

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 889 of 2002  
Original Application No. 891 of 2002  
Original Application No. 13 of 2003

Jabalpur, this the 5th day of August, 2004

Hon'ble Shri Sarweshwar Jha, Administrative Member  
Hon'ble Shri Madan Mohan, Judicial Member

1. Original Application No. 889 of 2002 -
1. Indrashan, s/o. late Shiv Prasad,  
aged about 47 years, 2407/700067/LDC,  
Gun Carriage Factory Hospital,  
Jabalpur.
2. Smt. N. Suri, w/o. late R.C. Suri,  
aged 49 years, 114/701761/UDC,  
Gun Carriage Factory Hospital,  
Jabalpur.
3. P.K. Sharma, S/o. late V.K. Sharma,  
1215/702371/LDC, Gun Carriage Factory  
Hospital, Jabalpur.
4. Jitendra Rai, S/o. Shri B.N. Rai,  
aged about 41 years, Storekeeper-cum-  
Clerk, 2073/702123, Gun Carriage  
Factory Hospital, Jabalpur. ... Applicants

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,  
through its Secretary,  
Ministry of Defence, Production,  
New Delhi.
2. Director General of Ordnance Factories,  
10-A, Shahid S.K. Bose Marge,  
Kolkata.
3. Sr. General Manager, Gun Carriage  
Factory, Khamaria, Jabalpur.
4. Director General, Armed Forces  
Medical Services, Ministry of Defence,  
DHQ, New Delhi.
5. Principal Medical Officer,  
Gun Carriage Factory Hospital,  
Jabalpur. ... Respondents

(By Advocate - Shri Om Namdeo)

2. Original Application No. 891 of 2002 -
1. Smt. M. Bhattacharya, w/o. late  
B.K. Bhattacharya, aged about 52 years,  
056-702638, Lady Health Visitors,  
Gun Carriage Factory Hospital,  
Jabalpur.

2. Smt. Pramila Sahu, W/o. Shri Hari Prasad Sahu, aged about 42 years, 3000/701148, Family Planning Attendant, Gun Carriage Factory Hospital, Jabalpur.
3. Smt. Asunta Mary, aged about 46 years, 149/702659/SK, Gun Carriage Factory Hospital, Jabalpur.
4. Santosh Kumar, aged 38 years, S/o. late Chhedi Lal, 2410/702084, Messenger Boy, Gun Carriage Factory Hospital, Jabalpur.
5. R.B. Gupta, S/o. late R.S. Gupta, Aged about 30 years, 3081/Messenger Boy, 70, Gun Carriage Factory Hospital, Jabalpur.
6. M.A. Quadri, S/o. Shri Shyam Lal, aged about 41 years, 2778/701742/ Duftary, Gun Carriage Factory Hospital, Jabalpur.
7. Gulab, S/o. late Hanuman, aged 38 years, 2900/701879/Messenger Boy, Gun Carriage Factory Hospital, Jabalpur. ... Applicants

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Defence, Production, New Delhi.
2. Director General of Ordnance Factories, 10-A, Shahid S.K. Bose Marge, Kolkata.
3. General Manager, Gun Carriage Factory, Jabalpur.
4. Director General, Armed Forces Medical Services, Ministry of Defence, DHQ, New Delhi.
5. Principal Medical Officer, Gun Carriage Factory Hospital, Satpula, Jabalpur. ... Respondents

(By Advocate - Shri Om Namdeo)

3. Original Application No. 13 of 2003 -
1. A.O. Alexender, S/o. late V.C. Dommen, aged about 59 years, R/o. 1333/7-A, Narmada Road, Jabalpur.
2. Indu Bhushan Adhikari, late R.C. Adhikari, aged 48 years, R/o. 48, R.K. Colony, Ranjhi, Jabalpur.
3. Adhok Kumar Rajput, S/o. late H.S. Rajput, R/o. 457, Belbagh, Jabalpur.

4. Shambhoo Prasad Gautam, S/o. Shri Narayan Prasad Gautam, aged about 45 years, R/o. H. No. 1335, Hanumantal, Jabalpur. ... Applicants

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Defence, Production, New Delhi.
2. Director General of Ordnance Factories, 10-A, Shahid S.K. Bose Marge, Kolkata.
3. Sr. General Manager, Ordnance Factory Khamaria, Jabalpur.
4. Director General, Armed Forces Medical Services, Ministry of Defence, OHQ, New Delhi.
5. Principal Medical Officer, Gun Carriage Factory Hospital, Jabalpur. ... Respondents

(By Advocate - Shri Om Namdeo)

Common O R D E R (ORAL)

By Sarweshwar Jha, Administrative Member -

Heard the learned counsel for the parties.

2. As the cause of action and the reliefs sought in these Original Applications are identical, these are being decided by a common order.

3. The applicants have filed these Original Applications against the orders of the respondents dated the 29th May, 2002, whereby their request for Patient Care Allowances to be given to them has not been accepted by the respondents.

