

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. OA 238/2007
R.A/C.P No.....
E.P/M.A No. 33/2009

1. Orders Sheet..... OA Pg. 1 to 7
MP 33/2009 end Pg. 1 to 7
2. Judgment/Order dtd. 5.2.2009 Pg. 1 to 6. A. (Handed over)
MP 33/09 Final order of 5.2.09 pg. 1 to 6. A. (Handed over)
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. OA 238/2007 Pg. 1 to 8.0
5. E.P/M.P. ✓ 33/2009 Pg. 1 to 1.0
6. R.A/C.P. Pg. to
7. W.S. Pg. 1 to 24
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply
/

SECTION OFFICER (Judl.)

Salita
09.10.2007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 238/07
2. Mise Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Bishnu Sircar -vs- Union of India & Ors

Advocate for the Applicants:- M. Chander, S. Nath, M. L. Datta

Advocate for the Respondents:- Cafe

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs 50/- deposited vide IP No. 326 @ 100867 Dated 22.8.07	31.8.2007	The Applicant is working as Sanitary Inspector at Aviation Research Centre Hospital, Doom Dooma. The grievance of the Applicant is that he is not getting hospital patient care allowance whereas his junior is getting the same. Many representations so filed for payment of the hospital patient care allowance also yielded no positive results. Hence, this O.A. Heard Mr. M. Chanda, learned counsel for the Applicant. Mr. M. U. Ahmed, learned Addl. C.G.S.C. appeared on behalf of the Respondents.
<u>2-11-07</u> <u>No steps taken w.r.t. the</u> <u>objection.</u>		Considering the issue involved the O.A. is admitted. Issue notice to the respondents. Post the matter on 5.11.2007.
b. /bb/		Vice-Chairman

2-11-07
Steps taken w.r.t.
report al-B'f'ld.
b.

- 2 -
OA 238/07

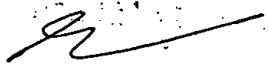
05.11.2007

Mr. M.U.Ahmed, learned Addl.

Standing Counsel for the Central Govt.
undertakes to file reply statement within
maximum period of six weeks.

Call this matter on 18.12.2007.

Notice & order set
to D/Section for
issuing to R-1 to 5
by regd. A/D post.


Member (A)

~~7/11/07~~ D/No - 1325/6 1/bb/
D/L - 1329
18/11/07.

18.12.07 Notice sent to Respondent No.1 has come

back unserved with postal remarks about the
incomplete address of Respondent No.1. The
same incomplete addresses are also given in
respect of Respondents No.2, 3 and 5. Mr
M.Chanda, learned counsel appearing for the
applicant undertakes to furnish correct address
of Respondents No.1, 2, 3 & 5 by 07.01.2008. He
should also furnish 3 extra copies of the
Original application for the said purpose with
required cost of the postages for issuance of
fresh notices to Respondents No.1, 2, 3 and 5 by
07.01.2008.

Issue fresh notices, at the cost of the
applicant, to the Respondents No.1, 2, 3 & 5
requiring them to file reply by 31.01.2008.

No written statement has yet been filed by
Respondent No.4; on whom the notice has been
served. Mr M.U.Ahmed, learned Addl. Standing
Counsel for Union of India undertakes to
inform the respondent No.4 to file written
statement by 31.01.2008.

Call this matter on 31.01.2008.

~~18.12.07~~
D/18.12.07
P1 issue fresh notices
at the cost of the applicant
to R-1, 2, 3 & 5
steps and postal cost
Rs. 203/- Vide receipt No. 2540,
dt. 31/11/08 for issue fresh
notices, R-1, 2, 3 and 5 received
on 31/11/07.

And same are sent to
D/Section for issuing to
R-1, 2, 3 and 5 by speed post
A/D. (at 3/11/08 D/No. 36 to 39 (mainly)
A/D. (at 3/11/08 D/L 4/11/08 S.O.(J).)


(M. R. Mohanty)
Vice-Chairman

31.01.2008 No written statement has been filed in this case as yet. Call this matter on 3rd March, 2008 awaiting reply from the Respondents.

29.2.08 29.2.08

NO WDS filed.

on


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

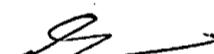
lm

Committee A (A)
M.C. Chanda, M.A.

03.03.2008

Mr M.Chanda, learned counsel for the applicant is present and Mrs M.Das on behalf of Mr M.U.Ahmed, learned Addl.C.G.S.C for the Respondents prays for four weeks time to file written statement.

Call this matter on 03.04.2008.
aw/s.


(Khushiram)
Member(A)

pg

WLS not bailed.

3
12.5.08.

03.04.2008

No written statement as yet been filed in this case.

Call this matter on 13.05.08 awaiting written statement from the Respondents.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

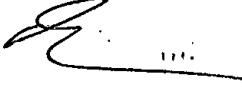
lm

Q.A. No. 238 of 07

12.06.2008
13.05.2008

Mr. M. Ahmed, learned Adel Standing Counsel appearing for the learned counsel appearing for the Applicant seeks more time to file rejoinder on the prayer of Mr. M. Chanda, learned counsel for the Applicant (who was awaiting rejoinder from the Applicant statement) undertakes to file rejoinder by 12.06.2008.

Call this matter on 12.06.2008.



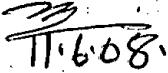
(Khushiram
Member(A))



(M.R. Mohanty
Vice-Chairman)

Rejoinder not filed.

lm


11.6.08

O.A.238 of 07

12.06.2008

No rejoinder has been filed by the Applicant. Mr. M. Chanda, learned counsel appearing for the Applicant seeks more time to file rejoinder.

Call this matter on 12.08.2008 awaiting rejoinder from the Applicant.

Rejoinder not
filed.

22/
11.08.2008


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

O.A.140 of 08

Contd/-

12.08.2008

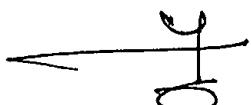
7. Send copies of this order to the Applicant and to the Respondents (along with notices) and free copies of this order be also

12.08.2008

In this case reply has already been filed by the Respondents.

Call this matter for hearing on 03.10.2008.

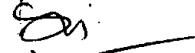
lm


(M.R. Mohanty)
Vice-Chairman

03.10.08

Mr M. Chanda. Learned counsel for the Applicant is present. Mr M.U.Ahmed, learned Addl. Standing counsel for the Respondents is absent for the reason of his personal difficulty.

Call this matter on 10.12.2008 for hearing.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

6-

O.A.238 of 07

10.12.2008 Mr.M.Chanda, learned counsel for the Applicant is present. Mrs.M.Das, seeks two weeks time on behalf of Mr.G.Baishya, learned Sr. Standing counsel for the Respondents to take instruction in the matter.

① W/S b/leel

Call this matter on 02.01.2009.


(S.N.Shukla)
Member (A)

33
9.1.09

/bb/

12.01.2009 Mr M. Chanda, learned Counsel appearing for the Applicant, is present. Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, is not present. On his behalf a prayer has been made for a short adjournment.

Call this matter on 20.01.2009 for hearing.


(M.R. Mohanty)
Vice-Chairman

Rejoinder not
b/leel.

nkm

33
28.1.09

20.1.09 Bench is not available.
List on 29.1.09.


1/2/09

29.01.2009 Mr.M.Chanda, learned counsel appearing for the Applicant is present. None appears for the Respondents.

Call this matter on 05.02.2009 for hearing.


(M.R.Mohanty)
Vice-Chairman

33
4.2.09

/bb/

05.02.2009

Heard learned counsel for the parties.

11.3.09
Copy of the
Order send to
the Office for
Issue the same
to the Appellants
as well as to the
Respondents No. 1 to 5
by post and copy
to the L/Adv. for the
parties.

For the reasons recorded separately, this
case is allowed.


(M.R.Mohanty)
Vice-Chairman

/bb/

15.6.09

order dated 18.5.09
Send to the D/S for issue
the same to the Respondents
and also to the Applicant
and to the advocate or both
The parties. D/No. 3435 to 3440
dd 23/6/09


15.6.09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.238 of 2007

DATE OF DECISION: 05.02.2009

Shri Bishnu Saikia.

.....Applicant/s.

Mr. M.Chanda

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

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

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, 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 their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.238 of 2007

Date of Order : This, the 5th day of February, 2009.

* **THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN**

Shri Bishnu Saikia
Son of Late Tipeswar Saikia
Rupal Siding, Bishnu Nagar
"Bishnu Kutir"
P.O: Rupai Siding
Dist: Tinsukia, Assam.

.....Applicant.

By Advocates : Shri M.Chanda, S.Nath & U.Dutta.

-Vs-

1. **Union of India**
represented by the Cabinet Secretary
to the Government of India
Bikaner House (Annexe)
Shajahan Road, New Delhi.
2. **The Special Secretary**
Aviation Research Centre (ARC)
Cabinet Secretariat, Govt. of India
Bikaner House (Annexe)
Shajahan Road, New Delhi.
3. **The Director**
Aviation Research Centre (ARC)
Cabinet Secretariat, Govt. of India
Bikaner House (Annexe)
Shajahan Road, New Delhi.
4. **The Deputy Director (Admn)**
Aviation Research Centre (ARC)
Doom Dooma, P.O: Sukreting
Dist: Tinsukia-786151.
5. **The Director of Accounts**
Cabinet Secretariat
Govt. of India, New Delhi.

...Respondents.

Mr. M.U.Ahmed. Addl.. C.G.S.C.

ORDER (ORAL)
05.02.2009

MANORANJAN MOHANTY, VICE-CHAIRMAN :

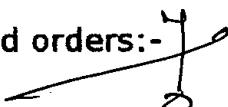
Non payment of Hospital Patient Care Allowance (in short 'HPCA') to the Applicant, a para-medical staff of Aviation Research Centre (in short 'ARC') at Doom Dooma in the State of Assam is the subject matter of consideration in this Original Application filed under Section 19 of the Administrative Tribunals Act, 1985. In this O.A. the Applicant has prayed for the following main reliefs:-

"8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get the Hospital patient care allowance.

8.2 That the respondents be directed to grant and pay HPCA to the applicant at least with effect from the date on which his juniors have been granted HPCA, with all consequential benefits including arrear."

2. By way of filing written statement the Respondents have disclosed that the above said claim of the Applicant is still under consideration.

3. In course of hearing, it has been pointed out that similarly placed para-medical staff of ARC at Charbatia (in the State of Orissa) were before the Cuttack Bench of this Tribunal in O.A. 181/1995; which was disposed of 20.01.1998. While disposing of the said O.A. 181/1995 (on 21.01.1998) the Cuttack Bench of this Tribunal passed the following observations and orders:-



"...in spite of the requirement of thirty bedded Hospital, the staff in C.G.H.S. Dispensaries without any beds are getting Hospital Patient Care Allowance. This may be a special dispensation for the C.G.H.S. employees. If this be the case, there is no reason why the same consideration should not be shown to the eligible employees in A.R.C. Hospitals. But this is a matter for the departmental authorities to consider. In view of this, it is ordered that the applicants should submit a representation to the Cabinet Secretariat through the Director-General of Security stating that their case and mentioning that other employees who are similarly placed have been allowed this allowance either under orders of the Tribunal or under executive orders."

(emphasis supplied)

4. The aforesaid observation of the Cuttack Bench of this Tribunal received consideration of the Government of India and, by order No.20/13/89-EA-I-2673 dated 17.09.1998, the Cabinet Secretariat granted HPCA to the Applicants of the aforesaid O.A. No.181/1995 of Cuttack Bench of this Tribunal. While granting HPCA to the 35 Applicants of the aforesaid O.A. No.181/1995; similarly placed 18 other para-medical staff of ARC Hospital at ARC/Charbatia were not granted HPCA and that, after a protracted correspondence, the Cabinet Secretariat conveyed the approval of the Government of India and HPCA benefits were granted to the remaining 18 staff of ARC Hospital at Charbatia vide order No.20/13/89-EA-I-7745 dated 12.09.2000.

5. It has been pointed out, at the hearing, that on the recommendation of the Deputy Director (A) of ARC at Doorn Dooma (Assam) the case pertaining to Doorn Dooma para-medical staff (for grant of HPCA) was taken up with the Government of India vide Unofficial communication No.ARC/Coord/263/921007 dated 22.09.2000 and dated 15.01.2001. It is stated that the Ministry of Finance of Government of India (on the aforesaid proposal) took a

decision (vide their inter departmental communication No.209/E.IV/2001 dated 19.02.2001) and requested the Ministry of Health & Family Welfare to formulate a comprehensive policy regarding payment of HPCA/PCA and asked the Cabinet Secretariat to wait till the formulation of the comprehensive policy. It has been also pointed out, at the hearing, that a comprehensive policy pertaining to grant of HPCA (framed by the Ministry of Health & Family Welfare vide their letter No.Z.28015/24/2001-H dated 04.02.2004) was received in ARC/ Doom Dooma, on 15.04.2004, and, basing on the same, the ARC, again, moved the proposal (vide Unofficial communication No.ARC/Coord/12/2002-148 dated 28.02.2005) to the Government of India for grant of HPCA to remaining ARC employees, and that Cabinet Secretariat asked for further clarification from the ARC, on the said proposal, and that after compliance of the matter (seeking grant of HPCA to all eligible employees of ARC) was sent to the Cabinet Secretariat on 20.11.2007. It has been intimated (at the hearing, on behalf of the Respondents) that the matter is still pending with the Government of India for a decision.

6. Heard Mr.M.Chanda, learned counsel appearing for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents.

7. Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents, submits that since the case of the Applicant has already been recommended in terms of the comprehensive policy and since clearance from the Government of India is awaited, this case is premature one.

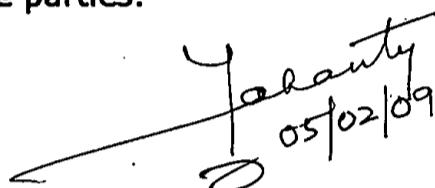
[Signature]

8. Mr.M.Chanda, learned counsel appearing for the Applicant relied upon the decision of the Apex Court rendered in the case of **K.T.Veerappa & Ors vs. State of Karnataka & Ors [reported 2006(2) SC SLJ 49]** in which it was held as under :-

" The benefits having been given to 23 employees of the University in compliance with the decision dated 21.6.1989 recorded by the learned Single Judge in W.P. Nos.21487-21506/1982, it was expected that without resorting to any of the methods the other employees incidentally placed, including the appellants, would have been given the same benefits, which would have avoided not only unnecessary litigation but also the movement of files and papers which only wasted public time."

9. Since the Government of India took decisions way back in 1998 to grant HPCA benefits to the members of the staff of one segment of ARC (stationed at Charbatia/Orissa) there are no reason not to extend the said benefit to the members of staff of another segment of ARC at Doom Dooma/Assam. This non-payment of HPCA to the members of similarly placed staff of ARC/Doom Dooma/Assam is a clear case of discrimination. In the case of **Union of India & Others Vs. Carpenter Workers Union & Others [reported in (2006) 12 SCC 435, decided on 30.11.2006]** the Department implemented the orders of this CAT in respect of similarly placed employees of one Zone and contested the matter, again, in respect of employees of another zone. Hon'ble Apex Court, in that case, held that since the order of CAT was complied with by the Department in respect of East Zone Carpenters, there was no need to entertain SLP of the Department in respect of the grievances of the Carpenters of other zone.

10. In the aforesaid premises, this O.A. is, hereby, allowed with direction to the Respondents to grant HPCA to the Applicant; who has already faced superannuation from service w.e.f. 31.08.2008. The arrears of HPCA; as due and admissible to the Applicant; should be released in favour of the Applicant by end of March 2009. Send copies of this order to the Applicant and to the Respondents in the addresses given in the O.A. Free copies of this order be also supplied to the learned counsel appearing for both the parties.



Manoranjan Mohanty
05/02/09

(MANORANJAN MOHANTY)
VICE CHAIRMAN

/BB/

30 AUG 2001

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 238 /2007

Shri Bishnu Saikia

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

06.05.1972 Applicant is working as Sanitary Inspector at Aviation Research centre Hospital, Doom Dooma w.e.f 06.05.1972 in the group 'C' posts.

