

ITEM NO. 10 (H-03)

Copy of Reso. No. 10 (H-03)
of
Council's Ordinary Meeting
~~2010~~ 2010/06/2014

1. Name of the subject/Project :

Grant of allowances to medical officers/non-teaching specialists appointed on contract basis and long term extension of contract for 05 years.

2. Name of the Department

Personnel Department

3. Brief History of the subject/project:

The Medical Department has been engaging doctors on contract basis as there was no separate cadre in NDMC. In Govt. of NCT of Delhi also, doctors were being transferred from Central Health Services (CHS) cadre and later on the Doctors were engaged on contractual basis. In NDMC also, the Doctors were being engaged on contract basis as per functional requirement to overcome the shortage in hospital/dispensaries. In the year 2001, Govt. of NCT of Delhi allowed remuneration on revised rates to the contractual doctors i.e. minimum of basis pay and 75% of the allowances vide Office Order No. 8/112001/H&FW dated 25.07.2001.

Accordingly, NDMC also adopted the same Order vide Resolution No. (10-H) dated 19.12.07 and as per Resolution all the contractual Medical Officer and Specialists of different systems of medicine were allowed the minimum of the pay-scale attached to the post and benefit of NPA, Dearness Pay, Dearness Allowance, CCA, Transport Allowance, Conveyance Allowance, PG Allowance (Medical Officers), Contingency Allowance and House Rent Allowance etc. w.e.f. 19.12.07. Since then the contractual Medical Officers and Specialists have been requesting for adoption of Order dated 25.07.01 of Govt. NCT of Delhi, in toto because certain benefits like Annual Increment, Maternity Leave, Leave Encashment etc. were not being allowed as the same were not specified in the Council Resolution dated 19.12.07 instead the word "etc." was used in the Council resolution.

The order dated 25.07.2001 of Govt. Of NCT of Delhi has been further clarified by Circular No. 70/382005-HMFW/7030-36 dated 15.10.2009 Govt. of NCT of Delhi, which *interalia* states, "that doctors on contract are to be paid the same scale of pay and allowances, leave, increment, medical facilities and also other benefit of service condition as are applicable to other Medical Officers regularly appointed".

In the above mentioned Order, the further clarification is given as under:-

Dir. (P)

1. *All the contract doctors whether medical officer or Jr. Specialist (non-Teaching Specialist) who are being paid salary on scale of pay shall be entitled to the same pay & allowances, increments, medical facilities and other benefits as applicable to regular doctors except the LTC, Pensionary Benefits, Group Insurance, Study Leave & Child Care Leave.*
2. *Maternity Leave for a period of 60 days in the duration of one contract period in which the delivery has been taken place. May be permitted to the women doctors on contract.*
3. *Leave as admissible, except those prohibited vide (1) above shall be permissible & coterminous with the period of contract.*
4. *Leave encashment shall be admissible only in cases where the contract terminated beyond 02 years either from Govt. Side or from the doctor's side.*

In view of persistent and genuine demand of contractual Medical Officers and Specialists and also in view of the fact that the matter regarding their regularisation is pending since long, it is proposed that order dated 25.07.2001 of Govt. Of NCT of Delhi as further clarified vide circular dated 15.10.09 may be adopted in toto so that the monetary loss caused to them may be mitigated and they may serve the NDMC with full devotion.

At present the term of contract for the Contractual Medical Officers and Specialists, is six months or one year. The contractual Doctors have been demanding that the term of their contract may be increased to 05 years. It is a fact that renewal of contract after every six months/one year creates avoidable hindrance in the smooth functioning of hospital/dispensaries and increases the work load of Health Establishment Department. The contractual Doctors remain apprehensive about extension of their contract and work in an atmosphere of uncertainty. Not only this but the matter regarding their regularization is also pending since long and the Council has already taken 'in principle' decision for their regularization.

Further, in view of the fact the proposal for their regularization is pending and to safeguard their interest, the vacancies sent to UPSC may be de notified so that the existing contractual Medical Officers and Specialist could be accommodated and their services are regularized, as and when approved by UPSC.

The Chairman, NDMC has also accorded his 'in principle' approval for above proposal.

4. **Detailed proposal on the subject:**

- I. The NDMC may adopt the Office Order No. 8/11/2011/H&FW dated 25.07.2001 of Govt. of NCT of Delhi as further clarified vide circular No. F.70/38/2005-H&FW/7030-36 dated 15.10.09 in letter & spirit for contractual Medical Officers and Specialists w.e.f. 19.12.07.
- II. The term of contract of contractual medical officers and Specialists may be extended for 05 years or till their regularisation or attaining the age of 60 years, whichever is earlier. However, in case of any misconduct their contract may be terminated as already provided in terms and conditions of contract. Their performance will be reviewed after every year.
- III. A Committee consisting of Director (P), Medical Officer of Health, Director (MS) and Director (CPH), will scrutinize the cases of all contractual medical officers/non-teaching specialists regarding their Educational Qualification etc. with reference to the RRs for the post before giving them the benefits proposed at Para I.
- IV. The UPSC may be requested for de-notification of proportionate number of vacancies out of already notified vacancies for accommodating the existing contractual Medical Officers and Specialists.

