

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

R.A. No. 12/197 (8A9/95)

Union of India & Ors. Applicant(S)
- vs -

A. K. Jain & Ors. Respondant(S)

Mr. A. K. Choudhury, Addl. C.S.C. Advocate for the Applicant(S)

..... Advocate for the Respondant(S)

Office Note | Date | Court Orders

This ~~Review~~ Review.

Application is filed by Mr. A. K. Choudhury.

Addl. C.S.C. on behalf of the respondents, against the judgement and order dated 10.6.97 passed in O.A 9/95 in The Corum Hon'ble Member (A) and Hon'ble Member (J).

The final order was communicated on 16.7.96.

Date of receipt by the respondents could not be ascertained since the A.D. not available.

Hence this application not in time and in this regard an application no. 297/97 for condonation of delay has been filed.

Daed for favour of consideration of admission.

15-1-98

To be listed alongwith M.P. 297/97

on 21-1-98.

60
Member


Vice-Chairman

1m

21-1-98

This is an application for condonation of delay in filing the Review application. This application was accepted by the office without applicant's filing requisites though already order was passed not to accept any application without submission of the requisites. Section Officer shall explain the same by day-after-tomorrow.

List on 9-2-98 for Admission.

60
Member


Vice-Chairman

1m

9.2.98

List on 24-2-98 for orders alongwith M.P. 297/97.

60
Member


Vice-Chairman

1m.

24.2.98

List on 3.3.98 for order alongwith M.P. 297/97.

By order

2
-2-
R.A. 12/97 (O.A. 9/95)

Ref:-Order dated 21.1.98 in
R.A. 12/97 (O.A. 9/95).

The condonation application
No. M.P. 297/97 submitted in
connection with the above
Review Application filed on
13.8.97 i.e. three months
earlier of passing the Order
dated 6.11.97 at Flag 'A' for
filing the extra copies of the
application. Hence in the
M.P. 297/97 the learned Addl.
C.G.S.C. has not submitted the
extra copies.

The order dated 6.11.97 is
circulated amongs the all
concerned and it is now carried
out strictly.

The lapse may kindly be
excused and the same will not
occur in future.

S.C. 13/11/98
By, Registrar

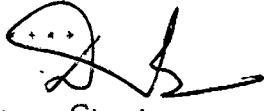
Lay before State Court
for kind perusal and
orders. The lapse on the
part of the Registry may
kindly be excused.

✓
4/4/98

3.3.98

List on 16.3.98 for order alongwith
M.P. 297/97.

6
Member


Vice-Chairman

pg

✓
A/3

16.3.98

List on 26.3.98 for order alongwith
M.P. 297/97.

6
Member


Vice-Chairman

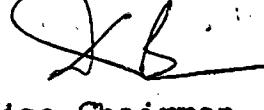
pg

✓
18/3

26.3.98

List on 22.4.98 for order alongwith
M.P. 297/97.

6
Member


Vice-Chairman

pg

22.4.98

List on 8.5.98 for order alongwith
M.P. 297/97.

6
Member


Vice-Chairman

pg

✓
23/4

8.5.98

List on 13.5.98 for order alongwith
M.P. 297/97.

6
Member


Vice-Chairman

pg

3
R.A.12/97(O.A.9/95)

13-5-98

The Review Application has been filed after expiry of period prescribed. The petition for condonation of delay has been dismissed by this Tribunal.

Accordingly, the Review Application is dismissed as barred by limitation.

6
Member


Vice-Chairman

lm

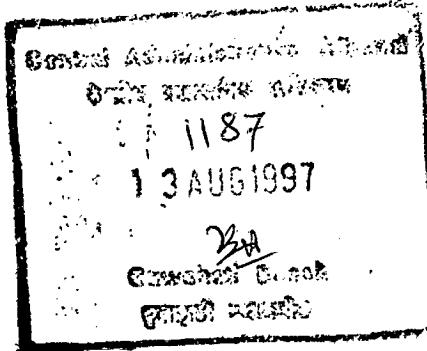
17.6.98
Copies of the order
have been sent to the
Sect. for issuing the
same to the Bar Parties.

