

Central Administrative Tribunal, Principal Bench

Original Application No. 515 of 2000

New Delhi, this the 12th day of February, 2001

Hon'ble Mr. Kuldip Singh, Member (J)

Dr. (Mrs.) Prabhleen R. Singh
Chief Medical Officer,
Safdarjung Hospital
New Delhi

- Applicant

(By Advocate - Shri G.K. Aggarwal)

Versus

1. Medical Superintendent
Safdarjung Hospital
New Delhi

2. Ministry of Health & Family Welfare
Govt. of India

- Respondents

(By Advocate: Shri S.M. Arif, for respondent no. 1 &
Shri Sushil Kumar, proxy for Shri V.S.R.
Krishna, for respondent no. 2)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant in this O.A. is aggrieved of the fact that she is not being paid the Post Graduate Allowance and also the Annual Allowance linked with the Post Graduate qualification.

2. Facts in brief are that applicant, who was earlier working as Chief Medical Officer in Punjab, had joined the Safdarjung Hospital, New Delhi as Senior Medical Officer on 12.3.97. Applicant alleges that she is not being paid the P.G. Allowance whereas all other "Senior Medical Officers" under the Central Health Service (in short "CHS") are getting the same. Applicant made representations but to no avail.

3. Respondent no. 1 has submitted in their reply



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that as per the Ministry of Health and Family Welfare letter dated 2.9.98, no specific condition with regard to payment of P.G. allowance to officers or doctors on deputation having Post Graduate qualification has been mentioned. They have further submitted that there are no directions from respondent no.2 to this effect and that is why, the applicant is not being paid the P.G. allowance.

4. Respondent no.2 in their separate reply, have submitted that annual allowance is admissible to the members of CHS only and not to all the doctors posted on deputation in CHS. Being a deputationist, the applicant is not a member of Central Health Service as per Rule 5 of CHS rules and as such, Post Graduate allowance is not being given to her. Respondent no.2 has also submitted that the case of the applicant was examined in consultation with Department of Personnel and Training and had been rejected. Ministry of Health had also consulted with the Safdarjung Hospital about the payment of P.G. allowance to one Dr.(Mrs.) Anita Verma posted at Safdarjung Hospital and it was clarified as under:

"Prior to her joining the S.J. Hospital, she was working as Lady Medical officer Lal Bahadur Shastri National Academy of Administration, Mussoorie and as per her LPC, she had been drawing her substantive pay with Deputation (Duty) allowance and P.G. allowance @ Rs.250/- p.m. While in S.J. Hospital, she was also allowed to draw P.G. allowance on the basis of her LPC received from Lal Bahadur Shastri National Academy of Administration, Mussoorie."

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5. It is stated that since the applicant had opted for normal scale of pay, therefore, she was not allowed P.G. allowance.

6. I have heard learned counsel for the parties and gone through the records.

7. Para 2 of the offer of appointment which is at page 13 of the paper book reads as under:

"Deputation Duty Allowance @ 10% of basic pay subject to a ceiling of Rs.500/-. During the period of deputation, the officers will have the option either to get her pay fixed in the deputation posts under the operation of the normal rules or to draw pay in the post held by her in her parental department plus a deputation allowance in accordance with and subject to the conditions as mentioned from time to time and such other orders general or special issued by the Ministry of Finance."
(emphasis supplied)

8. It is clear from para 2 of the offer of appointment, quoted above, that the applicant was entitled either to get her pay fixed on the deputation post under the operation of 'normal rules' or to draw pay in the post held by her in parental department plus deputation allowance. Applicant had opted for fixation of her pay under the operation of 'normal rules.'

9. Now the question arises whether as per normal rules, applicant is entitled to P.G. allowance or not. In this connection, learned counsel for the applicant has invited my attention to Central Health Service Rules, schedule 1 of which contains the pay scales of the officers including the Senior Medical

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Officers and also the perks to which they are entitled. Post Graduate allowance is also listed at item no.3 of schedule 1 as part of the pay of Senior Medical Officers.

10. Learned counsel for respondent no.2 was unable to cite any ruling to deny post graduate allowance as part of salary to the applicant. He merely quoted the example of Dr.Anita Verma who had been denied P.G. allowance, but at the same time the clarification given by the department, shows that the case of Dr.Anita Verma is quite distinguishable as she had opted to draw pay in the post held by her in parent department whereas applicant herein had opted for fixation of her pay on the deputation post as per 'normal rules.'

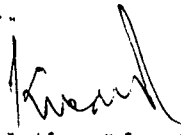
11. After hearing learned counsel for the parties and going through the records, I am of the considered opinion that since the applicant had opted for fixation of her pay on the deputation post as per 'normal rules' and as Post Graduate allowance is also a part of the pay as is evident from item 3 of schedule 1 of CHS rules, therefore, the applicant is entitled for the same. Similarly annual allowance is also part of pay under normal rules, so she is entitled to that also.

12. Under the circumstances, I allow the OA and direct the respondents to release the arrears of Post Graduate allowance admissible to the applicant within a period of three months from the date of receipt of a

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copy of this order. She will also be entitled for
Annual Allowance at the rates admissible to all Post
Graduate doctors under the CHS. No costs.


(Kuldip Singh)
Member(J)

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