31.08.2007 Applicant is due to retire on superannuation.

04.07.1991 Govt. of India introduced the payment of Hospital Patient Care Allowance to all the Group 'C' and 'D' employees w.e.f 01.04.1987. (Annexure-I)

17.09.1998 Cabinet Secretariat, G.O.I granted the hospital patient care allowance to the non ministerial Group 'C' and 'D' employees of ARC hospital at par with the CGHS employees. (Annexure-II)

06.05.1998 Non ministerial Group 'C' and 'D' employees have been granted the HPCA but the name of the applicant is not there. (Annexure-III)

22.06.1999 Being aggrieved applicant submitted a application praying for grant of HPCA to the higher authorities. (Annexure-IV)

09.03.2001 After a lot of departmental correspondences it was informed that the decision in the matter of HPCA awaited till a comprehensive policy is formulated by the Ministry of Health & FW, Govt. of India. (Annexure-V)

12.08.2003, 16.08.2003 Finding no response applicant submitted another representation to the respondent no. 2 which was forwarded by his controlling officer. (Annexure-VI)

Bishnu Prasad Saikia

04.02.2004 Ministry of Health and Family welfare circulated certain guidelines relating to hospital care allowance working in the hospitals, dispensaries and organizations and at that point of time applicant was working at five bedded hospital at Doom Dooma. (Annexure-VII)

07.07.2004 Office of the respondent no.3 sought some confirmation from the officer in charge, ARC Hospital, Doom Dooma in the matter of propriety of granting HPCA to the applicant. (Annexure-VIII)

10.08.2004 Sr. Medical Officer requested for grant of HPCA to the group 'C' and 'D' staff of the ARC Hospital. (Annexure-IX)

02.05.2005 Respondent no. 4 addressed one memorandum to the Sr. medical officer, ARC Hospital of cabinet Secretary sought for some information's of group 'C' and 'D' employees for consideration of their case for grant of HPCA in terms of the guidelines. (Annexure-X)

10.05.2005 In response to the memorandum Sr. Medical Officer, Doom Dooma furnished all details of group 'C' and 'D' employees. (Annexure-XI)

04.06.2007 When the applicant is waiting for some favourable orders then the Cabinet Secretariat asked for some new clarifications. (Annexure-XII)

31.01.2006 Applicant is a senior most sanitary Inspector in the seniority list dated 31.01.2006, and the junior of the applicant is also got the benefit of HPCA but the applicant is denied that benefit. (Annexure- XIII)

Hence this original application.

PRAYER

1. That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get the Hospital patient care allowance.

Rizwan Brosad Sohail

2. That the respondents be directed to grant and pay HPCA to the applicant at least with effect from the date on which his juniors have been granted HPCA, with all consequential benefits including arrear.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

Rishabh Prasad Saini

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 238 /2007

Shri Bishnu Saikia : Applicant.

-Versus-

Union of India & Ors. : Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	--	Application	1 - 11
2.	--	Verification	- 12 -
3.	I	Copy of the letter dated 04.02.1991	- 13 -
4.	II	Copy of the order dated 17.09.1998	- 14 -
5.	III	Copy of the order dated 06.05.1999	15 - 16
6.	IV	Copy of the letter dated 22.06.1999	- 17 -
7.	V	Copy of the memorandum dated 09.03.2001	18 - 20
8.	VI	Copy of the forwarding letter dated 16.08.2003 and representation dated 12.08.2003	21 - 22
9.	VII	Copy of the letter dated 04.02.2004	23 - 27
10.	VIII	Copy of the memoranda dated 07.07.2004	- 28 -
11.	IX	Copy of the letter dated 10.08.2004	29 - 30
12.	X	Copy of the memoranda dated 02.05.2005	31 - 34
13.	XI	Copy of the letter dated 10.05.2005	35 - 36
14.	XII	Copy of the UO dated 04.06.2007	37 - 39
15.	XIII	Copy of the seniority list dated 31.01.2006	- 40 -

Filed By:
Surjil Choudhury
Advocate

Date: 30/8/2007.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 238 /2007

BETWEEN:

Shri Bishnu Saikia,
S/o- Late Tipeswar Saikia
Rupai Siding, Bishnu Nagar
"Bishnu Kutir"
P.O- Rupai Siding,
Dist- Tinsukia, Assam.

—Applicant

-AND-

1. The Union of India,
Represented by the
Cabinet Secretary to the
Government of India,
Bikaner House (Annexe)
Shajahan Road, New Delhi.
2. The Special Secretary,
Aviation Research Centre (ARC),
Cabinet Secretariat, Govt. of India,
Bikaner House (Annexe)
Shajahan Road, New Delhi
3. The Director,
Aviation Research Centre (ARC),
Cabinet Secretariat, Govt. of India,
Bikaner House (Annexe)
Shajahan Road, New Delhi
4. The Dy. Director (Admn.),
Aviation Research Centre (ARC)
Doom Dooma,
P.O- Sukreting, Dist- Tinsukia- 786151.
5. The Director of Accounts,
Cabinet Secretariat

Govt. of India, New Delhi.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made not against any particularly order but against non-consideration of granting Hospital Patient Care Allowance (HPCA) to the applicant although he is entitled to get the same and although the said allowance has been granted to similarly situated person, even junior to the applicant.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicant is working as Sanitary Inspector at Aviation Research Centre Hospital, Dooon Doooma, Dist- Tinsukia, Assam w.e.f. 06.05.1972 and he is due to retire on superannuation on 31.08.2007. He belongs to OBC category and the post of Sanitary Inspector in which he is working is a Group 'C' post in the Aviation Research Centre (ARC) under Cabinet Secretariat, Govt. of India, New Delhi.

Bishnu Prasad Saha

4.3 That the 4th Central Pay Commission had recommended for grant of Hospital Patient care Allowance (HPCA) to Group 'C' and 'D' (non-ministerial) Hospital employees working in Hospitals having 30 or more beds. The 5th CPC has further recommended for grant of Hospital Patient Care Allowance to Group 'C' and 'D' Hospital employees irrespective of number of beds.

4.4 That following the recommendations of the Central Pay Commission and the Government acceptance thereof, the Govt. of India, introduced the payment of Hospital patient care allowance to all the Gr. 'C' and 'D' non-ministerial employees of Central Govt. Health Services (CGHS) Organisation excluding Nursing Personnel w.e.f. 01.04.1987 which is evident from letter No. A-27011/1/90-CGHS.II dated 04.07.1991 issued by the Directorate General of Health Services, Govt. of India.

Copy of letter dated 04.07.91 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I.

4.5 That thereafter, the Cabinet Secretariat, Govt. of India, vide it's order dated 17.09.1998 granted the Hospital Patient Care Allowance (HPCA) to the non-ministerial Group 'C' and 'D' employees of the ARC Hospitals at par with the similarly placed employees of CGHS. Accordingly, the applicant is entitled to get the HPCA in terms of the order dated 17.09.98 aforesaid.

Copy of letter dated 17.09.98 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- II.

4.6 That pursuant to the order dated 17.09.98 aforesaid, the non-ministerial Group 'C' and 'D' employees of the ARC Hospitals have been granted the HPCA with retrospective effect vide office order No. XII/P.C.A/93 (14)-87 dated 06.05.99. Under the said order, the HPCA has been granted to as

Bishnu Prasad Saitia

many as 30 Group 'C' and 'D' employees but the name of the applicant has not appeared therein.

Copy of order dated 06.05.99 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- I.

4.7 That being aggrieved due to non-granting of HPCA, the applicant along with other Group 'C' and 'D' para-medical employees of ARC Hospital, Doon Dooma submitted application praying for grant of HPCA to them as have been granted to other similarly situated employees under ARC. Their applications were forwarded to the higher authorities with due recommendations in their favour vide letter No. 527 dated 22.06.99.

Copy of letter dated 22.06.99 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- IV.

4.8 That thereafter, lot of departmental correspondences on the matter were made by the authorities and eventually, the respondent No. 3 vide his memorandum No. ARC/Coord/263/92-dated 09.03.2001 enclosed one communication dated 28.02.2001 of the Cabinet Secretariat and enclosure thereto whereby it was informed that the decision in the matter of HPCA is awaited till a comprehensive policy is formulated by the Ministry of Health & F.W., Govt. of India.

Copy of memorandum dated 09.03.01 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- V.

4.9 That finding no response even thereafter, the applicant submitted another representation on 12.08.03 through proper channel to the respondent No. 2 which was duly forwarded by his controlling officer vide forwarding letter No. 210 dated 16.08.03.

Bishnu Basu Saikia

Copy of forwarding letter dated 16.08.03 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- VI.

4.10 That subsequently, the Ministry of Health and Family Welfare vide it's letter No. Z.28015/24/2001-II dated 04.02.2004 circulated certain policy guidelines relating to payment of Hospital patient care allowance to Group 'C' and 'D' (non ministerial) employees working in hospitals, Dispensaries and organizations. Under the guidelines stated in the said letter it has been provided interalia that:-

- (i) The patient care allowance is admissible to the Group 'C' and 'D' (non ministerial) employees excluding nursing personnel's @ Rs. 690/- P.M working in the health care delivery institutions/establishments (other than hospitals) having less than 30 beds subject to the condition that no night weightage allowance and risk allowance, if sanctioned, will be admissible.
- (ii) Only persons (group 'C' and 'D' non-ministerial employees whose regular duties involve continuous and routine contact with patients infected with communicable diseases or those who have to routinely handle, instruments and equipments which can spread infection a their primary duty may be considered for grant of Hospital patient Care Allowance.

It is relevant to mention here that the ARC hospital, Doon Dooma where the applicant is working is five bedded hospital and the applicants duty involves all the above stated works as mentioned in the guidelines. As such the applicant is legitimately entitled to get the Patient care Allowance.

(Copy of the letter dated 04.02.2004 is annexed hereto and marked as Annexure-VII).

Rishabh Prasad Sehgal

4.11 That thereafter, the office of the respondent no. 3 vide his memorandum no. 219/estt/DDM/97-98/7189 dated 07.07.2004 sought some confirmation from the officer in charge, ARC Hospital Doom Dooma in the matter of propriety of granting HPCA to the applicant. In response to the said memorandum dated 07.07.2004, the Sr. medical officer, ARC Hospital, Doom Dooma vide his letter no 173 dated 10.08.2004 furnished all details and requested for grant of HPCA to the Group 'C' and 'D' staffs of ARC Hospital, doom Domma as has been granted in case of similarly situated employees of ARC Hospital, Charbagh.

(Copy of the memorandum dated 07.07.2004 and letter dated 10/08/2004 are annexed hereto and marked as Annexure VIII and IX respectively).

4.12 That thereafter, the office of the respondent no. 4 addressed on memorandum no. 219/Estt/DDM/98-4798 dated 02.05.2005 to the Sr. Medical officer, ARC Hospital, Doom Domma forwarding therewith one letter dated 31.03.2005 of cabinet Sectt. Whereby information's were sought for regarding duties performed by the group 'C' ad 'D' employees of the ARC hospitals category wise alongwith their other duties, for consideration of their case for grant of HPCA in terms of the guidelines/eligibility criteria laid down by the Ministry of H & FW as stated above.

(Copy of the memorandum dated 02.05.2005 alongwith enclosures is annexed hereto as Annexure-X).

4.13 That in response to the memorandum dated 02.05.2005 aforesaid, the Sr. Medical officer, ARC Hospital, Doom Dooma vide his letter no. 227 dated 10.05.2005 furnished all details as sought for, in respect of different categories of group 'C' and 'D' employees of ARC hospital, Doom Dooma, who were entitled to get the patient care allowance as per rules.

(Copy of the letter dated 10.05.2005 is annexed hereto and marked as Annexure-XI).

4.14 That when the applicant was anxiously waiting for some favourable orders granting him HPCA, the cabinet Secretariat vide its U.O No. 20/2/2005-EA.1-2208 dated 04.06.2007 has asked for clarifications on some more new points which could have been raised at much earlier stage of correspondence made during all these years. It is evident from this letter dated 04.06.2007 that such clarifications may continue in perpetuity and grant of HPCA to the applicant will remain as a distant dream only unless interfered with by this Hon'ble Tribunal.

(Copy of UO dated 04.06.2007 is annexed hereto and marked as Annexure-XII).

4.15 That the applicant most respectfully begs to stated that he has been working as sanitary Inspector since 06.05.1972 and he is the senior most Sanitary Inspector in the respondent organization which is evident from the seniority list dated 31.01.2006. It is relevant to mention here that Sri Pradipta Kumar Paikera, sanitary inspector, working at ARC hospital, Charbagh who is junior to the applicant and who is similarly situated as the applicant, has been granted the HPCA and his name has appeared at sl. no. 8 in the order dated 06.05.1999 (Annexure-III). It is understood that Sri Paikera alongwith some others, all of whom are junior to the applicant got the benefit of HPCA following the intervention of the court of law only.

(Copy of the seniority list dated 31.01.2006 is annexed hereto and marked as Annexure-XIII).

4.16 That the applicant most humbly and respectfully begs to submit that apart from being the senior most sanitary inspector (a Group 'C' post), the applicant has fulfilled all the eligibility criteria for grant of HPCA as laid

Rishnu Basu Saikie

down by the Government. As such denial of the benefit of HPCA to the applicant is arbitrary, malafide, unfair, illegal and opposed to the principles of natural justice.

- 4.17 That the HPCA has been granted to Shri Pradipta Kr. Pikera, S.L Charabatia and many others who are even junior to the applicant. The applicant inspite of being similarly situated as them, has been denied the benefit of HPCA which has been granted to the. Such action of the respondents are discriminatory and violative of the provisions of Article 14 and 16 of the constitution of India.
- 4.18 That the applicant further begs to submit that he has been persuading to get the benefit of the patient care allowance for last few years and he is now due to retire on 31.08.2007 but his legitimate claim aforesaid has remained unsettled.
- 4.19 That the applicant begs to state that due to non consideration of his case for grant of hospital patient care allowance, he has been suffering great financial loss. As such findings no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant, directing the respondents to grant the hospital patient care allowance to the applicant at the admissible rates w.e.f 01.04.1987 in terms of the Govt. letter dated 04.07.1991 (Annexure-I) with all consequential benefits.
- 4.20 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

Bishnu Prasad Saikia.

- 5.1 For that, the applicant is entitled to get the hospital patient care allowance (HPCA) in terms of the order dated 17.09.1998 (Annexure-II), and has acquired a valuable legal right.
- 5.2 For that, the applicant is eligible for grant of HPCA in terms of the eligibility criteria laid down by the Ministry of H & FW, Govt. of India vide letter dated 04.02.2004 (Annexure-VII)
- 5.3 For that, persons similarly situated as the applicant have been granted the HPCA whereas the applicant has been denied the same benefit which is discriminatory and violative of Article 14 and 16 of the Constitution of India.
- 5.4 For that, the persons junior to the applicant have also been granted to the HPCA and a such denial of the same to the applicant is arbitrary, malafide, unfair, illegal and opposed to the principles of natural justice.
- 5.5 For that, the case of the applicant has been recommended by his controlling officer time and again for grant of HPCA but remained unconsidered.
- 5.6 For that, the applicant has failed to get in the matter of HPCA even inspite of his all efforts for the last few years and is now retiring on superannuation on 31.08.2007.
- 5.7 For that, the applicant submitted several representations praying for grant of HPCA but to no result.
- 5.8 For that, due to non granting of HPCA, the applicant has been suffering huge financial loss.

6. Details of remedies exhausted.

Bishnu Prasad Saitia

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted 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 relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to get the Hospital patient care allowance.
- 8.2 That the respondents be directed to grant and pay HPCA to the applicant at least with effect from the date on which his juniors have been granted HPCA, with all consequential benefits including arrear.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

Priti Patel Salaria

During pendency of the application, the applicant prays for the following interim relief:-

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

10.

11. Particulars of the I.P.O

i) I.P.O No. : 32 G 040887
ii) Date of issue : 22.08.2007
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures:

As given in the index.

