

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00972/2018

Chandigarh, this the 17th day of August, 2018

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

...

1. Prem Singh son of Shri Balam Ram aged 46 years, UDC, CRI, Kasauli, Distt. Solan, H.P. -173204
2. Uttam Singh son of Shri Dilip Singh, aged 50 years Office Superintendent, CRI, Kasauli, Distt. Solan, H.P. -173204
3. Sh. Atul Kumar son of Sh. Ram Nath, aged 45 years, Office Superintendent, CRI, Kasauli, Distt. Solan, H.P. -173204
4. Rajinder Kumar son of Sh. D.R.Sharma, aged 54 years, Office Superintendent, CRI, Kasauli, Distt. Solan, H.P. -173204
5. Smt. Vipin Kumari Patel d/o Sh. Bhoop Singh, aged 52 years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
6. Tej Parkash son of Shri Multani Ram, aged 45 years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
7. Smt. Parvathi Devi W/O Sh. Mohan Lal, aged 52 years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
8. Smt. Hima Devi Verma W/O Sh. Kahnu Ram, aged 59 years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
9. Smt. Meena Kumari Wife of Sh. Ramesh Kumar, Head Clerk, aged 52 years, CRI, Kasauli, Distt. Solan, H.P. -173204
10. Smt. Jagariti Sharma d/o Sh. Sant Ram Sharma. FWS 48 Years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
11. Devinder Dutt Sharma son of Sh. Hari Dutt Sharma, aged 58 years, Head Clerk, CRI, Kasauli, Distt. Solan, H.P. -173204
12. Smt. Lata Kumari d/o Sh. Om Chand, aged 45 years, Receptionist, CRI, Kasauli, Distt. Solan, H.P. -173204
13. Smt. Usha Devi d/o Sh. Garbh Singh, aged 50 years, UDC, CRI, Kasauli, Distt. Solan, H.P. -173204
14. Umed Ram son of Sh. Het Ram, aged 58 years, UDC, CRI, Kasauli, Distt. Solan, H.P. -173204
15. Gaurav Bhardwaj son of Sh. Shrest Singh, aged 33 years, UDC, CRI, Kasauli, Distt. Solan, H.P. -173204

16. Anuj Kumar son of Sh. Vakil Singh, aged 34 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
17. Rahul Ratna Sajal son of Sh. Ravinder Prasad Singh, aged 29 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
18. Amit Kumar son of Sh. Ranbir Singh, aged 27 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
19. Harchran Singh son of Sh. Amar Singh, aged 50 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
20. Sh. Deepak Kumar son of Sh. Langu Ram, aged 37 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
21. Md. Mubarak Ansari son of Sh. Nurul Hasan Ansari, aged 34 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
22. Ashok Kumar son of Sh. Jai Pal Singh, aged 28 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
23. Sudhir son of Sh. Rajbir Singh, aged 30 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
24. Rakesh Rinawa son of Sh. Sohan Ram Jat, aged 26 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
25. Naveen son of Sh. Bhoop Singh, aged 23 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
26. Sachin son of Sh. Rohtas, aged 20 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
27. Amit son of Sh. Balram, aged 25 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
28. Amit Kumar son of Sh. Surinder Singh, aged 27 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
29. Km. Himani Gupta d/o Sh. Ashok Kumar Gupta, aged 23 years, LDC, CRI, Kasauli, Distt. Solan, H.P. -173204
30. Bimal Kumar Sharma son of Sh. B.N.Sharma, aged 53 years, Hindi Translator, CRI, Kasauli, Distt. Solan, H.P. -173204
31. Sh. Manoj Kumar Sharma son of Shri Devi Dutt Sharma, aged 46 years, Technical Supervisor, CRI, Kasauli, Distt. Solan, H.P. -173204
32. Arvind Kumar son of Shri Gian Chand Panwar, aged 47 years, Technical Supervisor, CRI, Kasauli, Distt. Solan, H.P. -173204

33. Harkesh Mann son of Sh. Jagpal Singh, aged 30 years, LDC, Dr. R.M.L. Hospital, Baba Kharak Singh Marg, New Delhi-110011.
34. Sandeep Hooda son of Sh. Ram Kumar Hooda, aged 31 years, LDC, Dr. R.M.L. Hospital, Baba Kharag Singh Marg, New Delhi-110011.
35. Madan Mohan Prashar son of Sh. Ram Dass, Office Superintendent (Retd.) resident of Shashi Mukhi Cottage, R & T Wing, CRI, Kasauli, Distt. Solan, H.P. -173204
36. Parkash Lakra son of Sh. Patras Lakra, age 40 years, LDC, Central Institute of Psychiatry, Kanke, Ranchi, Jharkhand – 834006

(ALL APPLICANTS GROUP-C)

....Applicants

(Present: Mr. Sandeep Siwatch, Advocate for 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 173204

..... Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. We have perused the pleadings.
2. MA No. 063/01240/2018 is allowed and the applicants are allowed to file the present joint application.
3. Applicants are aggrieved against the orders dated 4/28.05.2018 (Annexure A-1) and 18.06.2018 (Annexure A-2),

whereby they have been denied the benefits of patient care allowance, arising out of order dated 17.08.2012/11.09.2012 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.

4. Taking judicial notice of the fact that identical OAs, have already been disposed of by this Tribunal, and one of which is O.A. No. 063/00852/2018 titled **Vijay Kumar & Others Vs. Union of India & Others** decided on 24.07.2018, we deem it appropriate to dispose the instant O.A. in the same terms and manner, and for the parity of reasons, given therein, the operative part whereof is extracted hereunder:-

“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.”

5. Ordered accordingly. The impugned orders dated 4/28.05.2018 (Annexure A-1) and 18.06.2018 (Annexure A-2), are hereby set aside. The O.A. stands disposed of.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 17.08.2018

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