8.

10/10

2
16/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH



Review Application...../97.

In O.A. No. 9/95

A.K. Jain & Ors.

.....Applicant.

-VS-

Union of India & Ors.

.....respondents.

IN THE MATTER OF

An application under section 22(f) of the
Administrative Tribunal Act. 1985 for revi-
ewing Its order dated 10.6.96 passed in O.A.
No. 9/95.

3-AND--

IN THE MATTER OF

i. The Union of India represented by the
secretary to the Govt. of India, Deptt.
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.

contd. p/2

4. The Chief Medical Officer,

Base Hospital-III,

C.R.P.F. Guwahati-23.

5. The Commandant 62 Bn

Unit Hospital, CRPF,

Nonga-igaon.

.....Petitioners

Respondents in

O.A. No. 9/95.

-VS-

1. Sri Ajit Kumar Jain

GC, CRPF, Imphal,

Manipur, Pin-795113.

2. Sri Bhabesh Bhatta

GC, CRPF, Neemuch,

Madhya Pradesh, pin-458445

3. Sri Binod Kumar

Base Hospital-3

CRPF, Amerigog,

Guwahati, Pin-781023.

4. Sri J.P. Sharma

Commandant 62 Bn

CRPF, (Bn under move)

5. Smt. Gerly Jacob

GC, CRPF, Rampur,

Uttar Pradesh, Pin-244901.

contd. ...p

6. Sri Kapil Deo Ram
Base Hospital-3
CRPF, Amerigog, Guwahati,
Pin-781023.

7. Sri Shanta Mohan
103 RAF Bn, Gokalpuri,
Wazirabad, Delhi, Pin-110094.

8. Sri Raj Kumari
Base Hospital-3,
CRPF, Amerigog, Guwahati,
Pin-781023.

9. Smt. Manju Haldar
Base Hospital-3
CRPF, Amerigog, Guwahati,
Pin-781023.

10. Sri Moti Singh
GC, CRPF, Imphal, Manipur.
Pin-795113.

11. Sri Narayan Singh
Base Hospital-3,
CRPF, Amerigog, Guwahati,
Pin - 781023.

12. Iftikar Khan
Base Hospital-3
CRPF, Amerigog, Guwahati,
Pin-781023.

13. Sri M Raghavan
Base Hospital-3
CRPF, Amerigog, Guwahati,
Pin-781023

14. Smt Rumina Begum
GC, CRPF, Khatkati, Dimapur,
Nagaland, P in-797112.
15. Ibrahim
Base Hospital-I, CRPF,
Jharodakalan, New Delhi
Pin-110072
16. Bansilal
GC, CRPF, Neemuch, Madhya Pradesh
Pin - 458445.
17. Sri Thankamani,
Base Hospital-3, CRPF, Amerigog
Guwahati, P in-781023.
18. Sri S N Kalita
GC, CRPF, Khatkati, Dimapur,
Nagaland, P in-797112.
19. Sri Chandra Kishor
Base Hospital-3, CRPF, Amerigog,
Guwahati, P in - 781023.
20. Sri Amar Singh,
Base Hospital-3, CRPF, Amerigog,
Guwahati, P in - 781023.
21. Sri B Mohan Das
Base Hospital-I, CRPF,
Jharodakalan, New Delhi
Pin - 110072.
22. Sri Amulya Mohan Goswami
Base Hospital-3, CRPF,
Amerigog, Guwahati
Pin - 781023.
23. Sri Umesh Chandra Sarma,
GC, CRPF, Muzaffarpur,
Dinkarnagar, Bihar,
Pin - 842001

.....Respondents

Applicant in

O.A. No. 9/95

contd... p/4A

The humble application on behalf of the Petitioners
above named;

