

10/100

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 9/95

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Salib
12/12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI -5.

ORIGINAL APPLICATION NO. 9/95

MISC PETITION NO. _____ (O.A.NO. _____)

REVIEW APPLICATION NO. _____ (O.A.NO. _____)

CONT. PETITION NO. _____ (O.A. NO. _____)

Asit Kumar Jain & ORS. APPLICANT(S)

VERSUS

Union of India & ORS. RESPONDENT(S)

MR S. Dutta

Advocate for the
Applicant.

Advocate for the
Respondents

Cause

Office Note

Court Orders

16-1-95

16-1-95

This application
is filed along with
one I.P.O NO. 882724
dated 5.1.95 for Rs.
50/- only and is in form
canceled motion.
Laid before the
Bench for favor of
orders.

16/1/95
Deputy Registrar (G)

Central Administrative Tribunal

Guwahati Bench

16/1/95

Mr. S. Dutta for the applicant?
Mr. A. K. Choudhury Addl. C.G.S.C. seeks
to appear for the respondents on
notice. Prima facie in view of the
decision of the Principal Bench of
Central Administrative Tribunal
referred to in Annexure 5, The respon-
dents ought to have replied the
representation of the applicant's
dated 16-5-94 (Annexure 5). The A
question is decided by the Tribunal
ordinarily similarly situated persons
or not to be given to file separate
litigation. Relief granted to the
applicant's to join in this single
application as prayed in para 6 of the
application.

Hence issue notice before admi-
ssion to the respondents. Returnable
on 13-2-95, as ^{to show whether} together the respondents
are inclined to extend the benefit of
the aforesaid decision ^{of P.B.} to the appli-
cant's and if not to show cause as
to why the application may not be
admitted. Notice be ^{issued} directly to the
respondents. No interim relief at this

contd/-

O.A. 9/95

OFFICE NOTE

COURT ORDERS

16-1-95

stage that prayer will be considered after the respondents are served. The applicant's advocate to take early steps for service.

Adjourned to 13-2-95.

Add Cg to file memo of appearance

Vice-Chairman

Member

1m

14-2-95

None for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. The formal service of notice on all the respondents is awaited.

Adjourned to 8-3-95 for admission

Vice-Chairman

Member

1m

20.3.95

Leave note of Mr S. Dutta for applicant.

Mr A.K. Choudhury, Addl. C.G.S.C. for the respondents.

Adjourned to 3.4.95.

Vice-Chairman

Member

pg

Adjourned to 3.4.95

Adjourned to 28.4.95

28.4.95

Mr S.Dutta for the applicant.

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

No show cause reply has been file so far. Application admitted. Issue notice to the respondents. 8 weeks for written statement.

Adjourned to 3.7.95 for orders. Liberty to apply for early hearing after 3.7.95.

Notice send vide
no. 2031-35 dt. 12.5.95.

for
8/5



Vice-Chairman



Member

Notice duly send on pg
R.no. 2,345.

for
17/5

for
17/5

FR is received from the
M/o Home New Delhi
One copies of notices
has already been sent
vide no. 433-37 dt. 24.1.95.
AD is awaited.
Submitted for the orders.
for
20/6/95.

Letter No. 23/1/95 - Jndt/X1)
1441/95 dt. 26.5.95

Receipt from the Director
(Jndt) Ministry of Home Affairs
New Delhi, copy of original
applications sent with notices
vide No. 433-37 dt. 24.1.95.

Bw.

3-7-95

say that you have not given any previous reference of the Government of India. Without the previous reference, it has not been possible to ascertain as to which Division of this Ministry or any other Ministry/Department of the Government of India is really concerned with this case. It is therefore requested that you may please send brief details of the case and also send us the previous references, if any from the Government of India in order to enable us to take appropriate action on your reference. Your letter (in original) is returned herewith."

(The subject mentioned at the top of the above contents is O.A. 9(1995/203/91 dated 12-5-95 -A.K.Jain & Ors.Vs Union of India & Ors). The tenor of the letter unmistakably indicates that despite the Director (Judicial) having referred to the O.A. as the subject in connection of which the letter is written has treated the proceeding as if it were a departmental subject unmindful of the fact that it is a judicial proceeding in which any previous reference of the Government of India is not contemplated nor can be expected to be referred to by the Tribunal ~~it~~ being a judicial forum. The Central Administrative Tribunal is a judicial body and it is unfortunate that the Director (Judicial) has treated it as a department of the Government of India. The earlier letter referring to the provisions of Civil procedure Code also shows that the existence of the Central Administrative Tribunal (Procedure rules) 1987 has ~~has~~ been forgotten. The manner in which the the Director (Judicial) has addressed the correspondence to the Tribunal as if he was corresponding on a departmental subject in relation to a judicial proceeding

contd/-

hll

h
4
O.A.9/95.

3-7-95

Mr.S.Dutta for the applicant.

Mr.A.K.Choudhury Addl.C.G.S.C. for the respondents.

Mr.Swaraj Das, ASI(M) G.C. CRPF is present.

As a last opportunity the respondents are granted time till 16-8-95 to file their counter if any. It may be mentioned that although this is an O.A. of the year 1995 but looking to the nature of the claim we have expedited the hearing and we were expecting the reply by this time. In fact we wanted to dispose of the matter at admission stage, itself. However in the absence of any response to show cause notice we had to admit the application. It is now made clear to Mr.Swaraj Das that if on or before 16-8-95 the counter would not be filed we may proceed to dispose of the matter without waiting for the counter.

The Ministry of Home Affairs Government of India is respondent No.1 to the O.A. The notice before admission was issued to the said respondent on 24-1-95. The Director (Judicial) of the Ministry addressed a letter to the Deputy Registrar of this Tribunal dated 1-3-95 acknowledging the receipt of the notice but complaining that the copy of the O.A. was not received along with it and there was no compliance with rule 2 of order 5 CPC. However the Registry of the Tribunal reported that the copy was sent along with the notice. A fresh notice was issued on 12-5-95 and it was stated therein that the copy of the O.A. was already sent on 24-1-95. Thereafter a letter is received from the Director(Judicial) Shri M.L.Gupta dated 26-5-95 addressed to this Tribunal. We are surprised to read that letter. It is stated, after acknowledging the notice dated 12-5-95, thus:

"I am directed to refer to your letter No. dated 12th May 1995 on the subject mentioned above and to

contd/-

O.A.9/95

3-7-95

ding ~~is~~ pending before the Tribunal amounts to gross breach of propriety. Any request to the Tribunal in a judicial proceeding has to be made by way of an application oral or written. The Director (Judicial) has also failed to remember that there are Standing Central Government counsel authorised to appear and attend to judicial proceedings in this Tribunal on behalf of Government of India. Mr. A.K. Choudhury, learned Addl. C.G.S.C., having entered his appearance has been representing the Government of India. It was therefore necessary for the Director to have sent his instructions to the counsel and to have requested him to seek directions from the Tribunal if he had not received the copy of the O.A.. It is hoped that hereafter the propriety and decorum of the judicial proceeding and the judicial form will be observed and any request required to be made will be made through the counsel and not by way of correspondence addressed to the Tribunal. It was only because of anxiety to see that the respondents could be heard in the matter that administratively the two letters ~~we are~~^{were} replied. However, it is made clear that hereafter no such direct correspondence will be replied and unless any request is made through the counsel and in a proper manner it will not be entertained. The purpose of providing Standing counsel to represent the Central Government and its departments cannot be allowed to be frustrated in this manner unless the concerned authority may choose to appear in person. That is the elementary rule.

contd/-

hll

O.A.9/95

3-7-95

A copy of this order be sent to the Director (Judicial) the Ministry of Home Affairs, Government of India. Copy of the order to be furnished to Mr.S.Ali Senior Central Government Standing Counsel as well as Mr.A.K. Choudhury, learned Addl.C.G.S.C. who appears for the respondents in the instant case.

Adjourned to 15-8-1995.

Ullchandra
Vice-Chairman
GP
Member

lm

15/8/95

1) Notice duly served on respondents no 2, 3 & 5

16.8.95

Mr S.Dutta for the applicant.

