

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00886/2018

Chandigarh, this the 1st day of August, 2018

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

...

1. Shiv Ram son of Shri Beli Ram, aged 50 years, Driver. CRI, Kasuli, Pin-173209.
2. Prem Singh son of Late Sh. Saibu Ram, aged 50 years, Driver, CRI, Kasauli, Pin- 173209.
3. Bhupender Singh son of Late Sh. Prma Nand, aged 51 years, Telephone Operator, CRI, Kasauli-Pin- 173209.
4. Bijender son of Shri Baddri Parsad, aged 29 years, MTS, CRI Kasauli, Pin 173209.
5. Mrityunjay Kumar son of Shri Bhagwan Dass, aged 28 years, MTS, CRI, Kasauli-173209.
6. Bakshi Ram Sharma son of Shri Fina Ram, aged 59 years, Library Attendant, CRI Kasauli, 173209.
7. Rajpal Singh son of Shri Tundi Ram aged 59 years, Daftri, CRI Kasauli-173209.
8. Diksha Jaswal daughter of Sh. Ramesh Chand, aged 25 years, MTS, CRI Kasauli-173209.
9. Baldev Singh Katoch son of Late Sh. Parma Nand, aged 58 years, MTS, CRI Ksauli-173209.
10. Basant son of Sh. Jai Parkash, aged 26 years, MTS, CRI Kasauli-173209.
11. Rohit Thakur son of Sh. Parshotam Singh. MTS, aged 24 years, CRI Kasauli-173209.
12. Jeevan Shama son of Late Sh. Narayan Dutt, aged 52 years, Chowkidar, CRI Kasauli-173209.
13. Kali Ram son of Late Sh. Theba Ram, aged 57 years, MTS, CRI Kasauli-173209.
14. Amar Singh son of Shri Parma Nand, aged 55 years, MTS, CRI Kasauli-173204.
15. Sewa Ram son of Sh. Lekh Ram, aged 55 years, MTS, CRI Kasauli-173204.

16. Dilbag Singh son of Sh. Vijay Singh, aged 223 years, MTS, CRI Kasauli-173204.
 17. Nupur Raina daughter of Sh. Jitender Raina, aged 29 years, MTS, CRI Kasauli-173204.
 18. Chandra Thakur daughter of Sh. Dila Ram, aged 26 years, MTS, CRI Kasauli-173204.
 19. Rameshwar Mehta son of Shri Om Parkash Mehta, aged 36 years, UDC, CRI Kasauli-173204.
 20. Sanjay Bedi son of Sh. Gogi Ram, aged 41 years, LDC, CRI, Kasauli-173204.
 21. Baldev Raj son of Sh. Shankar Singh, aged 42 years, LDC, CRI Ksauli-173204.
 22. Prem Singh Shandilya son of Shri Lachhmi Singh, Library Attendant (Retired), aged 64 years, CRI Kasauli-173204.
 23. Harswaroop son of Late Shri Ram Swaroop, aged 63 years, Daftri (Retired) CRI Kasauli-173204
 24. Tirath Ram Sharma son of Shri Tula Ram aged 63 years, Library Attendant (Retired) CRI, Kasauli-173204
 25. Baldev Singh son of Shri Dharam Singh aged 64 years, Daftri (Retired) CRI Kasauli-173204
 26. Daulat Ram son of Shri Dila Ram aged 63 years, Library Attendant (Retired CRI Kasauli-173204
- All residents of CRI Kasauli, District Solan, Himachal Pradesh

Applicants No. 22 to 26 c/o Shiv Ram, Driver, CRI Kasuali, Distt. Solan, H.P..

....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**

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 063/01138/2018 is allowed and the applicants are allowed to file the present joint application.
2. Applicants are aggrieved against the orders dated 04/28.05.2018 (Annexure A-1), 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 order dated 04/28.05.2018 (Annexure A-1) is 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.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 01.08.2018

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