

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

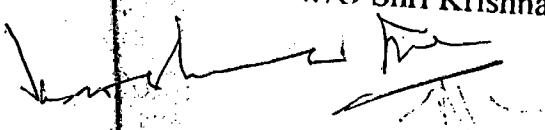
NEW DELHI

OA No. 2251/2003

New Delhi this the 2nd day of June, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

1. Mrs. Joba Lakra,
W/O Shri Man Mohan Singh.
2. Mrs. Krishna,
W/O Shri Aman Kumar
3. Mrs. Shalini
W/O Shri Vinod Kumar.
4. Mrs. Chanchal
W/O Shri Shiv Kumar.
5. Mrs. Anita
W/O Shri Omvir Singh
6. Ms. Suman Kumari
D/O Shri Kedar Nath.
7. Mrs. Chatti Devi
W/O Shri Raghunath Prasad.
8. Mrs. Rajkumari
W/O Shri Ram Chander Sharma
9. Mrs. Giano Devi
W/O Sh. Om Prakash,
10. Mrs. Krishna Solanki
W/O Sh. Sheesh Ram.
11. Mrs. Sheela Devi
W/O Shri Krishnan Kumar.



12. Mrs. Sunil Kumari
W/O Shri Aman Singh.
13. Mrs. Omwati
W/O Shri Kartar Singh
14. Mrs. Urvashi
W/O Shri Ranjeet
15. Mrs. Shanta Devi
W/O Shri
16. Mrs. Usha Rani
W/O Shri Preet Pal Singh.
17. Mrs. Som Bai,
W/o Shri Heera Lal
18. Mrs. Shakuntla
W/o Shri Chaman Kishore
19. Mrs. Ram Bhateri
W/o Shri R.Ramesh
20. Mrs. Susheela 1
W/o Shri Rajender Singh
21. Mrs Mamta Banerjee
W/o Shri Chitraranjan Banerjee
22. Ms Pulsi Daya
D/o Jass Peeyush
23. Mrs. Kusam Lata
D/o Shri A. Damodar
24. Mrs. Rekha,
W/o Shri Prem Kumar
25. Mrs. Indu Chauhan,
W/o Shri Sanjay Chauhan
26. Mrs. Neetu,
W/o Shri Mohan Lal
27. Ms Sashi Bala,
D/o Shri Shigra Ram
28. Mrs. Indro Devi
W/o Shri Inder Singh

29. Mrs. Geeta Devi
D/o Shri Kartar Singh Charak

30. Mrs. Pushpa,
W/o Mr Vijay

31. Mrs. Santosh Devi,
W/o Shri Ram Charan

32. Mrs. Maiti,
W/o Shri Bhim Singh

33. Mrs. Sarswati,
W/o Shri Dineshwar Mehto

34. Mrs. Krishna Bhardwaj,
W/o Shri Ramesh Kumar,

35. Mrs. Prem Lata,
W/o Shri Ranbir Singh

36. Mrs. Shakuntla II,
W/o Shri Rattan Lal

37. Mrs. Sona Devi,
W/o Shri Swaraj Singh

38. Mrs. Kamlesh Kumar,
W/o Shri Swarn Kumar

39. Mrs. Leela Devi,
W/o Shri Vijay Kumar

40. Mrs. Sunita,
W/o Shri Lal Chand

41. Mrs. Nirmala,
W/o Shri Ram Kishan

42. Mrs. Muni Devi,
W/o Shri Ram Rattan

43. Mrs. Suman Devi Verma,
W/o Shri Dina Nath

44. Mrs. Neelam I
W/o Shri Barfi Lal

45. Mrs. Neelam II,
W/o Shri Satya Pal Chauhan

46. Mrs. Seema Rani,
W/o Shri Arun Kumar Sharma,

47. Mrs. Sita,
W/o Shri Chander Prakash

48. Mrs. Darshna,
W/o Shri Mangal Singh

49. Mrs. Ashrafi,
W/o Shri Uday Chand

50. Mrs. Brahma Devi,
W/o Shri Raj Kumar

51. Mrs. Raj Rani,
W/o Shri Puran Chand

52. Mrs. Sunita Rawat,
W/o Shri Nain Singh Rawat

53. Mrs. Beena Devi II,
W/o Shri Rohit Kumar

54. Mrs. Sunita Bharti,
D/o Shri Gian Chand

55. Mrs. Shushila II,
W/o Shri Chand Singh

56. Mrs. Brij Bala,
W/o Shri Pitamber Lal

57. Mrs. Kamlesh,
W/o of Shri dharma Bir

58. Mrs Murti,
W/o Shri Rolu Ram

All ward Sahaykas and Female Sweepers,
All Group D (Class IV) civilian Employees,

Military Hospital,
Delhi Cantt, Dhaula Kuan,
New Delhi.