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

Mr Choudhury wants further time to file reply. Mr Dutta is right in submitting that the respondents should be anxious to file the reply early. Considering the nature of question raised and as it appears that there was some an SLP on the point filed in the Supreme Court in another case we grant two weeks time from today to file the written statement. This should be treated as final adjournment for that purpose. To be placed for orders for fixing date of hearing on 6.9.1995.

GP
Member

Ullchandra
Vice-Chairman

Q/A
Please communicate the order early.

lm
16/8.
Order dt. 16.8.95. (contd)
to all concerned v.no. 3781-86
dt. 24.8.95
Pg

8

O.A. 9/95

OFFICE NOTE

Date

COURT'S ORDER

29-8-95

Show Cause for
and on behalf of the
respondents has been
submitted by Sri A.K.
Choudhury, Addl. C.S.C.

6.9.95

Mr S. Dutta seeks time to file rejoinder. Adjourned to 30.10.1995 for orders with liberty to file rejoinder. Mr A.K. Choudhury, Addl. C.S.C. for the respondents present.

Member

Vice-Chairman

pg

30.10.95

Adjourned to for
hearing 27.11.95

25.1.96 for hearing 13.3.96.

By

27.11.95

Adjourned to for
25.1.96.

13-3-96

List for hearing on 14-5-96.

By order
By

lm

Member

Rejoinder has not been
filed

14-5-96

Learned counsel Mr. K.K. Dey for
Mr. S. Dutta for the applicant.

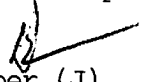
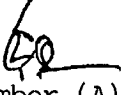
List for hearing on 10-6-96.

lm

Member

1) Show Cause has been
filed.
2) Rejoinder has not
been filed

7/6

OFFICE NOTE	Date	COURT'S ORDER
	10.6.96.	<p>Mr. S. Dutta for the applicants.</p> <p>Mr. A.K. Choudhury, Addl. C.G.S.C. for the respondents.</p> <p>Hearing concluded. Judgement delivered in the open court. The application is allowed in terms of the directions given in the order. No order as to costs. Vide Judgement kept in separate sheets.</p> <p>Member (J)  Member (A) </p>

16.7.96

Copy of final order

Issued to the parties
vide O. No. - 2166 to
2171 dtd 17.7.96.

th
16/7

trd

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 9 of 1995

Date of decision 10.6.96

Shri Ajit Kumar Jain & 22 Ors.

PETITIONER(S)

Mr. S. Dutta.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. A.K. Choudhury, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE

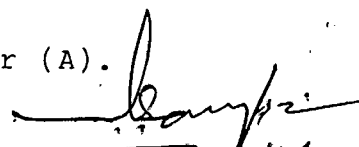
SHRI G.L. SANGLYINE, MEMBER (A).

THE HON'BLE

SHRI D.C. VERMA, MEMBER (J).

1. Whether Reporters of local papers may be allowed to see the Judgement? NO
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Member (A).


10/6/96

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 9 of 1995.

Date of decision : This the 10th day of June, 1996.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Hon'ble Shri D.C. Verma, Member (J).

Shri Ajit Kumar Jain and 22 Ors.
Resident of C.R.P.F. Complex,
Base Hospital-3,
Ninth Mile,
Guwahati

.... Applicants

By Advocate Mr. S. Dutta.

-versus-

1. The Union of India
represented by the Secretary
to the Govt. of India
Department of Home Affairs,
North Block, New Delhi.
2. The Secretary to the Govt. of India
Ministry of Health and Family Welfare,
New Delhi.
3. The Director General,
C.G.O. Complex No. 1,
Central Reserve Police Force,
Lodhi Road, New Delhi.
4. The Chief Medical Officer,
Base Hospital - III,
C.R.P.F.,
Guwahati-23
5. The Commandant
62 BN, Unit Hospital
C.R.P.F.
Bongaigaon

..... Respondents

By Advocate Mr. A.K. Choudhury, Addl. C.G.S.C.

O R D E R

SANGLYINE G.L. (MEMBER (A)).

23 Group C Civilian employees working under the
hospitals of the CRPF hospitals at Guwahati and Bongaigaon
have filed this instant original application. They have been
allowed to join in one single application vide our order

..... dated

1
10/6/96

dated 16.1.1995. They are aggrieved against non-payment of hospital care allowance to them by the respondents. They claim that according to the scheme of the Government of India dated 25.1.1988 (Annexure-1) in this regard they are entitled to the allowance with effect from 1.12.1987. Further, they have pointed out that similarly placed employees have been granted the allowance pursuant to the Order dated 3.2.1994 of the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 931/1993 and Order dated 24.2.1994 in O.A. No. 151/94 of the Central Administrative Tribunal, Hyderabad Bench. Some of the employees working in the Base Hospital III CRPF Guwahati were also applicants in the aforesaid O.A. 931/93. The learned counsel for the applicants further pointed out that some employees of the same organisation based in Imphal had approached the Hon'ble Gauhati High Court with a prayer for granting them the hospital care allowance and have been granted the allowance by the Hon'ble Gauhati High Court in terms of the Order dated 12.3.1996 in Civil Rule No. 1417/95.

2. Mr. A.K.Choudhury, the learned Addl. C.G.S.C., pointed out that the respondents had filed SLP before the Hon'ble Supreme Court against the Order of the Hyderabad Bench mentioned above and payment of the allowance to the applicants in that case was conditional in terms of para 2 of the sanction order No. J.II-6/93-2BH-EC-II dated 23.11.1994 (Annexure-4), that is, the applicants were to give an undertaking that the amount paid to them will be refunded in full by them in case the final result before the Hon'ble Supreme Court is against them. He also pointed out that in Civil Rule No. 1417/95 also order was issued in favour of the petitioners would give undertaking that the

enc

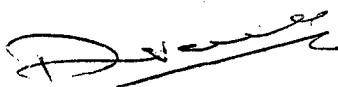
... Order

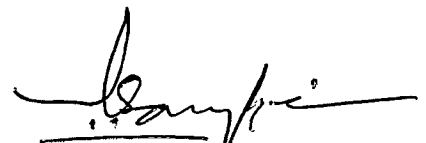
Order will be subject to the result of the appeal before the Hon'ble Supreme Court. He submits on instruction that the respondents are agreeable to pay the allowance under similar terms and conditions.

3. Under the facts and circumstance we direct the respondents to pay the "Hospital Patients Care Allowance" to the applicants in accordance with the O.M. No. Z. 28015/60/87-H, dated 25.1.1988 (Annexure-1 to this OA) at the monthly rate applicable to each applicant and from the date admissible to each one of them after obtaining an undertaking from them individually to the effect that the amount paid will be refunded by them in full if as the result of the aforesaid appeal before the Hon'ble Supreme Court it is found that the allowance is not admissible to them.

4. Considering that the period for which payment is to be made may date back to as early as 1987, we allow the respondents reasonable time for implementation of this order. In no case, however, the respondents shall delay the payment beyond 31.10.1996.

5. The application is allowed in terms of the directions given above. No order as to costs.


(D.C. VERMA)
Member (J)


(G.L. SANGLYINE)
Member (A)

Application fee of Rs. 60/-
Paid vide Bank Draft.....
Postal Order No. 882724
Dated 5-1-95

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATION TRIBUNAL ACT, 1985.

Filed by:-
Ajit K. Jain Esq.
Applicant
Mangal
S. Datta
Advocate
12-1-95

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
13 JAN 1995
40
Guwahati Bench
गुवाहाटी न्यायापीठ

O.A. 9 of 1995

For use in Tribunal Office

Date of filing 13-1-95
or

Date of receipt by post :

Registration No. OA 9/95

Signature :

Registrar :

In The Central Administrative Tribunal,
Principal Bench, New Delhi,
Additional Bench at Guwahati.

BETWEEN

1. Sri Ajit Kumar Jain
2. Sri Bhabesh Bhatta
3. Sri Binod Kumar
4. Sri J.P. Sarma
5. Smti Gerly Jacob
6. Sri Kapil Deo Ram

contd..