MOST RESPECTFULLY SWEWETH

1. That the respondents/applicants were working in the office of the Chief Medical Officer Base Hospital No.3 C.R.P.F. Guwahati and in the Unit Hospital C.R.P.F. 62 Bn Bongaigaon as group-C and D Hospital Staff, have approached this Hon'ble Tribunal seeking redressal against the non payment of Hospital Patient Care Allowances @ Rs.75 to 80 w.e.f. 1.12.87 in terms of letter dated 25.1.88 and 11.7.90. The grievances of the respondents/applicants were that, in a similarly situated case i.e. O.A. No. 931/93, the Hon'ble Principal Bench vide Its order dated 3.2.94 and Hon'ble Hyderabad Bench in O.A. No. 151/94 had allowed the hospital patients care allowances to the applicants therein.
2. That the aforesaid O.A. i.e. 9/95 came up for hearing before the Hon'ble Tribunal and this Hon'ble Tribunal upon hearing the parties was pleased to allow the said way. For better appreciation of the facts the operative portion of the ~~xx~~ said order dated 10.6.96 is quoted below:-

" To pay the Hospital patient care allowance to the applicants in accordance with the O.M. No.Z. 28015/60/87-H dated 25.1.88 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 ~~xxxxxx~~ paid will be refunded by them in full if as a

result of the aforesaid appeal before the Hon'ble Supreme Court it is found that the allowance is not admissible to them."

A copy of the said order dated dated 10.6.96 passed in O.A. No. 9/95 is annexed herewith and marked as ANNEXURE-A.

3. That the Hon'ble Tribunal while allowing said way on 10.6.96 has fully appreciated the pending of the Special Leave Petition before the Hon'ble Supreme Court against the order of the Hon'ble Principal Bench in O.A. No. 931/93 and other connected matter for grant of Hospital Patient Care Allowances in Its para-1.

It is further stated that the Hon'ble Tribunal has rightly pointed out that since some special Leave Petitions in regard to same grievances are pending and since there was no stay orders the applicants in the O.A. No. 9/95 would be allowed the Hospital Patient Care Allowance subject to outcome of the Hon'ble Supreme Court verdict.

4. That the Hon'ble Supreme Court on 13.9.96 was pleased to grant the stay orders against the order dated 3.2.94 in O.A. No. 131 /93 passed Hon'ble Principal Bench. However, this Hon'ble Tribunal while allowing said O.A. No. 9/95 made an observation regarding the implementation part and the time limit was fixed up to 31.10.96.

Although the petitioner/respondent (in O.A. No. 9/95) were persuing the development taking place in the cases before the Hon'ble Supreme Court but the copies of the said orders of ad-interim stay dated 13.9.96 was made available only in the last month and immediately after received

the same the petitioner/respondent have approached the Hon'ble Tribunal by way of filing the instant application for modification for the same.

A copy of order dated 13.9.

96 is annexed herewith and marked as ANNEXURE-B.

5. That the petitioners/respondents submit that in a similar matter (O.A. 174/96) the official respondents have approached this Hon'ble Tribunal by way of filing miscellaneous application vide No.44/97 for modification of Its order dated 20.12.96. On 5.3.97 the said misc. application was called for hearing and after hearing the parties there to this Hon'ble Tribunal made on observation that the department may come up with a review application against the order dated 20.12.96 and accordingly the department has filed the review application on the same subject matter before this Hon'ble Tribunal.

6. That the applicants/ respondents beg to state that the Govt. of India, Ministry of Health and welfare issued a letter vide No. 28015/60/87/H dated 25.1.88 and letter No.D.11011/1/90-CGHS(P) dated 11.7.90 but the guide line of the letters are not applicable to the instant application in terms of rules laid down in C.R.P.F. Medical Manual and instructions issued thereunder by the Ministry concerned. The service conditions and the avenue of promotion etc. of the Hospital staff of C.R.P.F. are different and hence the Ministry concerned has not sanctioned any patient care allowance to the Hospital staff of C.R.P.F. and hence the respondents can not claim the same.

