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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 319/2021 & CM APPL.805/2021

VIKAS YADAV AND ORS Petitioners

Through: Mr.Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr.Ruchir Mishra with Mr.Mukesh
Kumar Tiwari and Mr.Rishesh Mani,
Advocates.

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Date of Decision: 11th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed seeking a direction to the Respondents to detail and fix the duties of the Petitioners with Unit Medical Inspection Room and Hospitals in order to properly utilize the special knowledge possessed by the Petitioners and to grant the benefit of Hospital Patient Care Allowance and Patient Care Allowance (HPCA/PCA) as has been accorded to other Central Government Organizations in terms of letter dated 04th February 2004.

3. Learned Counsel for the Petitioners submits that in light of acute shortage of trained Lab Tech Staff for operating semi auto analyzer equipments installed at various units of the Force, order dated 13th February 2020 was issued, whereby the said personnel were directed to be deployed according to their special qualification i.e. as trained Lab Technicians. However, it is the case of the Petitioners that they are being detailed with Sentry Night Duties or with the duties of Morcha.
4. Learned Counsel for the Petitioners states that the Petitioners should also be granted HPCA/PCA allowance as directed by Ministry of Home Affairs vide order dated 17th January 2020 with respect to personnel under MHA.
5. Issue notice.
6. Mr.Ruchir Mishra, Advocate accepts notice on behalf of the respondents.
7. Learned counsel for the Respondents states that the Petitioners are not entitled to HPCA/PCA as the petitioners have admittedly not performed the relevant duties and in any event, the said allowance has been subsumed under the Risk and Hazardous Allowance under the 7th Pay Commission.
8. In rejoinder, learned counsel for the Petitioners disputes the aforesaid contentions.
9. Keeping in view the fact that the Respondents have not passed any speaking order and/or dealt with the contentions of the Petitioners, this Court directs the present writ petition to be treated as a written representation to the Secretary, Ministry of Home Affairs, Union of India who is directed to decide the same by way of a reasoned order within twelve weeks in accordance with law, after taking inputs from the respondent no.2.

It is clarified that the rights and contentions of all the parties are left open. This Court clarifies that it has not expressed any opinion on the merits of the controversy.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

JANUARY 11, 2021
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