

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>31.07.2009</u></p> <p><u>OA No. 364/2008</u></p> <p>Mr. P.N. Jatti, Counsel for applicant. Mr. S.M. Khan, Counsel for respondents.</p> <p>Heard learned counsel for the parties.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <p style="text-align: right;">(B.L. KHATRI) MEMBER (A)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 31st day of July, 2009

ORIGINAL APPLICATION NO. 364/2008

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Nathi Lal son of Shri Bidha Ram by caste Sharma aged about 54 years, resident of Near Lime Stone and Dola Mite Labour, Welfare Organisation Dispensary, J.K. Road, Gotan. Presently working as Pharmacist in the Dispensary, Gotan.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rabbi Marg, New Delhi.
2. The Welfare Commissioner, Office of the Welfare Commissioner, Labour Welfare Organisation, B-115, Jetia Hills Data Nagar, Ajmer (Rajasthan).
3. The Director General (L.W.), Government of India, Ministry of Labour and Employment, Jaisalmer House, Man Singh Road, New Delhi.

.....RESPONDENTS

(By Advocate: Mr. S.M. Khan)

ORDER (ORAL)

The applicant has filed this OA against the order dated 07.08.2008 (Annexure A/1) whereby the Welfare Commissioner as per the instructions contained in Ministry of Labour & Employment letter dated 11.04.008 and as per recommendations of duly constituted committee of three Chief Medical Officers has ordered for stoppage of Patient Care Allowance to Group 'C' and 'D' staff with effect from 01.04.2008.

2. Briefly stated facts of the case are that the applicant was being allowed Patient Care Allowance vide order dated 14.08.2002

PN

(Annexure A/2). However, this Patient Care Allowance was declared not admissible vide order dated 07.08.2008 (Annexure A/1) on the basis of the letter of Ministry of Labour & Employment dated 11.04.2008 (Annexure R/3).

3. The respondents have filed their reply thereby opposing the claim of the applicant. Along with the reply, they have annexed a copy of the letter dated 04.02.2004 regarding payment of Hospital Patient Care Allowance/ Patient Care Allowance to Group 'C' and 'D' (Non-Ministries) employees working in hospitals, dispensaries and organizations. At this stage, it will be useful to quote Para No. (iv) of the said letter, which thus reads as under:-

"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 of General Hospital, 10 beds for Super Specialty Hospital) may be considered for grant of Patient Care Allowance. PCA shall not be allowed to any Group 'C' and 'D' (Non-Ministerial) employee whose contact with patients or exposure to infected material is of occasional nature."

4. Learned counsel for the applicant submits that the case of the applicant is not covered by the specific condition, as shown above, for the inadmissibility of the Patient Care Allowance.

5. On the other hand, learned counsel for the respondents has vehemently contended that the case of the applicant is squarely covered by Para iv of letter dated 04.02.2004 (Annexure R/4) and Patient Care Allowance had rightly been ordered to be inadmissible vide order dated 07.08.2008 (Annexure A/1).

6. I have heard the rival contentions of both the parties and had perused the material placed on record. I find that applicant ^{is} ~~has~~ not

M

aware of the specific the conditions of admissibility of Patient Care Allowance. It is also not evident from record what was the nature of duties being performed by the applicant who is holding the post of a Pharmacist. Therefore, at this stage, question of admissibility of Patient Care Allowance to the applicant cannot be determined. Therefore, the applicant is directed to make a self contained representation to Respondent no. 2 within a period of one month from the date of receipt of a copy of this order. In case the representation is filed within the aforesaid period, in that eventuality, Respondent No. 2 shall decide the representation of the applicant within a period of two months from the date of receipt of a copy of representation by passing a reasoned & speaking order.

7. The interim stay granted vide order dated 15.09.2008 shall continue to operate even after expiry of period of 15 days from the date of order on the representation of the applicant.
8. In case the applicant is still aggrieved by the order to be passed by the respondents, he is at liberty to approach this Tribunal again.
9. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