VERIFICATION

I, Shri Bishnu Prasad Saikia, S/o- late Tipeswar Saikia, aged about 60 years, Residence of Vill-Rupai Saiding, Bishnu Nagar, P.O- Rupai Siding, District-Tinsukia, Assam do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 36th day of August 2007.

Bishnu Prasad Saikia

1/12/91

A-27011/1/90-CGHS.II
Directorate General of Health Services

New Delhi, dated this

To

Deputy Director,
C.G.H.S.,
A.G. Colony, Unit IV,
BHUBNESWAR - 751 001.

04 JAN 1991

Sub: Grant of Patient Care allowance to Gr. C & D
(Non Ministerial) employees of CGHS.

Sir/Madam,

I am directed to refer to Letter No B-11011/1/90-CGRS(P) dated 10-7-90, on the above subject and to clarify that Patient Care allowance is admissible to all Gr. C & D Non Ministerial employees of CGHS organisation excluding Nursing Personnel w.e.f. 1-4-87 or from the date of their appointment in CGHS whichever is later. This is however, subject to the condition that no night weightage allowance and risk allowance, if sanctioned by the Central Govt will be admissible to these employees. The Gr. C & D employees (other than Nursing Personnel and these getting night weightage & risk allowance) who still are not covered by these orders may also be paid Patient Care Allowance accordingly. in their cases, payment of Patient Care allowance will be provisional and subject to amendment of Recrt. Rules. This condition should invariably be incorporated in the payment orders.

Yours faithfully,

Chander Bhan
(CHANDER BHAN)
Dy. Director Admin. (CGHS)

Attested
Maitta
Advocate

ANNEXURE-II

//Copy//

No. 20/13/89-EA-I -2673
Government of India
Cabinet Secretariat

Bikaner House (Annexe)
Shahjahan Road,
New Delhi.

Dated 17 SEP 1998.

O R D E R.

Sub : Grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial (Group 'C' & 'D') employees of ARC Hospitals.

Reference UD No. ARC/Genl/61/95 dated 27.4.95 on the above subject.

2. Sanction of the President is accorded to the grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial Group 'C' & 'D' employees of the ARC Hospitals on the analogy of facilities being allowed to the similarly placed employees of OGHS.

3. This issues with the concurrence of DIPST vide their UD No. 21012/3/93/Estt.(AL) dated 11.9.93 and Ministry of Finance (Exp.) vide their UD No. 635/E.IV/98 dated 10.9.98.

Sd/-
(P.N THAKUR)
DIRECTOR (SR)

1. Director, ARC.
2. Director of Accounts, Cab. Sectt.
3. Dy. Secretary Finance (S), Cab. Sectt.
4. Guard File.

- - -

Affected
Youth
Advocate
pks/

OFFICE ORDER NO. XII/P.C.A./93(14)-87 Dt. 6-5-98.

In terms of Cab. Sectt. O.M. No. 20/13/89-
G.O. I-2673 Dt. 17.9.98 sanction
is hereby conveyed for the payment of HICA to the following
non-ministerial Group 'C' & 'D' employees of the ARC Hospital
on the analogy of facilities given to CGHS Hospital employees
in pre-revised rate of 140/- p.m. w.e.f. 17.9.98 and revised
rate of Rs.690/- w.e.f. 29.12.98 onwards as mentioned against
their names.

Sl. No. Name & Designation. w.e.f. 17.9.98
to 28.12.98
pre-revised. w.e.f. 29.12.98
onwards Revised.

S/Sl.no.			
1.	<u>B.C. Rout, Phys.</u>	Rs.140/- p.m.	Rs. 690/- p.m.
2.	<u>B.B. Mohanty, Sr. Lab.</u> Tech.	Rs.140/- p.m.	Rs. 690/- p.m.
✓3.	<u>K.B. Mohapatra, Lab, Tech.</u>	Rs.140/- p.m.	Rs. 690/- p.m.
4.	<u>S. I. Chittanayak, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
5.	<u>L.P. Das, Pharmacist</u>	Rs.140/- p.m.	Rs. 690/- p.m.
	<u>K.L. Sahoo, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
7.	<u>T. Dey, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
✓8.	<u>P. K. Padhary, S.I.</u>	Rs.140/- p.m.	Rs. 690/- p.m.
9.	<u>Chh. Dey, Sr. Handtainer</u> phar.	Rs.140/- p.m.	Rs. 690/- p.m.
10.	<u>M.C. Mehra, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
11.	<u>-, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
12.	<u>S.N. Bindapati, Carpenter</u>	Rs.140/- p.m.	Rs. 690/- p.m.
13.	<u>I. Behera, Dresser</u>	Rs.140/- p.m.	Rs. 690/- p.m.
14.	<u>K.C. Behera, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
15.	<u>S.I. Nayak, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
16.	<u>T. Arpana, Cook</u>	Rs.140/- p.m.	Rs. 690/- p.m.
17.	<u>K. Pati, Cook</u>	Rs.140/- p.m.	Rs. 690/- p.m.
18.	<u>G.H. Sethy, Dhabbi</u>	Rs.140/- p.m.	Rs. 690/- p.m.
19.	<u>Jalikeshwar, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
20.	<u>Mrs. Bartha Mallik, Ayah</u>	Rs.140/- p.m.	Rs. 690/- p.m.
21.	<u>Mrs. K.T. Kunju Kunju</u> -do- Rs.140/- p.m.	Rs. 690/- p.m.	Rs. 690/- p.m.
22.	<u>Mrs. Damayanti Devi, -do-</u> Rs.140/- p.m.	Rs. 690/- p.m.	Rs. 690/- p.m.
23.	<u>Mrs. D. Jammai, Sweeper</u>	Rs.140/- p.m.	Rs. 690/- p.m.
24.	<u>Ranabati Naik, Sweeper</u>	Rs.140/- p.m.	Rs. 690/- p.m.
25.	<u>Mr. Guna Naik, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
26.	<u>Mr. P.K. Naik, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.
27.	<u>Mr. Hari Naik, -do-</u>	Rs.140/- p.m.	Rs. 690/- p.m.

Contd. P/2.

Left out
Multi
Advocate

27. Mr. J. Laxmi, Sweeper. Rs. 140/- p.m.	Rs. 690/- p.m.
28. Mr. N.K. Bhatoo, Ward Boy. Rs. 140/- p.m.	Rs. 690/- p.m.
29. Mr. N. Johnny, Ward Boy. Rs. 140/- p.m.	Rs. 690/- p.m.
30. Mr. S.C. Moharena, -dom Rs. 140/- p.m.	Rs. 690/- p.m.

Certified that :-

1. This allowance is effective from 17.9.98 to the petitioners only.

2. They have been sanctioned HICCA in pre-revised rate of Rs.140/- p.m. w.e.f. 17.9.93 and revised rate of Rs.690/- p.m. w.e.f. 29.12.98 onwards in terms of Ministry of Health & Family Welfare No. Z.20015/97/98-II(1) Dated 2.7.99.

3. They are Group 'B' & 'D' Category of Staff working in HICC Hospital and entitled for patient care allowance.

(A. B. C. Chabatia)
DEPUTY DIRECTOR (ADM.)
Deputy Director (Admin)
A. B. C. Chabatia

AI/PCA/93(14)-3555
National Research Centre
Government of India
Dated 22.5.99 (75/99/23)
(Autograph).

Dated 22.5.99.

Copy to :- 1) The Director of Accounts, Cab. Sectt., R.K. Bureau,
New Delhi.
2) Accounts Section (Pay Bill Sect) HIC, Chabatia. 2 corio
3) Computer Cell.
4) Office Order Folder.
5) Office copy.

NO. XIV/PCA/93(14)PT-10044.

Date 22.5.99

Copy to 1) D.S. Medical Officer, A.R.C. Chabatia.

2) So (C-1) / So (C-2)

3) Office Order

Ranu (Ranu)
Accounts Officer
22/5/99

Main Office

155

- 17 -

ANNEXURE - IV

No. 527
ARC, Hospital,
Doom Dooma.

Dated, 22nd June '99.

To

The Assistant Director (Admn.),
A.R.C. Doom Dooma.

Sub :- FORWARDING OF APPLICATION.

Enclosed herewith please find the following application submitted by the Para-Medical Hospital Staffs regarding sanction of Patient Care Allowance for further necessary action. The 4th CPC had approved patient Care Allowance to group C & D (non Ministerial) Hospital employees working in Hospitals having 30 or more beds. And therefore the matter was n't pursued further as per directives vide No. 13669 No.102/ESTT/DDM/39 dated 27.3.90 (Copy enclosed). However, it appears 5th CPC has approved Patient care Allowances to Group C & D Hospital employees irrespective of Bed staffs, and it is learnt, Hospital group C & D Hospital employees of ARC Charbatia has won the legal case on this case and now are on receipt of patient care allowance with arrear. The case therefore for our Hospital ~~xxw~~ employees are recommended for further action.

1. Shri B.P. Saikia, S.I.
2. " M. Padum, Pharmacist.
3. " J.P. Tiwari, Lab/Tech.
4. " P.K. Biswas, AMM.
5. " Dilip Das, AMM.
6. " Sibnath Singh, AMM.
7. " Rajeswar Ram, AMM.
8. " Laxman Rajak, Mali.
9. " Bhabatosh Das, S/Walla.
10. " S.R. Debnath peon.

*Attested
Bhutta
Advocate*

Dr. A.K. Mohapatra
(Dr. A.K. Mohapatra)
CAS Gr.I.

*Encl 4. E. Mohapatra
S. L. B. D.
A. B. G. Mohapatra
Buses Buses*

Encl :- As above.

508
21-3-2001

ANNEXURE-V

No. ARC/Coord/263/92-
O/o The Director, ARC
(Cabinet Secretariat)
East Block-V, R K Puram
New Delhi - 66.

Dated the 9/3/00

MEMORANDUM

Subject : Grant of Hospital Patient Care Allowance
(HPCA) to the non-ministerial (Group 'C' & 'D')
employees of ARC Hospitals.

The case was taken-up with the Cab. Sectt. for seeking approval to the grant of HPCA to 30 non-ministerial (Group 'C' & 'D') employees (as per list enclosed) posted in ARC Hospitals at Charbatia, Doom Dooma, Sarsawa and Palam.

2. A copy of Cab. Sectt. UO dtd 28.2.2001 alongwith its enclosures is sent herewith for information and necessary action.

(R. K. SARIN)
ASSTT DIRECTOR (COORD)

Encl : as above.

To

- 1) AD(A), ARC, Charbatia/Doom Dooma/Sarsawa.
- 2) CAO, Airwing, Palam.
- 3) A.O., ARC Hqrs.

Attested
Ravinder
Advocate

- 539

HO : 219 / Sectt / 0011 / 05/26

0-244/201

Copy to SMO ARC
for information and ref. C

Section Officer

19

987
21/3/00

Cabinet Secretariat
(EA-I Section)

Subject : Grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial (Group 'C' and 'D') employees of ARC Hospitals.

Reference ARC's U.O. No. ARC/Coord/263/92-78 dated 15.1.2001 on the above subject.

2. The case was taken up with Ministry of Finance through Integrated Finance for approval. A copy of their observations in the matter, recorded on P.40/N of this Sectt.'s File No.20/13/89-EA.I, is enclosed herewith for information and necessary action at your end.

Enc : As stated.

(Jagdish Chander)
Under Secretary (SR)

ARC : Deputy Director(B)

Cab. Sectt. U.O. No. 20/13/89-EA.I- 451 dt. 28 FEB 2001

28/2

SOC

28/2
RIS

Q

28/2

Ministry of Finance
(Department of Expenditure)
E.IV Section

Ref: Notes on prepage

The proposal on file relates to the grant of HPCA to 30 more Group 'C' & 'D' employees of ARC Hospitals. We have recently requested MHF&W to formulate a comprehensive policy regarding HPCA/PCA. Cabinet Secretariat may be advised to await till the policy is formulated.

U.S.
19.2.2001

U.S (E.IV) 19/2

Attached
Datta
Advocates

ANNEXURE - VI

No. 210

ARC Hospital,
Doom Dooma.

Dated 16-8-03.

To

The Deputy Director (Admn.),
A.R.C. Dooma.

Sub :- FORWARDING OF REPRESENTATION.

Enclosed herewith please find an application submitted by Shri B.P. Saikia, San/Insp. of this Hospital addressed to the Special Secretary, ARC Hqrs New Delhi for further necessary action at your end.

(Dr. N. Behera)

Senior Medical Officer
A.R.C. Dooma (Doom)

Encl :- As above in duplicate.

Attested
Datta
Advocate

20
To

The Special Secretary,
R.C. New Delhi.

(Through proper channel)

Sub :- HOSPITAL PATIENT CARE ALLOWANCE.

Respected Sir,

With humble request, I have the honour to state the following for your kind necessary action please.

Sir, I am working as San/Insp. in this organisation and I am entitled for HPCA w.e.f. 1986 onwards. In this respect ARC-Hars made last communication in the year 2001 that "matter is still under consideration and decision is awaited." There after a lapse of $1\frac{1}{2}$ Years no decision/information not yet received.

The 5th Pay Commission has approved the HPCA to group C & D Hospital employees irrespective of Bed/Staffs. It is regretted to say that my junior San/Insp. at Charbatia Hospital are drawing the same HPCA since long.

It is therefore requested that I may be allowed to draw the Hospital Patient Care Allowances as admissible to me for which I shall be ever grateful to you.

Thanking Sir,

Yours faithfully,

B.P. SAIKIA
(B.P. SAIKIA)
San/Insp.
ARC Hospital
Doom Dooma.

Date : 14/8/03

Attested
With Advocate

(Typed true Copy)

NO. Z. 28015/24/2001-11

Government of India
Ministry of Health & family WelfareNiramna havan, New Delhi
Dated the 4th February, 2004

To,

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

Subject:- Payment of Hospital Patient care allowance/patient care allowance to the Group C and D (Non-ministerial) employees working in hospitals dispensaries and organizations.

Sir,

I am directed to state that Ministry of Finance had suggested to this ministry that a clear cut policy for payment of hospital patient care allowance/ patient care allowance to the Group C and D (Non-ministerial) employees working in hospitals dispensaries and organizations be evolved. Subsequently with consultation with Department of Personnel and Training and Ministry of Finance, it was decided that in the light of the cabinet decisions on the payment of Hospital patient care allowance/patient care allowance, it may not be appropriate to lay down policy for hospital patient care allowance/patient care allowance as the major parameters of the policy have already been decided. Instead, perhaps a consolidated letter be issued in consultation with Director General of Health Services to remove all ambiguity in this regard.

Accordingly the following guidelines for implementing hospital patient care allowance/ patient care allowance are consolidated in consultation with the Director General of Health Services.

(i) **Eligibility of Hospital Patient Care Allowance**

The hospital patient care is admissible to all group C and D non ministerial employees excluding nursing personnel @ Rs. 700/- Per month and Rs. 690/-

Attested
Anup
Advocate

29
ANNEXURE-VII

No.Z.28015/24/2001-11
Government of India
Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi,
Dated the 4th February 2004.

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

Subject:- Payment of Hospital Patient Care Allowance/Patient Care Allowance to Group C & D (Non-Ministerial) employees working in hospitals, dispensaries and organizations.

Sir,

I am directed to state that Ministry of Finance had suggested to this Ministry that a clear cut policy for payment of Hospital Patient Care Allowance/Patient Care Allowance to Group C & D (Non-Ministerial) employees working in hospitals, dispensaries and organizations be evolved. Subsequently in consultation with Department of Personnel & Training and Ministry of Finance, it was decided that in the light of the Cabinet decision on the payment of Hospital Patient Care Allowance/Patient Care Allowance, it may not be appropriate to lay down the policy for Hospital Patient Care Allowance/Patient Care Allowance as the major para-meters of this policy have not been decided. Instead, perhaps a consolidated letter be issued in consultation with the Director General of Health Services to remove all ambiguity in this regard.

