

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2193/89
T.A. No.

199

DATE OF DECISION 22.2.1991.

All India Gen. Duty Medical Officers Association Mr. J.P. Verghese Versus Union of India through Secy., Min. of Health & F.W. & Another None	Petitioner Applicants Advocate for the Petitioner(s) Applicants Respondent Advocate for the Respondent(s)
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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. M.M. Singh, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? */*
4. Whether it needs to be circulated to other Benches of the Tribunal? */No*

(Judgement of the Bench delivered by Hon'ble
Mr. M.M. Singh, Administrative Member)

The grievance of the applicants arises out of the fact that as against the normal 40 hours prescribed for the Government employees, they are made to work for 84 hours per week without any compensation for the extra work done. Despite service of notice on the respondents and numerous opportunities given to them, they have not entered appearance, nor filed the counter-affidavit. The case was listed for further directions/final hearing on 18.2.1991 and the respondents were also informed about the date so fixed. When the case was taken up for hearing

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on 18.2.1991, none appeared for the respondents despite service of notice on them.

2. The applicants have stated that they have made representations to the respondents regarding night duty given to them for the whole week continuously for six days, amounting to 72-84 hours' duty a week. This has affected adversely their professional efficiency and also their personal life. They had represented against this to the respondents, but no solution has so far been arrived at.

3. The applicants have, therefore, sought the following reliefs in the present application:-

- (i) To direct the respondents to compensate the members of the applicant Association either by payment of compensatory allowance or compensatory off, or in any other manner;
- (ii) to declare that extraction of 72-84 hours of duty a week from the members of the Association is violative of Articles 14 and 16 of the Constitution; and
- (iii) to restrain the respondents from extracting additional hours of work beyond normal 40 hrs. a week without adequate compensation.

4. We have carefully gone through the records of the case and have considered the matter. The applicant

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Association and the C.G.H.S. doctors, whom it represents, seem to have a genuine grievance. The matter has been under consideration of the Government and meetings have been held between the representatives of the Association and the Government. Our attention was drawn to the minutes of a meeting held on 4.2.1991 under the Chairmanship of Director (C.G.H.S.) to discuss the demand of Night Duty Allowance for doing extra duty hours in dispensaries under C.G.H.S., Delhi. Keeping in view the genuine demand of the doctors, it has been recorded in the minutes of the meeting that a way should be found to resolve their genuine demand. The representatives of the applicant Association have given the following alternatives for consideration to solve the problem:-

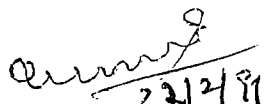
- (i) Recruitment of additional doctors should be made; or
- (ii) Financial compensation for extra hours be paid; or
- (iii) abolition of night duty.

5. After considering the matter, we are of the view that a solution to the grievances of the applicant Association of the C.G.H.S. doctors should be found by the respondents themselves, keeping in view all the relevant aspects. In case, night ^{duty} is unavoidable, the doctors who are put on such duty deserve to be compensated

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for the extra hours put in by them by way of a special allowance or honorarium, whichever is feasible from the administrative angle. The respondents shall finalise their decision as expeditiously as possible but in no event, later than two months from the date of receipt of this order. The application is disposed of on the above lines. There will be no order as to costs.

M. M. Singh
(M.M. Singh) 22/2/91
Administrative Member


22/2/91
(P.K. Kartha)
Vice-Chairman(Judl.)