(By Advocate Shri R.P.Sharma)

..Applicants

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Union of India through

1. Director General, Health Services,
Office of the DGAFMD, Ministry of
Defence, M.Block, New Delhi.
2. The Secretary,
Ministry of Health and Family Welfare,
Govt. of India, Nirman Bhawan, New Delhi.
3. The Commandant,
Army Hospital (R&R),
Dhaula Kuan, Delhi Cantt.,
New Delhi.
4. The Director (Civilians)
Office of the Director General,
Medical Service, Room No.63,
L.Block, New Delhi.

..Respondents

(By Advocate Shri Bhaskar Bhardwaj)

O R D E R (ORAL)

Heard learned counsel.

2. This OA has been filed with prayer that the respondents be directed to pay the applicants Hospital Patient Care Allowance (HPCA) at the rate of Rs. 695/- per month as per the Government letter dated the 2nd January, 1999 (Annexure A.1). They have also prayed for the arrears of such allowance being paid to them from 1989 onwards. A prayer has also been made to pay them the revised Washing Allowance (WA) at the rate of Rs. 60 PM w.e.f. 1.1.1996 and also arrears thereof (Annexure A-2).



3. The facts of matter, briefly, are that the HPCA has not been revised from 1989 onwards in respect of the applicants who are W/Sahayikas and Female Sweepers in the Army Hospital, Daula Kuan, New Delhi and they have been given only Rs.75/- per month in place of Rs.150/- per month even after issuing the Central Govt. letter No.28015/11/98-ii (1)i dated 2.1.1999. They have submitted that the enhanced HPCA which has already been allowed to their counterparts in the Central Government hospitals should have been paid to them after issue of said letter. The same is their submission with regard to enhanced WA in which case they have also submitted representations on 21.11.2000 and 22.1.2001, copies of which are placed at Annexure A-4 and A-5, respectively.

4. They had approached the Tribunal earlier also vide OA 904/2002 which was disposed of order dated the 7 th January, 2003 (Annexure A-6) with a direction that representations which the applicants had submitted on the subject on 22.11.2000 be disposed of by the respondents within a period of three months from the date of receipt of a copy of that order. Respondents considered the representations and disposed them of vide their order dated 13.5.2003 (Annexure A-8). On perusal of the said order, it is observed that the matter regarding enhancement of HPCA being given to the applicants was under consideration of the respondents in consultation with the Ministry of Defence (DGMS (Army) who have already recommended the

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matter to AFMS. He has also submitted that the other two Wings of the Armed Forces i.e. Indian Air Force and Indian Navy have also agreed to enhanced HPCA being given to their relevant staff and orders are to be issued very shortly. On the question of enhancement of WA, the order of the respondents as referred to above indicates that the rate prescribed by the Department of Personnel and Training vide their OM 14/9/95 JCA dated 12 Dec., 2000 revising the rate of washing allowance from Rs.15/- per month to Rs. 30/- per month w.e.f. 1.8.1997 for certain identified categories common to all the Ministries/Departments was already being followed by them. As regards release of arrears from 1989 onwards the order of the respondents indicate that the Ministry of Defence is already considering this aspect of the matter as mentioned by them in respect of HPCA also. They have advised that the applicants should wait for zone more time till the case is finalised.

5. On perusal of the written statement which has been filed on behalf of the respondents it is observed that the things which have been mentioned in the order of the respondents as referred to hereinabove have also been broadly referred to in the counter reply apart from their giving information in individual paragraphs covering other aspects of the Original Application. While they have maintained that the Ministry of Health's letter referred to above is not relevant to the applicants, what they have meant is that they have to take separate decision with regard to

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extending the same benefits to their employees and the development in this regard has already been mentioned in the order of the respondents dated 13.5.2003 and further clarified by the learned counsel for the respondents orally.

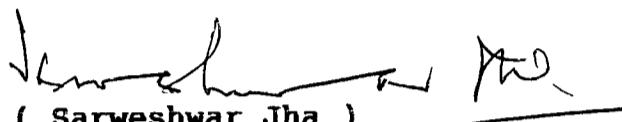
6. It is observed that the prayers submitted by the applicants have already been accepted by the respondents and what is yet to be done is to issue Notification extending the same benefits as extended to CGSS/Central Government hospitals covered under the Ministry of Health & Family Welfare as referred to hereinabove. It has transpired from the respondents that necessary Notification in this regard might them very soon.

7. In consideration of the facts and circumstances of the case as submitted on the subject and also after having heard the learned counsel for the parties, I am of the considered opinion that this OA can be disposed of at this stage itself with a direction to the respondents to expedite issuing necessary orders/notifications in this regard extending the benefits to the applicants as prayed for by them with reference to similar benefits having been granted to the employees of the Central Government Hospitals/CGHS as covered under the Ministry of Health and Family Welfare 's letter No. Z 28105/41/98-II (1) dated 2.1.1999 (Annexure A 1), which is in respect of

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Hospital Patient Care Allowance, and letter No.Z 28015/47/95 dated 1.6.1995 (Annexure A-2), which is in respect of Washing Allowance and to enhance that necessary orders are issued within a period of three months from the date of receipt of a copy of this order.

7. With this, the OA stands disposed of.


(Sarweshwar Jha)
Member (A)

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