

D.A. 350/643/2018



**In the Central Administrative Tribunal**

**Calcutta Bench**

Manojit Saha, S/o Madan Mohan Saha, aged about 41 years, working as Registration Clerk under the overall control of the Director, National Institute of Homoeopathy, at present residing at 71/B, Linton Street, Entally, Kolkata - 700014.

...Applicant

- Vs -

1. Union of India through the Secretary,  
Ministry of Health & Family Welfare, Govt. of India,  
having office at Nirman Bhawan, B-Block,  
GPO Complex, INA New Delhi, Pin - 110001.
2. Secretary, Ministry of Ayush,  
Ayush Bhawan, B-Block, GPO Complex,  
INA New Delhi, Pin - 110023.
3. Joint Secretary, Ministry of Ayush,  
Ayush Bhawan, B-Block, GPO Complex,  
INA New Delhi, Pin - 110023.
4. Under Secretary, Ministry of Ayush,  
Ayush Bhawan, B-Block, GPO Complex,  
INA New Delhi, Pin - 110023.
5. President, Governing Body, National Institute of Homeopathy,  
Minister of State, (Independent Charge), Ministry of Ayush,  
Ayush Bhawan, B-Block, GPO Complex,  
INA New Delhi, Pin - 110023.

*Handwritten signature*

6. The Director General of Health Services,  
Government of India,  
Nirman Bhawan, New Delhi - 110001.
7. The Director, National Institute of Homoeopathy,  
Block GE, Sector III,  
Salt Lake, Kolkata - 700106.

...Respondents

AC

CENTRAL ADMINISTRATIVE TRIBUNAL  
/ KOLKATA BENCH  
KOLKATA

No.O A /350/643/ 2018

Date of order: 24.07.2018

**Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member**

For the applicant : Mr. C. Sinha, counsel

For the respondents : None

**ORDER(Oral)**

**A. K. Patnaik, Judicial Member**

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a) To set aside and quash Impugned Office Order dated 11.04.2017 issued by Director, National Institute of Homeopathy;

b) To direct the respondents to grant Patient Care Allowances and allow the applicant to enjoy the same with all consequential benefits;

c) Any other order or orders, as the Hon'ble Tribunal deems fit and proper."

2. Heard Mr. C. Sinha, Id. counsel for the applicant. None appears for the respondents.

3. Brief facts of this case as narrated by the Id. counsel for the applicant Mr. C. Sinha are that the applicant was appointed as Registration Clerk w.e.f. 30.09.2005 in the National Institute of Homeopathy and from the date of his appointment he was granted Patient Care Allowance. According to the applicant, he continued to receive Patient Care Allowance till March, 2009 but thereafter suddenly the PCA was withdrawn w.e.f. April, 2009 without any show cause notice or a chance of hearing. Mr. C. Sinha, Id. counsel for the applicant submitted that though the applicant filed several representations(Annexure A/11 collectively) to the Respondent No.7 praying for payment of Patient Care Allowance, he received no

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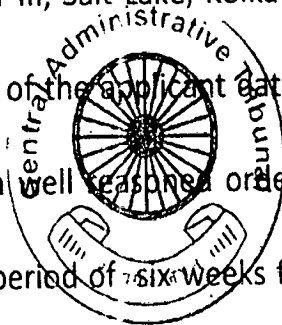
response to the same till date. Mr. Sinha further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.7 i.e. the Director, National Institute of Homeopathy, Block-GE, Sector-III, Salt Lake, Kolkata to consider and dispose of the last representation of the applicant dated 02.01.2018(Annexure A/11, page 35 of O.A.) as per rules within a specific time frame.

4. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.

5. Accordingly the Respondent No.7 i.e. the Director, National Institute of Homeopathy, Block-GE, Sector-III, Salt Lake, Kolkata is directed to consider and dispose of the representation of the applicant dated 02.01.2018(Annexure A/11, page 35 of O.A.) by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. After such consideration if the grievance of the applicant is found to be genuine, then the respondents shall take expeditious steps for granting the Patient Care Allowance to him within a further period of three months from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

7. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.



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8. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to the Respondent No.7 by the Registry through speed post for which Id. counsel for the applicant shall deposit the cost within a week.

( A. K. Patnaik )  
Judicial Member

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