Received copy
H K Choudhary
H K Choudhary
12/1/95

7. Sri Shanta Mohan
8. Sri Raj Kumari
9. Smti Manju Halder
10. Sri Moti Singh
11. Sri Narayan Singh
12. Iftikar Khan
13. Sri M.Raghavan
14. Smti Rumina Begum
15. Ibrahim
16. Bassilal
17. Sri Thankomani
18. Sri S.N. Kalita
19. Sri Chandra Kishar
20. Sri Amar Singh
21. Sri B.Mohan Das
22. Sri Amulya Mohan Goswami
23. Sri Umesh Chandra Sarma

Applicants No.1 to 3 and 5 to 23 are
all resident of C.R.P.F. Complex,
Base Hospital-3, Ninth Mile,
Guwahati.

Applicant No. 4 is resident of
62 BN, Unit Hospital, C.R.P.F.,
Bongaigaon.

... Applicants.

- Versus -

contd...

1. The Union of India
represented by the Secretary
to the Govt. of India
Department of Home Affairs,
North Block, New Delhi.

2. The Secretary to the
Govt. of India
Ministry of Health and
Family Welfare,
New Delhi.

3. The Director General,
CGO Complex No. 1,
Central Reserve Police Force,
Lodhi Road, New Delhi.

4. The Chief Medical Officer,
Base Hospital-III,
C.R.P.F.,
Guwahati-23.

5. The Commandant
62 BN, Unit Hospital
C.R.P.F.
Bongaigaon.

... Respondents.

Details of application

Details of application

1. Particulars of the
applicants :

- (i) Name and designation :
1. Sri Ajit Kumar Jain
Laboratory Technician. ✓
 2. Bhabesh Bhatta,
Radiographer. ✓
 3. Binod Kumar,
Laboratory Technician. ✓
 4. Sri J.P. Sarma
Pharmacist. ✓
 5. Smti Garly Jacob
Pharmacist. ✓
 6. Sri Umesh Chandra Sarma
Laboratory Technician. ✓
 7. Sri Kapil Deo Ram
Nursing Assistant. ✓
 8. Sri Shanta Mohan
Nursing Assistant. ✓
 9. Sri Raj Kumari
Staff for sister's Mess. ✓
 10. Smti Manju Halder
Nursing Assistant. ✓

contd...

11. Sri Moti Singh,
Cook.

12. Sri Narayan Singh,
Cook.

13. Iftikar Khan
Chowkidar.

14. Sri M. Raghavan,
Ward Boy.

15. Smti Rumina Begum,
Ward Aya.

16. Ibrahim,
Chowkidar.

17. Sri Bansilal,
Chowkidar.

18. Sri Thankomoni,
Ward Aya.

19. Sri S.N. Kalita,
Ward Boy.

20. Sri Chandra Kishor,
Mali.

21. Amar Singh,
Safai Karmachari.

22. Sri B.Mohan Das,
Steward.

23. Sri Amulya Mohan Goswami
Nursing Assistant.

(ii) Office in which : i) Applicants No.1 to 3 and 5
employed. to 23 are all working in Base
Hospital-III, C.R.P.F.
Guwahati-23.

ii) Applicant No. 4 is working
in 62 BN Unit Hospital,
C.R.P.F., Bongaigaon.

(iii) Office Address : i) Applicants No. 1 to 3 and 5
to 23 all of office of the
Chief Medical Officer,
Base Hospital-III, C.R.P.F.
Guwahati-23.

ii) Applicant No. 4 is of office
of 62, BN Unit Hospital, C.R.P.F.
Bongaigaon.

(iv) Address for ser-: 1. The Union of India
vice of all represented by the Secretary
notices. to the Govt. of India,
Department of Home Affairs,
North Block, New Delhi.

2. The Secretary to the
Govt. of India,
Ministry of Health and
Family Welfare,
New Delhi.
3. The Director General,
C.G.O. Complex,
Central Reserve Police Force,
Lodhi Road,
New Delhi.
4. The Chief Medical Officer,
Base Hospital-III, C.R.P.F.
Guwahati-23.
5. The Commandant,
62 BN Unit Hospital,
C.R.P.F. , Bongaigaon.

2. Particulars of the :-
respondents.

(i) Name and designa-
tion of the resp-
ondents.

- : 1. The Union of India
represented by the
Secretary to the Govt.
of India, Department of
Home Affairs, North Block,
New Delhi.

contd...

2. The Secretary to the
Govt. of India,
Ministry of Health and
Family Welfare, New Delhi.
3. The Director General,
C.G.O. Complex,
Central Reserve Police Force,
Lodhi Road,
New Delhi.
4. The Chief Medical Officer,
Base Hospital-III,
C.R.P.F.
Guwahati-23.
5. The Commandant,
62 BN, Unit Hospital
C.R.P.F., Bongaigaon.

(ii) Official Address : 1. The Union of India
of the respondents. represented by the
Secretary to the
Govt. of India,
Department of Home Affairs,
North Block,
New Delhi.

contd...

2. The Secretary to the
Govt. of India,
Ministry of Health and Family
Welfare, New Delhi.
3. The Director General,
C.G.O. Complex,
Central Reserve Police Force,
Lodhi Road,
New Delhi.
4. The Chief Medical Officer,
Base Hospital-III,
C.R.P.F.,
Guwahati-23.
5. The Commandant,
62 BN Unit Hospital,
C.R.P.F., Bongaigaon.

(iii) Address for
services of all
notices.

- : 1. The Union of India
represented by the
Secretary to the Govt.
of India, Department of
Home Affairs, North Block,
New Delhi.
2. The ~~Secretary~~ ~~General~~ to the
Govt. of India
Ministry of Health and Family
Welfare, New Delhi.

3. The Director General,
C.G.O. Complex,
Central Reserve Police Force,
Lodhi Road,
New Delhi.

4. The Chief Medical Officer,
Base Hospital-III
C.R.P.F.,
Guwahati-23.

5. The Commandant
62 BN Unit Hospital
C.R.P.F., Bongaigaon.

3. Particulars of the order against which application is made :

This application has been filed against the non payment of the benefit of Hospital care allowances to the applicants with effect from 1.12.87.

4. Jurisdiction of the : The applicants declares that the subject matter of this application praying for relief of payment of Hospital care allowance is within the jurisdiction the this Hon'ble Tribunal.

cont d...

5. Limitation : The applicant further declares that the grievance in respect of which this application has been made has arisen by reason of continuous non payment of their each month's hospital care allowance as such this application is within the limitation prescribed in section 21 of the Administrative Tribunal Act 1985.

6. Facts of the case :

i) That the applicants are citizens of India. The applicants No.1 to 6 are the Group 'C' employees under respondent No.4 in the C.R.P.F. Base Hospital-III at Guwahati and 62 BN, Unit Hospital, C.R.P.F., Bongaigaon.

The applicants prayed that this Hon'ble Tribunal may be pleased to permit the applicants to move this application jointly as the issues involve and reliefs sought for in this application are common in respect of all the applicants.

ii) That the applicants begs to state their designation and the year since when they are working in the C.R.P.F. Base Hospital-III Guwahati, 62 BN, Unit Hospital C.R.P.F., Bongaigaon respectively as follows :-

<u>Name</u>	<u>Designation</u>	<u>Year of appointment</u>
i) Ajit Kumar Jain, Laboratory Technician		1981
ii) Bhabesh Bhatta, Radiographer		1979
iii) Binod Kumar	Laboratory Technician	1981

contd...

iv)	J.P. Sarma	Pharmacist	1974
v)	Smti Gerly Jacob	Pharmacist	1984
vi)	Umesh Ch. Sarma	Laboratory Technician	1984
vii)	Kapil Deo Ram	Nursing Assistant	1971
viii)	Shanta Mohan	Nursing Assistant	1986
ix)	Raj Kumari	Staff for sister's Mess	1986
x)	Smti Manju Halder	Nursing Assistant	1975
xi)	Moti Singh	Cook	1973
xii)	Narayan Singh	Cook	1963
xiii)	Iftikar Khan	Chowkidar	1987
xiv)	M. Raghvan	Ward Boy	1988
xv)	Smti Rumina Begum	Ward Aya	1981
xvi)	Ibrahim	Chowkidar	1962
xvii)	Bansilal	Chowkidar	1970
xviii)	Thankomoni	Ward Aya	1976
xix)	S.N.Kalita	Ward Boy	1988
xx)	Sri Chandra Kishore, Mali		1982
xxi)	Sri Amar Singh	Safai Karmachari	1985
xxii)	Sri B.Mohan Das	Steward	1983
xxiii)	Sri Amulya	Nursing Assistant	1969
	Mohan Goswami.		

iii) That the Govt. of India Introduced scheme for grant of hospital care allowance to Group 'C' and 'D' (non-ministerial) employees with effect from 1.12.87. The under secretary to the Govt. of India, Health and

Family Welfare by letter No. Z-28015/60/87-H dated 25.1.88 addressed to (i) Director General of Health Services and (ii) The Secretary (Medical) Delhi Administration conveyed the sanction of the president to the grant of hospital patient care allowance to Group 'C' and 'D' (Non-Ministerial) employees including Drivers of Ambulance cars, but excluding staff Nurses, at the rate of Rs.80/- and Rs.75/- per month respectively with effect from 1.12.87. It is worthwhile to mention that the Ministry of Finance, Govt. of India vide their Dy. No. 1167/FM/87 dated 15.10.87 sanctioned the said hospital care allowance scheme.