Accordingly, the following Guidelines for implementation of Hospital Patient Care Allowance/Patient Care Allowance are consolidated in consultation with the Director General of Health Services:-

i) Eligibility for Hospital Patient Care Allowance:

The Hospital Patient Care Allowance is admissible to all Group C & D (Non-Ministerial) employees (excluding nursing personnel) @ Rs.700/- per month and to

*Attested
Biju
Advocate*

*EDM
18/14/04*

per month respectively working in General Hospitals (those with 30 beds or more); and in Super Speciality Hospitals (those with 10 beds or more), subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees.

ii) Eligibility for Patient Care Allowance:

The Patient Care Allowance is admissible to the Group C & D (Non-Ministerial) employees excluding nursing personnel @ Rs.690/- per month working in the health care delivery institutions/establishments (other than hospitals) having less than 30 beds, subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees. (Copies of this Ministry's Orders No.Z.28015/26/98-MH (H), dated 28.9.1998 and Z.28015/41/98-H (i), dated 2.1.1999 are enclosed).

iii) The condition which an organization must satisfy before its employees can be considered for grant of Hospital Patient Care Allowance:

Only persons (Group C & D, Non-Ministerial employees) whose regular duties involve continuous and routine contact with patients infected with communicable diseases or those who have to routinely handle, as their primary duty, infected materials, instruments and equipments which can spread infection as their primary duty may be considered for grant of Hospital Patient Care Allowance. It is further clarified that HPCA shall not be allowed to any of those categories of employees whose contact with patients or exposure to infected materials is of an occasional nature.

iv) The conditions which an organization must satisfy before its employees can be considered for grant of Patient Care Allowance:

The persons (Group C & D, Non-Ministerial) employees whose regular duties involve continuous routine contact with patients affected with communicable diseases or are handling infected materials, instruments and equipments which can spread infection as their primary duty working in health care delivery institutions other than Hospital (30 beds for General Hospital; 10 beds for Super Speciality Hospital) may be considered for

grant of Patient Care Allowance. PCA shall not be allowed to any Group 'C' & 'D' (Non-Ministerial) employees whose contact with patients or exposure to infected materials is of occasional nature.

v) The classification of Group C & D Civil posts.

The classification of Group C & D Civil posts for the payment of Hospital Patient Care Allowance/Patient Care Allowance as notified by Department of Personnel & Training vide their Notification No.13012/1/98-Estt.(D), dated 20.4.1998 is as under:

Group 'C' Posts

"A Central Civil post carrying a pay or a scale of pay with a maximum of over Rs.4000/- but less than Rs.9000/-"

Group 'D' Posts

"A Central Civil post carrying a pay or a scale of pay the maximum of which is Rs.4000/- or less."

Department of Personnel & Training vide their Office Memorandum No.35034/1/97-Estt.(D)(Vol.IV), dated 10.02.2000 further clarified that the classification of the post held by the officer should be with reference to the scale of pay of the post held by the Government servant on regular basis and not with reference to the higher pay scale granted to the Government servant under Assured Career Progression (ACP) Scheme. In view of the Department of Personnel & Training's clarification, the Group 'C' employees who have been granted the pay scale of Group 'D' post under the ACP scheme would continue to be entitled to the payment of Hospital Patient Care Allowance/Patient Care Allowance.

The Hospital Patient Care Allowance/Patient Care Allowance is payable to Group C & D (Non-Ministerial) employees working in the hospitals/dispensaries etc. This Allowance is not admissible to Group C & D (Non-Ministerial) employees working in

27

the Headquarters Office dealing with such Healthcare Units/Dispensaries/Hospitals as long as they work there. The HPCA or PCA will be admissible to such employees only in the event of their transfer from Headquarters to the Healthcare Units/Dispensaries/Hospitals and subject to the condition specified in (iii) and (iv) above.

The Non-Ministerial posts will be decided as per the recruitment rules of the posts. Though the power to declare an employee as Non-Ministerial rests with the Head of Office, this should be done only with the prior approval of the concerned Administrative Ministry in consultation with the Department of Personnel & Training.

vi) The dates of eligibility in each case.

The grant of Hospital Patient Care Allowance/Patient Care Allowance can be considered from the dates as notified by Ministry of Health & Family Welfare. The dates of eligibility for payment of Hospital Patient Care Allowance/Patient Care Allowance would be notified in consultation with the Ministry of Finance in all cases of grant of Hospital Patient Care Allowance/Patient Care Allowance to the Group C & D (Non-Ministerial) employees in the future (Copy of this Ministry's Order No.Z.28015/60/87, dated 5.3.1990 is enclosed).

These issues with the approval of Department of Personnel & Training vide their U.O. No.239/03-Part (AL), dated 20.6.2003 and Ministry of Finance (Department of Expenditure) vide their U.O. No.362/E.IV/03, dated 3.7.2003.

Yours faithfully,


(U.C. Nangia)
Deputy Secretary to the Government of India

Copy to:-

1. The Director General of Audit, Central Revenues, I.P. Estates, New Delhi.
2. The Director (CGHS), Nirman Bhavan, New Delhi.
3. The Additional Director (CGHS), Nirman Bhavan, New Delhi.
4. The Medical Superintendent, Dr. R.M.L. Hospital, New Delhi.
5. The Medical Superintendent, Safdarjung Hospital, New Delhi.
6. The Principal & Medical Superintendent, Lady Hardinge Medical College & Associated Hospitals, New Delhi.

ANNEXURE - VIII

NO.219/ESTT/DDM/97-98/- 789

O/O the Deputy Director (Admn)

Aviation Research Centre

Govt. of India

Post : DoomDooma : 786 151

Distt : Tinsukia : (Assam)

Dated the, 107 07 04

M E M O R A N D U M

Subject - Submission of application addressed to the Special Secretary, ARC New Delhi.

Please refer to your Endst No.141 and 142 dated - 28th June, 2004 forwarding the application of S/Shri B.P.Seikia, Sanitary Inspector and J.P.Tiwari, Lab.Tech regarding sanction of Hospital Patient Care Allowance.

2. In this connection a copy of Ministry of Health and Family Welfare letter No.Z.28015/24/2001-HK dated 4th Feb, 2004 is enclosed herewith. Please confirm as to how their case is covered as per the condition laid down in the Ministry of Health and Family Welfare.

Enclo:- As above

PMW
SENIOR FIELD OFFICE (A)

To
The O I/C,
ARC, Hospital
DoomDooma.

Attested
Dutta
Advocate

ARC HOSPITAL, DOOM DOOMA.
P.O. Sukreting
Dist. Tinsukia (Assam)

Dated the, 10th Aug. 04

To

The Assistant Director (Admn)
ARC Doom Dooma

Sub : HOSPITAL PATIENT CARE ALLOWANCE FOR GRPUP C & D STAFFS
OF ARC HOSPITAL DOOM DOOMA /

References made to comprehensive policy on HPCA by Ministry of Health & Family welfare No.2/28015/24/2001-11 dated 4th Feb 04.

ARC MI Room Doom Dooma was up-graded to a 5 beded hospital in the year of Dec 94. Correspondance on the above subject has been with ARC Hqrs and Cab.Sectt. since 1991. However, a decession to this effect could not be implemented due to non availability of a comprehensive policy on HPCA. (Vide Cab.Sectt. order dated 31st Oct 03)

ARC Hospital, Doom Dooma caters to several groups of patient, presenting with different communicable diseases like Tuberculosis, Diarrhoea, Gastro-enteritis, Typhoid, Hepatitis, Malaria, Leprosy etc. The employees working in the environment are exposed to the risk of infections Directly and In-directly.

The Laboratory personnels i.e. Laboratory Technician and S/wallie working with the blood and excreta of patients sample are under the risk of contracting infections ^{and} protective measures including Gloves and vaccination are being enforced as per laid down recommendation.

The Station Health Organisation consist of Sanitary Inspector and AMM's, catering to a class of Hygiene Chemicals and insecticidals known for its toxicity and cumulative drug effects. These chemicals are handled by AMM's under direct supervision of S.I. The nature of duties of SHO staffs are onerous for prevention of communicable disease i.e. Malaria, Filaria, Typhoid, Cholera, Diarrhoea, Measles, Jaundice etc. SHO staffs and S.I. has to handle with dangerous chemicals/materials meant for regular spraying purposes. They have to perform the duties of Drainage cleaning/Garbage cleaning etc. as per their charter of duties. Due to enforcement of protective measures relating to appren. Gloves, Shoes, Masks are being implemented from time to time. However risk of infection exposure of cumulative toxic effects of chemicals needs due compensation through implementation of HPCA.

*Attended
Dulles
Advocate* Besides, due to shortag of Group 'D' paramedical staffs meant for Hospital care, our Anti Malaria staffs besides cunducting their

routine Anti Malaria activity also participate in patient care management.

It is further urged, our Group C & D employees are not in receipt of night weightage allowances or other risk allowances.

Therefore, it is requested the long standing case of Patient Care allowance be examined in line with ARC Hospital Charbatia and necessary steps initiated to obtain sanction of competent authority.

[Signature]
16/8/04
(Dr. A. K. Mahapatra)
S.E. Medical Officer
ARC Hospital, Doom Dooma
D.C. Dooma

O/C

No.219/ESTT/DDM/98- 4798
O/O the Deputy Director (Admn)
Aviation Research Centre
Government of India
Post : Deom Deoma : 786 151
Dist : Tinsukia : (Assam)

Dated the, **02 05 05**

M_E_M_O_R_A_N_D_U_M

Subject:- Grant of HPCA to the non-ministerial
Group-C&D employees of ARC Hospital.

A copy of Cab.Sectt. U.O.No.20/2/2005-EA.I-1084 dated 31.03.2005 on the above subject is sent herewith for clarification on the observations made in para 4 by IFU. Reply may please be sent to this office at the earliest for further submission to ARC Hcrs.

Encl:- As above.

2005-03-31
(B .BARAL)
ASSISTANT DIRECTOR (A)

✓ To

The S.M.O,
ARC Hospital, Deom Deoma.

collected
Dutta
Advocate

← 32 →
Cabinet Secretariat
(EA.I Section)

633/POG

31/3/

Subject : Grant of HPCA to the non-ministerial (Gp.'C' & 'D')
employees of ARC Hospitals.

Reference ARC UO No.ARC/COORD/12/2002-148 dated
28.2.2005 on the above subject.

2. In this connection, a copy of an extract of IFU's observations
recorded at page 2-3/N of this Secretariat's file No.20/2/2005-EA.I is
forwarded herewith for further necessary action at your end.

Enclosed above

4
(Jagdish Chander)
Under Secretary (SR)

ARC : (Shri O.P.Sirohi, Deputy Director(A))

28.2.2005 File No.20/2/2005-EA.I Dated:

31 MAR 2005

Attested
Rakesh
Advocate

CABINET SECRETARIAT
(FINANCE DIVISION)

1. The proposal as contained in ARC Dte. U.O. dated 28.2.2005 (P.1-2/c) relates to Grant of Hospital Patient Care Allowances (HPCA) to the non-ministerial (Group 'C' and 'D') employees of ARC Hospitals.

2. Ministry of Health and Family Welfare vide their letter dated 4.2.2004 has specified the eligibility criteria for grant of HPCA to the employees working in hospitals, dispensaries and organisations as under:-

a) The Patient Care Allowance is admissible to the Group 'C' and 'D' (Non-Ministerial) employees excluding nursing personnel @ Rs.690/- per month working in the health care delivery institutions/establishments (other than hospitals) having less than 30 beds, subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Govt., will be admissible to these employees.

b) The persons (Group 'C' and 'D' Non Ministerial) employees whose regular duties involve continuous routine contact with patients affected with communicable diseases or and handling infected materials, instruments and equipments which can spread infection as their primary duty working in health care delivery institutions other than Hospital (30 beds for General Hospital, 10 beds for Super Speciality Hospital) may be considered for grant of Patient Care Allowance. PCA shall not be allowed to any Group 'C' and 'D' (Non Ministerial) employees whose contact with patients or exposure to infected materials is of occasional nature.

3. ARC vide their U.O. dated 28.2.2005 have proposed for grant of HPCA in respect of Group 'C' & 'D' employees (Appendix-A) stating that these employees working in ARC Hospitals during the performance of their duties come in contact with patients affected with infectious and communicable diseases. Besides, they also handle infected materials, equipment and instruments, which are likely to spread infections to the employees. Such employees posted in ARC Hospitals are thus covered under the provisions fixed by the Ministry of Health and Family Welfare to be eligible for grant of HPCA.

4. If this matter is to be proceeded further, Cabinet Secretariat may advise ARC to furnish the following information/details of duties performed by the officials designated now proposed for grant of Hospital Patient Care Allowance. It is not clear from the proposal that how the following employees come in direct contact with patients affected with infectious and communicable diseases.

Group 'C' Employees

1. Pharmacist
2. Sanitary Inspector
3. Carpenter
4. Tailor
5. Dietician

ii) Group 'D' Employees:

1. Cook
2. Waiter
3. AMM
4. Washer-up
5. Mazdoor

iii) Whether all the officials are working in Hospitals.

iv) The number of officials already in receipt of HPCA.

v) Copies of Govt. orders for formation of various Hospitals together with their sanctioned strength in AGPC may also be placed on file.

5. Approval of Competent Authority for grant of Hospital Patient Care Allowance in respect of Group 'C' and 'D' employees may also be obtained and placed on file for better appreciation of the case.

(Signature)
UNDER SECRETARY (P)
(Signature)

Vers. Pro
25/1/57

NO. 228

TO

The DEPUTY DIRECTOR (A)

ARC, DOOM DOOMA.

ARC Hospital, Deem Deem
P.C. Sukreting.
Dist. Tinsukia (Assam)

Dated the 10th May 2005

SUB:- GRANT OF HPCA TO THE NON-MINISTERIAL GROUP 'C' & 'D' EMPLOYEES

HOSPITAL DOOM DOOMA.

Kindly refer to your office letter No 219/Essitt/ DDM/93-4799 dt-02/05/2005 regarding the subject cited above.

The clarification /Observation made by IFU in para 4 is submitted with for further necessary action at your end please.

The Group 'C' employees i/c Pharmacist , Sanitary Inspector and 'D' employees of AMM are working in this hospital,performe the hospital for the patient s connected with infectious and communicable diseases. hospital has get very scanty staffs and all the Nursing / Paramedical Group 'D' staff are utilised round the clock duties to satisfy the re-OPD and emergencies.

Phahmacist :- This hospital has get one Pharmacist who looks after i/c Dispensary and handle the drugs & distributed the medicine to patients. He has to records all types of expenditure of medicines etc. Besides pharmacists duties ,he is utilised in the shift duties of before innder patients for which he has to come in contact with the infectious Communicable diseases.

Sanitary Inspector :- This hospital has get one Sanitary Inspector ^{vacant} duties involve with infected / communicable diseases like pox, Mumps, Malaria,Falaria, Tuberculosis, Measles,Rubella,Tetanus etc and other born diseases like Cholera , Dysentary,Diarrohea,Jaundice etc. Besides normal duty,he is utilised for the hospital shift duties due to short of staffs in this hospital,for which he is directly expose to infectious and communicable diseases.

ANTI-MALARIA MAZDOOR :-This hospital has get only 94 AMMs and no other Group 'D' staff for supportive services to patient for dressing, shift

*Attested
By
Advocate*

They have been utilised the jobs like the duties of ward boys, Lab. Attenda-
Bressok and AMMs jobs etc for the INDOOR & OUT DOOR patients, as these posts are
existing in this hospital. AMMs are handling the infected materials /instrumen-
equiptments of hospital. They are vital staffs utilised for smooth function of
hospital particularly for the INDOOR patients.

Submitted for early action please.

(Dr. MANCHAR LAL)
S.M.O.

- 37 -

ANNEXURE-XII

1399

08/7/07

Cabinet Secretariat
(EA-I Section)

9174/AD/2002-5/6

3871/AD(Coord) 5/6
07/06/07

Subject : Grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial group 'C' & 'D' employees of ARC Hospitals.

Reference ARC's U.O. No.ARC/Coord/12/2002-849 dated 4.5.2007 on the subject cited above.

2. In this connection, copies of IFU's observations in the matter, recorded on pages 5-6/N of this Secretariat's File No.20/2/2005-EA.I, are enclosed herewith for information and further necessary action at your end.

