

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3168 OF 2008

The Union of India & Ors. -- Petitioner/s

Vs.

Shri Parasram Farida Swayam & Ors. -- Respondent/s

Mrs. M.R. Chandurkar, Advocate for the Petitioners.
None for the Respondents.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 26 FEBRUARY 2022

P. C. :

Heard learned Counsel for the Petitioners – Union of India. None for the Respondents.

2. The petition was on the weekly board, and after hearing the learned Counsel for the Petitioners for some time, it was adjourned till today to enable the learned Counsel for the Petitioners to take instructions.

3. The Petitioners – Union of India challenges the order dated 29 February 2008 passed by the Central Administrative Tribunal in the Original Application No. 2031/2007. The

Respondents were working with the Ordnance Factory Hospital at Bhandara. Respondent Nos. 1 and 2 were appointed as 'Cook' and Respondent Nos. 3 and 4 were appointed as 'Khansama Chowkidar' and 'Masalchi' respectively. They filed the Original Application since their request for grant of 'Hospital Patient Care Allowance/ Patient Care Allowance' was rejected by the Petitioners. The Tribunal by the impugned order allowed the application and directed that the allowance sought for be granted.

4. In this petition, Rule was issued on 05 December 2008. No stay was granted to the impugned order. However, the benefits granted by the impugned order were made subject to the outcome of the petition.

5. Learned Counsel for the Petitioners states that Respondent Nos. 1, 2 and 3 have retired and Respondent No.4 is still in service as a 'Driver'. Learned Counsel for the Petitioners also states that the allowance as directed by the Tribunal has been paid to these Respondents. As regards the legal question, learned Counsel for the Petitioners has fairly brought to our notice that an identical issue arose for consideration of the Division Bench of the Calcutta High Court in *The Chairman, Ordnance Factory Board & Ors. Vs. Kanu Chandra Sarkar & Ors.* (W.P.C.T. No. 603/2005 decided on 16 June 2014), wherein the Ordnance Factory Board there had challenged the order of the Tribunal granting this allowance. The Division Bench vide order dated 16 June 2014

dismissed the petition filed by the Ordnance Factory Board challenging the order passed by the Tribunal granting allowance. Learned Counsel for the Petitioners also points out from the communications that these orders were implemented. It is not informed to us that the view taken by the Division Bench of the Calcutta High Court has been reversed. In fact, it has been implemented by the Ordnance Board.

6. Having gone through the decision of the Division Bench of the Calcutta High Court, we find that the issue has been dealt with and the decision has rendered against the Petitioners. No reason is shown why we should take a different view. Therefore, no case is made out to interfere with the order of the Tribunal.

7. The Writ Petition is accordingly dismissed. Rule discharged.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]