A copy of the aforesaid letter dated 25.1.88 is annexed hereto and marked as Annexure-1.

iv) That the Govt. of India Ministry of Health and Family Welfare by letter No.B.11011/1/90-CGHS(P) dated 11.7.90 addressed to the Director General of Health Services, Nilman Bhawan, New Delhi conveyed the sanction of the president to the grant of patient care allowance to Group 'C' and 'D' (Non Ministerial) employees excluding Nursing personnel of Central Government Health Scheme in CGHS organisation with effect from 1.4.87 @ Rs. 70/- per month.

contd..

A copy of the aforesaid letter dated 11.7.90 is annexed hereto and marked as Annexure-2.

v) That following the denial of aforesaid hospital patients care allowance, some Group 'C' and 'D' employees of Base Hospital New Delhi and Guwahati approached the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi with an application registered as O.A. 931 of 1993. The Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi by the judgment and order dated 3.2.94 passed in the aforesaid O.A. 931 of 1993 directed that all those applicants who are para medical staff should be granted hospital patients care allowance at the appropriate rate from the relevant date as per Govt. of India instructions dated 25.1.88 and 28.2.90 and to implement the said order within a period of three months.

A copy of the aforesaid judgment and order dated 3.2.94 is annexed hereto and marked as Annexure-3.

vi) That the applicants begs to state that in the aforesaid O.A. 931 of 1993 amongst other the following employees of Base hospital-III C.R.P.F. Guwahati were also the applicants :

contd..

-14-

1. Sri P.B. Sharma (Pharmacist)
2. Sri P.J. Chacko (Laboratory Technician)
3. Sri Binod Singh (Pharmacist)
4. Sri Anuj Kumar Sinha (Pharmacist)
5. Sri Apurba Kumar Roy (Pharmacist)
6. Sri S. Devagagayam (Laboratory Technician)
7. Sri Jagnath Das (Laboratory Assistant)

The applicants further begs to state that in view of the aforesaid judgment and order dated 3.2.94 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. 931 of 1993, those applicants of Base Hospital-III Gwahati ^{will be} ~~are also~~ getting the hospital patients care allowance.

vii) That the applicants begs to state that similarly some employees of Base Hospital - 2, C.R.P.F. Hyderabad moved the Hon'ble Central Administrative Tribunal, Hyderabad Bench registered as O.A. No. 151 of 1994. In view of the judgment dated 24.2.94 passed by the Hon'ble Central Administrative Tribunal, Hyderabad Bench in O.A. 151 of 1994, the Chief Medical Officer, Base Hospital- 2 C.R.P.F. Hyderabad vide order No. J.11-6/93-2/BH-EC-11 dated 25.11.94 sanctioned hospital patients care allowance to the employees of Base Hospital-2 at Hyderabad.

contd...

A copy of the aforesaid order dated 25.11.94 is annexed hereto and marked as Annexure-4.

viii) That the applicants approached the respondents on many occasion including their representation dated 16.5.94 addressed to the respondent No. 4 with copy to respondent No. 3 demanding payment of hospital care allowance has not been paid to them.

A copy of the aforesaid representation dated 16.5.94 is annexed hereto and marked as Annexure-5.

ix) That the applicants begd to state that they are entitled to get the hospital care allowance under the law and the denial of the respondents to such hospital care allowance is arbitrary, unjust and illegal.

x) That the applicants begs to state that the similarly situated persons are getting the hospital care allowances as such denial of the respondents of such allowance are arbitrari, discriminatory and malafide.

contd...

xi) That the applicants begs to state that as the similarly situated employees are getting the hospital care allowance the respondents are liable to be directed by this Hon'ble Tribunal to pay the aforesaid allowance including the arrear allowances.

7. Relief soughts :

In view of the facts mentioned in para 6 above, the applicant prays ~~for~~ for the following relief(s) :-

1. For a direction directing the respondents and such each of them to pay the hospital care allowances as per the Govt. instruction dated 25.1.88 (annexure-1) with effect from 1.12.87 to the applicants.

II. Costs of the application.

III. Any other appropriate relief or reliefs that the Hon'ble Tribunal may deem fit and proper. And the applicant as in duty bound shall ever pray.

8. Interim : If prayed for pending final ~~decision~~

decision.....

decision on the application, the applicant seeks issue of the following interim order :-

For a direction directing the respondents and such each of them to pay in the interim pending final decision of this application the applicant's hospital care allowance.

9. Details of the remedies exhausted :-

The applicant states that there is no specific provisions to avail any remedies by way of filing appeal etc. under any provision of service rule against the non payment of hospital care allowances to the Group 'C' and 'D' employees even then the applicants filed representations including the representation dated 16.5.94 to the respondent No. 4 with copy to the respondent No. 3 but of no effect.

10. Matters not pending with any other court etc.

The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

contd...

- 18 -

11. Particulars of Bank Draft/Postal order in respect of the application fee :-

- i) Name of the Bank of which drawn.
- ii) Demand draft No.

OR

- i) Number of Indian Postal order(s) :- 038827²⁴
- ii) Name of the issuing post office :- G.P.O. Guwahati
- iii) Date of issue of postal order (s) - 5.1.95
- iv) Post office at which payable :- Guwahati

12. Details of Index:-

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Enclosures :- Annexures 1 to 4.

Verification

VERIFICATION

I, B. Mohan Das son of Sri V.Nanu aged about 34 years resident of Base Hospital-III, C.R.P.F., Guwahati-23 do hereby solemnly affirm and declare that I am the applicant No. 21 of this application and I have been entrusted by the other applicant to take steps in the instant application and that the statement made in sub-para(i),(ii),(viii),(ix),(x) and (xi) of para 6 and paras 8 and 10 of the application are true to my knowledge and those made in sub-paras(iii),(iv),(v),(vi) and (vii) of para 6,9,11 and 12 of the application are being matters of record are true to my information derived therefrom which I believed to be true and I signed this verification on this 9th day of January 1995 at Guwahati.

B. Mohan Das.

ANNEXURE-1.

NO.2.28015/60/87-H

Government of India

Ministry of Health and Family Welfare.

.....

Nirman Bhavan, New Delhi,

Dated the 25th January, 1988.

To

- | | |
|--|---|
| 1. Director General
of Health Services
Nirman Bhavan,
<u>New Delhi.</u> | 2. The Secretary (Medical),
Delhi Administration,
5-Sham Nath Marg,
<u>Delhi-110054.</u> |
|--|---|

Subject :- Grant of Hospital patient care allowance to
Group 'C' and 'D' (Non-Ministerial) Hospital
employees.

Sir,

With reference to DGHS NO.B.12017/3/87-MH
dated 9.4.87 on the subject mentioned above, I am
directed to convey the sanction of the President to
the grant of 'Hospital patient Care Allowance' to
Group 'C' and 'D' (Non-Ministerial) employees including
Drivers of Ambulance Cars, but excluding Staff Nurses,
at the rate of Rs.80/- and Rs. 75/- per month respectively
with effect from 1.12.87, subject to the condition

contd....

Attested
by
12/1/88
Advocate

that no Night Weightage Allowance if sanctioned by the Central Government, will be admissible to these employees working in the Central Government Hospitals and Hospitals under the Delhi Administration.

2. The expenditure involved will be met out of the budget grant of the concerned Hospital during the financial year i.e. 1987-88.

