

## **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.1853/2020  
M.A. No.2381/2020  
With  
O.A. No.1435/2020

Tuesday, this the 15<sup>th</sup> day of December, 2020

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

O.A. No.1853/2020

1. Mahendar Singh  
Nursing Officer,  
Emp Code:3055  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi 110001

2. Sheeba Jiji  
Nursing Officer,  
Emp Code: 4719  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
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Connaught Place,  
Delhi 110001

3. Jitendra Kumar Yadav,  
Nursing Officer,  
Emp Code: 1138  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi 110001

4. Divya Yadav,  
Nursing Officer,  
Emp Code: 3047  
Dr. Ram Manohar Lohia Hospital,

Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi 110001

5. Jyoti,  
Nursing Officer,  
Emp Code: 1202  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi 110001

6. Neila Mary Alex,  
Nursing Officer,  
Emp Code: 0984  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
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7. Avinash Kumar Kalal,  
Nursing Officer,  
Emp Code: 3102  
Dr. Ram Manohar Lohia Hospital,  
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Near Gurudwara Bangla Sahib,  
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8. Anil Kumar Sharma,  
Nursing Officer,  
Emp Code: 3057  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi 110001

9. Adarsh Yadav,  
Nursing Officer,  
Emp Code: 1154  
Dr. Ram Manohar Lohia Hospital,  
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10. Priscilla Zammuanching,

Nursing Officer,  
Emp Code: 0995  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
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11. Suby Johnfy,  
Nursing Officer,  
Emp Code: 5648  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
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Connaught Place,  
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12. Sulaja P.S.,  
Nursing Officer,  
Emp Code: 5491  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
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13. Sangita Singh,  
Nursing Officer,  
Emp Code: 4741  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
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14. Pratibha Surehatia,  
Nursing Officer,  
Emp Code: 5548  
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Baba Kharak Singh Marg,  
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Connaught Place,  
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15. Poonam Tiwari,  
Nursing Officer,  
Emp Code: 4742  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,

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16. Kavita Pal,  
Nursing Officer,  
Emp Code: 5624  
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Connaught Place,  
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17. Parvinder Sawhney,  
Nursing Officer,  
Emp Code: 0980  
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18. Rajesh Sonwal,  
Nursing Officer,  
Emp Code: 5591  
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19. Geeta,  
Nursing Officer,  
Emp Code: 5593  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
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20. BincyEbyIsac,  
Nursing Officer,  
Emp Code: 5572  
Dr. Ram Manohar Lohia Hospital,  
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Near Gurudwara Bangla Sahib,  
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21. Kavita Seth,

Nursing Officer,  
Emp Code: 3296  
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Connaught Place,  
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22. Ravindra Kumar Yadav,  
Nursing Officer,  
Emp Code: 5617  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
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23. Alpana Kariti,  
Nursing Officer,  
Emp Code: 5588  
Dr. Ram Manohar Lohia Hospital,  
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Connaught Place,  
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24. A. Evelyn  
Nursing Officer,  
Emp Code: 3089  
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Baba Kharak Singh Marg,  
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Connaught Place,  
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25. Yogesh Kumar Jangir,  
Nursing Officer,  
Emp Code: 2440  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
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Connaught Place,  
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26. Nisha Tandon,  
Nursing Officer,  
Emp Code: 3043  
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27. Urmila Kumari,  
Nursing Officer,  
Emp Code: 5681  
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28. Rakhi Satone  
Nursing Officer,  
Emp Code: 1010  
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29. Jyoti Tyagi  
Nursing Officer,  
Emp Code: 5621  
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30. Sunita Yadav  
Nursing Officer,  
Emp Code: 3289  
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31. Priyanka  
Nursing Officer,  
Emp Code: 5547  
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32. MaharabamKiranbala Devi  
Nursing Officer,

Emp Code: 4693  
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33. Pushpa Bhandari  
Nursing Officer,  
Emp Code: 4730  
Dr. Ram Manohar Lohia Hospital,  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
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34. Usha Sharma  
Nursing Officer,  
Emp Code: 5556  
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35. Meharban Singh  
Nursing Officer,  
Emp Code: 4700  
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Connaught Place,  
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36. Pratibha Lodhi  
Nursing Officer,  
Emp Code: 5632  
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Connaught Place,  
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37. AnujaJith  
Nursing Officer,  
Emp Code: 5687  
Dr. Ram Manohar Lohia Hospital,  
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Connaught Place,

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38. Navneet Kaur Mehta  
 Nursing Officer,  
 Emp Code: 5536  
 Dr. Ram Manohar Lohia Hospital,  
 Baba Kharak Singh Marg,  
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 Connaught Place,  
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39. Nisha Sagar  
 Nursing Officer,  
 Emp Code: 3058  
 Dr. Ram Manohar Lohia Hospital,  
 Baba Kharak Singh Marg,  
 Near Gurudwara Bangla Sahib,  
 Connaught Place,  
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40. Bharti  
 Nursing Officer  
 Emp Code: 4793  
 Dr. Ram Manohar Lohia Hospital,  
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 Near Gurudwara Bangla Sahib,  
 Connaught Place,  
 Delhi 110001

**ADDRESS FOR SERVICE:**

Mr. Jose Abraham,  
 Advocate,  
 D-144-A, Harinagar,  
 Ashram, New Delhi – 110014.