Encl : As above.

Sat Pal
(Sat Pal)
Section Officer

ARC : [Shri Bhagat Ram, AD(A)]
Cab. Sectt. UO No. 20/2/2005-EA.I- 2208 dated

04 JUN 2007

Sat Pal

AD (Coord)

S. Chhetri

5/6/07

5/6/07

Attested
Deputy
Advocate

**CABINET SECRETARIAT
(FINANCE DIVISION)**

The proposal as contained in ARC Dte. UO dated 28.2.2005 (P-1-2/c) relates to grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial (Group 'C' and 'D') employees of ARC Hospital and was seen in this office at Page-2/N ante.

2. In response to our observation at Page-2/N ante, ARC vide their UO dated 4.5.2007 (P-14/c) has furnished the reply.

3. The reply furnished by ARC has been examined before processing the case further following may also be clarified.

- i) The total sanction strength of ARC Hospital is given 55 (P-31/c) whereas in the Appendix 'A' (P-3/c) the Patient Care Allowance is proposed for 58 staff. In support of sanctioned strength of Hospital, the Order No. under which post was created may also be recorded against each name in Appendix-A (P-3/c) and complete legible order may be placed on file.
- ii) All the Group C & D officials are listed in Appendix 'A' (P-3/c) stating that these Group C & D officials are eligible to draw Patient Care Allowance. However 29 officials as mentioned in Appendix-B (P-18/c) are already drawing Patient Allowance. The exact No. of officials who are now required to be paid Patient Care Allowance may be intimated.
- iii) Reasons for not including the name of all the Group C & D employees (Non-Ministerial) of ARC Hospitals who are required to be paid Patient Care Allowance at the time the proposal was initially submitted for granting Patient Care Allowance to 29 officials.
- iv) File under which Patient Care Allowance was earlier sanction to the 29 officials may also be linked.
- v) The Non-Ministerial posts are to be decided as per the recruitment rules of the posts. Hence RRs of all the posts may be placed on file. However, if the RRs does not mention the post as 'Non-Ministerial' then the case for declaration of posts/employee as 'Non-Ministerial' may be taken up with DOP&T as per the requirement of the Ministry of Health & Family Welfare letter dated 4.2.2004 (P-5/c) (Para 5 refer).
- vi) Annual financial implication may also be worked out.
- vii) Whether these employees are getting the 15% security allowance or not may also be intimated. If these employees were getting 15% security allowance then it would not be advisable to process the proposal further.
- viii) The justification for granting Patient Care Allowance to all the Non-Ministerial staff especially Pharmacist, Sanitary Inspector, Dietician, Carpenter, Cook, Waiter, AMM, Mazdoor appears not convincing.

*However
not relevant*

-39-

-38-

-6/N-

- ix) Whether Anti Malaria Mazdoor (AMM) in other department getting any kind of special allowance.
- x) Approval of the Competent Authority i.e. Secretary(R) may also be obtained.

(K.R.Verma)
Accounts Officer(IF)

Director Finance(S)

AJ 32/5

DS(SR)

11/6

EAJ

DATE 10/10/2002
X NO 1598
NAME SECRETARIAL
DATE 1/6/02
EAV

203/2002
DATE 1/6/02
X NO 1598
NAME SECRETARIAL
DATE 1/6/02
EAV

8/1/02
11/6

- 40 - SENIORITY LIST OF SANITARY INSPECTOR WORKING
IN ARC AS ON 31.01.2006.

ANNEXURE - XIII

Sl. No	Name	Educational Qualification	Date of Birth	Date entry Govt. Service.	Date of appointment in the present grade.	Date of confirmation.	Place of posting.	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	S/Shri Bishnu Prasad Baikia	BA, Certificate of Sanitary Inspector.	03.09.47	06.05.72	06.05.72	08.09.86	ARC, Doom Dooma	OBC
2.	Pradipta Kumar Paikera	Matric	27.01.50	20.12.76	17.12.76	11.01.99	ARC, Charbatia	
3.	Rajesh Mohanty	BA, Diploma Course in Public Health and Sanitation Technology.	13.01.21	21.08.96	21.08.96		ARC, Charbatia	
4.	MVSN Sastry	IA, Diploma in Sanitary Inspector	30.08.68	17.06.97	17.06.97		ARC, Charbatia	
5.	Sunil Kumar	Diploma Laboratory Technology.	25.09.78	06.11.82	08.08.82		ARC, Sarsawa	

/op/

*Shanti
Mills
Associate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



IN THE MATTER OF :

O.A. No.238/2007

Sri B.P.Saikia

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

- AND -

IN THE MATTER OF :

Written statement submitted by the Respondents No.

WRITTEN STATEMENT

The humble answering respondents submit their written statement as follows :

1.(a) That I R.K.SARIN

Deputy Director (A), ARC, Dooam Dooam
and Respondents No. 4 in the above case and 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 the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

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

Deputy Director (A)
R.K. Dooam Dooam
13/05/08

Received
Abutta
13/05/08

27/5/08
Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

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

(d) 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 applicant had suffered from vice of illegality.

2. That with regard to the statements made in paragraphs 1 of the Application, the answering Respondents beg to state that it is a fact that the applicant is not getting Hospital Patient Care Allowance (HPCA) in ARC.

3. That with regard to the statements made in paragraphs 2, 3, 4, 4.1, 4.3, 4.7, 4.9, 4.13, 4.15, 4.18, 5.8, 7 and 8 to 8.4 of the Application, the answering Respondents do not admit anything which are beyond the records and without any rational/legal foundation. The applicant is put to strict proof thereof.

4. That with regard to the statements made in paragraphs 4.2 of the Application, the answering Respondents beg to state that Shri B.P.Saikia was holding the post of Sanitary Inspector in ARC w.e.f. 6.5.1972 to 31.08.2007. He has since superannuated from the Govt. service from ARC Doom Dooma on 31.08.2007.

5. That with regard to the statements made in paragraphs 4.4 of the Application, the answering Respondents beg to state that Order No.A.27011/1/90-CGHS-II dated 4.7.91 as stated by the applicant to have been issued by the Directorate General of Health Services has not been furnished by the applicant.

6. That with regard to the statements made in paragraphs 4.5 of the application, the answering respondents beg to state that Ministry of Finance (Assam) of Finance (Exdr) vide their UO No.63/E.IV-98 dated 10.9.98 had

Ministry of Finance (Assam) of the application, the answering respondents beg to state that Ministry

Ministry of Finance (Assam) of Finance (Exdr) vide their UO No.63/E.IV-98 dated 10.9.98 had

allowed grant HPCA to the non-ministerial Group 'C' & 'D' employees of ARC Hospitals on the analogy of facilities being allowed to the similarly placed employees of CGHS and orders in this regard have been issued by the Cabinet Secretariat vide No. 20/13/89-EA.1-2673 dated 17.09.1998 (copy of which is annexed at Annexure-I).

7. That with regard to the statements made in paragraph 4.6 of the Application, the answering Respondents beg to state that the Office Order No.XII/P.C.A/ 93(14)-87 dated 6.5.1999 was issued by Deputy Director (Admn.) ARC, Charbatia on the basis of Cabinet Secretariat Order No.20/13/89-EA.1-2673 dated 17.9.1998 which was meant exclusively for the employees posted at ARC Hospital, Charbatia. Shri B.P.Saikia was then not borne on the posted strength of ARC, Charbatia as he was posted at ARC, Doom Dooma. Therefore, his name did not figure in the aforesaid list.

Office order dated 6.5.1999 is annexed as Annexure-II.

8. That with regard to the statements made in paragraph 4.8 of the Application, the answering Respondents beg to state that ARC Directorate initially moved a proposal to the Govt. for grant of HPCA which was rejected by the Ministry of Finance on the ground that the concerned ARC employees were not entitled for the same as per Ministry of Health & Family Welfare letter No.Z-28015/60/87 dated 5.3.1990 in which it was categorically stated that the HPCA could only be granted to


 Deputy Director (Admn) ARC, Charbatia
 ARC, Doom Dooma
 Dist. Tinsukia (Assam)

the Group 'C & 'D' (Non-Ministerial) employees working in the hospital with 30 or more beds. Since the Hospitals at Charbatia and Doom Dooma were equipped with less than 30 beds, this allowance in respect of the employees could not be sanctioned for the staff of ARC Hospitals. Therefore, the case stood closed at that time. Again on the request of Deputy Director (Admn), ARC Charbatia the case was moved to the Govt.

in which he justified that the employees of CGHS, Bhubaneswar were getting HPCA even though they were not working in the hospital. Therefore, it was felt justified that the HPCA also needed to be sanctioned to the similarly placed Group 'C' & 'D' staff of ARC. After protracted correspondence, Cabinet Secretariat communicated that the Ministry of Health & Family Welfare in consultation with the Deptt. Of Personnel & Training and Ministry of Finance has not agreed on 25.7.1999 to the grant of HPCA to ARC employees.

During February 1988, representations were received from Medical staff working in ARC Hospital Charbatia for the sanction of Risk Allowance as recommended by the 4th Pay Commission. On examination of the representations, it was revealed that the 4th Pay Commission had recommended the Patient Care Allowance to Group 'C' & 'D' (non-ministerial) hospital employees under DGHS and not the Risk Allowance for which the representations were received. The Group 'C' & 'D' hospital employees including Ambulance Drivers but excluding Nursing staff under DGHS were sanctioned the Patient Care Allowance vide M/O H&FW order dated 25.01.88. A self contained case was prepared for the grant of Patient Care Allowance to the eligible employees of ARC Hospital/MI Rooms and the same was submitted to the Cabinet Secretariat on 10.11.1989 after securing the approval of DG(S). The Finance Division of the Cabinet Secretariat on the case, desired to know :-

- (i) Conditions laid down in the M/O H&FW order for the grant of such allowance.
- (ii) If there was any limitation, vis-à-vis hospital (beds).

Deputy Director (A)
ARC, Dibrugarh
Stat. Tinonita (Assam)

(iii) If all the staff under DGHS have been sanctioned the allowance or the same has been sanctioned with respect to certain proportion of staff.

The Ministry of Health & Family Welfare clarified on 31.01.90 that their Order relating to the grant of allowance was applicable to Group 'C' & 'D' employees working in the hospitals having 30 or more beds. Since in the ARC, we do not have any hospital with 30 or more beds, the case was dropped.

Subsequently, when on 10.07.90 the DGHS waived off the condition of 30 or more beds in regard to the grant of Patient Care Allowance to the staff of Hospitals, ARC again took up the case with Cabinet Secretariat on 06.01.1992. After discussions and protracted correspondences the Cabinet Secretariat took up the proposal with M/O Health & Family Welfare, who, in turn, referred the case to the DOP&T. The DOP&T in consultation with the Ministry of Finance intimated on 25.07.1994 that the proposal was not been agreed to. No reason for the rejection of the proposal was indicated by the concerned Ministry.

On the basis of HPCA being paid to Hospital employees of DGHS, i.e. Rs.80/- & Rs.70/-p.m. respectively to Group 'C' & 'D' employees, the financial implications for grant of 38 hospital employees of ARC worked out to a meager amount of Rs.81,480/- per annum. This Directorate therefore, strongly felt that there was no merit in Ministry of Finance rejecting our proposal particularly since the DGHS employees are getting this allowance. On this ground, ARC Directorate again took up the case with the Govt.

Further development occurred in the case when one of the employees, Shri B.C.Rout, Physiotherapist and 34 others Group 'C' & 'D' (non-ministerial) employees of ARC Hospital, Charbatia filed an

राज्य प्रशासनिक अधिकारण
National Administrative Tribunal

27/IV

गुवाहाटी न्यायपीठ
Guwahati Bench

Deputy Director (A)
ARC, Dibrugarh
Dist. Tinsukia (Assam)

application in the Hon'ble CAT, Cuttack Bench, Cuttack for grant of HPCA vide OA/181/95 dated 21.01.98.

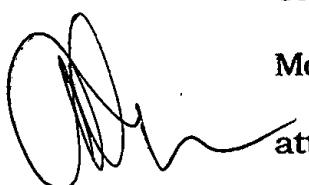
Copy of the order is annexed at Annexure-IV.

The Hon'ble CAT in para-6 of their judgment on the O.A/ 181/95 dated 21.1.98, has observed that :

“in spite of the requirement of 30 beds Hospital, the staff of CGHS Dispensary without any bed are getting Hospital Patient Care Allowance. This may be a special dispensation for the CGHS employees. If this be the case, then there is no reason why the same consideration should not be shown to the eligible employees of ARC Hospitals. But this is a matter for the departmental authorities to consider. In view of this, it is ordered that applicant should submit a representation to the Cabinet Secretariat through Director General of Security stating their case and mentioning that other employees who are similarly placed have been allowed this allowance either under orders of Tribunal or under executive orders”.

The above orders of the Hon'ble CAT, Cuttack Bench was accordingly brought before the Govt. who in turn granted HPCA to the Non-Ministerial staff of ARC Hospital vide Cabinet Secretariat Order No.20/13/89-EA.I/2973 dated 17.9.98.

Accordingly this Directorate had allowed drawal of HPCA to the applicants of the O.A. only. The HPCA to non-ministerial Group 'C' & 'D' employees of ARC Hospital was granted on the analogy of facilities being allowed to the similarly placed employees of CGHS in terms of the judgment pronounced by the Hon'ble CAT, Cuttack on 21.1.1998 in OA/ 181/95 filed by Shri B.C. Rout, Physiotherapist and 34 other Para Medical Staff of ARC, Charbatia. The remaining 18 complimentary staff attached with ARC Hospital, Charbatia then represented for grant of


Depam. Director (A) HPCA on the analogy on which this allowance was granted to their
ARC, DSCB, Doabs
counterparts. After protracted correspondence, Cabinet Secretariat
conveyed the approval of the Ministry of Finance to the grant of HPCA @

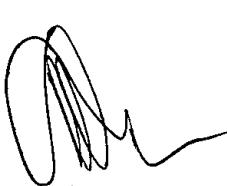
Rs.690/- to remaining 18 complimentary staff vide their Order No.20/13/89-EA.I-7745 dated 12.09.2000.

On the recommendation of Deputy Director (Admn), ARC, Doom Dooma the remaining cases pertaining to Doom Dooma for grant of HPCA was taken up with the Govt. vide our UO No.ARC/Coord/263/92-1007 dated 22.9.2000 and dated 15.1.2001. The Ministry of Finance on our proposal observed vide their ID No.209/E.IV/2001 dated 19.2.2001 that they had requested Ministry of Health & Family Welfare to formulate a comprehensive policy regarding HPCA/PCA and that the Cabinet Secretariat be advised to await till the policy is formulated.

27 MAY 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

The comprehensive policy regarding grant of HPCA framed by Ministry of Health & Family Welfare vide their letter No.Z.28015/24/2001-H dated 04.02.2004 was received in ARC on 15.04.2004, based on which ARC again moved a proposal vide UO No.ARC/Coord/12/2002-148 on 28.2.2005 to the Govt. for grant of HPCA to ARC employees. The Cabinet Secretariat asked further clarifications from ARC on the proposal and after compliance the case seeking grant of HPCA to all eligible employees of ARC was sent to the Cabinet Secretariat on 28.11.2007. The case is still pending with the Govt. for a decision.

9. That with regard to the statements made in para 4.10 of the application, the answering respondents beg to state that the Ministry of Health & Family Welfare has formulated the general policy guidelines to be followed for grant of HPCA vide their No.Z.28015/24/2001-H dated 4.2.2004. Again this case has been taken up with the Govt. on 28.11.2007 which is under consideration for a decision.


Deputy Director, (A)
ARC, Doom Dooma
State, Assam

10. That with regard to the statements made in para 4.11 & 4.12 of the application, the answering respondents beg to state that the matter is still pending with the Government for a decision.

11. That with regard to the statements made in para 4.14 of the application, the answering respondents reiterate their stand as enumerated in para 10 above.

12. That with regard to the statements made in paragraphs 4.16 and 4.17 of the application, the answering respondents beg to state that as already stated ARC has taken up the case with the Govt. for grant of HPCA to all eligible employees including the applicant Shri B.P.Saikia, Ex-SI and the decision on the matter is awaited..

