

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

R.A No. 6 197 (O.A 174/96)

Union of India & ors Applicant(s)

- VS -

R. Bhattacharjee & ors Respondent(s)

Mr. S. Ali, Sr, C.G.S.C Advocate for the Applicant(s)

..... Advocate for the Respondent(s)

Office Note	Date	Court Orders
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This Review application is filed by Mr. S. Ali, Sr, C.G.S.C on behalf of the Respondants, against the order dtd- 20-12-96 passed in O.A 174/96 in the Coram of

5.11.97

List on 19.11.97 alongwith M.P. 286/97 for ~~xxxx~~ consideration of admission.

[Signature]
Member

The Hon'ble Member (ADMN) The final order was communicated on 7-1-97 date of receipt of order by the ~~respondants~~ ~~applicant~~ could not be ascertained since the A/D is not available. The R.A. is filed on 22-9-97.

19.11.97

Mr S. Ali, learned Sr.C.G.S.C submits that the matter may be adjourned as he could not serve copy of the petition on the opposite party.

Adjourned to 17.12.97 for consideration of admission.

[Signature]
Member

Hence this application is not in time and in this regard an application MP-286/97 for condonation of delay has been filed.

17.12.97

Mr A.K.Choudhury, learned Addl. C.G.S.C prays for adjournment on account of indisposition of Mr S. Ali. None for the opposite party.

List for consideration of admission on 7.1.98.

[Signature]
Member

and for favour of consideration of admission.

DO Registrar
21/11/97

pg
MS
18/12

R.A.6/97

7-1-98 List it alongwith M.P.286/97 on 4-2-98.

lm
Member

lm
12/1

4.2.98 On the prayer of Mr S.Ali, learned Sr.C.G.S.C the case is adjourned to 18.2.98 for consideration of admission.

lm
Member

pg

18.2.98 To be listed for order alongwith M.P.286/97 on 18.3.98.

23.2.98

*Service Report issued
has been receipt
ad issued to the
respondents vide dispatched.
No. 474-485 Dt. 25.2.98.*

lm
Member

18.3.98

To be listed for Admission on 1-4-98 alongwith M.P.286/97.

lm
Member

lm

1-4-98


Mr.G.Sarma, learned Addl.C.G.S.C, prays for adjournment on behalf of Mr.S.Ali, learned Sr.C.G.S.C. on the ground of personal difficulties of Mr.S.Ali. Dr.A.K.G.Thakuria, learned counsel, opposes to the adjournment prayer and desires to proceed on merit. For the ends of justice I consider that Mr.Ali may be given another opportunity to place his case. Accordingly, Review Application is adjourned for consideration of Admission on 20-5-98.

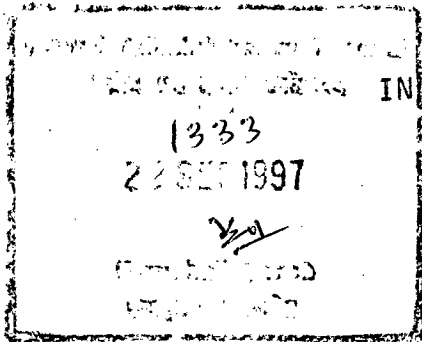
List it on 20.5.98.

lm
Member

lm

*Service Reports are still awaited.
19/5*

Notes of the Registry	Date	Order of the Tribunal
<p>9</p> <p>27/5/98</p> <p>Copies of the order have been sent to the d/sec. for issuing the same to the applicant alongwith the L/Advocates of the parties.</p> <p>1397 to 1399 S.</p> <p>27.5.98.</p>	<p>20.5.98</p> <p>pg</p> <p>NS</p> <p>27/5</p>	<p>In view of the order passed in M.P.286/97 rejecting the prayer for condonation of delay the Review Application No.6/97 is dismissed as time barred.</p> <p style="text-align: right;">  Member </p>



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BENCH:GUWAHATI.

R. A. NO. 6 OF 1997.
(O. A. No. 174 of 1996)

31
326 BY: *Kaenakal*
D. SHAIKAT ALI 22/9/97
Off. Central Govt. Building, Guwahati
Central Administrative Tribunal

Rupak Bhattacharjee and others ..Applicants

-Versus-

The Union of India & others Respondents

- AND -

IN THE MATTER OF:

A Petition under Section 22(f) of the Central Administrative Tribunal Act praying for review of the judgement and order dated 20-12-96 passed by Hon'ble Administrative Member of the Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No. 174/96 .

MS
22/9/97

-AND-

IN THE MATTER OF:

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

(Contd.)

- 2) The Secretary to the Government of India, Ministry of Health & Family Welfare, New Delhi.
- 3) The Director General, CGO Complex, C.R.P.F., Lodhi Road, New Delhi.
- 4) The Chief Medical Officer, Base Hospital-3, CRPF, 9 Mile ,Amerigog, Guwahati-23 .
- 5) The Medical Officer, 14 Bn,CRPF, C/o Commandant, CRPF, Noonmati, Guwahati .
- 6) The Medical Officer, Group Centre, CRPF, Khatkhati, Assam .

.... Respondents
Petitioners.

-Versus-

- 1) Sri Rupak Bhattacharjee
- 2) Sri M.P. Kachary
- 3) Smt. Banti Priya Hazarika
- 4) Sri Kushal Singh
- 5) Sri Nirmal Kumar Soni
- 6) Smt ~~Vimla Devi~~ Vimla Devi
- 7) Sri Mithuram
- 8) Sri Sohan Lal
- 9) Sri Md. Idris Quazi
- 10) Sri Sunil M Kumar
- 11) Sri Shiv Dayal
- 12) Sri Ratan Lal

C/o The Chief Medical Officer,
Base Hospital -II, CRPF, Guwahati-23.

... Applicants
(Contd.) Opposite Parties.

The humble review petition of
the above named Petitioners :

MOST RESPECTFULLY SHEWETH:

1) That the applicants/opposite parties who were working in the Office of the Chief Medical Officer, BH-3, CRPF, Guwahati and in the Office of the Medical Officer, 14Bn, CRPF, Noonmati, Guwahati and in the Office of the Medical Officer, Group Centre, CRPF, Khatkhati, Assam (all Group C & D employees hospital staff) jointly filed O.A. No. 174/96 in the Hon'ble Central Administrative Tribunal, Guwahati praying for grant of Hospital Patient care allowance, i.e. @Rs.80/- & 75 /- p.m. respectively with effect from 1-12-87 in terms of the Ministry of Health & Family Welfare, Government of India letter No. 28015/60/87-A dated 25-1-88 (Annexure -'A') and letter No. D.11011/1/90-CGHS(P) dated 11-7-90 (Annexure -'B') annexed to the Original Application. Their main contention was that in a similarly situated case, that is, in O.A. No. 931/93 the Hon'ble Tribunal Principal Bench, New Delhi vide Order dated 3-2-94 and Hon'ble Central Administrative Tribunal Hyderabad in O.A. No. 151/94 vide order dated 24-2-94 and Hon'ble Central Administrative Tribunal, Guwahati in O.A. No. 9/95 vide Order dated 10-6-96 had allowed the hospital patient care allowance to the applicants therein .

(Contd.)

2) The respondents in O.A. No.174/96 (UOI/CRPF) contested the case and after hearing the Counsels of both sides the Hon'ble Tribunal vide its order dated 20-12-96 ordered /directed that -

"A representation for payment of the hospital patient care allowance be submitted by each applicant individually to the competent authority concerned of the respondents within one month from the date of receipt of the copy of this order. This representation should be accompanied by an undertaking to the effect that the payment of the hospital patient care allowance to them shall be ~~rejected~~ subject to the result of the Special Leave Petition before the Hon'ble Supreme Court as mentioned in para 2 of the order dated 10-6-96 and that the amount paid to them 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. The competent authority of the Respondents shall dispose of the representations of the applicants within one month from the date of the receipt of the copy of this order after due scrutiny in each case that the applicant falls in category of employees to whom Hospital patient care allowance is admissible. If it is found that the allowance is admissible to ^{any} ~~any~~ of the applicants the allowance may be allowed conditionally in the lines indicated in the order dated 10-6-96 passed in O.A. No.9 of 1995 aforesaid after taking appropriate undertaking from each of the applicant individually as indicated in the aforesaid order dated

(Contd.)

10-06-1996 .

Copy of Order dated 20-12-96 in O.A. No. 174/96 is attached as Annexure-'C' .

Acopy of order dated 10-06-96 in O.A. No. 9/95 is attached as Annexure- 'D' .

3. That the Respondents , that is Union of India and others beg to submit that the GOI, Ministry of Health and Family Welfare letter No. 28015/60/87 dated 25-1-88 and letter No. D.11011/1/90-CGHS(P) dated 11-7-90 (Annexure- 'A' & 'B') are not applicable to the CRPF as CRPF hospital employees come under the Ministry of Home Affairs and not Ministry of Health & Family Welfare. No orders regarding sanction of hospital patient care allowance to the hospital staff (Group C&D) of CRPF has been issued by the Ministry of Home Affairs so far and hence they are not entitled for the same. The service conditions of Hospital staff of CGHS and CRPF are different and they are governed under different set of rules and hence they cannot be equated .

4) That, the Respondents further beg to submit that, against order dated 3-2-94 of the Central Administrative Tribunal ,Principal Bench, New Delhi in O.A. No. 931/93 regarding patient care allowance the Department/CRPF have filed a Special Leave Petition (Civil) No. 1093/95 . The Hon'ble

Supreme Court of India ~~xx~~ vide its order dated 13-9-96 (Annexure 'E') has granted leave in the above case alongwith several other similar Special Leave Petitions. The ~~Hixh~~ Hon'ble Court has also ordered that there shall be an interim stay of the impugned order. Similarly the department had filed a Special Leave Petition(Civil) .. CC 4260/96 against the order dated 17-1-96 in O.A. 1245/94 of the Central Administrative Tribunal, Hyderabad and the Hon'ble Supreme Court has been pleased to grant interim suspension of the impugned judgment ~~l~~ vide its order dated 13-9-96 (Annexure- 'F') .

5) That, it is ~~xx~~ submitted that , the Hon'ble Central Administrative Tribunal vide its order dated 20-12-96 in OA-174/96 has mentioned clearly that the payment of the hospital patient care allowance to the applicants therein shall be subject to the outcome of Special Leave Petition before the Hon'ble Supreme Court as mentioned in para 2 of the order~~d~~ dated 10-6-96 Para 2 of the order dated 10-6-96 (Annexure-'D' reads as follows - Mr A.K. Choudhury, Addl. CGSC pointed out that the respondents had filed Speal^{ci} Leave Petition^{ti} before the Hon'ble Supreme Court against the order of the Hyderabad^{*} bench mentioned above (OA No. 151/94) and payment of the ~~xx~~ allowance to the applicants in that case was conditional that is, the applicants were to give an undert@king that the amount paid to them will be refunded

(Contd.)

in full by them in case the final result before the Hon'ble Supreme Court is against them .

6) That, it is submitted that since the Hon'ble Supreme Court vide its order dated 13-9-96 (Annexures-'E' & 'F') has stayed the orders of Central Administrative Tribunal , New Delhi (Principal Bench) and Central Administrative Tribunal Hyderabad and also clubbed together several Special Leave Petitions (Civil) 13514/96, 975-976/96 etc. and has granted stay of the orders of several Central Administrative Tribunal regarding sanction/grant of patient care allowance it is necessary that the Hon'ble Central Administrative Tribunal may Guwahati may also review its orders dated 20-12-96 in O.A. No. 174/96 .

7) That, the Respondents beg to submit that the Hon'ble Central Administrative Tribunal may review its order dated 20-12-96 passed by the learned single judge in O.A. No. 174/96 and pass orders that the applicants will be paid patient care allowance subject to outcome of the Special Leave Petition (Civil) No. 1093/95, CC 4260/96 and other Special Leave Petitions filed by the Department and in which the Hon'ble Supreme Court has been pleased to grant stay vide its order dated 13-9-96. It is also respectfully submitted that in case the Hon'ble Central Administrative Tribunal does not review its order dated 20-12-96 then the department will be put to irreparable loss that is, if the

(Contd.)

amount is paid to the applicants ~~xxx~~ as per directions of the Hon'ble Central Administrative Tribunal then it will be very difficult to recover the amounts, though undertaking will be there, as after receiving the amounts some of the applicants may be transferred out, some may retire/quit service etc.

8) That, it is submitted that in O.A. No. 174/96 the Union of India /Department has filed a M.A. No. 44/97 in Central Administrative Tribunal, Guwahati. The M.A. came up for hearing on 5-3-97 and on hearing arguments of both the counsels, the Hon'ble Central Administrative Tribunal has directed the Department to file a R.A. highlighting the facts and figures in detail including the interim stay dated 13-9-96 granted by the Hon'ble Supreme Court in Special Leave Petition (Civil) No.1093/95 and CC-4260/96.

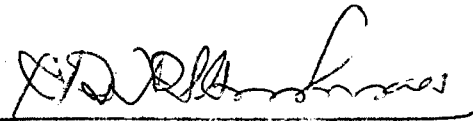
xx It is, therefore, respectfully prayed that, in the light of Hon'ble Supreme Court order dated 13-9-96 cited above, the Hon'ble Tribunal may be pleased to review the judgment and stay the impugned order dated 20-12-96 passed in O.A. No. 174/96 till final disposal of the Special Leave Petition filed by Union of India ~~xxx~~ against the order dated 17-1-96 in O.A. No. 1245/94 of Central Administrative Tribunal Hyderabad and other similar Special Leave Petitions .

• (Contd.)

V E R I F I C A T I O N

P.N. Ramakrishnan
I, Sri ~~A. S. Kumar~~ ~~Additional~~ D.I.G.P,
C.R.P.F., Guwahati - 23 being competent do hereby
solemnly declare that the statements made in para-
graphs _____ are true to my
knowledge, those made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8
are true to my information which are derived from
the records of the case and those made in the
rests are my humble submissions before this
Hon'ble Tribunal .

I sign this verification today on 30 th
day of ^{May} ~~April~~ , 1997 at Guwahati .



Declarant.

(P.N. Ramakrishnan)

इति उप महापरीक्षक
Dy. Inspector General of Police
के. रि. पु. बरु, गुवाहाटी (असम)
C.R.P.F, GUWAHATI (ASSAM)

~~CONFIDENTIAL~~

NO. F. 20015/60/87-M

Government of India

Ministry of Health and Family Welfare.

.....

Nirman Bhawan, New Delhi.

Dated the 25th January, 1988.

To

1. Director General
of Health Services
Nirman Bhawan,
New Delhi.

2. The Secretary (Medical),
Delhi Administration,
5-Sham Nath Marg,
Delhi-110054.

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

Sir,

With reference to G.O. NO. 3.12017/3/87-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

.....

that no Night Weightage Allowance if sanctioned by the Central Government, will be admissible to those 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/PW/87 dated 15.10.87.

Yours faithfully,

SD/-

(U.S. Dhakaalia)

Under Secretary to the Government
of India.

Copy forwarded to :-

1. Medical Superintendent, Safdarjung Hospital,
New Delhi.
2. Medical Superintendent, Dr. P.M. Hospital, New Delhi.
3. Principal, Lady Hardinge Medical College & Mt. S.T.
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-1).
- 7. Finance Division/Training) Desk.
- 8. All Members of J.C.M.
- 9. Delhi Central Government Sanitary Committee,
Saffdarjung Hospital, New Delhi.
- 10. Sanction Register/Order File.

2/-

(H.S. Dhanraj)
Under Secretary to the
Government of India.

....

- 244 -

ANNEXURE - B

NO. G.11011/1/70-CMS(P)

Government of India
Ministry of Health and Family Welfare.

Bhawan Bhavan, New Delhi.

Dated the 11th July, 1970.

TO

The Directorate General
of Health Services,
Bhawan Bhavan,
New Delhi - 110 011.

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

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 CMS Organisation/w.e.f. 01.04.1977
@ 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....

- 24 -

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. 1640-2300 with immediate effect as indicated below:-

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

3. The expenditure involved will be met out of the budget grant of C.M.S. Organisation for the year 1930-31.

4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure vide their L.O. No. 7(12)-S.III/30 dated 15.05.1930.

Yours faithfully,

CA/-

(I.S. SINGH)

Director (P.S.)

cc. 4....

- 00 -

NO. 3.11011/1/90-CONS(P)

Copy to :-

1. All Adml. Directors of CWS with 5 spare copies.
2. Shri T. Trivedy, Secretary General, A.F. CWS,
P.O., K-42, Princes Puri, New Delhi.
3. Pay and Accounts Office, W/O. Health and F.W.,
New Delhi.
4. Finance Division.
5. Cabinet Secretariat (Attn: Shri S.P. Shastricharjee,
D.S.D.).

sd/-

(S. S. SINGH)

Director (P.O.)

.....

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 174 of 1996.

Date of decision : This the 20th day of December, 1996.

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

1. Shri Rupak Bhattacharjee,
Laboratory Technician,
2. M.P.Keshary
Pharmacist,
3. Banti Priya Hazarika
C.T.Asstt.
4. Kushal Singh
N.Asstt.
5. Nirlam Kumar Sani
Chowkider
6. Vimala Devi
Masalchi
7. Sohanlal
S.K.
8. Mithuram
S.K.
9. Md. Idris Quazi
Pharmacist
10. Sunil Kumar
Cook
11. Shiv Dayal
Electrician
12. Ratan Lal
Carpenter

.. Applicants.

(Applicant Nos. 1 to 8 & 11 & 12 are working in the office of the Chief Medical Officer, Base Hospital-II, CRPF, Guwahati-23).

(Applicant No. 9 is working in the office of the Medical Officer, 14 BN., Noonmati, Guwahati).

(Applicant No. 10 is working in the office of the Medical Office, GC Hospital, CRPF, Khatkhati, Karbi Anglong District, Assam).

By Advocate Mr. A.K.G. Thakuria.

-versus-

1. The Union of India represented by the Secretary to the Govt. of India, Department of Home Affairs, New Delhi.
2. The Secretary to the Govt. of India, Ministry of Health & Family Welfare, New Delhi.
3. The Director General, CGO Complex, CRPF, New Delhi.
4. The Chief Medical Officer, Base Hospital-III, CRPF, 9 Mile, Guwahati-23.
5. Commandant, 14 Bn., CRPF, Noonmati, Guwahati
 Medical Officer, GC Hospital, CRPF, Khatkhati, Karbi Anglong, Assam

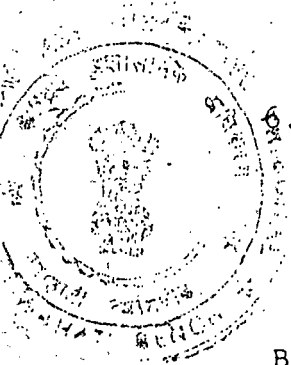
..... Respondents

By Advocate Mr. S.Ali, Sr.C.G.S.C.

O R D E R

G.L.SANGLYINE (ADMINISTRATIVE MEMBER)

The applicants are working in Base Hospital-III, CRPF, Guwahati, Medical Hospital, 14 Bn, Noonmati, guwahati, and Medical Hospital, CRPF, Karbi Anglong, Assam. They have been allowed to submit this application jointly. Their prayer in this application is for payment of hospital patient care allowance with effect from 1.12.1987 in terms of Ministry of Health and Family Welfare, Government of India, letter No. 28015/60/87-11 dated 25.1.1988. They submit that the hospital patient care allowance was allowed vide order dated 3.2.1994 passed in O.A. No. 931 of 1993 by the Central Administrative Tribunal, Principal Bench, New Delhi and Order dated 24.2.1994 in O.A. No. 151 of 1994 passed by



20.12.96

~~Handwritten signature~~
G.C.G.S.C.

3.

the Central Administrative Tribunal, Hyderabad Bench. They had approached the respondents on many occasions for payment of the hospital patient care allowance and representation dated 16.5.1994 was also submitted in this regard but the respondents have not paid the said allowance to them. Mr. Thakuria has pointed out that recently some Group 'C' civilian employees working under the hospitals of CRPF at Guwahati and Bongaigaon had filed application before this Bench of this Tribunal and vide order dated 10.6.96 passed in O.A. 9 of 1995 the prayer for payment of hospital patient care allowance was allowed with stipulated conditions. He submits that the respondents may be directed to allow the payment of the said allowance to the present applicants with similar conditions as stipulated in the order dated 10.6.1996.

2. I have heard Mr. Thakuria and Mr. Ali. I direct that a representation for payment of the hospital patient care allowance be submitted by each applicant individually to the competent authority concerned of the respondents within one month from the date of receipt of the copy of this order. This representation should be accompanied by an undertaking to the effect that the payment of the hospital patient care allowance to them shall be subject to the result of the Special Leave Petition before the Hon'ble Supreme Court as mentioned in para 2 of the order dated 10.6.1996 and that ^{the} amount paid to them 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. The competent authority of the respondents shall dispose of the representations of the applicants within one month from



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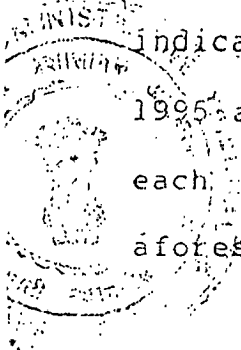
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the date of the receipt of the copy of this order after due scrutiny in each case that the applicant falls in the category of employees to whom Hospital Patient Care allowance is admissible. If it is found that the allowance is admissible to any of the applicants the allowance may be allowed conditionally in the lines indicated in the order dated 10.6.96 passed in O.A. 9 of 1995 aforesaid after taking appropriate undertaking from each of the applicant individually, as indicated in the aforesaid order dated 10.6.1996.



The application is disposed of. No order as to costs.

Sd/-MEMBER (ADMN)

trd

TRUE COPY

प्रतिलिपि

D. Samanta
6.1.97

Section Officer (Adm.)
 अधिकांश (अधिकांश)
 Central Administrative Tribunal
 केंद्र, गुवाहाटी
 Guwahati Bench, Guwahati
 गुवाहाटी बेंच, गुवाहाटी

St/1

E2 II

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.

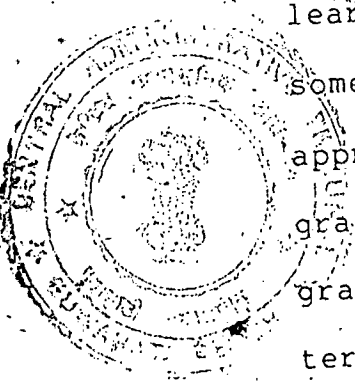
O R D E R

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



11/94

(159)

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 (J)



TRUE COPY

16/7/96
Section officer (Judicial)
Central Administrative Tribunal
Gowahati Bench, Guwahati

16/7

FILE NO. 12

COURT No. 9

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(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. N. JOSE & ORS.

Respondent

With

LP(Civil) No. 12718/93, SLP(Civil) No. 13514/96, SLP(Civil) No. 16431/96,
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. MAHOJAR

For Petitioner (s)

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

Respondents:

Mr. R. Venkataranguni, Adv.
Mr. S.M. Garg, Adv.
Mr. Narasimhan PS & Mr. V.G. Pragasam, Adv.

UPON hearing counsel the Court made the following
O 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

N. Moorjani
(N. Moorjani)
Court Master

1315

14/11

24

Annexure 'F'

28

I.C. No. 5

COURT No. 5

SECTION XIII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Civil)...CC 4260/98
(From the judgment and order dated 17/01/98 in OA1245/94
of The CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD

UNION OF INDIA & ORS.

Petitioner (s)

VERSUS

V.H. JOY & ORS.

Respondent (s)

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

Date : 13/09/98 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K. RAMASWAMY
HON'BLE MR. JUSTICE G.B. PATTANAIK

For Petitioner (s) Mr. KTS. Tulsi, ASG.
Mr. TC. Sharma & Mr. P. Parmeshwaran, Advs.

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.

Nkalo
(Moolam Kavatra)
Court Master

Olthi
(Manna Tripathi)
Court Master