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

% ***Date of decision: April 04, 2022***

+ **W.P.(C) 5547/2022 & CM Appl. 16515/2022**

VIKAS YADAV AND ORS. Petitioners
Through: **Mr. Ankur Chhibber & Mr. Nikunj Arora, Advocates**

Versus

UNION OF INDIA AND ORS. Respondents
Through: **Ms. Garima Sachdeva & Mr. Keshav Sehgal, Advocates**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present petition has been preferred by the petitioners seeking quashing of letter dated 20.04.2021 passed by the respondents vide which their representation seeking fixation of their duties with the Unit Medical Inspection Room and Hospitals in order to utilize their special knowledge and skill, has been rejected. A direction is thereby sought to the respondents to fix their duties with Unit Medical Inspection Room and Hospitals and grant benefit of Hospital Patient Care Allowance (HPCA) and Patient Care Allowance (PCA), as has been granted to the Central Government

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Employees in terms of letter dated 04.02.2004.

2. Petitioners claim to be personnel working on Group “C” posts in Central Reserve Police Force. The grievance of petitioners is that they have time to time been posted at the hospitals established by the respondents, wherein they assist the medical and para medical officers for collection of samples from patients and operate the machine and equipments available in the hospital. But after completion of the terms at the hospitals, they are posted with various Units and Battalions of CRPF wherein their skills and knowledge are not being utilized at the Medical Inspection Rooms. Rather, such personnel are deployed at Morcha and Night duties. It is claimed by petitioners that due to shortage of trained staff for collection of samples from patients and operate Semi Automated Biochemistry Analysers, the duties of petitioners in the MI Rooms and Hospital is inevitable and necessary in order to achieve objective of the certified training course, which petitioners have already undergone. In this regard, petitioners have claimed to made representations to the competent authority, which have not been replied to by the respondents.

3. During the course of hearing, learned counsel appearing on behalf of petitioners has submitted that the respondents are not utilizing the



specialized paramedical services of existing technically trained personnel on the false ground that there is only temporary requirement of personnel, whereas fresh applications have been invited by the respondents for nomination of eligible Constables/GD for their training as Lab Assistant on the expenditure from public exchequer. It is also the grievance of petitioners that while discharging their duties as trained lab technicians with various hospitals and medical facilities administered by the respondents as well as while handling specimen of patients for biochemical examination and being posted in hospitals and MI room, they are in direct contact of the patient with communicable diseases and so, they are eligible for grant of Patient Care Allowance, as is being granted to other personnel of various hospitals and health care centres.

4. Pertinently, Petitioners had approached this Court [WP (C) No.319/2021, titled as *Vikas Yadav & Ors. Vs. Union of India & Ors.*], which was disposed of by order dated 11.01.2021 by this Court with direction to the respondents to consider their petition as a representation and pass a speaking order thereon. Pursuant thereto, respondents vide order dated 20.04.2021 have rejected petitioners' representation.

5. Upon hearing learned counsel appearing on behalf of petitioners and



perusal of impugned communication dated 20.04.2021 passed by the respondents, we find that petitioners, who had initially joined the services of CRPF as Constable in different cadres, seek to secure postings at Unit Medical Inspection Room and Hospitals on the ground that they have been imparted Certificate Course in the vocation of Lab Tech + ECG and are trained Lab Technicians and can assist the Medical and Para Medical Staff deployed at various establishments of the force. Respondents vide impugned communication dated 20.04.2021 have declined the prayer of petitioners observing that the technical personnel are being utilized as per requirement and the services of trained Constables/GD is only to assist the Unit MI Rooms/ Hospitals as stop-gap arrangement, for which they have been imparted training by the Government; their duties in unit MI / rooms/ hospitals are only part time basis and not on full time basis at par with the para medical staff; and therefore, the claim of HPCA and PCA made by the petitioners at par with para medical staff cadre is bereft of merit.

6. Undisputedly, the petitioners are GD Constables. The aforesaid observations made in the impugned communication dated 20.04.2021 clearly speak that the petitioners have been imparted with Certificate Course in the vocation of Lab Tech + ECG so that their services could be utilized as



a stop-gap. This Court had raised a specific query to learned counsel for petitioners as to whether the training was imparted for change of cadre or to work as para medical staff, to which learned counsel replied that these petitioners are equally skilled and it is not only in the larger interest of the petitioners but also for the exchequer to utilize their services in the interest of society.

7. In view of the above, we do not find any reason to interfere or quash the impugned communication dated 20.04.2021. The petition is accordingly dismissed.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

APRIL 04, 2022

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