3. This issues with the concurrence of Ministry of Finance vide their Dy.No.1167/FM/87 dated 15.10.87.

Yours faithfully,

Sd/-

(H.S. Dhakaalia)

Under Secretary to the Government
of India.

Copy forwarded to :-

1. Medical Superintendent, Safdarjung Hospital,
New Delhi.
2. Medical Superintendent, Dr. PML Hospital, New Delhi.
3. Principal, Lady Hardinge Medical College & Smt. S.K.
Hospital, New Delhi.
4. Ministry of Finance, Department of Expenditure,
New Delhi.

contd....

5. Department of Personnel and Training,
New Delhi.
6. Under Secretary (A-I).
7. Finance Division/ME(UG) Desk.
8. All Members of J.C.M.
9. Delhi Aspatal Karamchari Sanyut Sangharsh Samiti,
Safdarjang Hospital, New Delhi.
10. Sanction Register/Guard File.

Sd/-

(H.S. Dhakarlia)

Under Secretary to the
Government of India.

....

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ANNEXURE-2.

NO. G.11011/1/90-CGHS(F)

Government of India

Ministry of Health and Family Welfare.

Nirman Bhavan, New Delhi.

Dated the 11th July, 1990.

To

The Directorate General

of Health Services,

Nirman Bhavan,

New Delhi - 110 011.

Sub: Grant of Patient Care Allowance to Group
'C' and 'D' (Non-Ministerial) Employees
of CGHS.

Sir,

I am directed to convey the sanction
of the President to the grant of patient Care Allowance
to Group 'C' and 'D' (Non-Ministerial) employees
excluding Nursing personnel of Central Government
Health Scheme in CGHS Organisation/w.e.f. 01.04.1987
@ 70/- subject to the condition that no Night Weightage
Allowance and Risk Allowance, if sanctioned by the
Central Government will be admissible to these employees.

contd....

*Attested
Sd/-
7/11/95
Advocate*

2. Sanction is also accorded for the up-gradation of 35 posts of Staff Nurses in the scale of Rs.1400-2600 as Nursing Sisters in the scale of Rs.1640-2900 with immediate effect as indicated below:-

<u>Name of the City</u>		<u>Number of posts up-graded</u>
Allahabad	-	5
Bombay	-	9
Calcutta	-	2
Hyderabad	-	3
Meerut	-	1
Delhi	-	17
		<hr/>
		35
		<hr/>

3. The expenditure involved will be met out of the budget grant of CGHS Organisation for the year 1990-91.

4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure vide their I.O. NO. 7(12)-E.III/90 dated 15.05.1990.

Yours faithfully,

sd/-

(I.S. BIST)

Director (P.H.)

cont'd....

NO.B.11011/1/90-CGHS(P)

Copy to :-

1. All Addl. Directors of CGHS with 5 spare copies.
2. Shri T. Triwedy, Secretary General, A.I. CGHS.
E.A., K-42, Srinivas Puri, New Delhi.
3. Pay and Accounts Office, M/C. Health and F.W.,
New Delhi.
4. Finance Division.
5. Cabinet Secretariat (Attn: Shri S.S.Bhattacharjee,
O.S.D.).

sd/-

(I.S. BIST)

Director (P.H.)

.....

ANNEXURE-3.

Central Administrative Tribunal
Principal Bench : New Delhi.

Faridkot House,
Copernicus Marg,
New Delhi-110001.
Dt. 9/2/1994.

From:

The Registrar,
Central Administrative Tribunal,
Principal Bench, New Delhi.

To

1. Shri T.M. JOse and others
C/O Garg Roy & Association
14A/13,
W.E.A., Karel Bagh,
New Delhi-110005.
2. Sh. M.L. Verma,
Counsel for the Respondents,
Chambers No. 214, Delhi High Court,
New Delhi.

*Altered
Shri
12.1.95
Advocate*

Sh. T.M. Jose & ors. Applicant(s) OA No. 931/93
Union of India & ors. Respondents (s).

contd...

Sir,

I am Directed to forwarded herewith
a copy order/judge dated 3.2.1994 passed by this
Tribunal in the above mentioned case for informa-
tion and necessary action, if any.

Please acknowledge the receipt.

Yours faithfully,

sd/-

(SECTION OFFICER)

FOR REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI.

O.A. NO.931 of 1993

New Delhi this 3rd day of February, 1994.

Hon'ble Shri P.I. Thiruvengadam, Member(A)

Shri T.M. Jose and Others

C/O Garg Roy & Association

14A/13,

W.E.A., Karol Bagh,

New Delhi-5.

contd...

1. Shri T.M. Jose (Pharmacist)
S/o Mathai Mathai
Base Hospital - 1 (CRPF)
Jarodhakalan
New Delhi - 110 072
2. R.S. Kadav (Pharmacist)
S/O Jahar Singh
Base Hospital - I (CRPF)
New Delhi.
3. Sh. G. Viswanath Reddy (Pharmacist)
S/O G.Venkata Reddy
Base Hospital -I (CRPF)
New Delhi.
4. Mrs. G. Sumathi (Pharmacist)
W/O. Sh. Gopalakrishnan
Base Hospital I? (CRPF)
New Delhi.
5. Sh.B.C.Bhatta (Pharmacist)
S/O Late Uday Bhatta
Base Hospital I, (CRPF)
New Delhi.
6. Sh. Shashidar Prasad Gupta (Pharmacist)
S/o Akleshwar Singh
Base Hospital-I (CRPF)
New Delhi.

7. Mrs. S. Malhotra (Lab Technician)
D/O Rajpal
Base Hospital-I (CRPF)
New Delhi.
8. Mrs. S. Samuel (Lab Technician)
W/O G.C. Samuel
Base Hospital - I (CRPF)
New Delhi.
9. Mrs. Mariamma Goe-- (Lab Technician)
10. Mrs. L. Virmoni (Lab Technician)
W/O Rajesh Virmani
Base Hospital I (CRPF)
New Delhi.
11. Sh. R. Balasundaram (Steward)
S/O K. Ramakrishna Pillai
Base Hospital I (CRPF)
New Delhi.
12. Sh. Nathuram Saini (Radiographer)
S/O Jairam Saini
Base Hospital I (CRPF)
New Delhi.
13. Sh. Inderjeet Singh (X-Ray Assistant)
S/O Ranjeet Singh
Base Hospital I (CRPF)
New Delhi.

14. Sh.Roshan Lal (Dresser)
S/o Bhajan Lal
PKE, CRPF, G.C.
Jarodhakalan,
New Delhi.
15. Smt. Saroj Devi (Ward Aya)
W/o Late Mandrup Singh
PKE, CRPF, GC,
Jarodhakalan
New Delhi.
16. Sh.Manchand Rana (Nursing Assistant)
S/o Gaiinda Ram Rana
BH-I, CRPF,
New Delhi.
17. Sh. Dayal Singh (Nursing Assistant)
s/o Late Guwar Singh
PH-I, CRPF,
New Delhi.
18. Sh. P.G.Samuel (Pharmacist)
S/o. P.C. Varghese
3 BN CRPF, New Delhi.
19. Sh. M.Manivannan (Pharmacist)
S/o A.K. Mariappan
29, BN CRPF, New Delhi.

contd...

20. Sh. Md. Silaiman (Pharmacist)

S/o ~~Shamuddin~~ Late Md. Shamuddin

19 BN CRPF, New Delhi.

21. Sh. Reven Siddha (Pharmacist)

S/o Vittal Rao Siddha

47 BN CRPF, New Delhi.

22. Mrs. V. Betty (Pharmacist)

W/O Jose Thomas

88 BN CRPF, New Delhi.

23. Mrs. Vijaya (Pharmacist)

W/o Ramasubramanian

89 BN, CRPF, New Delhi.

24. Mrs. Ansamma Joseph (Pharmacist)

W/o Joseph

88, BN, CRPF, New Delhi.

25. Sh. Bindeshwari Prasad Sinha (Pharmacist)

s/o Late Kameshwar

119, BN, CRPF, New Delhi.

26. Sh. P.B. Sharma (Pharmacist)

S/o Late Shri Sharma M.N.

Base Hospital-III,

Guwahati.

27. Sh. P.J. Chacko (Lab. Tech)

S/o Late Sh. P.J. Joseph

Base Hospital III

Guwahati.

28. Sh. Binod Singh (Pharmacist)

s/o Rajendra Pd. Singh

Base Hospital III

Guwahati.

29. Sh. Anul Kumar Sinha (Pharmacist)

s/o Tilok Dev Prasad

Base Hospital III

Guwahati.

30. Sh. Apurka Kumar Roy (Pharmacist)

s/o J.N. Roy

Base Hospital III

Guwahati.

31. Sh. S. Devesagayam (Lab. Technician)

s/o A. Samuel

Base Hospital III

Guwahati.

32. Sh. Jagmath Das (Lab Assistant)

S/o Jatin Das

Base Hospital III

Guwahati.

33. Sh. P. Bavi (Pharmacist)

s/o C.V.M. Parthasarathi

75, BN, New Delhi.

contd....

u8

Anx.3 contd.

- 33 -

34. Sh. Raj Kumar Singh (Pharmacist)

s/o Ram Janam Singh

6 BN, New Delhi.

35. Sh. P.K. Sahu (Pharmacist)

S/o C.S. Sahu

6 BN, CRPF, New Delhi.

... Applicants.

(By Garg Roy Association, Advocates)

- Versus -

1. Union of India represented by its

Secretary, Govt. of India,

Ministry of Home Affairs,

North Block, New Delhi.

2. The Director General,

CGO Complex No. 1,

Central Reserve Police Force,

Lodhi Road, New Delhi

(M.L. Verma, Advocate)

... Respondents.

O R D E R

The applicants are working in various capacities like Pharmacist, Lab Technician, Steward, Radiographer, X-Ray Assistant, Dresser, Ward Aya, Nursing Assistant and Lab Assistant in Base Hospital, Delhi and Base Hospital-III, Guwahati and other places

contd.

of the C.R.P.F. They belong to group 'C' and 'D' of the hospital staff (non-ministerial).

2. Government of India, Ministry of Health & Family Welfare have issued order No. Z.28015/60/87-H dated 25.1.1988 and order No. Z.28015/60/87-H dated 28.2.1990 conveying the sanction to the grant of Hospital patient care allowance to group 'C' & 'D' (non-ministerial) employees other than staff nurses on specified rates effective from 1.4.1987 and subject to certain conditions. This sanction is applicable to the relevant staff working in government hospitals in Delhi and outside Delhi and hospitals under union territory administrations having 30 beds or more. This O.A. has been filed with a prayer for a direction to grant the applicants the benefit of Hospital patient care allowance with effect from due date.

3. It is the case of the applicants that they should not be discriminated in the sanction of the allowance considering that the working atmosphere in C.R.P.F. hospitals is the same as in hospitals where such an allowance has been sanctioned. In support of their case, directions of this Tribunal (Cuttack Bench) in O.A. NO. 299 of 1989 (orders passed on 8.5.1990) have been referred. In this O.A. the applicants 1 & 2 who are para medical staff in the Group Canton

Hospital, C.R.P.F. at Bhubaneswar have been held to be entitled to the grant of the Hospital patient care allowance at the appropriate rate and relevant date.

4. The respondents opposed the O.A. mainly on the ground of jurisdiction. However this objection can not be entertained as Section 7(a) of the Administrative Tribunals Act, 1985 only have the jurisdiction of the Tribunal in regard to members of the armed forces of the Union in the cases cited by the applicant. The concerned litigants in the cases cited by the respondents happen to be members of the relevant forces of the Union or are specifically governed by the provisions of the related Acts. In O.A. NO. 1511/87 decided on 23.11.1990 by this Bench of the Tribunal, it has been observed as under:-

"Further, section 2(a) of the Administrative Tribunals Act, 1985 referred to a member of the armed forces of the Union. A civilian appointed in the defence service on a post connected with the defence by such appointment does not become a member of the armed forces of the union and that has been clearly observed in Clause (a) and (b)(i) of sub-section 1 of Section 14 of the Administrative

contd....

Tribunals Act, 1985. Thus, it is in view of the above the matter which is sought to be agitated being a service matter concerning the applicant a civilian, though appointment to a post cannot but with the defence and in respect of a post which is claimed as the likely, to be filled by a civilian, though it be one connected with the armed force on the defence service, is well within the jurisdiction of this Tribunal in view of the clear provision in sub section 1 of section 14 of the Act."

The applicants in this case are employees working in the hospitals attached to C.R.P.F. and the Cuttack Bench of this Tribunal has entertained a similar application by similar employees of such hospitals in view of this, the plea regarding lack of jurisdiction cannot be entertained.

5. In the order passed by Union of this Tribunal on 8.5.90 in O.A. 299 of 1989, hospital patient care allowance has been sanctioned to those applicants who are paid medical staff and not to of para medical staff. In the reply the respondents state as under :-

contd....

"OA NO. 299/89 was filed by 12 hospital staff before C.A.T. Cuttack Bench for payment of patient care allowance etc. but the Hon'ble Tribunal granted patient care allowance to respondents 1 and 2 only (A pharmacist and Lab Technician) vide judgment dated 8.5.90, holding that they come under the category of para-medical staff and hence were eligible for the allowance. Accordingly, the allowance was granted to them only."

6. It would be discriminatory if para-medical staff working in Bhubaneswar hospital C.R.P.F. receive the benefit of this allowance and the other similar para-medical staff working in other hospitals and who have filed this application are not extended the same benefit. Accordingly, it would be fit and proper to direct that all those applicants in this O.A. who are para-medical staff should be granted hospital patient care allowance at the appropriate rate from the relevant date as per Govt. of India instructions dated 25.1.1988 and 28.2.1990 subject to the conditions stated therein. This order should be implemented within a period of three months from the date of receipt of the copy of this order. There will be no orders as to costs.

(P.T.THIRUVENGADAM)

Member(A).

ANNEXURE-4.

OFFICE OF THE CHIEF MEDICAL OFFICER BH-2, CRPF, HYDERABAD-05
No.J.II-6/93-2BH-EC-II Dated, the Nov.1994

SANCTION ORDER

under the authority of GOI Ministry of Health and Family Welfare letter No.B.11011/1/90-CGHS(P) dated 10.7.90, as per the judgement of Central Administrative Tribunal, Hyderabad dated 24.2.94 in OA NO. 151/94 read with AD(Legal), Dte, General, CRPF Signal No. J.II-227/93-Legal-WP dated 11.11.94, the following personnel of this Base Hospital are hereby sanctioned patient care Allowance @ Rs. 70/- per month with effect from 1.4.1987 as per the existing terms and conditions by the Government from time to time :-

- | | | | |
|-----|------------|-----------|----------------------------|
| (1) | 832100195 | Plumber | Jagat Jiwan Das |
| (2) | 732080863 | Kahar | V.Seetha Raman |
| (3) | 7702080068 | Steward | L.Ramchander - Now in BH-I |
| (4) | 772080059 | Masalchi | T.Narsimhulu |
| (5) | 792070022 | Steward | G.S.Banerjee |
| (6) | 812080021 | Chowkidar | C.Yadaiah |
| (7) | 852070015 | Kahar | Jaitun Mishan |
| (8) | 772070054 | Chowkidar | Murari Lal - Now in GC NMH |
| (9) | 821270522 | S/K | Shiv Charan |

contd...

*Sanction
12.11.94
Admission*

- (10) 791240529 S/K Mahabaxmi
- (11) 791110047 N/Asstt. N.Chakraborty - Now in GC-II(A)
- (12) 861560109 Pharmacist Molly Thankachan-Now in GC PPM
- (13) 892080055 Lab Asstt S.Hussaini - Now in BH-III
- (14) 772080077 SFSM V.Peanamma
- (15) 742080071 Mali R.Veeraraghavan
- (16) 831110295 Dhobi Kamlesh
- (17) 861191364 W/Girl K.Sathi -Now in GC MKG
- (18) 792070049 S/K Krishna Devi - Now in GC Gangan
- (19) 781270025 N/Asstt V.Chandra
~~P.N.Thankamani~~
- (20) 721290184 N/Asstt P.N.Thankamani
- (21) 742080115 Masalchi P.Chandran
- (22) 761229023 Cook K.K.Relappen
- (23) 892080046 Radiographer Gulam Mohd Ashfaq
- (24) 752080171 S/K Mallamma - Now in BH-III
- (25) 681530186 Cook Nook Raj
- (26) 791170175 N/Asstt. Laxmi Pillai
- (27) 751560071 L/Tech R.Ponnamma
- (28) 752080198 Dhobi J.Ramesh
- (29) 872080015 W/Girl Monorama Avachar -Now in GC NGR
- (30) 892080064 X-Ray Asstt.Yasim Dasrathi
- (31) 691180036 N/Asstt F.D.Varghese - Now in 97 Bn
- (32) 861520179 Pharmacist Byju Prabhakar- Now on deputa-
-tion with NSG Hospital, Manesar. ~~000000~~.
- (33) 831530089 Pharmacist C.H.Srinivas Rao -Now in 1st Br
- (34) 859310439 W/Boy S.M.Sahoo
- (35) 831650272 L/Tech Soosamma Samuel

contd..

2. The payment will be made subject to the condition that they will give an undertaking that they will refund the amount in full in case the Honourable court issue orders that they will not be eligible for the patient care Allowance in Special Leave Petition which is pending in the Supreme Court.

Sd/- 23.11.94

(Dr. D.N. Kar) MD

Chief Medical Officer

No.J.II-6/93-2BH-EC-II Dated, the Nov, 1994.

Copy forwarded for further necessary action to :-

1. The Addl.DIGP, GC, CRPF, Hyderabad. Action for drawal of Patient Care Allowance to the following personnel of PKE Hyderabad may be taken at your end immediately.
 1. N/Asstt. Marya Kitty Scariah
 2. Pharmacist P.V.Chakrapani
 3. N/Asstt. Dasarath Singh
 4. Dresser Abhay Kumar.
2. The Commandant, 90 Bn CRPF, Action for drawal of patient care allowance to Pharmacist Arun Chowdhury of his Bn may be taken at the earliest.
3. The Commandant, 113 Bn CRPF. Action for drawal of patient care allowance to Pharmacist. Y.R.Chowdhary and N/Asstt.Dhanasekharan of his Bn may be taken at the earliest.

contd..

4. The Addl.DIGP,GC,CRPF | For drawal action
Neemuch/GC-II(A)/Pallipuram/ | in r/o personnel
Mokamehghat/Gurgaon/Nagpur/Pune | mentioned against
5. The CMO BH-I, III, New Delhi/ | each as above.
Gauhati. | During their period of
6. The Commandant, 01/97 Bn CRPF. | posting in BH-2 they
 | have not been paid
 | patient care allowance.
7. The Team Commander (Accts), NSG, Central Records
Office, Hqr NSG, 'B' Block, 11th floor, CGO Complex,
Lodhi Road, New Delhi-3. Arrears of patient care
Allowance from 1.4.87 to 15.5.93 is being drawn by
BH-II. Action for drawal of patient care allowance
from 16.5.93 onwards in r/o Sl.No.32 as above may
please be taken at his end.

(Dr.D.N. Kar) MD

Chief Medical Officer

Internal

- 1) Accountant, 2 BH for immediate drawal action.
- 2) Matron, 2 BH for information of all concerned.
- 3) EC-III
- 4) O/O Book.

ANNEXURE-5.

To

Date: 16.5.94.

The Chief Medical Officer

Base Hospital - III

C.R.P.F.

Guwahati-23.

Subject:- Payment of hospital care allowance.

Respected Sir,

We the undersigned being the Group 'C' and 'D' employees of Base Hospital-III are entitled to get the hospital care allowance with effect from 1.12.87 respectively. It may be mention here that in view of the judgment dated 3.2.94 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. 931 of 1993 same Group 'C' and 'D' employees of this Base Hospital - III are getting the hospital care allowances. But the undersigned are not yet been paid their due hospital care allowances.

The under signed requests your goodself to pay their due hospital care allowances including the arrear regularly.

And oblige,

contd...

Attended
Spent
12.1.95
Advocate

Copy to :-

The Director General

C.G.O. Complex

Central Reserve Police Force,

Lodhi Road,

New Delhi.

Yours faithfully,

1. Sri Moti Singh (Cook)
2. Sri Narayan Singh (Cook)
3. Iftikar Khan (Chowkidar)
4. M.Raghavan (Ward Boy)
5. Ramina Begum (Ward Aya)
6. Kapil Deo Ram (Nursing Assistant)
7. Ibrahim (Chowkidar)
8. Bansilal (Chowkidar)
9. Bhabesh Bhatta (Radiographer)
10. Thankomani (Ward Aya)
11. Binod Kumar (Laboratory Technician)
12. B.C. Bhatta (Pharmacist)
13. Gerly Jacob (Pharmacist)
14. S.N. Kalita (Ward Boy)
15. Shanta Mohan (Nussing Assistant)
16. Rajkumari (Staff for sisters Mess)
17. Ajit Kumar Jain (Laboratory Tech-
-nician)

contd..

18. Manju Haldar (Nursing Assistant)
19. Chandra Kishore (Mali)
20. Amar Singh (Safai Karmachari)
21. B.Mohan Das (Steward)
22. Amulya Mohan Goswami (Nursing Assistant)

All employees of Base Hospital-III,
C.R.P.F., Guwahati-23.

.....

-45-

Filed by:-
A. K. Choudhury
29.8.95
Addl. Central Govt.
Standing Counsel.
60

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

In the matter of :

O.A. No. 9 of 1995

Ajit Kumar Jain and Others

(Applicants)

- Vs -

Union of India and Others

(Respondents)

Show cause for and on behalf of the
respondents.

I, ~~Shri~~ Vikram Chandra Goel, IPS, DIGP,
CRPF Guwahati, Assam, representing for the respondents
on behalf of Union of India, in the capacity of DIGP,
CRPF beg to state as follows :-

1. That the respondents have no comments to
the statements made in paragraphs 1 & 2
of the application.
2. That with regard to the statements made in
paragraph 3 of the application the
respondents beg to state that the Government
of India, Ministry of Health and Family
Welfare, Nirman Bhavan, New Delhi vide
their letter No. 28015/60/87-H dated
25/1/1988, addressed to the Director
General of Health Services, Nirman Bhavan

contd. ...2

Received
6/9/95

- 2 -

New Delhi and the Secretary (Medical) Delhi Administration, 5 Sharnath Marg, Delhi-110 054 and copy to various Hospitals of Delhi administration has granted Hospital patient care allowance to Group 'C' and 'D' (Non-Ministerial) Hospital Employees, including drivers of ambulance cars but excluding staff nurses @ Rs. 80/- and Rs. 75/- per month respectively wef 1/12/1987, to those employees working in the Central Government Hospitals governed by the Central Government Health Scheme and Hospitals governed under the Delhi Administration. The claimants (applicants) are governed by the rules of Central Government Servants of CRPF, under the Ministry of Home Affairs.

3. That the respondents have no comments to the statements made in paragraph 4 of the application.
4. That with reference to paragraph 5 of the application, the respondents beg to state that the applicants are governed by the Central Government rules and CRPF Rules and not governed under the Central Government Health Scheme. Besides, the application is barred by limitation as the applicants had not made

Contd. ...3

- 3 -

any representation in this regard to the Department before filing this application in the Hon'ble Tribunal at Guwahati Bench.

5. That the respondents have no comments to the statements made in paragraph 6 (i) of the application.
6. That the respondents beg to state that the statements made in paragraph 6 (ii) of the application are matter of records.
7. That with reference to paragraph 6 (iii) of the application the respondents reiterate the statements made in paragraph 2 of the show-cause.
8. That with reference to paragraph 6 (iv) of the application the respondents beg to state that the Government of India, Ministry of Health and Family Welfare letter No. B.11011/1/90-CGHS(P) dated 11/7/90 has been addressed to the Director General of Health services, Nirman Bhawan, New Delhi -110011. This order is meant only for the employees working in Central Government Hospital governed by the Central Government Health Scheme and Central Government Health Scheme Organisation. The applicants are working in CRPF Hospitals which comes under Ministry of Home Affairs governed by Central Government Rules and not by CGHS.

