

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.1954/91

(30)

New Delhi this the 22nd day of August 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Dr.R.S.Tewari
R/o 30-D, Delhi Administration Quarters
Timarpur
Delhi - 110 054
(Through Mr ~~G.K.S.Vasava~~, Advocate)

...Applicant.

Versus

1. Union of India through
Secretary
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi.
2. Chief Secretary
Delhi Administration
5 Shamnath Marg
Delhi.
3. The Medical Superintendent
Guru Teg Bahadur Hospital
Shahdra, Delhi.
4. (Through Mr B.S.Oberoi, proxy)

...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant commenced his career as Civil Assistant Surgeon at Himachal Pradesh and thereafter on acquiring a diploma in obstetrics and gynaecology he was posted at Safdarjung Hospital, New Delhi as General Duty Medical Officer (GMO-II). While so, he was assigned, in addition to clinical duties, the duties of teaching undergraduate students. He then acquired the degree of M.D. in obstetrics and gynaecology and he was promoted to the post of GDMO-I. He was thereafter selected as a specialist and was posted with CGHS, Bombay in the scale of Rs.3000-5000. Thereafter, with effect from 1.11.1985, the applicant was posted under the third respondent - Guru Teg Bahadur Hospital, Shahdra, Delhi as specialist Grade-II where also he continued to perform the teaching duties in addition to the normal duties attached to the post. As the applicant had been continuously

✓

21
performing teaching duties in addition to the duties of a medical officer, he was assured teaching designation and allowances attached to it. He claims that he was made Head of the Obstetrics & Gynaecology Department and was assied executive duties also. In 1988 when one Ms Neera Aggarwal joined as Professor, she was posted as Head of Department of Obstetrics & Gynaecology and the applicant claims that he started functioning as No.2 of the Department. By order dated 27.7.1990, the Obstetrics & Gynaecology Department was bifurcated into two units by respondent No.3 and the applicant was made Head of the second unit. The grievance of the applicant arose when the above said order was not actually implemented. The applicant made representations for implementation of the order dated 27.7.1990 and also for conferring on him teaching designation and giving him the teaching allowances. Finding no response to his representations, the applicant has approached this Tribunal with this original application seeking the following reliefs:

- "(a) Declare that the applicant is entitled to teaching designation and teaching allowance, along with to continue as Head of the Unit-II.
- (b) Direct the respondents, their officials and agents to allow the applicant to function as Head of Department in unit No.II in Obstetrics & Gynaecology Department in GTB Hospital, Delhi and also to pay him teaching allowance and give him teaching designation, as consequential benefits."

2. The first respondent has not filed any reply to the original application. On behalf of respondents 2 & 3, a reply statement has been filed. Respondents 2 & 3 in their reply admit the allegation that the applicant had been, in addition to the clinical duties, performing the duties of teaching but they contend that the representation submitted by the applicant for assigning him teaching designation was rejected by the competent authority and the decision was communicated to the applicant. In view of the ordinance of the Delhi University and in view of the rules of the Medical Counsel of India, it is not feasible to accede to the demands of the applicant, contend the respondents. They further contend that grant of teaching

✓

(32)

designation to the applicant and implementation of the order dated 27.7.90 is not entirely in their hands and therefore the applicant is not entitled to the relief as prayed for in this application.

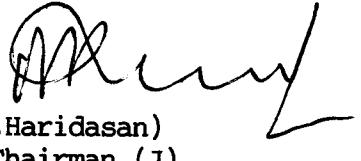
3. The applicant has filed a rejoinder and he has also placed on record certain documents which would show that he was drafted for teaching duties; that the proposal for according teaching designation to CHS doctors was being considered at the level of apex committees and that the proposal for conferring on the applicant the teaching designation was even recommended by the Expenditure (Finance) Committee. It appears that a final decision in the matter has not been taken as its consideration at different levels commenced after filing of the OA. On hearing the counsel for the applicant Mr Umesh Mishra and Mr B.S.Oberoi for respondents 2 & 3 and on a perusal of the application, reply and all the connected documents, we are of the considered view that this being a policy matter to be sorted out by the respondents, if necessary in consultation with the University of Delhi, it would be appropriate if the application is disposed of with a direction to the respondents to consider the grievance of the applicant *projected in* on his representations dated 11.2.94 and 23.3.1994 addressed to Secretary, Dept. of Health & Family Welfare, within a reasonable time frame.

4. In the result, we dispose of this application directing the first respondent to consider the representation submitted by the applicant on 11.2.94 and the other on 23.3.94 in the light of the supporting documents and the recommendations made in the matter by the various authorities, if necessary in consultation with the University of Delhi and to give the applicant a speaking order within a period of 4 months from the date of receipt of a copy of this order.

No order as to costs.


(R.K.Ahooja)
Member (A)

aa.


(A.V.Haridasan)
Vice Chairman (J)