13. That with regard to the statements made in paragraphs 4.19 of the application, the answering respondents beg to state that further appropriate action will be initiated on receipt of the decision from the Government.

14. That with regard to the statements made in paragraphs 5.3 to 5.3 of the application, the answering respondents beg to state that it has already been explained in the preceding paragraphs that the case has been referred to the Govt. for removal of anomaly. The Applicant will be given justice as per decision of the Govt. and as such, there is no question of violating the Article 14 and 16 of the Constitution of India.

15. That with regard to the statements made in paragraphs 5.4 of the application, the answering respondents beg to state that as already stated in para 14 above, the case is presently pending with the Govt. for removal of anomaly and as such denial of the HPCA to the applicant is not arbitrary, malafide, unfair, illegal and opposed to the principle of natural justice.

Deputy Director (A)
ARG. Doctn Drama
Smt. Tinsukia (Assam)

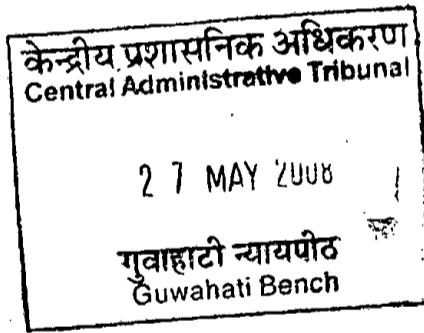
16. That with regard to the statements made in paragraphs 5.5, 5.6, and 5.7^{and 5.8} of the application, the answering respondents beg to reiterate their stand that the matter is still under consideration of the Government.

17. That with regard to the statements made in paragraphs 9 to 9.1 of the application, the answering respondents beg to state that it would be appropriate for the applicant to await the decision of the Govt.

20. That this reply has been made bona fide and for the ends of justice and equity.

In the aforesaid premises, it is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed.

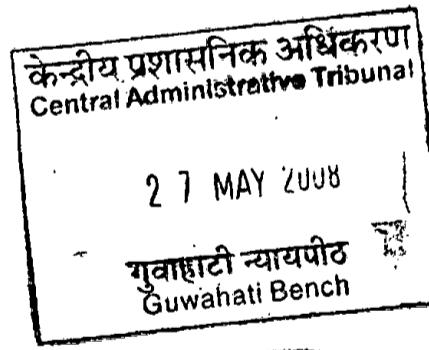

Deputy Director (A)
ARCL, DDCW, Doima
Dist. Tinsukia (Assam)

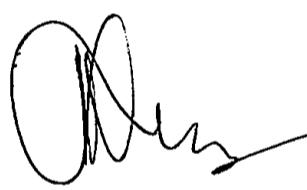


VERIFICATIONI, R.K. SarinSon of Late M.L. Sarin aged about _____years, resident of ARC Doomdooma, P.O. Doomdoomaworking as Deputy Director(Admn)

duly authorized and competent officer of the answering respondents to sign this verification, do hereby solemnly affirm and verify that the statements made in Paras 2,5,7,10,12,14,16 are true to my knowledge, belief and information and those made in Para 4 & 5 being matters of record are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 28th day of February 2008
at




 Deputy Director (A)
 ARC Doem Dooma
 Dist. Dhemaji (Assam)

11
//Copy//

No. 20/13/89-EA-I-2673
Government of India
Cabinet Secretariat

Bikaner House (Annexe)
Shahjahan Road,
New Delhi.

Dated 17 SEP 1998.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

27 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

O R D E R.

Sub : Grant of Hospital Patient Care Allowance
(HPCA) to the non-ministerial (Group 'C' & 'D')
employees of ARC Hospitals.

--
Reference UD No. ARC/Genl/61/95 dated 27.4.98
on the above subject.

2. Sanction of the President is accorded to the
grant of Hospital Patient Care Allowance (HPCA) to
the non-ministerial Group 'C' & 'D' employees of the
ARC Hospitals, on the analogy of facilities being
allowed to the similarly placed employees of CGHS.

3. This issues with the concurrence of DP&T
vide their UD No. 21012/3/93/Estd. (AL) dated 11.9.98
and Ministry of Finance (Exp.) vide their UD No.
635/E.IV/98 dated 10.9.98.

Sd/-
(P.N. THAKUR)
DIRECTOR (SR.)

1. Director, ARC.
2. Director of Accounts, Cab. Sectt.
3. Dy. Secretary Finance (S), Cab. Sectt.
4. Guard File.

pk/s/

Motin Ud-Din Ahmed
M.A., P.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

(-12)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 181 OF 1995

Cuttack, this the 26th day of January, 1998.

S.C. Rout and others ... Applicants

Vrs.

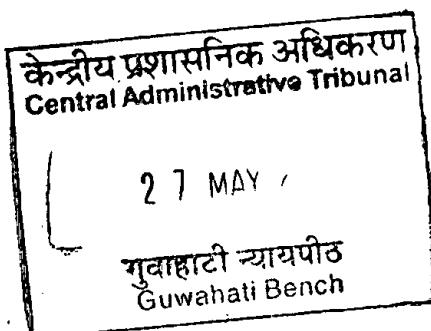
Union of India and others Respondents

(FOR INSTRUCTIONS)

1) Whether it be referred to the Reporters or not? Yes.

2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Somnath Singh
(SOMNATH SINGH)
VICE-CHAIRMAN
197



Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

(13)

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 181 OF 1995
Cuttack, this the 26th day of January, 1998

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

...

1. B.C.Rout,
Working as Physiotherapist
2. B.B.Mohanty,
Senior Laboratory Technician
3. K.P.Mahapatra,
Laboratory Technician
4. S.K.Pattanik,
Laboratory Technician
5. L.D.Das,
Pharmacist
6. K.C.Swain, Pharmacist
7. E.K.Dey,
Pharmacist
8. N.Panda, Sanitary Inspector
9. B.D.Behera, Sanitary Inspector
10. T.Rout, Sanitary Inspector
11. P.K.Paikray, Sanitary Inspector
12. C.G.K.Murthy, Senior Radiographer
13. N.C.Behera, Senior Radiographer
14. Kumar Beurs, Tailor
15. J.N.Bindhani, Carpenter
16. N.Routray, Dresser
17. K.C.Behera, Dresser
18. S.N.Nayak, Dresser

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY

गुवाहाटी न्यायालय
Guwahati Bench

Constituted
28.1.98

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

-2-

19. Y. Appana, Cook
20. K. Pati, Cook
21. G. N. Sethy, Dhobi
22. Jaikishan, Dhobi
23. Mrs. Sandhya Mukherjee, Dhobi
24. Mrs. Martha Mallick, Ayah
25. K. T. Kunju Kunju, Ayah
26. Damayanti Devi, Ayah
27. D. Luxmi, Sweepers
28. J. Luxmi, Sweepers
29. Narahari Naik, Sweeper
30. Guna Naik, Sweeper
31. P. K. Naik, Sweeper
32. N. Mohanty, Ward Boy
33. K. C. Mahesana, Ward Boy
34. N. K. Sahoo, Ward Boy
35. Hari Naik, Sweeper

All are working in A.R.C. Hospital, At/PO-Charbatia, Dist. Cuttack

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY 2008

गुवाहाटी न्यायालय
Guwahati Bench

.....Applicants

By the Advocates - M/s A. Deo, B. S. Tripathy,
D. K. Sahoo, R. Rath & M. P. J. Roy.

Vrs.

1. Union of India, represented by the
Secretary, Ministry of Health & Family Welfare,
Govt. of India, New Delhi.

Motin Ud-Din Ahmed
M.A. B.S. LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

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

3. Deputy Director, C.G.H.S., Central Govt. Health Services,
Bhubaneswar, Dist. Khurda.

4. Director General of Security, Cabinet Secretariat,
Block-V(East), R.K. Puram, New Delhi.

5. Deputy Director, Administration,
Aviation Research Centre, At/PO-Charbatia, Dist. Cuttack.

6. Assistant Director, Office of the Director General, Security,
Cabinet Secretariat, Block V(East), R.K. Puram, New Delhi

.....Respondents

W.M.M. from
28.1.97

27 MAY 1993

गुवाहाटी न्यायपीठ
Guwahati Bench

15

-16-

By the Advocate - Mr. Akhaya Kumar Mishra,
Addl. Central Govt. Standing Counsel.

....

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of Administrative Tribunals Act, 1985, the thirty-five applicants working in A.R.C. Hospital, Charbatia, have prayed for a direction to the respondents to grant Hospital Patient Care Allowance to the applicants with effect from 1.12.1987 within a specific time period.

2. The applicants' case is that applicant nos. 1 to 13 are holders of Group-C posts. They are Physiotherapist, Senior Laboratory Technician, Laboratory Technician, Pharmacist, Sanitary Inspector and Senior Radiographer. Applicant nos. 14 to 35 belong to Group-D category. They are Tailor, Carpenter, Dresser, Cook, Dhobi, Ayah, Sweepers, Sweeper and Ward Boy. According to the applicants, Ministry of Health & Family Welfare in order dated 25.1.1988 vide Annexure-1 granted Hospital Patient Care Allowance to Groups C and D (Non-ministerial) employees excluding Staff Nurses on the condition that no Night Weightage Allowance would have been sanctioned and would be admissible to such employees. In another circular dated 30.10.1989 (Annexure-2) Hospital Patient Care Allowance was made admissible to Groups C and D (Non-ministerial) employees excluding nursing personnel of certain Hospitals and institutions mentioned in that order. The applicants further state that office of Director-General, Security in their note dated 15.4.1993 (Annexure-3) moved the Cabinet Secretariat for payment of Hospital Patient Care Allowance to Groups C & D (Non-ministerial) employees of A.R.C. Hospital.

17.1.97

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

27 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

-4-

In this note, the office of Director-General, Security, specifically mentioned that Hospital employees of A.R.C. are eligible to get this allowance as they do not get Night Weightage Allowance and Risk Allowance. The applicants' case is that in spite of the above clear-cut position, the allowance has not been sanctioned to them and that is how they have come up with the aforesaid prayer.

3. Respondents in their counter have taken the stand that the applicants are not entitled to Hospital Patient Care Allowance because according to the Government order, the applicants should be serving in a thirty-bedded Hospital so as to be eligible to get the allowance. These applicants are not working in a thirty-bedded hospital and therefore, the allowance is not payable to them. Besides, the respondents have pointed out that applicant nos. 19, 20, 27 to 31 and 35 are holding Common Cadre posts and they are liable to be transferred to units other than Hospital like Officers' Mess, Estate Cell, etc. and therefore, they are not entitled to such allowance. The respondents have based their case on the circular dated 25.1.1988, also relied upon by the applicants, and the subsequent circular dated 5.3.1990 (Annexure-R-2).

4. I have heard the learned lawyer for the applicants and the learned Additional Standing Counsel, Shri Akhaya Kumar Misra appearing on behalf of the respondents and have also perused the records.

5. Before proceeding further, it has to be mentioned that the circular dated 30.10.1989 relied on by the applicants is not applicable to the present case at all, because in this circular Hospital Patient Care Allowance has been given to certain specific Central Government Hospitals and institutions, and hospitals

27 MAY 2000
X-8
जगाहाली न्यायपीठ
Guwahati Bench

17

-5-

under Union Territories having thirty or more beds. As regards the circular of 25.1.1988, this speaks of Central Government Hospitals and Hospitals under Delhi Administration. In this circular, Hospital Patient Care Allowance has been ordered to be paid from 1.12.1987. This circular has been modified in circular dated 5.3.1990 (Annexure-R/2) in which it has been stated that Groups C and D (Non-ministerial) employees excluding nursing personnel of Central Government Hospitals in Delhi and outside Delhi and Hospitals under Union Territories Administrations having thirty beds or more would be given Hospital Patient Care Allowance from 1.4.1987 instead of 1.12.1987 subject to the condition that no Night Weightage or Risk Allowance would be admissible to those employees. Learned lawyer for the applicants has submitted and has also mentioned in his written submission that Director-General, Security, in his note dated 15.4.1993 has recommended sanction of Hospital Patient Care Allowance to the employees in A.R.C.Hospitals. He has mentioned in this note that Hospitals of A.R.C. at Charbati, Doom Dooma and Sarswa are Central Government Hospitals. He has also mentioned that stipulation of Hospitals having 30 beds or more is no more there and this has been confirmed by Deputy Director, C.G.H.S., in his letter dated 13.7.1992. It has been mentioned that even the staff in C.G.H.S. Dispensaries having no bed at Delhi and outside are in receipt of Hospital Patient Care Allowance. Learned lawyer for the applicants in course of his submissions has pointed out that C.G.H.S. employees in C.G.H.S. Dispensary at Bhubaneswar, which does not have any bed are also getting Hospital Patient Care Allowance as is

Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.

Addl. Central Govt. Standing Counsel
.....Respondents Guwahati Bench (CAT)

27 MAY 2010

Guwahati Bench

-6-

seen from letter dated 20.6.1991 of Deputy Director (A),
 New Delhi, C.G.H.S. /addressed to Deputy Director, C.G.H.S., A.G.Colony,
 Unit-IV, Bhubaneswar (Annexure-A/4). At Annexure-A/3 is another
 order granting Hospital Patient Care Allowance to Groups C and D
 (Non-ministerial) employees excluding nursing personnel of C.G.H.S.
 Organisation with effect from 1.4.1987. Learned lawyer for the
 applicants has also referred me to the decision of Division
 Bench of the Tribunal in O.A.No.299 of 1989 - decided on 8.5.1990

(Suresh Pressed Sinha and others v. Union of India and others) in
 which direction was issued to pay Hospital Patient Care Allowance
 to certain employees of Group Centre Hospital, C.R.P.F.
 While sanctioning this allowance to two of the applicants, the
 Tribunal did not consider the question of availability of thirty
 beds. This decision was followed by a Division Bench of the Tribunal

at Patna Bench in O.A.No.264 of 1994, decided on 30.6.1995 and
 (Rajendra Pressed & others v. Union of India and others).
 reported in (1996) 32 AIC 276. In this case, the Tribunal had

referred to the decisions of Cuttack Bench in O.A.No.299 of 1989
 (supra) and of Principal Bench in O.A.No.931 of 1993, decided on

3.2.1994 and have allowed the Hospital Patient Care Allowance
 to Para-medical staff working in C.R.P.F. Hospitals subject to
 the conditions referred to above. I find from Annexure-3

that this is a note from Director General of Security seeking
 sanction of competent authority for payment of Hospital Patient
 Care Allowance to Groups C and D (Non-ministerial) employees
 of A.R.C.Hospitals excluding nursing staff. From this note,

it appears that an earlier proposal to sanction Hospital Patient
 Care Allowance to such staff was rejected by the Integrated Finance
 of Security's office and
 This note only gives the view of Director-General's office and

Motin Ud-Din Ahmed
 M.A., B.Sc., LL.B.
 Addl. Central Govt Standing Counsel
 Guwahati Bench (CAT).

