

8

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1435/93

New Delhi this the 26th day of July 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. R.K. Ahooja, Member (A)

Hakim Mohd. Shamoon,
R/o C-4/186, Yamuna Vihar,
Delhi- 53.

...Applicant

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India, through the
Secretary, Ministry of Health &
Family Welfare,
Nirman Bhawan,
New Delhi.
2. Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi.

...Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

By Mr. R.K. Ahooja, Member (A)

The applicant, is working as Unani Physician under the Central Government Health Service. He had come before the Tribunal in OA No. 2260/92 seeking a direction to respondents to create promotional avenues for senior scale of Unani doctors in CGHS and to grant parity with Allopathic doctors. The said OA was disposed of on 13.11.92 with a direction to respondents to consider the representation of the applicant dated 19.12.91 within a period of four months. The present OA has been filed by the applicant on the ground that the disposal of his representation has been made by a non-specific and non-speaking order. In support of his claim he has reiterated the grounds taken in the earlier OA by him to the Allopathic system.

de

..2/

2. The respondents have stated that in pursuance to the Tikku's Committee Report set up to examine the career prospects of CHS Doctors, the respondents have taken action to improve the career prospects of the physicians belonging to Indian systems of Medicine. A number of new posts of Senior Medical Officers, Deputy Advisers and Chief Medical Officers have been created. On that basis, respondents submit that the applicant has now no ground for his grievance.

3. When the matter came up today, Shri Tiwari learned counsel for the applicant drew our attention to the report of Central Fifth Pay Commission in which certain recommendations have been made in regard to the physicians belonging to the Indian System of Medicine. In para 52.33 of its report the Pay Commission have recommended as follows:-

"ISM&H Physicians have parity at entry level with Allopathic doctors. But for career progression they have to wait for vacancies. The Fourth CPC recommended parity of Physicians of ISM&H with GDOs of CHS, by upgrading existing posts in the scale of Rs. 650-1200 to Rs. 2200-4000, provided the incumbents possess degree. The Tikku Committee also recommended similarly. But both were silent regarding career progression. The Consultancy study as well as administrative Ministry have recommended total parity of ISM&H Physicians with Allopathic doctors. As specialisations are yet to emerge with concrete foundation in ISM&H, we recommend a general parity with GDOs as follows:-

Level	Designation	Scale	Residency
3rd ACP	Chief Medical Officer (Selection Grade)	Rs. 4500-5700	
2nd ACP	Chief Medical Officer	Rs. 3700-5000	4 yrs.
1st ACP	Sr. Medical Officer	Rs. 3000-4500	5 yrs.
Entry	Medical Officer	Rs. 2200-4000	4 yrs.

Dr

Career progression beyond the selection grade will continue to be based on vacancies. Fourth CPC upgraded only those degree holders who were in the scale of Rs. 650-1200/- (pre-revised). The administrative Ministry has supported the demand for a general upgradation as was done by Third CPC for Allopathic Doctors and Fourth CPC for Veterinarians. As the educational requirements of the posts are the same as for MBBS doctors, we may recommend that all posts requiring medical practice in ISM&H and a degree in ISM&H as the minimum qualification be placed in the entry scale of Rs. 2200-4000 and all the posts except those in Delhi Admn. be merged in the Central Indigenous & Homoeo Medical Service".

4. We have ~~enquired~~^{inquired} from the learned counsel for the respondents as to what decisions have been taken by the respondents on the aforesaid recommendations of the Pay Commission. Shri Arif, however, has stated that he has no instructions in the matter.

5. We notice that the creating of new posts of Senior Medical Officer, Dy. Adviser and Chief Medical Officer only providing vacancy based promotion to the physician of Indian System of Medicine. On the other hand, it appears, the general duty Medical Officers belonging to the allopathic system are entitled to insitu promotions on a time bound basis. It cannot therefore be said that the action of the respondents, as stated in the reply, has brought the applicant at par with the general duty Medical Officers of the Allopathic system.

6. Considering the fact that the Central Pay Commission an expert body has also made recommendations in this regard, we consider it proper in the first instance, that the respondents should take ~~the~~^{their} decision on these recommendations. Accordingly, we dispose of this OA with a direction to respondents that in case they have not taken a final decision, they should now decide the case of the parity between physicians of Indian System of Medicine such as the applicant with those belonging to the Allopathic system on the basis of recommendations made by the 5th Pay Commission within a period of four months. In

On

case a decision has already been taken, the same may be intimated to the applicant within a period of one month from the date of receipt of a copy of this order. We make it clear that in case the applicant is still aggrieved by the decision taken by the respondents it would be open to him to re-agitate the matter in accordance with law. There shall be no order as to costs.

R. K. Ahoota
(R.K. AHOOOTA)
Member (A)

V. Rajagopala Reddy
(V. RAJAGOPALA REDDY)
Vice-Chairman (J)

cc.