

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1030/2001

This the 21st day of March, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. All India CGHS Employees Association through its President Jai Dev S/O Kanwal Singh, working as Pharmacist, CGHS Dispensary, Pitampura, Delhi.
2. Budh Kumar Sharma S/O Rajinder Prasad, R/O Qr. No.2, Staff Quarter, CGHS Srinivaspuri, N[ew Delhi.
3. Alak Dev S/O Channar Deep Manjhi, R/O F-1914, Netaji Nagar, New Delhi.
4. Brij Pal S/O Kharu Ram, R/O C-506, Mangol Puri, Delhi.
5. Mahesh Kumar S/O Madan Lal, R/O H. No.1729, Chowk Shah Mubarak, Ajmeri Gate, Delhi-110006.
6. Sube Singh Nagar S/O T.R.Nagar, R/O Qr. No.1152, Multi Storey Type-II, Timarpur, Delhi.
7. Sheesh Pal Singh S/O Ram Prasad, R/O A-111, DDA Flats, Kalkaji, New Delhi.
8. Jagdish S/O Brahm Singh, R/O 5838/1, East Rohtas Nagar, Shahdara, Delhi-110032.

... Applicans

(By Shri M.K.Gupta, Advocate)

-versus-

1. Union of India through Secretary (Health), Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi-110001.
2. Director General of Health Services, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi-110001.
3. Director, CGHS, Nirman Bhawan, New Delhi.

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4. Secretary,
Ministry of Finance,
Dept. of Expenditure,
North Block,
New Delhi-110001.

... Respondents

(By Shri A.K.Bhardwaj, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant No.1 is a recognised association representing Group 'C' and 'D' employees of CGHS. There are 81 categories in Group 'C' and 'D' in CGHS. The grievance of applicants is that whereas no work study has been conducted by Staff Inspection Unit (SIU) in respect of lab technicians, Safaiwalas and Chowkidars, arbitrary norms have been prescribed for these categories vide Annexure A-6 dated 2.11.1999, which is report of SIU on norms study of CGHS (Allo) dispensaries, which in turn has been accepted by the Department of Health vide Annexure A-1 dated 16.2.2001. Challenging these norms, applicants have sought quashing of Annexure A-1 and direction to respondents to conduct a fresh study of workload in relation to the laboratory staff with all its consequences and to follow the past practice in relation to the staff strength of Chowkidar and Safaiwala.

2. CGHS Directorate in their comments on the report by SIU, 1999, have stated that SIU submitted recommendations in respect of categories of Chowkidar, Safaiwala and lab staff, though no study was conducted regarding them (Annexure A-8). Vide D.O. dated 29.4.1999 of Director, CGHS addressed to Director, SIU (Annexure A-5) it has been stated that it was mutually agreed not to recommend work for privatisation of the categories of

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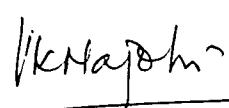
Safaiwala and Chowkidar. As such, a norm for these categories needs to be suggested.

3. Respondents, represented through learned counsel Shri A.K.Bhardwaj, could not produce any documentary evidence to establish that SIU had conducted any scientific study regarding Chowkidar, Safaiwala and lab staff.

4. In this view of the matter, Annexure A-1 and Annexure A-6 qua the categories of Chowkidar, Safaiwala and laboratory staff are held to be arbitrary as the policy decision contained therein relating to the staff strength in respect of these categories suffers from non-consideration of relevant facts and arbitrariness, and is, therefore, subject to judicial review. Accordingly, Annexure A-1 qua these categories is quashed and set aside and respondents are directed to conduct a fresh SIU study regarding workload in relation to these categories and decide fresh norms of staff strength of these categories in CGHS dispensaries within a period of three months from the service of these orders. Ordered accordingly.

5. The OA is disposed of in the aforesated terms.
No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/