

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.063/00887/2018

Chandigarh, this the 1st day of August, 2018

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

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1. Ravi Kant S/o Sh. Baldev Singh, aged 34 years, Armature Winder cum Welder, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
2. Saravjeet Singh S/o Sh. Davinder Singh, aged 30 years, Technician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
3. Kamaljeet S/o Sh. Rattan Chand, aged 30 years, Technician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
4. Khem Chand S/o Late Sh. Santosh Kumar, aged 34 years, Technician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
5. Punit Attri S/o Sh. Upender Kumar Attri, aged 27 years, Technician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
6. Amar Singh S/o Late Sh. Jagat Ram, aged 55 years, Mechnician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
7. Prem Nath S/o Sh. Roop Ram, aged 57 years, Mechnician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
8. Gulshan S/o Sh. Prem Chand, aged 32 years, Mechnician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
9. Vikash S/o Sh. Dilbag Singh, aged 27 years, Mechnician, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
10. Narpat S/o Late Sh. Ratti Ram, aged 55 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
11. Bhag Chand S/o Late Sh. Dila Ram, aged 57 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
12. Durgesh Kumar S/o Late Sh. Devi Dyal, aged 58 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
13. Ishwar Dutt S/o Sh. Dev Dutt Attri, aged 57 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
14. Surender Kumar S/o Late Sh. Jeet Ram, aged 31 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
15. Manoj Kumar Paswan S/o Sh. Feku Paswan, aged 28 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.

16. Annu Saini S/o Sh. Bhim Singh, aged 25 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
17. Sumit Kumar S/o Sh. Krishan Singh, aged 25 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
18. Rohit Yadav S/o Sh. Munna Yadav, aged 22 years, Boiler Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
19. Devi Dutt S/o Late h. Mansa Ram, aged 57 years, Stocker (Now Workshop Att.) working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
20. Pardeep Kumar Kaushal S/o Sh. Sham Singh, aged 53 years, Stocker (Now Workshop Att.) working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
21. Chand Lal S/o Late Sh. Madan Lal, aged 48 years, Stocker (Now Workshop Att.) working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
22. Narinder Kumar S/o Late Sh. Anant Ram, aged 54 years, Stocker (Now Workshop Att.) working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
23. Naresh Kumar S/o Sh. Suresh Kumar, aged 49 years, Stocker (Now Workshop Att.) working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
24. Kiran Deep S/o Sh. Madan Lal, aged 24 years, Workshop Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
25. Kartik Thakur S/o Sh. Raj Kumar, aged 24 years, Workshop Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
26. Shubham Sharma S/o Sh. Rajender Kumar Sharma, aged 24 years, Workshop Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
27. Sanjay S/o Sh. Dharampal, aged 28 years, Workshop Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
28. Ankush Guleria S/o Sh. Jagmohan Singh, aged 23 years, Workshop Attendant, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
29. Bhim Dutt Sharma S/o Sh. Mansa Ram, aged 53 years, Head Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
30. Ved Prakash Verma S/o Sh. Tula Ram, aged 51 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
31. Rattan Chand S/o Sh. Indru Ram, aged 53 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
32. Joginder Kumar S/o Sh. Nand Lal, aged 45 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
33. Gian Singh S/o Late Sh. Nand Lal, aged 44 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.

34. Mahesh Kumar S/o Sh. Kartar Singh, aged 29 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
35. Padam Singh S/o Sh. Lekh Ram, aged 46 years, Carpenter, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
36. Vijay Kumar S/o Late Sh. Mast Ram, aged 58 years, Foreman, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
37. Jitender Kumar S/o Sh. A.N. Grover, aged 46 years, Technician now T.S., working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
38. Sohan Lal Rattan S/o Sh. Puran, aged 45 years, Technical Supervisor, working in Central Research Institute, Kasauli, District Solan, Himachal Pradesh-173209.
39. Naresh Kumar Attri son of Late Sh. Maya Dutt Attri, age 59 years working as Packer/Packing Supervisor, CRI, Kasauli, District Solan, Himachal Pradesh-173209
40. Om Parkash son of Late Sh. Asha Ram, aged 56 years working as Packer/Labelling Supervisor, CRI, Kasauli, District Solan, Himachal Pradesh-173209
41. Ramesh Chander son of Late Sh. Puran, aged 58 years, Care taker/Sr. care taker, CRI Kasauli, District Solan, Himachal Pradesh-173209

(All Group 'C') employees

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

....Applicants

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

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 063/01139/2018 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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