.. Applicants

(Through Mr. M P Srivignesh, Advocate)

Versus

1. Union of India,  
     Through its Secretary,  
     Ministry of Health and Family Welfare  
     ‘A’ Wing, Nirman Bhavan,  
     New Delhi-110011
2. Dr. Dr. Ram Manohar Lohia Hospital  
     Through its Director & Medical Superintendent  
     Baba Kharak Singh Marg,  
     Near Gurudwara Bangla Sahib,  
     Connaught Place,

Delhi- 110001

.. Respondents

(Through Mrs. Anupama Bansal, Advocate)

O.A. No.1435/2020

Mr. Ramesh Chand Yadav,  
Nursing Officer,  
Emp Code: 2439,  
Dr. Ram Manohar Lohia Hospital,  
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Connaught Place,  
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**ADDRESS FOR SERVICE:**

Mr. Jose Abraham,  
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Ashram, New Delhi – 110014.

.. Applicants

(Through Mr. M P Srivignesh, Advocate)

Versus

1. Union of India,  
Through its Secretary,  
Ministry of Health and Family Welfare  
'A' Wing, Nirman Bhavan,  
New Delhi-110011
  
2. Dr. Dr. Ram Manohar Lohia Hospital  
Through its Director & Medical Superintendent  
Baba Kharak Singh Marg,  
Near Gurudwara Bangla Sahib,  
Connaught Place,  
Delhi- 110001

.. Respondents

(Through Mr. Ashish Rai, Advocate)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

M.A. No.2381/2020 in O.A. No.1853/2020 filed for joining together is allowed.

2. The applicants were working as Nursing Officers, in the hospital establishment of Central Government. In the year 2005, a memorandum was issued conferring the benefit of incentive increment on such of the Nursing Officers, who passed B.Sc. in Nursing, in addition to Diploma in General Nursing and Midwifery (GNM). The Rules, however, were amended in the year 2014. The applicants acquired the B.Sc. in Nursing in the year 2015. They are extended the benefits of incentive increment. However, at a later stage, the authorities of the hospital sought clarification from the Ministry of Health & Family Welfare. Through an order dated 06.08.2019, the Ministry clarified that the Nursing Officers, who have acquired B.Sc/B.Sc. (Hon)/Post Basic B.Sc. in Nursing prior to 12.08.2014, are entitled to incentive increment. It was also mentioned that under the amended Rules, the B.Sc. in Nursing (Post Basic) is made one of the qualifications for appointment and in that view of the matter, it cannot be treated as basis for incentive, once the Rules came into effect. These O.As. are filed challenging the clarification dated 06.08.2019.

3. The applicants contend that they were appointed before the new Rules of 2014 came into effect, and accordingly they are entitled to the benefit of incentive increment. Various other contentions are also raised.

4. We heard Mr. M P Srivignesh, learned counsel for applicants, Mrs. Anupama Bansal, learned counsel for respondents in O.A. No.1853/2020 and Mr. Ashish Rai, learned counsel for respondents in O.A. No.1435/2020, through video conferencing.

5. The challenge in these O.As. is to the memorandum dated 06.08.2019. It is not in dispute that the respondents issued a memorandum in the year 2005, providing for incentive to such of the Nursing Officers, who acquired B.Sc. in Nursing (Post Basic). That was at a time when the educational qualification for appointment to the post of Nursing Officer was GNM Diploma. Naturally, the superior qualification acquired by the serving Nursing Officers was treated as a basis for granting incentive increment. However, once that very superior qualification is made essential for appointment, the question of treating it as basis for incentive, does not arise. Things would have been different altogether, had the applicants acquired the qualification of B.Sc. in Nursing before the Rules of 2014 came into force. It is a matter of record that the applicants acquired the qualification of B.Sc. in Nursing in 2015. No exception can

be taken to the clarification issued by the respondents or the consequential steps. However, the respondents cannot recover the amount, if any, already paid to the applicants as incentive for acquiring the qualification of B.Sc. in Nursing.

7. The O.As. are accordingly disposed of. There shall be no order as to costs.

**( Mohd. Jamshed ) ( Justice L. Narasimha Reddy )**  
**Member (A) Chairman**

**December 15, 2020**  
/sunil/ns/sd