

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00854/2018

Chandigarh, this the 24th day of July, 2018

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

...

1. Om Prakash II son of Sh. Ishwar Dutt, aged 58 years
2. Narinder Singh Shandilaya son of Sh. Bhavani Singh, aged 56 years
3. Rajinder Kumar Aggarwal son of Shri Madan Lal Aggarwal, aged 55 years
4. Devi Chand S/o Sh. Indru Ram, aged 56 years
5. Mohan Lal S/o Sh. Bal Mukand, aged 55 years
6. Prakash Chand S/o Dhani Ram, aged 54 years
7. Baldev Kumar S/o Sh. Tulsi Dass, aged 48 years
8. Girdhari Lal S/o Sh. Kirpa Ram, aged 47 years
9. Roshan Lal S/o Sh. Sita Ram, aged 45 years
10. Dinesh Kumar II S/o Sh. Ram Krishan, aged 44 years
11. Het Ram S/o Sh. Jagat Ram, aged 46 years
12. Jit Paul S/o Sh. Kimti Lal, aged 40 years
13. Tek Chand S/o Sh. Bala Dutt, aged 42 years
14. Amarjeet Mehta S/o sh. Tara Chand, aged 41 years
15. Chintamani S/o Sh. Palak Ram, aged 58 years
16. Harish Kumar S/o Sh. Bali Ram, aged 54 years
17. Kuldeep S/o Sh. Ram Krishan, aged 58 years
18. Gian Dutt S/o Sh. Bhagat Ram, aged 50 years

All working as Lab Attendant in the office of Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh. Pin 173209 (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. Pin 110011

2. Director General of Health Services, Ministry of Health & Family Welfares, Nirman Bhawan, New Delhi. Pin 110011
3. Director, Central Research Institute, Kasauli, District Solan, Himachal Pradesh. Pin 173209

..... **Respondents**

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 063/01073/2018 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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