

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1122 of 2000

Jabalpur, this the 9th day of March, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

1. Labour Welfare Organisation  
Employees Association,  
M.P. Region, Jabalpur  
through its Secretary  
Shri P.P. Shrivastava,  
Junior Clerk, Office of  
the Welfare and Cess  
Commissioner, Labour Welfare  
Organisation, Head Office at  
44, Narmada Road, Gorakhpur, Jabalpur  
(M.P.)
2. Vimal Bhushan Sharma,  
aged about 37 years,  
S/o Shri Vinay Bhushan  
Sharma, Pharmacist,  
Bidi Workers Welfare Fund  
Dispensary Raddi Chowki,  
Adhartal, Jabalpur(M.P.)

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

1. Union of India,  
through the Secretary,  
Ministry of Labour,  
Government of India,  
Shram Shakti Bhawan,  
Rafi Marg, New Delhi
2. Director General,  
Labour Welfare,  
Jaisalmer House, Man Singh  
Road, New Delhi.
3. Welfare & Cess Commissioner,  
Labour Welfare Organisation,  
44 Narmada Road, Gorakhpur  
Jabalpur M.P.

RESPONDENTS

(By Advocate - Shri Harshit Patel on behalf of  
Shri S.C. Sharma)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman :-

By filing this OA, the applicant has sought the  
following main reliefs:-

- (i) to declare that the condition imposed by the  
respondent No.1 in Annexure A-7(24.7.97) of 30 or more  
bedded hospital as a pre-condition for grant of patient  
care allowance is arbitrary and discriminatory and,  
therefore opposed to Article 14 and 16 of the  
Constitution of India

(ii) to direct the respondents to grant Patient Care Allowance to the Pharmacists, Drivers Dressers and Staff Nurses working in various dispensaries under the respondent No. 3 within the State of Madhya Pradesh at the admissible rates w.e.f. 1.1.86/1.4.87

(iii) to direct the respondents to grant arrears of Patient Care Allowance to the admissible members of the applicant's Association w.e.f. 1.1.86 till the date of realisation.

(iv) to direct the respondents to pay interest at the rate of 18 percent on the arrears of Patient Care Allowance for its delayed payment till its realisation.

members of the

2. The brief facts of the case are that the applicants association are working as non-ministerial staff in the hospital/clinics/dispensaries run by the Labour Welfare Organisation under the Ministry of Labour. The respondents vide order dated 24.7.1997 (Annexure-A-7) have restricted grant of Patient Care Allowance (for short 'PCA') to Group C and Group D non-ministerial staff only to "those working in Group C and Group D <sup>posts &</sup> working in dispensaries/hospital under DGE&T and LWO which fulfil the condition of 30 beds or more and subject to that no Night Weightage Allowance and Risk Allowance, if sanctioned by the Government will be admissible. Further such facility will be admissible from the date of issue of the order." According to the applicant-association, there is no hospital run by the Labour and Welfare Organisation which is 30 bedded or more bedded hospital. All the hospital and dispensaries run by the Labour Welfare Organisation <sup>have are &</sup> less than 30 bedded, <sup>applicants</sup> Aggrieved by this, the <sup>have</sup> filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the record.

4. The learned counsel for the applicants have submitted that the <sup>condition &</sup> eligibility for grant of PCA to the persons working in the Labour Welfare Organisation in 30 bedded

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hospital is imposed only in case of persons working under respondent No. 3 and the same condition is not made applicable to the non ministerial staff under the Ministry of Health and Ministry of Defence hospital/dispensaries run by the Ordnance Factories.

5. On the other hand the learned counsel for the respondents has drawn our attention <sup>to</sup> para 12 of the reply. According to which, grant of PCA to Group C and Group D Staff (non-ministerial) of labour welfare organisation is under active consideration of the Government on the recommendation of Vth Central Pay Commission.

6. In the facts and circumstances <sup>of the case &</sup> we dispose of this OA by directing the respondents to consider the claim of the applicants- association for grant of PCA <sup>on the same conditions &</sup> as is being granted to persons working in the hospitals run by the Ministry of Health and the Ministry of Defence. There should not be any discrimination on the ground of imposing the condition of 30 bedded hospital/dispensary only. The persons working in the Labour Welfare Organisation should not be discriminated. The respondents are directed to comply with the above directions within a period of 6 months from the date of receipt of copy of this order. The OA is accordingly disposed of. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

SKM

पुस्तक सं ओ/व्या..... जलपुर, दि.....

संकेतित -

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..... S. N. Singh

..... SC Sharma

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16/3/04

Issued  
16-3-04