Above proposals may be made subject to the condition that the above benefits will not confer on them any right or claim whatsoever for regular appointment, Seniority, Promotion, etc. in NDMC. In order to provide benefit of the inter se seniority as per their services in NDMC to different medical officers/non-teaching specialists for granting benefits and to avoid the chances of any anomaly, they may be allowed the benefit of pay fixation on notional basis from the date of their appointment on contractual basis. No arrears of pay and allowances will however, be payable.

- V. It is also brought to the notice of the Council that a proposal for regularisation of contractual Medical Officer/Specialist by granting one time relaxation is pending with UPSC. This proposal was prepared on the basis of similar proposal of Health & Family Welfare Department of Govt. of NCT of Delhi. A perusal of the recruitment rules framed by Govt. of NCT of Delhi it has been found that the Medical Officer/Specialist appointed on contractual basis/on ad-hoc basis on or before the date of notification regarding initial constitution of Delhi Health Cadre. A suitable clause has been incorporated in the RRs to provide them one time relaxation.

It is therefore proposed that rule 5 (1) may be modified with consultation of UPSC by inserting clause 5 (3) as under:

All Officers appointed on contract basis/ad-hoc basis on or before the date of notification of amended RRs, on the basis of their suitability as assessed by the Commission and requisite educational qualifications and experience prescribed for the post and being found fit, shall be deemed to have been appointed under these regulation in the respective grades, provided that they possess requisite qualification detailed under Schedule-V of these regulation.

Similarly in Schedule (V) prescribing Minimum Educational and other Qualification, experience and age limit for direct recruitment to Group 'A' posts in NDMC as Medical Officer/Specialist, Col. 3 – Method - The words, "Direct Recruitment" may be replaced with "Direct Recruitment failing which on contractual basis."

5. **Financial implications of the proposed project/subject :**

The Contractual Medical Officers and Specialists of the Medical Department will be given Annual Increment, Leave encashment, Medical facilities etc in addition to the benefits being already provided to them. This will entail financial implication, which will be met from out of the budget of Medical Department by re- appropriation or by allotting additional funds.

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

Immediately after approval of the Council.

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

The comments of Finance Department are as under:-

1. Whether the proposals in draft agendum are covered under office order dated 15.10.2009 of Govt. of NCT of Delhi or there is any deviation, if so, the detail of same with due justification be brought on record.
2. The position with regard to Para 14 (ii) of draft agendum relating to duration of contract i.e. 5 years or till regularisation, or attaining the age of 60 years is followed in NCT of Delhi or Govt. of India.
3. It there is possibility of receiving of similar demand of other categories of contractual employees of NDMC, the information in this regard may also be brought on record.

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

1. The draft agenda is based on the Office Order No. 8/11/2011/H&FW dated 25.07.2001 & clarification issued vide circular No. F.70/38/2005-H&FW/7030-36 dated 15.10.09 of GNCT of Delhi.
2. The proposal for long term contract has been made for ensuring smooth functioning of Hospitals/Dispensaries & avoiding delay in processing the cases of extension after every 6 months/one year. The concept of long term contract is being followed in some Govt Department/PSUs. However, in the instant case, in case of any misconduct their contract may be terminated as already provided in terms and conditions of contract. Their performance will be reviewed after every year.
3. If similar demands of other categories of contractual employees are received, the same will be examined separately on merit.

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

NA

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

The Council vide its resolution No. 10(H-15) adopted the Office order No. 8/12001/H&F&W dt. 25.07.2001 and decided to give the remuneration to the contractual doctors equivalent to the regular doctor as mentioned in para 3.

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

This is an administrative decision & has no legal issue at this stage.

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

No

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

Till date there are no specific guidelines of the Central Vigilance Commission in this case.

14. Recommendation:-

It is recommended that:

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Above proposals may be made subject to the condition that the above benefits will not confer on them any right or claim whatsoever for regular appointment, Seniority, Promotion, etc. in NDMC. In order to provide benefit of the inter se seniority as per their services in NDMC to different medical officers/non-teaching specialists for granting benefits and to avoid the chances of any anomaly, they may be allowed the benefit of pay fixation on notional basis from the date of their appointment on contractual basis. No arrears of pay and allowances will however, be payable.

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COUNCIL'S DECISION

Resolved by the Council that the recommendation of the department, as detailed under para 14 of the preamble is approved.

It was further observed that the existing contractual doctors who have been working for several years and not yet absorbed / regularised, should be treated as assets, in that their hands-on experience in NDMC is a value addition to the hospital services. It was therefore decided in principle to move for regularising their services by approaching the UPSC for amendment of the RRs to provide for their induction, in the manner regularised by Delhi Govt. for their contractual doctors as a one-time measure, and accordingly to project the ensuing vacancies for Direct Recruitment to the UPSC thereafter.


For Secretary
New Delhi Municipal Council
New Delhi