**ITEM NO. 07 (H-06)**

1. **Name of the subject/Project :**

1.1 Grant of pay scales to Nursing Cadre as per recommendation of 6th CPC instead of DTL.

1. **Name of the Department**

2.1 Personnel Department

1. **Brief History of the subject/project:**

3.1 In pursuance of award of Central Government Industrial Tribunal **(CGIT)** dated 06.11.2003, some of the NDMC employees in CPC scales approached the Court for SS Scale of pay. CGIT allowed their request and directed grant of SS Scale to these employees. Nurses were also covered by the said award. Grant of SS Scales to these employees was upheld by Delhi High Court and Supreme Court and they were given SS Scale w.e.f. 01.04.1998 to comply with the orders of the High Court as upheld by Supreme Court. The SS Scale/DTL scale given to these nurses are as under:

|  |  |  |  |
| --- | --- | --- | --- |
| **S. No.** | **Category** | **S. S. Scale w.e.f. 01.04.98** | **DTL Scale w.e.f. 01.01.06** |
| 1. | Nurse Grade ‘A’ | 5500-9875 | 10900-34800 GP Rs. 4000 |
| 2. | Nursing Sister | 5500-9875 | 10900-34800 GP Rs. 4000\* |
| 3. | Asstt. Matron | 6500-10900 | 10900-34800 GP Rs. 4200 |

3.2 The Nursing Cadres has been requesting time and again for grant of scales as per Central Pay Commission, as there is no promotional avenue under DTL moreover, they are not getting other facilities which are based as per grade pay like LTC, allotment of Mpl. Accommodation etc. The Nursing staff is being paid pay scales as per DTL scales, which shows that there is no difference in the scales even if a Nurse Grade ‘A’ is promoted for the post of Nursing Sister. However, the One Man Anomaly Committee has recommended for giving Grade Pay of Rs. 4100 instead of Rs. 4000 to Nursing Sister, for which some clarification was sought for DTL and reply of which is still awaited.

3.3 All Nursing Staff i.e. 42 Nurse Gr-A, 16 Nursing Sisters and 03 Asstt. Matrons have given affidavit/option except one Smt. Murnalini Sheikh, Nurse Gr-A who is out of country for acceptance of CPC scale.

**Para-4** **Detailed proposal on the subject** :-

4.1 The pay scales of the employees of the NDMC are governed by the regulation to be framed U/s-43(a)(1) of the NDMC Act, 1994. These regulations to be framed by the Council have to be approved by the Central Government and notified in the official gazette. The Council had framed the regulations in 2007 and have been approved by the Central Government in May, 2010 but are yet to be notified in the official gazette. The regulations as approved by the Central Government provides for grant of the Central Civil Services [Revised Pay] Rules, 2008 which scales Nursing Cadre has been demanding from the NDMC.

After the Supreme Court decision and the 6th Pay Commission Recommendations, a Committee known a Bharat Bhushan Committee was set up and the said Committee also recommended 6th Pay Commission Pay Scales to the NDMC employees. However in its meeting on 15/22.7.2009, the Council resolved that those employees who have been left out of the benefit of Shiv Shankaran Scale, may also be given the benefit of the Shiv Shankaran Scale, in view of the directions given by Hon’ble Supreme Court of India in SLP[Civil] No.(s) 13301/2005 & Batch. This Resolution of the Council had not taken into consideration the regulation framed by the Council in 2007 which were under consideration of the MHA for approval.

4.2 In NDMC, there are cadres who are getting CPC scales and others who are in DTL Scale. Now some of those in DTL scale wants to opt for the CPC Scale, as it is felt by these cadres that they have better promotional prospects and with the higher Grade pay, they will be benefited in allotment of accommodation, LTC etc.

4.3 A peculiar situation has thus arisen in the case of employees, who had gone to the Court and got the DTL Scale, now wants to switch over to the CPC Scale, which is not in accordance with the order of the Court and also not in accordance with the Council’s Resolution of 2009 but is in accordance with the NDMC Act and the Regulations framed by the Council and approved by the Central Govt. but are yet to be notified. The scales of pay now requested for the Nursing Cadre vis-a-vis the DTL Scales are as under :-

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| --- | --- | --- | --- | --- |
| **S.No.** | **Category** | **S.S Scale w.e.f. 01.04.1998** | **DTL Scale w.e.f. 01.01.06** | **CPC Scale w.e.f. 01.01.06** |
| 1. | Nursing Grade-‘A’ | 5500-9875 | 10900-34800 GP Rs.4000 | PB-2 9300-34800 + GP Rs.4600 |
| 2. | Nursing Sister | 5500-9875 | 10900-34800 GP Rs.4000\* | PB-2 9300-34800 + GP Rs.4800 |
| 3. | Asstt. Matron | 6500-10900 | 10900-34800 GP Rs.4200 | PB-3 15600-39100 + GP Rs.5400 |

1. **Financial implications of the proposed subject :**

5.1 There is no financial implication of the proposal.

**6. Implementation schedule with timeliness for each stage including internal proceeding:**

Nil

1. **Comments of the Finance Department on the subject :**

7.1 Finance Department has no objection, if the Council Resolution Dated 22.07.09 is modified to incorporate the scheme to the grant of CPC scale in terms of NDMC Act & Regulation in this regard.

1. **Comments of the Department on comments of Finance Department :**

Nil

1. **Legal implications of the subject:-**

9.1 The requests of the Nurses for grant of CPC scale is as per provisions of the NDMC Act and the Regulations made by the Council and approved by the Central Government which are pending Notification.

1. **Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject:-**

10.1 Already indicated in para 4 above.

**11. Comments of the Law Deptt. on the subject:-**

11.1 The requests of the Nurses for grant of CPC scale is as per provisions of the NDMC Act and the Regulations made by the Council and approved by the Central Government which are pending Notification.

1. **Comments of the Department on the comments of Law Department**

12.1 No comment.

1. **Certification by the department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**

13.1 Not applicable

1. **Recommendation:-**

14.1 The case is laid before the Council, pending notification of regulations, to modify its Resolution dated 22nd of July, 2009 and resolve to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for.

14.2 Resolved further that pending notification of the regulations, the above decision may be made available to all those who are in DTL Scale and want to opt for CPC Scales.

### 15 Draft Resolution:-

The case may if approved be laid before the Council for decision.

### COUNCIL’S DECISION

Pending notification of regulations, the Council resolved to modify its Resolution dated 22nd of July, 2009 and to give the Nursing staff the CPC Pay Scales and fix their pay in the CPC Scales on 1st January, 2013 so that there is no reduction in the pay of these Nurses while switching over from DTL Scale to CPC Scale w.e.f. 1st January, 2013. However for all practical purposes the new scales will be available to them from 01.01.2006 as requested for and the cadre will not be allowed to revert back from CPC Scale henceforth.

It was further resolved that pending notification of the regulations, the above decision may be made available to all those employees / categories who are in DTL Scale and want to opt for CPC Scales, with the approval of the Chairperson, NDMC.