7. That in view of the facts and circumstances stated above the necessity has arisen for filing of the instant application. However, the Hon'ble Tribunal Has rightly pointed out the position of ~~the~~ pending of some others similar special Leave Petition before the Hon'ble Supreme Court but subsequently, the ad-interim stay order dated 13.9.96 has been granted which has necessitated filing of this instant review applications against the order dated 10.6.96.

8. That the Petitioners/Respondents on receipt of the order dated 10.6.96 have implemented the same by way of making payment in regard to Hospital Patient Care Allowance. The respondents however, on a late receipt of the Hon'ble Supreme Court order not in a position to pay the same to the applicants in O.A. No. 9/95 and hence, they humbly pray before this Hon'ble Tribunal for modification/review of the said order dated 10.6.96. Again if the payments are continued to be made to the applicants in O.A. No. 9/95 it will be difficult to get the refund of the same because they belong to all Indian Transfer Liability, retirement etc.

9. That in view of the Order passed by the Hon'ble Supreme Court dated 13.9.96 and M.A. 44/97 dated 5.3.97 the petitioners/respondents pray for review of the said order dated 10.6.96.

12
ON AMONGST THE OTHERS THE FOLLOWING

GROUNDS

- (a) For that though the Hon'ble Tribunal has rightly appreciated the factual position as well as the position of law the subsequent developments have taken place for which the necessity has arisen for ~~fixing~~ the aforesaid review ~~in~~.
- (b) For that in view of the order dated 13.9.96 passed by the Hon'ble Supreme Court review of the order dated 10.6.96 passed in O.A. No. 9/95 is necessary.
- (c) For that in view of the order dated 5.3.97 passed in M.P. 44/97 in O.A. No. 174/96, a similar matter, review is necessary to avoid ^{confusion} ~~confession~~ and chaos.
- (d) For that if the review is not allowed in view of the Hon'ble Supreme Court's order dated 13.9-96 there would be over payments and for which it would be difficult for the authority to recover the same.
- (e) For that in any view of the matter there are error apperant on the face of the records and hence the order dated 10-6-96 required to be reviewed.

10. That this application is made bonafide and to secure ends of justice.

" In the premises aforesaid it is most respectfully prayed that Your Lordships would be pleased to review the order dated 10.6.96 and/or passed any such order/orders as may be deemed fit and proper.

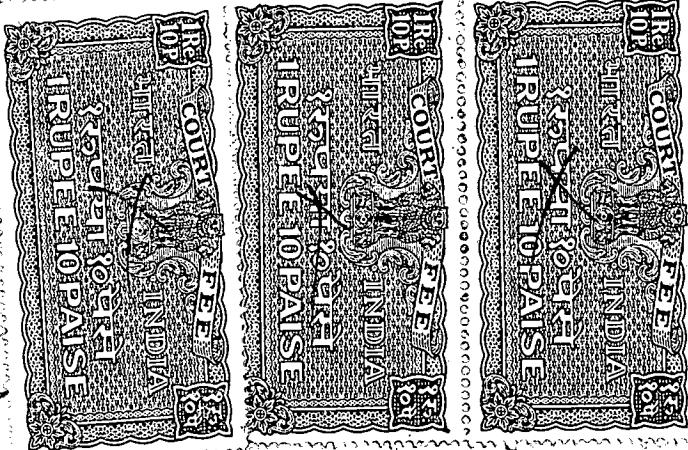
3- AND-

Pending disposal of the Review Application, the Order dated 10-6-96 may kindly be stayed. And for this act of kindness the Petitioners/Respondents are in duty bound shall ever pray.

contd. to page-9.

VERIFICATION -----

AFFIDAVIT



I, Shri Charanjit Singh Brar son of, Late H.S. Brar at present working as Additional DIGP, in the Office of the GC, CRPF, Guwahati-781023 being competent do hereby solemnly declare that the statements made in the ~~above~~ affidavit and in the accompanying application in paragraphs 3, 4, & 5 are true my knowledge and those made in the paragraphs 1, 2, & 6 are true to information derived therefrom records and the rests are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts.