Contd. ..4

- 4 -

9. That the respondents, beg to state, that the applicants are not governed by central Govt Health scheme organisation and hence not applicable for the relief of patient care Allowance in hospital of CRPF at Guwahati as the Ministry's order dated 25/1/88 and 28/2/90 are only for Delhi Administration and CGHS hospitals.
10. That with reference to paragraph 6(vi) of the application the respondents beg to state that none of the individuals mentioned in this para is presently serving in the Base Hospital-3 CRPF, Guwahati nor they have been paid such allowances earlier while serving in this hospital. Hence facts cannot be admitted.
11. That the respondents beg to state the statements made in para 6(vii) of the application is only a sanction order given by the Base Hospital-II CRPF Hyderabad, and it a material on record. In the said S/O No. J. II. 6/93-2-BH-EC-II dated 23/11/94 itself, it has been clearly emphasised that payment of patient care allowance to Group 'C' and 'D' is being made only on giving an undertaking in writing that they will refund the amount in full in case the Hon'ble Court issue orders that they will

contd. ... 5

not eligible for the patient care allowance in special Leave petition which is pending in the supreme Court. Hence, before any final decision is arrived at by the Hon'ble supreme Court, nothing can be provided.

12. That with reference to the statement made in paragraph 6 (viii) of the application the respondents beg to state that the application dated 16/5/94 stated to have been addressed to respondent No. 3 has not been received in the office of the Chief Medical Officer, Base Hospital 3, CRPF, Guwahati. Further, the photocopy of application at Annexure-5 has not been signed by any applicant which appears to be false. Therefore, the contention of this para is denied.
13. That the respondents have no comments to statements made in paragraphs 6(ix), 6(x), 6 (xi), 7 and 8 of the application.
14. That with reference to the statements made in paragraph 9 of the application the respondents beg to state that applicants have not exhausted the alternative remedies available to them and the application is liable to be dismissed on that score alone as well as on point of limitation.

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VERIFICATION

I, ~~Shri~~ vikram Chandra Goel, IPS, DIGP,
CRPF, Guwahati Assam do hereby declare that the
statements made in this show cause are true to
my knowledge derived from the records of the case.

I, sign this verification on this 23 day
of August, 1995 at Guwahati.

Vikram Chandra Goel

Deponent.

By. Inspector General of Police
Central Reserve Police Force
Guwahati-781023.

Incant- 10/6/96

OFFICE OF THE ADDL DICE, GROUP CENTRE, C.R.F.F., GUWAHATI
NO. J.H.3/95-EC-II(P/C)

7 -

6

Dated, the 3 April '96

TO

Shri A.K. Chowdhury,
Addl. CCSC,
CAT, Guwahati.

Subject :- REC. OA - 9/95 AJIT KUMAR JAIN & Ors.

Sir,

Please find enclosed herewith Order dated 12/3/96 in Civil Rule No. 1417/95 filed by Sri Nikunja Das & Ors -Vs- Union of India & Ors in a similar matter. The above civil rule was disposed vide order dated 12/3/96. It is, therefore, requested to dispose the case of OA-9/95 filed by Ajit Kumar Jain & Ors in the similar way. Further, it is requested to submit final legal bill at an early date for adjustment of outstanding advance paid to you.

Yours faithfully,

Encl : 2 leaves.

Recd 3/4/96

*for Addl DICE, CC CRFF,
Guwahati.*

*OC
3/4*



Date of Application for the copy.	Date fixed for notifying the no. requisite number of stamps and folios	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of marking over the copy to the applicant.
14-3-96	19-3-96	19-3-96	26-3-96	27-3-96

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:
MIZORAM & ARUNACHAL PRADESH)

CIVIL RULE NO. 1417/95

Sri Nikunja Das & Ors.

... Petitioners

-Vs-

The Union of India & Anr.

... Respondents

P R E S E N T

THE HON'BLE MR. JUSTICE J.N. SARMA

For the petitioner: Mr. S. Dutta
Mr. K.K. Dey

For the respondents: C.G.S.C.

Date

O R D E R

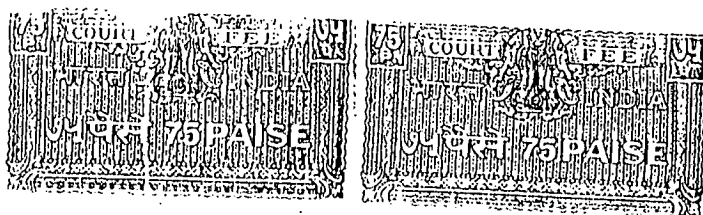
12.3.96

This case has been filed by 24 persons, all employees of G.C.C.R.P.F. Hospital, ^{different hospital} Imphal whereby claim that the respondents may be directed to pay to them the Hospital Patients Care Allowance as per the Government instruction dated 25.1.88, Annexure-I including the arrear allowances, Annexure-I is quoted below:-

"Subject :- Grant of Hospital patient care allowance to group 'C' and 'D' (Non-ministerial) Hospital employees.

Sir,

With reference to DGMS No. B 12017/3/87 - MH dated 9.4.87 on the subject mentioned above, I am directed to convey the sanction of the President to the grant of 'Hospital patient care Allowance' to Group 'C' and 'D' (Non-Ministerial) employees including Drivers of Ambulance cars, but excluding Staff Nurses, at the xxx contd/



-9- 68

:2:

rate of Rs. 80/- ~~max~~ and Rs. 75 /- per month respectively with effect from 1.12.87 subject to the condition that no Night Weightage allowance is sanctioned by the Central Government, ^{it} will be admissible to these employees working in the Central Government Hospital ~~and~~ and hospitals under the Delhi Administration.

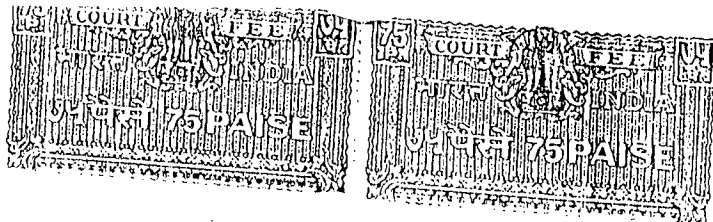
2. The expenditure involved will be met out of the budget grant of the concerned hospital during the financial year i.e. 1987-88.

3. This issues with the ~~max~~ concurrence of Ministry of Finance vide their Dy. No. 1167/ PM/87 dated 15.10.87".

In this case there was an order on the same matter by the Central Administrative Tribunal, New Delhi wherein in paragraph -6 the Central Administrative Tribunal pointed out as follows:-

"6. It would be discriminatory if para-medical staff C.R.P.F. receive the benefit of this working in Bhubaneswar hospital/allowance and the other similar para-medical staff working in other hospitals and who have filed this application are not extended the same benefit. Accordingly it would be fit and proper to direct that all those applicants in this O.A. who are para-medical Staff should be granted hospital patient care allowance at the appropriate ~~xxx~~ rate from the relevant date as per Govt. of India instructions dated 25.1.1988 and 28.2.1990 subject to the conditions stated therein. This order should be implemented within a period of three months from the date of receipt of the copy of this order. There will be no orders as to costs."

contd/



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To the same effect there was an order passed by the Central Administrative Tribunal, Hyderabad. It is admitted by Shri K.N. Choudhury that there are such order. But he submitted that he has filed an appeal before the Supreme Court and in that appeal a notice has been issued and the matter is now pending before the Apex Court. Shri Dutta learned Advocate for the petitioner submits that he is willing to give an undertaking on behalf of his client that the same order passed in this case subject to the result of the appeal pending before the Apex court. Accordingly this writ application is allowed with the direction it would be fit and proper to direct that all the applicants in this Civil Rule, who are para-medical staff should ~~not~~ get hospital patients care allowance as per instruction of the Government of India dated 25.1.88 subject to the condition mentioned therein. This order should be implemented within a period of 3 months from the date of receipt of this order. The ~~petitioners~~ petitioners may obtain the certified copy of this order to produce the same before the authority to do the needful in terms of this order.

It is made clear that the petitioners are para medical staff but they are working in different hospitals.

This disposes of this writ application.

Sd/- J.N. Sarma
Judge

Typed by Jh
Recd. by 26/3/76
Copied by 26/3/76

Received by the Court
Executed by Kavita Kulkarni
27-3-76
27/3/76