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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1588 of 1998  
M.A.1664/98

New Delhi, this the 29<sup>th</sup> day of June, 1999

HON'BLE SHRI N.SAHU, MEMBER(A)

1. Doctors Welfare Association,  
Ram Manohar Lohia Hospital,  
New Delhi,  
through its Secretary,  
Dr.V.K.Kapoor,  
Chief Medical Officer

2. Dr.Praban Kumar Das  
Chief Medical Officer,  
Ram Manohar Lohia Hospital,  
New Delhi.

-APPLICANTS

(By Advocates: Shri B.B.Sawhney with Ms.Indra Sawhney)

Versus

Union of India through  
Secretary,  
Ministry of Urban Development,  
Nirman Bhavan,  
New Delhi.

-RESPONDENT

(By Advocate: Mrs.P.K.Gupta, through learned proxy  
counsel Shri Harvir Singh)

O R D E R

By Hon'ble Shri N.Sahu, Member(A)

The relief claimed in this O.A. is to direct the respondent to treat the C.H.S. doctors of Dr. Ram Manohar Lohia Hospital for entitlement to general pool accommodation, and also to direct the respondent to take steps to augment the hospital pool accommodation. The grievance of the applicants has arisen in view of the following background facts.

2. In the R.M.L.Hospital, doctors are working from three streams, namely, C.H.S., C.G.H.S. and Lady Hardinge. The later two streams are entitled to residential accommodation both from general pool and the respective source pool. The C.H.S. strength of Dr.

13

R.M.L. Hospital is only entitled to residential accommodation from hospital pool. All the doctors and para-medical staff of all hospitals, at one time, are eligible for allotment from the departmental pool from the concerned hospital. However, the doctors and para-medical staff of Lady Hardinge Medical College and other associated hospitals like Kalawati Saran Children Hospital and Sucheta Kriplani Hospital approached the Central Administrative Tribunal which in its judgement dated 10.9.93 directed the Directorate of Estates to consider the request for granting them eligibility from general pool. Whereupon by orders dated 23.8.95, Lady Hardinge Medical College and the associated hospitals are made entitled to general pool accommodation although they were also having their departmental pool units. It is true the needs of the associated hospitals mentioned above are small as compared to the R.M.L. Hospital but the fact remains that the Government had made them eligible for general pool accommodation and deprived the applicants as also Safdarjung Hospital (non-applicants) from general pool accommodation.

3. The fact remains that there is an acute shortage of departmental pool accommodation in R.M.L. Hospital. If we take only the doctors strength, they need 149 units whereas only 29 units are available. (These figures are taken from the representation submitted). The satisfaction percentage is only 25. With regard to para-medical staff, the shortage is even more acute. The grievance of the applicants is that there is invidious discrimination between the doctors of C.G.H.S. and Lady Hardinge Medical College (in short

'LHMC') in making them entitled to general pool accommodation although they are placed on an equal footing with the doctors of Dr.R.M.L. Hospital. The source of funding for LHMC, Sucheta Kriplani Hospital and Kalawati Saran Children Hospital is the same Central Government. There is not only an equality of status amongst the doctors but there is also equality of status amongst the hospitals. The shortage of accommodation in fact is stated to be more acute in Dr.R.M.L. Hospital than in other associated hospitals mentioned above. In this view of the matter, making the other hospitals eligible, ignoring the claims of the premier and the prestigious R.M.L. is urged to be patently discriminatory. It is also seen that the services of the doctors from one of these associated hospitals is transferred on a tenure basis or otherwise to Dr. R.M.L. Hospital only to prove that there is no justification for distinguishing the needs and the eligibility criteria amongst the different hospitals. The result of this policy is sometimes both absurd and amusing. A doctor who holds a general pool accommodation when he was working in one of the associated hospitals suddenly becomes ineligible and is required to vacate the said accommodation when he is transferred to Dr.R.M.L. Hospital. This gives rise to a very anomalous situation.

4. The respondent in the counter states that it contemplated a central pool accommodation for all Central Govt. hospitals/C.G.H.S. staff in Delhi after merging separate departmental pools of all the hospitals and in that view of the matter, the Health Ministry was requested to give the full back-up data regarding the

existing accommodation in departmental pools, the typewise demands, satisfaction rate etc. Such data could not be supplied so far; hence no decision was taken.

5. The simple demand of the applicants is that the facility extended to the other associated hospitals may also be provided to the doctors and staff of Dr.R.M.L.Hospital. The policy initially was that the doctors and the technical staff of the hospital other than those of CGHS are not eligible for general pool since they have their own hospital pool. However, following a direction from the Central Administrative Tribunal in 1993, doctors and para-medical staff of LHMC, Sucheta Kriplani Hospital and Kalawati Saran Children Hospital were made eligible for general pool accommodation also.

6. From the rejoinder affidavit, it is also very clear that the respondent is not averse to make available general pool units to any hospital which has a shortage but they only want to do this after centralising the available accommodation by merging the individual hospital pools and thereafter to make good any shortage. It is important to note that the shortage in Dr.R.M.L.Hospital is extremely acute and glaring. As per the counter, there are 160 doctors in that hospital and there are only 23 houses in the eligible category whereas there are 125 doctors in LHMC and there are 36 houses in the eligible category in their hospital pool. The doctors both in LHMC and R.M.L.Hospital come from Central Health Services and they work under the same Central

Government. It is submitted that not extending the benefit to Dr.R.M.L.Hospital which is similarly situated, is ex-facie discriminatory.

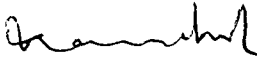
7. The respondent can consider any viable, practicable suggestion to ameliorate the shortages. They can consider a central pool or augmenting of strength or any other method of distribution. The Govt. is the owner of the houses and no court can tell the Govt. how to set right the shortcomings or deficiencies. But the entire exercise so far has resulted in some arid correspondence by the respondent asking the Health Ministry to convey the shortage of accommodation so that it can consider a central pool. It does not require any exacting mathematical exercise to know the staff strength, the available quarters and the shortage. Respondent can get the information and know about the shortage in perhaps a couple of hours time. They do not require any specialised computer application to place on record these simple data but then the whole exercise has not progressed at all. Even if there is a central pool, the existing accommodation being a known commodity, whatever may be the pattern, there will be only distribution of shortages and nothing more. As I made it clear, the respondent is free to fashion his own strategy. But in not extending the same facility of eligibility to general pool accommodation to the R.M.L., there is a clear discrimination for which the respondent does not have any explanation.

17

8. In the circumstances, I direct the respondent to make available to the doctors and the staff of Dr.R.M.L.Hospital a share in the general pool accommodation in the same way in which the doctors in Maulana Azad Medical College and LHMC, who are also staffed with Central Health Service officers, have been made entitled to by the Office Memorandum dated 23.8.95. This is a fair, genuine and proper request by the applicants. I have seen from the counter that the respondent has not himself disagreed with the request, in principle. I, therefore, direct that the respondent will issue the notification making the applicants (doctors and staff of Dr.R.M.L.Hospital) eligible on the line of O.M. dated 23.8.95, mutatis mutandis. This ~~order~~ shall be considered and disposed of within a period of four weeks from the date of receipt of a copy of this order.

9. With regard to relief no.2, this court is not in a position to issue any specific direction. The augmenting of hospital pool accommodation depends on constructing more accommodation and this is a matter of policy and finance. Suffice it to say that the applicants belong to a category of people as a professional service class and require more urgent attention in the public interest and the respondent shall take steps in this regard.

10. The O.A. is disposed of with the above directions. No costs.

  
( N. SAHU ) 29.6.99  
MEMBER(A)

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