I sign this affidavit on this the ~~10th~~ day of ~~Aug~~ ^{Aug} 1997 at Gauhati.

Deponent.

Shri Charanjit Singh Brar

Add. Dy. I. G. P.

Group Centre, CRPF, Guwahati-2

Charanjit Singh Brar
Advocate

Solemnly affirm and declare before by the deponent who is identified by Sri S. Sarma, Advocate at Gauhati on this the 10th Day of ~~Aug~~ ^{Aug} 1997 at Gauhati.

Parmar

(B. Mehta)

.....Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

-10-

ANNEXURE A

Original Application No. 9 of 1995.

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

Hon'ble ~~Shri~~ Shri G.L.Sanglyine, Member (A).

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 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

11/95
A. P.

(AS)

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.

Sd/-

MEMBER (A)

Sd/-

MEMBER (D)

TRUE COPY

Section Officer (Judicial)
Central Administrative Tribunal
Gorakhpur Bench, Gorakhpur

6/16/96



161 NO. 12

COURT NO. 9

SECTION XIV
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Request(s) for Special Leave to Appeal (Civil) No. 1093/95
(From the judgement and order dated 03/02/94 in OA 931/93
of The CAT, Principal Bench, New Delhi)

UNION OF INDIA & ANR.

Petitioner

VERSUS

T.M. JOSE & ORS.

Respondent

With

LP(Civil)No.12718/93, SLP(Civil)No.13514/96, SLP(Civil)No.18431/96,
LP(Civil)...1713/96, SLP(Civil)No.975-976/95

- Date 13/09/96 These Petitions were called on for hearing today.

HON'BLE MR. JUSTICE N.P. SINGH
HON'BLE MRS. JUSTICE SUJATA Y. MAHOPAR

For Petitioner (s)

Mr. A.S. Nambiar, Sr.Adv.
Mr. N.N. Goswami, Sr.Adv.
Mr. V.V. Yate, Sr.Adv.
M/s Hemant Sharma, RP Srivastava,
P. Parmeswaran, Adv.

Mr. R. Venkatarao, Adv.
Mr. S.M. Garg, Adv.

Mr. Narasimhan PS & Mr. V.G. Fragasam, Adv.

UPON hearing counsel the Court made the following
Q R D E R

Delay condoned.

Leave granted in all the matters. There shall be
ad interim stay of the impugned order.

Hearing expedited.

Ganga Thakur

(Ganga Thakur)
P.S. to Registrar

Dilip Hora

(N. Hora) 1315
Court Master

Shivam
Con

SPL to Appeal (et.al)
no. 1093/95 from over
date 3-2-95 in OA 93/93
SPLB to govt station 12/95?

I.C. No.5

COURT NO. 5

SECTION XIII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Civil) No. CC 4280/96
(From the judgment and order dated 17/01/96 in OA1245/94
of THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

V.M. JOY & ORS.

Respondent(s)

(With Appln(s). for c/delay in filing SLP)

Date : 13/09/96 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K. RAMASHAMY
HON'BLE MR. JUSTICE G.B. PATTANAI

For Petitioner(s) : Mr. KTS. Tulei, ASG.
Mr. T.C. Sharma & Mr. P. Parmeshwaran, Adv.

For Respondent(s) :

UPON hearing counsel the Court made the following
O R D E R

It is reported that in similar matters S.L.P.(C)
Nos. 1093/95 & batch, this Court granted leave and stayed
the impugned judgment. Following the same order, leave
granted and pending disposal of the appeal, there shall
be interim suspension of the impugned judgment. List
this matter also along with appeals & S.L.P.(C) Nos. 1093/95
& batch.

Mukul
(Muhammed Kavvitra)
Court Master

M. T. S.
(Muhammed Trikha)
Court Master

Attn: