

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00852/2018

Chandigarh, this the 24th day of July, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...

1. Vijay Kumar S/o Late Shrinand, aged 57 years, Laboratory Technician,
2. Jai Krishan S/o Sh. Keshav Dutt, aged 56 years, Laboratory Attendant
3. Hanuman Singh S/o Khushal Singh, aged 59 years, Laboratory Technician, aged 59 years, Laboratory Technician,
4. Vijay Kumar-I S/o Sh. Jagdish Chand aged 37 years, Laboratory Assistant
5. Chaman Lal-II S/o Sh. Deep Kumar, aged 33 years, Laboratory Attendant
6. Durga Dass S/o late Sh. Hari Ram, aged 47 years, working as Laboratory Attendant
7. Roshan Lal S/o Late Sh. Shanti Parkash, aged 59 years, Laboratory Assistant
8. Prem Nath S/o Sh. Chamola Ram, aged 53 years, Laboratory Attendant
9. Partap Singh S/o Sh. Parma Nand, aged 53 years, Laboratory Technician
10. Sushil Kumar S/o Sh. Gurusaran Das, aged 56 years, Laboratory Attendant
11. Rama Kant S/o Sh. Surinder Jain, aged 44 years, Laboratory Technician
12. Suchita Sharma S/o Sh. Bhupinder Singh, aged 36 years, Technical Supervisor,
13. Jasvinder Singh S/o Sh. Hem Raj, aged 36 years, Technical Supervisor,
14. Pradeep Kumar S/o Sh. Shankar Dutt, aged 47 years, Laboratory Assistant
15. Ram Bax S/o Sh. Mast Ram, aged 51 years, Laboratory

16. Vishwas S/o Ram Chander, aged 51 years, Laboratory Attendant
17. Ajit Singh-I S/o Sunder Singh, aged 53 years, Laboratory Assistant
18. Ved Parkash Attri S/o Sh. Ram Karan, aged 45 years, Laboratory Assistant
19. Rajinder Kumar S/o late Sh. Amer Nath, aged 55 years, Safai Karamchari (now MTS)
20. Radha Krishan S/o Sh. Het Ram, aged 55 years, Lab Attendant,
21. Pradeep Naithani S/o Sh. H.P. Naithani, aged 47 years, ATO
22. Devendra Barthwal S/o Shiromani Barthwal, aged 34 years, Technical Supervisor,
23. Davinder Kumar S/o Sh. Mehar Singh, aged 45 years, Technical Supervisor
24. Sajiv Sood S/o Sh. Onkar Chand Sood, aged 49 years,
25. Sumir Rai bhalla S/o Sh. Kuldeep Rai Bhalla
26. Manoj Kumar Sharma S/o Late Sh. Devi Dutt Sharma,
27. Samay Singh Meena S/o Sh., Chirangi Lal, aged 50 years, ATO
28. Manoj Kumar S/o Late Sh. Sohan Lal, aged 53 years, Safai Karamchari now MTS
29. Jai Pal Singh S/o Sh. Prem Nath, aged 53 years, Safai Karamchari, now MTS,
30. Budh Ram S/o Sh. Basti Ram, aged 58 years, Technical Supervisor
31. Deepak Kumar-I S/o Sh. Chunni Lal, aged 59 years, Lab Assistant,
32. Jaswant S/o Sh. Sohan Lal, aged 49 years, Lab Attendant,
33. Sita Ram S/o Sh. Rirdu Ram, aged 56 years, Lab Attendant
34. Pappu Singh S/o Sh. Kali Charan, aged 44 years, MTS,
35. Chaman Lal S/o Sh. Dila Ram, aged 48 years, Laboratory Attendant
36. Devender Kumar Sharma S/o Sh., Raj Kumar Sharma, aged 46 years, Technical Supervisor,
37. Fagulal V. Kumbhare S/o Sh. Vishnu R. Kumbhare, aged 47 years Technical Supervisor, now ATO

38. Subir Kumar SIL S/o Sh. Sudhir Kumar SIL, aged 44 years, Khalasi,
39. Bala Dutt S/o Sh. Itli Ram, aged 59 years, Lab Attendant
40. Bhupinder Kumar S/o Sh. Baldev Singh, aged 34 years, Lab Attendant,
41. Jagdish Kumar s/o Late Sh. Mukhtara Ram, age 58 years, Lab Attendant
42. Sh. Rakesh Kumar s/o Sh. Data Ram, age 42 years, Lab Attendant,
43. Sh. Sudarshan Kumar S/O Late Sh. Jagga Ram, age 52 years, Lab Assistant
44. Smt. Preeti Thakur w/o Sh. Deva Nand Thakur, Technical Supervisor, now ATO
45. Mr. Aashish Chaurasia son of Sh. Vinod Kumar Chaurasia, age 37 years, Technical Supervisor

(Group C)

All working in the office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209

.....Applicants

(Present: Mr. V.K. Sharma, Advocate)

Versus

1. Union of India through the Secretary to Government of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi- 110011.
2. Director General of Health Services, Ministry of Health & Family Welfares, Nirman Bhawan, New Delhi – 110011.
3. Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh – 173209.

.....Respondents

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 063/01071/2018 is allowed and the applicants are allowed to file the present joint application.

2. Applicants are aggrieved against the orders dated 29.05.2018 (Annexure A-1) and 04.05.2018 (Annexure A-2), whereby they have been denied the benefits of patient care allowance, arising out of order dated 17.08.2012 in O.A. No. 147/HP/2012 titled **Jitender Singh & Others Vs. Union of India and Others**, which has been upheld by the Hon'ble High Court while dismissing CWP NO. 4793/2013, vide order dated 02.05.2017.

3. Heard.

4. Mr. V.K. Sharma, learned counsel for the applicants submitted that the impugned orders cannot sustain in the eyes of law because the respondents have rejected the representations of the applicants, solely on the plea, that they were not the party in the relied upon cases, which is opposed to law that an order of a Court of Law should be implemented for similarly situated employees whether party or not, instead of forcing each and every individual to approach the Court of Law. On this ground, learned counsel has prayed that the impugned orders be quashed and the respondents be directed to re-consider the claim of the applicants for patient care allowance, in view of the ratio of law laid down in the case of Jitender Singh (supra).

5. Notice.

6. At this stage, Mr. Ram Lal Gupta, Advocate, appeared and accepted notice on behalf of the respondents. He did not suggest that the respondents have applied the law laid down in the relied upon case while disposing of the representations of the applicants. He prayed that a reasonable time may be given to the respondents to re-consider the claim of the applicants, in the light of the relied upon case.

7. In view of the above, and considering the settled law that the similarly situated employees cannot be denied benefit on the ground that they were not a party to the relevant cases, the impugned orders (Annexure A-1 & A-2) are set aside. The respondents are directed to re-consider the claim of the applicants for grant of patient care allowance, in the light of law laid down in the case of Jatinder Singh (supra), within a period of three months from the date of receipt of a copy of this order. If the applicants are found similarly situated to the applicants in the relied upon case, they may be granted similar benefits, otherwise, a speaking and reasoned order be passed on their claim, with a copy to them.

8. Needless to mention, that disposal of the O.A. shall not be construed as an expression of any opinion on the merits of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.07.2018

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