



W.P.No.15808 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15808 of 2014

and

M.P.No.1 of 2014

K.Srinivasan

... Petitioner

-Vs-

1.The Union of India,
Represented by its Secretary,
Ministry of Health and Family Welfare,
New Delhi.

2.The University Grants Commission,
New Delhi.

3.The Registrar,
Pondicherry University,
Kalapet,
Pondicherry – 14.

4.The Deputy Registrar (Administration),
Pondicherry University,
Kalapet,
Pondicherry – 14.

... Respondents



W.P.No.15808 of 2014

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to extend the benefit of grant of Hospital Patient Care Allowance as originally granted to the petitioner herein as per the order of the 4th respondent herein, dated 13.04.1995 in his proceedings in PU/Estt/NT4/Disp/95-96/01 together with subsequent revision of rates, based on the Order, dated 12.03.2013 made by this Court in W.P.No.20861 of 2005.

For Petitioner : Mr.P.Dinesh Kumar

For R1 : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel

For R3 and R4 : Mr.V.Balamurugan

ORDER

This writ petition has been filed for direction directing the respondents to extend the benefit of grant of Hospital Patient Care Allowance.

2. Heard the learned counsel for the petitioner and the learned Central Government Standing Counsel for the first respondent and the learned counsel for the respondents 3 and 4 and perused the materials available on record.



W.P.No.15808 of 2014

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3. The petitioner was appointed and posted as Pharmacist in the Pondicherry University Dispensary with effect from 14.08.1989. The petitioner, being the ministerial staff in Pondicherry University, demanded for grant of Hospital Patient Care Allowance. Considering the request made by the petitioner and others, the fourth respondent rejected the claim on the ground that the Hospital Patient Care Allowance is admissible only in case of ministerial staff of the Hospital and as such, the Pondicherry University cannot be classified as Hospital. Subsequently, by the resolution passed by the Executive Council, the petitioner was granted the said allowance. However, as per the recommendation made by the Finance Committee, the Executive Council resolved that the grant of Hospital Patient Care Allowance and Nursing Allowance shall not be extended to the Para Medical Staff working in the University Dispensary and based on the resolution of the Executive Council. Insofar as the nursing allowance is concerned, one S.Senbagavalli challenged the denial of nursing allowance in W.P.No.20861 of 2005 before this Court. This Court by an order dated 12.03.2013, allowed the writ petition. On that basis, the petitioner



W.P.No.15808 of 2014

submitted a representation for grant of Hospital Patient Care Allowance.

It was considered and subsequently rejected by an order dated 21.03.2014. However, suppressing the fact, the petitioner filed this writ petition for Mandamus for direction directing the respondents to extend the benefit of Hospital Patient Care Allowances to the petitioner.

4. Therefore, in view of the order dated 21.03.2014, thereby already rejected the request made by the petitioner, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

27.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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W.P.No.15808 of 2014

To

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New Delhi.
- 2.The University Grants Commission,
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- 3.The Registrar,
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Pondicherry – 14.
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W.P.No.15808 of 2014

G.K.ILANTHIRAIYAN, J.

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W.P.No.15808 of 2014
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