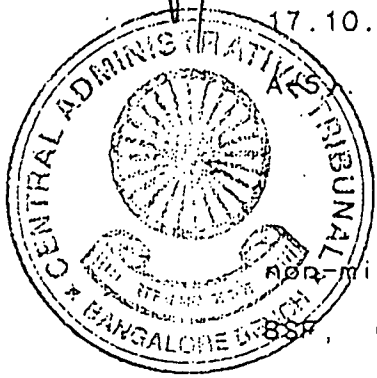


"I am directed to convey the sanction of the President to revise the rate of Hospital Patient Care Allowance payable to Group C and D (non-ministerial) hospital employees and patient care allowance payable to Group C and D (non-ministerial) CGHS employees w.e.f. 1.8.1987. The revised rates will be as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

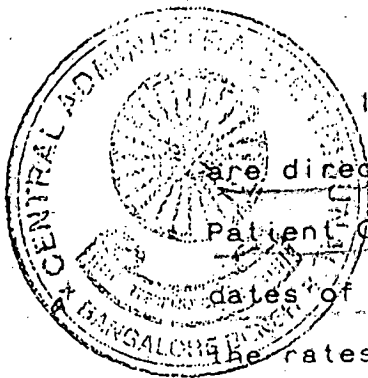
Some employees working in C.R.P.F. Hospital, Bhubaneswar filed O.A.No.299/89 before the Cuttack Bench of the Central Administrative Tribunal. The Tribunal by order dated 8.5.90 directed the payment of HPCA to Applicant Nos.1 and 2 of the O.A. who were working as Pharmacists and Laboratory Technician 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

Si

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

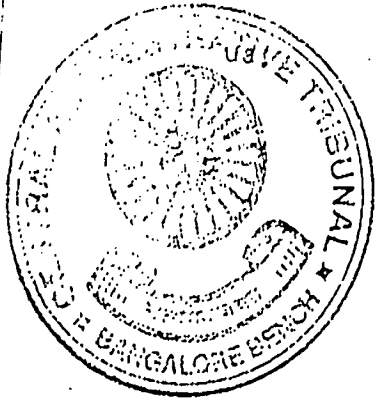
D non-ministerial hospital employees by order dated 25.1.88 (Annexure A-1) and revised by order dated 28.9.98 (Annexure A-2) and subsequent orders of revision of the allowance. The order shall be complied with within a period of three months from the date of receipt of a copy of this order. The O.As.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

Sd-
(MUKESH KUMAR GUPTA)
MEMBER(J)

Sd-
(S.K. HAJRA)
MEMBER(A)

Regd

TRUE COPY



Section Officer,
Central Administrative Tribunal
Bangalore Bench
Bangalore

26 - ANNEXURE - A/9 40

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
I. Anil Singh
Adv.

9.2.07

गुवाहाटी न्यायालय

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 as follows:

1(a). That I am JOGINDRA SINGH S/O SH.
HARPAL SINGH, Addl. DIGP, CRPF, Guwahati.
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.

411
Jed by
N. Arambam 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)

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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 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 ^m 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, JO GINDRA 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 ✓ 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
29th day of DEC 2006 at Guwahati.

Signature

29/12/06

10 AUG 2007

गुवाहाटी न्यायाधीश
Guwahati Bench

**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 ...

Filed by the Petitioner
through Bipradeep Deb, Adv.
10/8/07

A.B.K. Jaid

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 110 OF 2008

SHRI ARABAM BAKSHIKANTA SINGH & OTHERS

- Applicants -

- Versus -

UNION OF INDIA & OTHERS

- Respondents -

IN THE MATTER OF :

RECIPIENT of the Application to the
Written Statement submitted by the
Respondents No.1 to 5 in the above
case.

MOST RESPECTFULLY SUBMITTED :

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 contents 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 contents 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 contents are inadmissible and unreasonable.

Contd...

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

Contd ...

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."

A.R.K. Verma
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 ...

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 3rd July, 2007.

SIGNATURE OF THE COUNSEL ON
BEHALF OF THE APPLICANTS

Mh. Santhosh

Contd ...

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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.

14. Jan 20

Drawn by :

[Signature]

Advocate.