.....respondents

(19)

220 MAY 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

-7-

does not give the Government decision on this. The circular dated 5.3.1990 was not brought to the notice of the Tribunal in O.A.No.299/89, decided on 8.5.1990. ~~xxxx~~ The decision of Patna Bench rendered on 30.6.1995 also did not take note of the circular of 5.3.1990. On a careful reading of the circulars 25.1.1988 and 5.3.1990, it is seen that the circular dated 5.3.1990 has been given retrospective effect. In the earlier order dated 25.1.1988 this allowance has been sanctioned with effect from 1.12.1987. But subsequently, in order dated 5.3.1990 this allowance has been sanctioned with effect from 1.4.1987 instead of 1.12.1987. This circular of 5.3.1990 gives this allowance only in those Hospitals where there are thirty beds or more. Admittedly, the A.R.C.Hospital at Charbatia, has twenty beds. Therefore, strictly in terms of the circular dated 5.3.1990, these employees of A.R.C.Hospital are not entitled to the Hospital Patient Care Allowance. The note dated 15.4.1993 of the office of Director-General of Security also does not take care of this circular of 5.3.1990 and in view of this, the statement of Director-General of Security that the requirement of thirty beds is no longer there cannot be accepted. As regards the payment made to the staff in C.G.H.S.Dispensaries, the respondents have stated that these C.G.H.S.Dispensaries are an extension of C.G.H.S.Hospitals. The statement of the respondents regarding C.G.H.S.Dispensaries cannot be accepted. In all cases where there are C.G.H.S. Dispensaries, there cannot be C.G.H.S.Hospital. Bhutanieswar is one example. But when the applicants claim for certain allowance, there must be specific Government order sanctioning such allowance to them. In terms of the Government order

Motin Ud-Din Ahmed
MA, BSC, LLB
.....respondents Addl. Counsel S. Counsel
Guwahati Bench (CAT)

27 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

dated 5.3.1990 the allowance is not payable to the applicants because the A.R.C. Hospital at Charbatia has only twenty beds. This circular of 5.3.1990 is in modification of the circular dated 25.1.1988 and has been given retrospective effect. In view of this, I hold that the applicants are not entitled to Hospital Patient Care Allowance in terms of the circular dated 5.3.1990.

6. But at the same time it is noted that in spite of the requirement of thirty bedded Hospital, the staff in C.G.H.S. Dispensaries without any beds are getting Hospital Patient Care Allowance. This may be a special dispensation for the C.G.H.S. employees. If this be the case, there is no reason why the same consideration should not be shown to the eligible employees in A.R.C.Hospitals. But this is a matter for the departmental authorities to consider. In view of this, it is ordered that the applicants should submit a representation to the Cabinet Secretariat through the Director-General of Security stating their case and mentioning that other employees who are similarly placed have been allowed this allowance either under orders of the Tribunal or under executive orders. This representation should be filed within thirty days from the date of receipt of copy of this order. The Cabinet Secretariat should take a view on the representation within 90(ninety) days thereafter and communicate the decision to the applicants. The applicants are given liberty to approach the Tribunal again if they are dissatisfied with the order on their representation.

198/11/1

Motin Ud-Din Ahmed

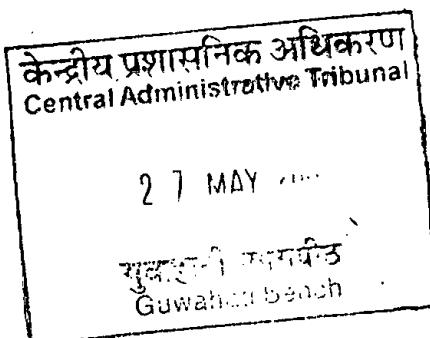
M.A., B.Sc., LL.B.

Addl. Central Govt. Standing Counsel
.....respondents Guwahati Bench (CAT)

-9-

7. In the result, therefore, the application is disposed of in terms of the observation and direction given in paragraphs 5 and 6 of this order. There shall be no order as to costs.

Somnath Son
(SOMNATH SON)
VICE-CH~~28/4/98~~



04
TAL
AB.
J.
NTLY

N
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY 2008

Ministry of Health & Family Welfare

गुवाहाटी न्यायपीठ
Guwahati Bench

No.Z.28015/24/2001-II

Government of India

Ministry of Health & Family Welfare

124
Nirman Bhavan, New Delhi,
Dated the 4th February, 2004.

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

Subject:-

Payment of Hospital Patient Care Allowance/Patient Care Allowance to
Group C & D (Non-Ministerial) employees working in hospitals,
dispensaries and organizations.

Sir,

I am directed to state that Ministry of Finance had suggested to this Ministry that
a clear cut policy for payment of Hospital Patient Care Allowance/Patient Care
Allowance to Group C & D (Non-Ministerial) employees working in hospitals,
dispensaries and organizations be evolved. Subsequently in consultation with Department
of Personnel & Training and Ministry of Finance, it was decided that in the light of the
Cabinet decision on the payment of Hospital Patient Care Allowance/Patient Care
Allowance, it may not be appropriate to lay down the policy for Hospital Patient Care
Allowance/Patient Care Allowance as the major para-meters of the policy have already
been decided. Instead, perhaps a consolidated letter be issued in consultation with Dte.
General of Health Services to remove all ambiguity in this regard.

Accordingly, the following Guidelines for implementing Hospital Patient Care
Allowance/Patient Care Allowance are consolidated in consultation with the Dte. General
of Health Services:-

i) Eligibility for Hospital Patient Care Allowance:

The Hospital Patient Care Allowance is admissible to all Group C & D (Non-
Ministerial) employees excluding nursing personnel @ Rs.700/- per month and Rs.695/-

....2/-

1874/04
EA
lno
Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

per month respectively working in General Hospitals (those with 30 beds or more); and in Super Speciality Hospitals (those with 10 beds or more), subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees.

ii) Eligibility for Patient Care Allowance:

The Patient Care Allowance is admissible to the Group C & D (Non-Ministerial) employees excluding nursing personnel @ Rs.690/- per month working in the health care delivery institutions/establishments (other than hospitals) having less than 30 beds, subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees. (Copies of this Ministry's Orders No.Z.28015/26/98-MH (H), dated 28.9.1998 and Z.28015/41/98-H (i), dated 2.1.1999 are enclosed).

iii) The condition which an organization must satisfy before its employees can be considered for grant of Hospital Patient Care Allowance.

Only persons (Group C & D, Non-Ministerial employees) whose regular duties involve continuous and routine contact with patients infected with communicable diseases or those who have to routinely handle, as their primary duty, infected materials, instruments and equipments which can spread infection as their primary duty may be considered for grant of Hospital Patient Care Allowance. It is further clarified that HPCA shall not be allowed to any of those categories of employees whose contact with patients or exposure to infected materials is of an occasional nature.

iv) The conditions which an organization must satisfy before its employees can be considered for grant of Patient Care Allowance.

The persons (Group C & D, Non-Ministerial) employees whose regular duties involve continuous routine contact with patients affected with communicable diseases or are handling infected materials, instruments and equipments which can spread infection as their primary duty working in health care delivery institutions other than Hospital (30 beds for General Hospital; 10 beds for Super Speciality Hospital) may be considered for

(23) - 201

✓ 27 MAY 2008

-: 3 :-

गुवाहाटी न्यायालय
Guwahati Bench

grant of Patient Care Allowance.. PCA shall not be allowed to any Group 'C' & 'D' (Non-Ministerial) employees whose contact with patients or exposure to infected materials is of occasional nature.

v) The classification of Group C & D Civil posts.

The classification of Group 'C' & 'D' Civil posts for the payment of Hospital Patient Care Allowance/Patient Care Allowance as notified by Department of Personnel & Training vide their Notification No.13012/1/98-Estt.(D), dated 20.4.1998 is as under:

Group 'C' Posts

"A Central Civil post carrying a pay or a scale of pay with a maximum of over Rs.4000/- but less than Rs.9000/-"

Group 'D' posts

"A Central Civil post carrying a pay or a scale of pay the maximum of which is Rs.4000/- or less."

Department of Personnel & Training vide their Office Memorandum No.35034/1/97-Estt.(D)(Vol.iv), dated 10.02.2000 further clarified that the classification of the post held by the officer should be with reference to the scale of pay of the post held by the Government servant on regular basis and not with reference to the higher pay scale granted to the Government servant under Assured Career Progression (ACP) Scheme. In view of the Department of Personnel & Training's clarification, the Group 'C' employees who have been granted the pay scale of Group 'B' post under the ACP scheme would continue to be entitled to the payment of Hospital Patient Care Allowance/Patient Care Allowance.

The Hospital Patient Care Allowance/Patient Care Allowance is payable to Group C & D (Non-Ministerial) employees working in the hospitals/dispensaries etc. This Allowance is not admissible to Group C & D (Non-Ministerial) employees working in

....4/...

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.,
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

23(A)

- 4 -

The Headquarters Office dealing with such Healthcare Units/Dispensaries/Hospitals long as they work there. The HPCA or PCA will be admissible to such employees only in the event of their transfer from Headquarters to the Healthcare Units/Dispensaries/Hospitals and subject to the condition specified in (iii) and (iv) above.

The Non-Ministerial posts will be decided as per the recruitment rules of the posts. Though the power to declare an employee as Non-Ministerial rests with the Head of Office, this should be done only with the prior approval of the Administrative Ministry in consultation with the Department of Personnel & Training.

vi) The dates of eligibility in each case.

The grant of Hospital Patient Care Allowance/Patient Care Allowance can be considered from the dates as notified by Ministry of Health & Family Welfare. The dates of eligibility for payment of Hospital Patient Care Allowance/Patient Care Allowance would be notified in consultation with the Ministry of Finance in all cases of grant of Hospital Patient Care Allowance/Patient Care Allowance to the Group C & D (Non-Ministerial) employees in the future (Copy of this Ministry's Order No.Z.28015/60/87-H, dated 5.3.1990 is enclosed).

These issues with the approval of Department of Personnel & Training vide their U.O. No.239/03-Estt (AL), dated 20.6.2003 and Ministry of Finance (Department of Expenditure) vide their U.O. No.362/E.IV/03, dated 3.7.2003.

Yours faithfully,


(U.C. Ganguly)
Deputy Secretary to the Government of India

The Director General of Audit, Central Revenues, I.P. Estates, New Delhi.
The Director (CGHS), Nirman Bhavan, New Delhi.

The Additional Director (CGHS), Nirman Bhavan, New Delhi.

The Medical Superintendent, Dr. RML Hospital, New Delhi.

The Medical Superintendent, Safdarjung Hospital, New Delhi.

The Principal & Medical Superintendent, Lady Hardinge Medical College & Hospital, New Delhi.

OFFICE CLOSER NO. XII/P.C.A./93(14)-87 Dt. 6-5-99.

केन्द्रीय प्रशासनिक 35
Central AdministrativeIn terms of Cab. Sectt. O.M. No. 20/13/89-
C.R.I-2671 Dt. 17.9.98 sanctionis hereby conveyed for the payment of HICA to the following
non-ministerial Group 'C' & 'D' employees of the ARC Hospital
on the analogy of facilities given to CGHS Hospital employees
in pre-revised rate of 140/- p.m. w.e.f. 17.9.98 and revised
rate of Rs.690/- w.e.f. 29.12.98 onwards as mentioned against
their names.

27 MAY 2000

गुवाहाटी न्यायालय
Guwahati BenchSl. No. Name & Designation. w.e.f. 17.9.98 to 28.12.98
w.e.f. 29.12.98 onwards
pre-revised.

S/Star.

1. B.C. Rout, <u>Driver</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
2. B.B. Mohanty, <u>Sr. Lab.</u> Tech.	Rs. 140/- p.m.	Rs. 690/- p.m.
✓3. K.B. Mohapatra, <u>Lab. Tech.</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
4. S. Chakraborty, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
5. L.P. Das, <u>Pharmacist</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
K.L. Sarmi, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
6. Dey, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
✓7. P. K. Patowary, <u>S.I.</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
8. G.K. Bhuy, <u>Sr. Radiographer</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
9. M.C. Mekara, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
10. S.N. Bindapuri, <u>Carpenter</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
11. J. Borthakur, <u>Presser</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
12. K.C. Bora, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
13. N.L. Rayak, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
14. T. Arpanam, <u>Cook</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
15. K. Dabi, <u>Cook</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
16. G.H. Sethy, <u>Dhobi</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
17. J. Jikishun, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
18. Mrs. Martha Melliak, <u>Ayah</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
19. Mrs. K.T. Kunju Kunju, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
20. Mrs. Chayananti Devi, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
21. Mrs. D. Jaymai, <u>Sweeper</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
22. Raniwari Naik, <u>Sweeper</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
23. Mr. Gunu Naik, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
24. Mr. P.K. Naik, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.
25. Mr. Hori Naik, <u>do</u>	Rs. 140/- p.m.	Rs. 690/- p.m.

Contd.. P/2.

Mötin Ud-Din Ahmed

M.A., B.Sc., LL.B.

Addl. Central Legal Counsel
Guwahati Bench (CAT)

(25)

(26)

Mr. J. J. Jaiswal, Sweeper. Rs. 140/- p.m.	Rs. 690/- p.m.
Mr. N. K. Sinha, Ward Boy. Rs. 140/- p.m.	Rs. 690/- p.m.
Mr. N. Chanty, Ward Boy. Rs. 140/- p.m.	Rs. 690/- p.m.
Mr. H. C. Mohorena, do. Rs. 140/- p.m.	Rs. 690/- p.m.

Certified Cat.

This allowance is effective from 17.9.98 to the petitioners only.

They have been sanctioned HCA in pre-revised rate of Rs. 140/- p.m. w.e.f. 17.9.98 and revised rate of Rs. 690/- p.m. w.e.f. 29.12.98 onwards in terms of Order of Ministry of Health & Family Welfare No. Z.20015/41/96-II(1) Ds. 2,7,99.

They are Group 'B' in 'B' Category of Staff working in HCA office and entitled for patient care allowance.

(H.C. RUKERJA)
DEputy Director (Admin.)
Deputy Director (Admin.)
A. R. C., Charbaria

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

27 MAY

गुवाहाटी न्यायपाठ
Guwahati Bench

File No. XII/PC. 193(14) - 8855
National Hospital Central
Government of India
Charbaria (Guwahati)
Assam (Sub-Division).

... and two, May, 1999.

File to :- 1) The Director of Accounts, Cen. Sectt., R.R. Bureau,
New Delhi.
2) Accounts Section (Pay Bill Sect) HIC, Charbaria. 2 coria
3) Computer Coll.
4) Office Order Folder.
5) Office copy.

NO XII/PC. 193(14) Pt-10044.

Date 22.5.99

Final Copy to D.S. General Office, HIC, Charbaria.

2) Soc. (1) / Soc. (2)

4) Office copy

Rasid Ali
Accounts Officer
22/5/99

Motin Ud-Din Ahmed

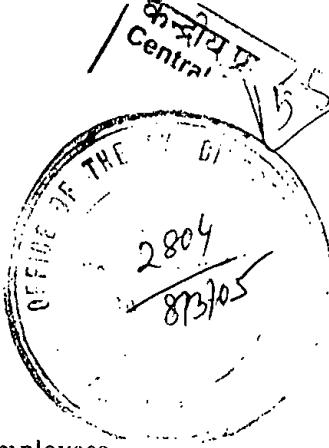
Adv. C. Counsel
Guwahati Bench (CAT)

(155)

Main Office

26
AVIATION RESEARCH CENTRE
DIRECTORATE GENERAL OF SECURITY
(CABINET SECRETARIAT)

Ministerial
O.C.V. of India DG (S)
ARC. Deem Decem



Subject : Grant of HPCA to the non-ministerial (Gp. 'C' & 'D') employees
Of ARC Hospitals.

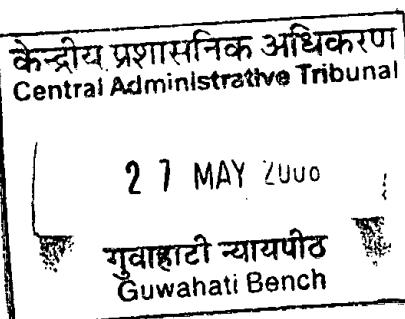
MR
EP
Cabinet Secretariat may kindly refer to their U.O. No.20/ 13/ 89-E.A.I - 421 dated 9th March 2004 and their O.M. No.7/1/2004 -E.A.I- 644 dated 15.04.2004 forwarding therewith a copy of Ministry of Health and Family Welfare letter No.Z.28015/ 24/ 2001-H dated 4th Feb. 2004 on the subject mentioned above.

2. The Min. of Health and Family Welfare vide Para (ii) and (iv) of their letter dated 04.02.2004 has specified the eligibility criteria for grant of HPCA to the employees working in Hospitals, Dispensaries and organizations, which states that :-

(a) The Patient Care Allowance is admissible to the Group C & D (Non-Ministerial) employees excluding nursing personnel @ Rs.690/- per month working in the health care delivery institutions / establishments (other than hospitals) having less than 30 beds, subject to the condition that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees.

(b) The persons (Group C & D, Non-Ministerial) employees whose regular duties involve continuous routine contact with patients affected with communicable diseases or are handling infected materials, instruments and equipments which can spread infection as their primary duty working in health care delivery institutions other than Hospital (30 beds for General Hospital; 10 beds for Super Speciality Hospital) may be considered for grant of Patient Care Allowance. PCA shall not be allowed to any Group 'C' & 'D' (Non-Ministerial) employees whose contact with patients or exposure to infected materials is of occasional nature.

3. The Group 'C' & 'D' employees working in ARC Hospitals during the performance of their duties come in contact with patients affected with infectious and communicable diseases. Besides, they also handle infected materials, equipments and instruments which are likely to spread infections to the employees. Such employees posted in ARC Hospitals are thus covered under the provisions fixed by Min. of Health and Family Welfare to be eligible for grant of HPCA. Details of such officials are sent herewith in the enclosed Appendix.



Contd.....2/p

Motin Ud-Din Ahmed
A.A. B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

(27)

- 208

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

27 MAY

गुवाहाटी न्यायपीठ
Guwahati Bench

:2:

4. These employees are not granted any other allowances like risk allowance, night duty weightage allowance etc.

5. Cabinet Sectt. are therefore requested to kindly convey the approval of Min. of Health and Family Welfare to grant HPCA to the officials of ARC at the earliest.

(O.P.SIROHI)
DEPUTY DIRECTOR (A)

CABINET SECTT. (SH. JAGDISH CHANDER, UNDER SECRETARY (SR))
ARC DTE. U.O. NO. ARC/COORD/12/2002- 148 DATED: 28/4/05

N.O.O.

Copy to:

- 1) The Dy. Director (A), ARC Charbatia w.r.t. his Memo. No. VII/109/HPCA/03- 29495 dated 20.11.04.
- ✓ 2) The Asstt. Director(A), ARC Doom Dooma w.r.t. his Memo. No.219/ESTT/ DDM/97-98/ 198 dated 12.02.05.
- 3) The Asstt. Director (A), ARC Sarsawa w.r.t. his Memo. No. ARC/ESTT/C-1246 /01-550 dated 13.01.05.

DEPUTY DIRECTOR (A)

No. 219/ESTT/DDM/97-98 28/21 DTD. 09 03 05

Copy forwarded to the S.M.O, ARC, Hospital Deem Deema for info.
A.D(T), FRU, Numaligarh for info.

ML
10 S.F.O(A)

PN

Motin Uddin Ahmed
M.A. B.Sc. LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

APPENDIX

List of Group 'C' & 'D' officials of ARC, Hospitals eligible
to draw Hospital Patient Care Allowance.

Group - C

S.No.	Name S/Shri	Designation
01.	L.D.Das	Pharmacist
02.	K.C.Swain	Pharmacist
✓ 03.	Mohan Padun	Pharmacist
✓ 04.	Rajen Rajkhowa	Pharmacist
05.	S.K.Pattanaik	Lab. Technician
✓ 06.	J.P.Tiwari	Lab. Technician
07.	P.K.Paikray	Sanitary Inspector
08.	Rajesh Mohanty	Sanitary Inspector
✓ 09.	B.P.Saikia	Sanitary Inspector
10.	MVSN Sastry	Sanitary Inspector
11.	Sunil Kumar	Sanitary Inspector
12.	CGK Murthy	Sr.Radiographer
13.	N.C.Behera	Sr.Radiographer
14.	Mrs. Banaja Das	Dietician
15.	B.N.Parida	Medical Asstt.(Dental)
16.	J.N.Bindhani	Carpenter
17.	G.N.Beura	Tailor
18.	R.S.Pathak	SFA(Medics)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Group - D

S.No.	Name S/Shri	Designation
01.	Niranjan Mohanty	Wardboy
02.	N.K.Sahoo	Wardboy
03.	K.C.Moharana	Wardboy
04.	Mrs.Martha Mallick	Ayah
05.	Mrs.Damayanti Devi	Ayah
06.	Narahari Naik	Dresser
07.	Jayaram Barik	Barber
08.	G.N.Sethi	Dhobi
09.	Jaikisan	Dhobi

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

10.	J.B.Sethy	Cook
11.	Swaraj Kumar	Waiter
12.	A.K.Rath	Waiter
13.	Ramnageswar	Washer-up
14.	A.K.Sahoo	AMM
15.	M.S.Behera	AMM
16.	K.V.Swamy	AMM
17.	K.D.Rao	AMM
18.	S.P.Rao	AMM
19.	Prem Singh	AMM
✓20.	P.K.Biswas	AMM
✓21.	Dilip Das	AMM
✓22.	Sibnath Singh	AMM
✓23.	Rajeswar Ram	AMM
24.	Som Singh	AMM
25.	Ram Pal	AMM
26.	T.P.Upadhyay	AMM
27.	G.L.Majhi	AMM
28.	Lal Singh	AMM
29.	C.S.Yadav	AMM
30.	Brijesh Kumar	AMM
31.	Nirvesh Kumar	AMM
32.	M.M.Nayak	Mazdoor
33.	S.Adabar	Mazdoor
34.	Baliram Singh	Mazdoor
35.	Mrs. D.Laxmi	Safaiwala
36.	Johar Naik	Safaiwala
37.	Hari Naik (B)	Safaiwala
38.	P.K.Naik	Safaiwala
✓39.	Bhabatesh Das	Safaiwala
40.	One incumbent drawn from other Unit to work in ARC Hospital.	

(29)

14269

3/12/2007

1015/ES/2007
4/12/07

D.D. (Addressee)

संस्थानी संस्कारण

४/१२

Most Immediate

AVIATION RESEARCH CENTRE
DIRECTORATE GENERAL OF SECURITY
(CABINET SECRETARIAT)

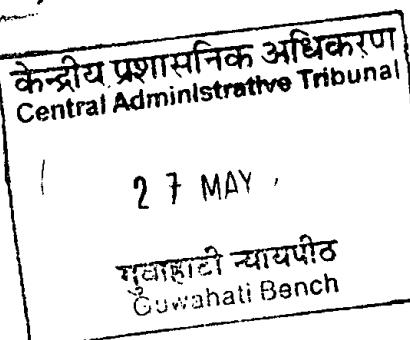
Subject :- Grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial Group 'C' & 'D' employees of ARC Hospitals

Cab. Sectt may kindly refer to their U.O. No. 20/2/2005-EA-I-2208 dated 04.06.2007 on the subject mentioned above.

2. Pointwise clarification to the observations made by the IFU are furnished below:-

- i) The total sanctioned strength of Gp 'C' & 'D' non-ministerial employees(excluding Nursing Staff) of ARC Hospitals at Charbatia, Doom Dooma and Sarsawa is 71, out of which the HPCA is now proposed for 23 Gp 'C' & 'D' employees. The details of posts and the Order No. under which they were created are shown in the enclosed Appendix-'A'.
- ii) In pursuance of Cab. Sectt Order No.20/13/89-EA-I dated 17.09.98 and 12.09.2000, a total of 48 Gp 'C' & 'D' non-ministerial employees of ARC were sanctioned HPCA till date. The exact number of officials now required to be paid HPCA is 23(71-48).
- iii) As regard reasons for not including the names of all Group 'C' & 'D' Non-ministerial employees in the initial proposal, it is clarified that such officials joined ARC later on after the issue of against the vacancies of retirement/transfer/death/cessation of deputation. Hence, their names were not included in the initial proposal.
- iv) File No.20/13/89-EA-I leading to the issue of sanction HPCA to 29 officials may please be linked by the Cab. Sectt, as desired by IFU.
- v) All the posts in question are non-ministerial as per the RRs copies of which are furnished in the Appendix-B.
- vi) The annual financial implication involved in the proposal works out to Rs.1,90,440/- in case the proposed HPCA is granted to the remaining 23 eligible Group 'C' & 'D' Non-ministerial employees of ARC @ of Rs 690/- per month (23x690x12).

Motin Uddin Ahmed
M.A. LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)



30

27 MAY 2007

गुवाहाटी न्यायालय
Guwahati Bench

-2-

vii) The incumbents of all these posts are getting 15 % Special Security Allowance. HPCA is a professional allowance attached to the posts meant for work of specialized nature and therefore may not be linked to Security Allowance.

viii) HPCA was granted to Pharmacists, Sanitary Inspectors, Dieticians, Carpenters, Cooks, Waiters, AMMs, Mazdoors on the analogy of the facilities being allowed to the similarly placed employees of CGHS on the basis of the Judgment of Hon'ble CAT, Cuttack.

ix) AMM in other department are not getting any kind of other special allowance. The AMM of ARC hospital are getting HPCA vide Cab. Sectt order dated 12.09.2000. The justification for grant of HPCA to the AMM is enclosed in the Appendix 'C'.

x) Approval of the Secy (R) may kindly be taken by the Cab. Sectt. as desired by the IFU.

3. In the meantime, one of the Non-Ministerial employee of ARC Hospital, namely Sh Bishnu Saikia Ex-Sanitary Inspector has moved Hon'ble CAT Guwahati (OA No.238/07/1326 dated 15.11.07 - copy enclosed) seeking relief by way of grant of HPCA to him. The respondents which includes the Cab. Sectt. have been asked by the Hon'ble CAT to respond to the OA by 18 Dec 2007.

4. In view of the clarifications furnished above and as this case is now sub-judice, Cab. Sectt are once again requested to sanction HPCA for all Group 'C' & 'D' non-ministerial posts (excluding Nursing staff) of ARC Hospitals.

5. The matter may kindly be accorded Top Priority.


(O.P. SIROHI)
DY. DIRECTOR (A)

Encl: as stated

Director (SR), Cab. Sectt, Bikaner House Annex, New Delhi
ARC Dte. U.O. No. ARC/Coord/12/2002 3580 dtd 28.11.07

Copy forwarded to :-

- 1) The DD(A), ARC Charbaria
- ✓ 2) The DD (A), ARC Doom Dooma
- 3) The AD (A), ARC Sarsawa


Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

(31) - 32 -

No. ARC/Coord/12/2002 - 1355
Aviation Research Centre
Dte. General of Security
(Cabinet Secretariat)
Block V (East), R. K. Puram
New Delhi - 110066

Dated, the: 21/6/07

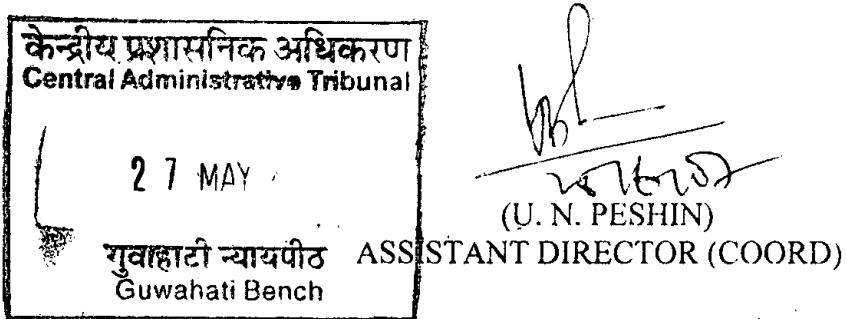
MEMORANDUM

Sub: Grant of HPCA to non-ministerial Gp 'C' & 'D' employees of ARC Hospital.

A copy of UO No. 20/2/2005-EA-I-2208 dtd. 04/06/2007 alongwith a copy of observation dtd. 30/05/2007 of IFU received from the Cab. Sectt. on the above subject is sent herewith.

2. It is requested that requisite clarification to the observations of IFU may please be sent to us at the earliest so as to enable us to take up the case again with the Cab. Sectt.

Encl.: As stated



To,

1. The CAO, Palam
2. The Asstt. Director (A) / (B), ARC Hqrs.
3. The Asstt. Director (A), Charbatia / Doom Dooma / Sarsawa

No. 4380

Dated: 21/6/07

Copy to:

The S.M.O
ARC Hospital, Dibrugarh

For information and
requested to forward requisite
clarification to the observations
of IFU immediately.

SFO (A)

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

(32)

(23)

203

1399
09/107.1Cabinet Secretariat
(EA-I Section)

9174/A 849

5/6

1387/AD(Coord)
07/106/07

Subject : Grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial group 'C' & 'D' employees of ARC Hospitals.

Reference ARC's U.O. No.ARC/Coord/12/2002-849 dated 4.5.2007 on the subject cited above.

2. In this connection, copies of IFU's observations in the matter, recorded on pages 5-6/N of this Secretariat's File No.20/2/2005-EA.I, are enclosed herewith for information and further necessary action at your end.

Encl : As above.

Sat Pal
(Sat Pal)
Section Officer

ARC : [Shri Bhagat Ram, AD(A)]
Cab. Sectt. UO No. 20/2/2005-EA.I- 2208 dated

04 JUN 2007

Sc(G)

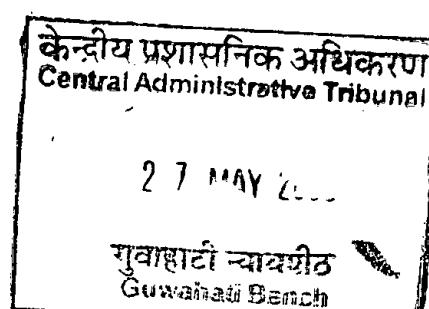
AD(Coord)

Sc(HR)

5/6/07

Sh. PKM

5/6/07



Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

ll the No
, Dietici
vincing.

Contd/....

**CABINET SECRETARIAT
(FINANCE DIVISION)**

The proposal as contained in ARC Dte. UO dated 28.2.2005 (P-1-2/c) relates to grant of Hospital Patient Care Allowance (HPCA) to the non-ministerial (Group 'C' and 'D') employees of ARC Hospital and was seen in this office at Page-2/N ante.

2. In response to our observation at Page-2/N ante, ARC vide their UO dated 4.5.2007 (P-14/c) has furnished the reply.

3. The reply furnished by ARC has been examined before processing the case further following may also be clarified.

- i) The total sanction strength of ARC Hospital is given 55 (P-31/c) whereas in the Appendix 'A' (P-3/c) the Patient Care Allowance is proposed for 58 staff. In support of sanctioned strength of Hospital, the Order No. under which post was created may also be recorded against each name in Appendix-A (P-3/c) and complete legible order may be placed on file.
- ii) All the Group C & D officials are listed in Appendix 'A' (P-3/c) stating that these Group C & D officials are eligible to draw Patient Care Allowance. However 29 officials as mentioned in Appendix-B (P-18/c) are already drawing Patient Allowance. The exact No. of officials who are now required to be paid Patient Care Allowance may be intimated.
- iii) Reasons for not including the name of all the Group C & D employees (Non-Ministerial) of ARC Hospitals who are required to be paid Patient Care Allowance at the time the proposal was initially submitted for granting Patient Care Allowance to 29 officials.
- iv) File under which Patient Care Allowance was earlier sanction to the 29 officials may also be linked.
- v) The Non-Ministerial posts are to be decided as per the recruitment rules of the posts. Hence RRs of all the posts may be placed on file. However, if the RRs does not mention the post as 'Non-Ministerial' then the case for declaration of posts/employee as 'Non-Ministerial' may be taken up with DOP&T as per the requirement of the Ministry of Health & Family Welfare letter dated 4.2.2004 (P-5/c) (Para 5 refer).
- vi) Annual financial implication may also be worked out.
- vii) Whether these employees are getting the 15% security allowance or not may also be intimated. If these employees were getting 15% security allowance then it would not be advisable to process the proposal further.
- viii) The justification for granting Patient Care Allowance to all the Non-Ministerial staff especially Pharmacist, Sanitary Inspector, Dietician, Carpenter, Cook, Waiter, AMM, Mazdoor appears not convincing.

Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

Contd/.....

32/1

ix) Whether Anti Malaria Medicines (AMM) in other departments getting any kind of special allowance.

x) Approval of the Competent Authority i.e. Secretary(R) may also be obtained.

(K.R.Verma)
Accounts Officer(IF)

Director Finance(S)

DS(SR)

11/6

62/1

203 (D/R)
16/02/1988
6/02/1988
S. S.
1/6