4. The facts of the matter, briefly, are that the applicants are presently working in different categories of posts under the direct control and supervision of respondent No. 5, i.e., Principal Medical Officer, Gun Carriage Factory Hospital, Jabalpur, and have claimed that they are engaged in looking after the work in the Family Welfare Centre. The

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applicants belong to the categories like Lady Health Visitor, Family Planning Attendant, Store Keeper, Lower Division Clerk, Upper Division Clerk, Messenger Boy, Assistant, Dufftary etc. Some of the applicants like Lady Health Visitor and Family Planning Attendant <sup>have</sup> claimed that they visit door to door to motivate and educate the employees of Ordnance Factories in respect of the benefit of Family Planning and provide their assistance to the Doctors of the Hospital at the time of Family Planning Operations and they also go to the hospital along with the patients in case patients are referred to other hospitals. Applicants belonging to other categories like Storekeeper, Messenger Boy, Dufftary are also involved in the work of patient care. Hence, they all should be granted the Patient Care Allowance.

5. In support of their prayer, they have referred to the orders of the respondents as issued on 27th May, 1991, in which the categories like Painter, Mali, Labourer, Barber, Tailor, Dhobi, Durwan, Cook, Sweeper, Masalchi, etc. have been included as eligible categories for grant of Patient Care Allowance, whereas, in their opinion, these categories of employees are not directly involved in Patient care. Their argument is that their involvement in the patient care is rather as good as that of the said categories of the employees and in some cases they are more <sup>involved</sup> and, therefore, they have pleaded that their eligibility for Patient Care Allowance is far more justified.

6. The respondents in their reply have, however, not accepted the contentions of the applicants and have maintained that the applicants' categories are not included in the orders as issued by the respondents on 27th May, 1991. They have also specifically stated that the categories like Peons and Clerks do not fall in the categories which are mentioned in the eligibility category in the said letter. They have

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also referred to the fact that the matter regarding Patient Care Allowance ~~to~~ the categories to which the applicants belong has been agitated after more than 10 years and further that their duties being purely of ministerial <sup>nature</sup>, are in-eligible to qualify for being extended the benefit of Patient Care Allowance.


7. From the ~~the~~ <sup>made</sup> submissions, by the respondents, it is however, not clear ~~whether~~ whether the matter has been examined in consultation with the concerned authorities in the Government, namely, the Ministry of Health and Family Welfare/  
~~The~~ Directorate General of Health Services under the said Ministry who are <sup>the</sup> ~~modal~~ authority on the subject and who have initially extended the said benefit of Patient Care Allowance to their hospitals and their employees and which has been subsequently adopted by the <sup>other</sup> ~~Government~~ <sup>Department</sup> for granting the same benefits to ~~other~~ employees involved in patient care working in the hospitals runned by them. It has transpired from the learned counsel for the respondents that the reply on behalf of the respondents had been issued only after having the approval of the Ordnance Factory Board.

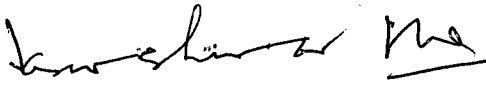
8. Any allowance which is made available to the Central Government employees is a subject which initially should be examined in consultation with the appropriate authorities <sup>B</sup> the ~~modal~~ authority of the Government. The Ministry of Health and Family Welfare is the only authority in respect of this allowance in the Government of India. It is quite obvious that the subject as raised in these Original Applications has not been given due consideration by the respondents. They have merely referred to their letter of 27th May, 1991 and, finding no reference to the categories which the applicants belong, they have rejected their case. In fact, the respondents should have applied their mind ~~to~~ the subject.

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and should also have consulted their own health services-related authorities under the Ministry of Defence and, if necessary, they should have consulted the appropriate authority, i.e. the Ministry of Health and Family Welfare, before giving any reply to the applicants in the matter.

9. Having regard to the facts of the case as submitted by both the sides and also keeping in view the necessity of the appropriate authorities, i.e., the Ministry of Health and Family Welfare / The Directorate General of Health Services under the said Ministry, ~~be~~ consulted in the matter to examine as to whether the relevant categories to which the applicants belong are ineligible for the said allowance or such categories of staff should be considered for the said allowance being given to them, we are of the considered opinion that these Original Applications can be disposed of with a direction to the respondents to reconsider the matter in consultation with the Ministry of Defence including their Armed Forces Medical Services as well as the Ministry of Health and Family Welfare including the Directorate General of Health Services under the said Ministry and <sup>to</sup> dispose <sup>it</sup> of by issuing a reasoned and speaking order as per law and after making it absolutely clear that the said authorities have been consulted in the matter before the same has ~~been disposed of~~. Ordered accordingly. The respondents are further directed that their consideration/consultation in the matter and disposal thereof should be completed within six months from the date of receipt of a copy of this order. With these observations, the impugned letter of the respondents dated 29th May, 2002 stands quashed and set aside. No costs.

  
(Madan Mohan)  
Judicial Member

  
(Sarveshwar Jha)  
Administrative Member