

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00853/2018

Chandigarh, this the 24th day of July, 2018

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

...

1. Babu Lal S/o Ram Dass, Ex-Lab Technician, aged 67 years, Village Mashobra, P.O. Kasauli, District Solan-173204.
2. Chaman Lal S/o Shanker, Ex-Lab Assistant, aged 67 years, Village & PO Sanwar, Tehsil Kausauli, District Solan.
3. Ram Sarup-II S/o Kundan Lal, Ex-Lab Assistant, aged 70 years, Village Etwa Kasauli, P.O. & Tehsil Kasauli, District Solan, H.P.
4. Tarsem Lal S/o Phambi Ram, Ex-Lab Tech, aged 69 years, Abdula Pur Pinjore, P.O. Pinjore, The Kalka, District Solan.
5. Jagdish Kumar S/o Sh. Surjan, Ex-Lab Assistant, aged 69 years, Arhat Bazar Kasauli, PO & Tehsil Kasauli, District Solan, H.P.
6. Harparsad Yadav S/o Late Sh. Jawala Parshad, Ex-Lab Assistant, aged 68 years, Arhat Bazar Kasauli, PO & Tehsil Kasauli, District Solan, H.P.
7. Swami Ram S/o Late Sh. Kesho Ram, Lab Assistant, aged 66 years, Village Banari, P.O. Garkhal, Tehsil Kasauli, Distt. Solan.
8. Laxmi Datt Shandil S/o Sh. Hari Singh, , aged 63 years, Village Badha, P.O.Garkhal, The. Kasauli, Distt. Solan, H.P.
9. Gulshan Kumar S/o Mansha Ram, Ex-Lab Assistant, , aged 68 years, Near Sai Baba Garkhal, P.O. Garkhal, The. Kasauli, Distt. Solan (H.P)
10. Harmohinder Singh S/o S. Balwant Singh, Ex-Lab. Assistant, aged 70 years, Near Virender Mohan Hospital, Dharampur, P.O.Dharampur, Tehsil Kasauli, Distt. Solan.
11. Data Ram S/o Late Sh. Tula Ram, Lab. Assistant, aged 69 years, Village Ganguari P.O. Jagit Nagar, Tehsil Kasauli, Distt. Solan.

12. Om Parkash Mehra S/o Late Sh. Deep Ram, Ex-Laboratory Assistant, aged 68 years, Village Ticket Hatt, P.O. Garkhal, Tehsil Kasauli, Distt, Solan.
13. Ajay Bir Singh S/o Late Sh. Chenai Ram, Ex-Lab Asstt., aged 67 years, Village & PO Neemka, Distt. & Tehsil Gautam Budh Nagar, U.P.
14. Krishan Dutt Sdharma son of Late Sh. Salig Ram, aged 67 years, Ex-Lab Asstt. CRI, Kasauli, resident of Village Mahali, P.O. Kot Beja, Tehsil Kasauli, Distt Solan, H.P.
15. Leela Dutt Sharma s/o Late Sh. Harnam Dass Lab Tech, aged 67 years, Village Thandu, P.O. Kot Beja.
16. Milkhi Ram S/o Dila Ram, Ex-L.A, aged 68 years, Village Basouli, P.O.Dharampur, The. Kasauli, Distt. Solan, H.P.
17. Ashok Kumar son of Sh. Kishori, aged 60 years, Ex-Safaiwala, CRI, Kasauli, resident of Khera Sita Ram Kalka, P.O. & Tehsil Kalka, District Panchkula.
18. Smt. Sundri Devi w/o Late Sh. Sita Ram, age 69 years, resident of Village Chadyar P.O. Kot Beja Tehsil, Kasauli, Distt. Solan, H.P.
19. Powan Kumar Mehra s/o Sh. Om Parkash Mehra, aged 69 years, resident of Vill. Tket Hatti, P.O. Garkhal, Tehsil Kasauli, Distt. Solan.
20. Laxmi Dutt Shandiliya S/o Sh., Bala Ram, aged 68 years, Ex-Laboratory Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
21. Mani Ram Verma S/o Sh. Nek Ram, aged 69 years, Laboratory Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
22. Chinta Mani Sharma S/o Ch. Ram Dutt, aged 68 years, laboratory Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
23. Triveni Devi S/o Sh. Matrpal, aged 68 years, Safaiwala, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician,

office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

24. Prem Chand-II S/o Sh. Sankh Ram, aged 65 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
25. Ashok Kumar S/o Sh. Late Gokal Chand aged 72 years, Lab Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
26. Garib Dass, S/o Tulsi Ram, aged 67 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
27. Jeet Ram-I, S/o Sh. Harnam Singh, aged 65 years, Lab Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
28. Surjeet Ram S/o Sh. Amichand aged 67 years, Lab Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
29. Chint Ram Verma S/o Sh. Sis Ram, aged 68 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
30. Ganesh Dutt S/o Late Sh., Bala Ram, aged 71 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
31. Ram Dass S/o Late Sh. Saibu Ram, aged 65 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
32. Jai Parkash S/o Late Sh. Het Ram, aged 70 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

33. Gobind Ram, S/o Late Sh. Sunder Lal, aged 70 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
34. Devender Kaur W/o Sh. Harbhajan Singh, aged 72 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
35. Satya Devi W/o Sat Pal, aged 69 years, Lb Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
36. Tara Devi S/o Sh. Vijay Singh, aged 65 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
37. Krishan Dutt Attri S/o Late Sh. Maheshwari, aged 69 years, Lab Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
38. Ram Rattan Gupta S/o Late Shant Ram, aged 70 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
39. Shyam Lal Bhardwaj S/o Sh. Sadhu Ram, aged 68 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
40. Khayali Ram S/o Sh. Narayan Dass, aged 70 years, Laboratory Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
41. Chatru Ram S/o Sh. Beeru Ram, aged 71 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
42. Phula Ram S/o Sh. Janki Ram, aged 71 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory

- Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
43. Sunder Lal S/o Sh. Firoji, aged 68 years, Lab. Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
44. Shiv Charan S/o Sh. Harbans, aged 70 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
45. Rattan Parkash S/o Sh. Sant Ram, aged 61 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
46. Arjun Singh S/o Sh. Bachan Singh, aged 69 years, Laboratory Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
47. Ishwar Dutt S/o Sh. Nand Lal, aged 71 years, Ex-Laboratory Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
48. Prem Singh S/o Late Attar Singh, aged 70 years, Ex-lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
49. Anant Ram S/o Sh. Tek Ram, aged 7 years, lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
50. Ram Nath S/o Late Sh. Chamla Ram, aged 66 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
51. Jagdish Chand S/o Late Sh. Durga Ram, aged 68 years, Lab Tech, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

52. Jiwa Ram S/o Late Sh. Atma Ram, aged 65 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
53. Sewak Ram Jamwal S/o Late Sh. Chet Ram, aged 72 years, lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
54. Lilla Dutt Attri S/o Hari Krishan Attri, aged 68 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
55. Lachhman Dass S/o Sant Ram, aged 65 years, ATO, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
56. Laik Ram I, S/o Sh. Ratti Ram, aged 74 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
57. Laik Ram S/o Sh. Chaitu Ram, aged 67 years, Lab Tech. C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
58. Daya Ram-II S/o Late Sh. Sant Ram, aged 67 years, Lab., Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
59. Devi Ram S/o Sh. Tulsi Ram, aged 65 years, L/A. C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
60. Jagdish S/o Sh., Sant Ram, aged 60 years, Safai Karamchari (now MTS), C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
61. Anant Ram S/o Sh. Sukh Ram, aged 67 years, Lab Technician, C/o Vijay Kumar S/o Late Shrinand, Laboratory

Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

62. Baldev Raj S/o Sh. Rudri Dutt, aged 67 years, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
63. Deva Nand S/o Sh. Kushal Chand, aged 63 years, Lab Assistant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
64. Pal Chand Negi S/o Sh. Amir Singh Negi, aged 71 years, L. Tech, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

(All retirees)

65. Late Sh. Babu Ram-I S/o Late Sh. Suararu Ram, Ex-Lab Assistant through Smt. Kunti Devi, Wife, Legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
66. Late Sh. Vijay Kumar-II S/o Late Sh. Gopal Dass, Ex-Labourer through Smt. Inder Bala, Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
67. Late Sh. Madan Lal S/o late Sh. Bati Ram, Ex-Labourer, through Smt. Saroj Kumari, Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
68. Late Sh. Rajinder S/o Sh. Leela Ram, Ex Lab., Attendant, through Smt. Veerwati, Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
69. Late Sh. Sushil Kumar S/o late Sh. Tara Chand, Safai Karamchari/MTS, through Smt. Savitri, Wife, Legal heir, C/o

- Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
70. Late Sh. Dharam Pal S/o Late Sh. Somi Ram, Safai Karamchri now MTS, through Smt. Krishan, Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
71. Late Sh. Gaj Raj S/o Late Sh. Bidha Ram, Ex-Lab Assistant, through Smt. Shakuntala, Wife, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
72. Late Sh. Balvinder Kumar S/o Late Sh. Mangtoo Ram, Ex-Lab Attendant, through Smt. Geeta Devi Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
73. Late Sh. Bhupinder Kumar S/o Laxmi Dutt, Lab Tech, through Smt. Chander Kala, Wife, Legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
74. Late Sh. Karam Chand S/o Late Bhagwan, Lab Attendant, through Smt. Dayawanti, Wife, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
75. Late Sh. Gain Chand S/o Shri Durga Dass, Assistant Attendant, through Pratima, Wife, Legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
76. Late Paras Ram S/o Sh. Dhian Singh, Ex-Lab Technician, through Dr. Pratibha Thakur, Daughter, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.

77. Late Sh. Ramesh Chand S/o S. Puran Chand, Lab Assistant, through Smt. Tripta Devi, Wife, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
78. Late Bag Raj S/o Late Sh. Babu Ram, Lab Attendant, through Smt. Charno, Wife, Legal Heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
79. Late Smt. Krishna Devi W/o late Sh., Sohan Lal, A. A. through Sh. Rajesh Kumar, Son, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
80. Late Sh. Mohan Singh S/o late Sh. Nand Lal, L.A. through Smt. Madhu Thakur, Wife, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
81. Late Sh. Prem Chand S/o Late Sh. Mehantu Ram, Lab Attendant through his son Sh. Dharam Singh C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
82. Late Sh. Mohinder Singh S/o Chater Singh, L.A. through Smt. Meera Devi, Wife, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
83. Late Gullu S/o Sh. Late Kali Charan, Safaikaramchari S/W, through Smt. Bimla, Wife, legal heir, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician, office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh.
84. Chint Ram son of Late Sh. Kanu Ram, Lab Attendant, C/o Vijay Kumar S/o Late Shrinand, Laboratory Technician,

office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh. All Pin 173204.

85. Late Sh. Vinod kumar, Ex-Lab Attendant, CRI Kasauli through his widow Smt. Bimla Devi, H.No.180 Near Arya Samaj Mandir, Arthat Bazar, Kasauli, District Solan, H.P.

All Pin Code No.173209 (All applicants Group C)

....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 – 173204.

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Respondents

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 063/01072/2018 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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