

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA 3320/2013

Order reserved on: 26.11.2015

Order pronounced on: 30.11.2015

Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P.K. Basu, Member (A)

Dr. Kunwar Singh Rawat,
S/o Late Shri B.S. Rawat
R/o 48/1, Bunglow Road,
Delhi-110007

... Applicant

(Through Shri Chittaranjan Hati, Advocate)

Versus

North Delhi Municipal Corporation
4th Floor, Civil Centre,
J.L.N. Marg, New Delhi
Through its Commissioner

... Respondent

(Through Shri R.K. Jain, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

The short grievance of the applicant is that he has not been given benefit of Senior Administrative Grade (SAG) Scale from 23.06.2003 i.e. after 20 years of service as Medical Officer. According to the applicant, he was a General Duty Medical Officer (GDMO). The 6th Central Pay Commission introduced the concept of Dynamic Assured Career Progression Scheme (DACP Scheme) for doctors upto the rank of SAG (Grade Pay Rs.10000/- in PB-4) having 20 years of regular service, or seven

years of regular service in the non-functional selection grade of Rs.8700/- grade pay in PB-4.

2. According to the applicant, since he has completed 20 years of regular service, he should be granted SAG.

3. The applicant filed OA 3450/2012 before the Tribunal seeking the benefit of SAG Scale, which was disposed of vide order dated 11.10.2012 directing the respondents to examine the grievance of the applicant and pass a reasoned order. In compliance of aforesaid direction, the respondents passed a detailed order dated 5.04.2013 rejecting the prayer of the applicant. Being aggrieved by this order, the applicant has filed the instant OA praying for the following reliefs:

- (i) This Hon'ble Tribunal may kindly be pleased to quash the order No.AC(Estt)/ CED/ North/ H.C. (Medical)-1/2013/953 dated 5.04.2013, direct the respondent to grant SAG Scale (Senior Administrative Grade Scale) to the applicant from 23.06.2003 i.e. after 20 years of service as Medical Officer.
- (ii) Any other order may also kindly be passed in the facts and circumstances of the case in favour of the applicant.

4. The respondents counter the applicant's prayer by stating that the DACP Scheme has been implemented vide notification dated 29.08.2008 for Medical and Dental Doctors in which case the stipulation is that in order to be eligible for DACP, one should have seven years service in Grade Pay of Rs.8700/- in PB-4 including service rendered in the pre-revised scale of Rs.14300-

18300 or 20 years of regular service. But for Central Health Service (CHS) Doctors, a separate OM dated 12.05.2009 has been issued in which for Non-teaching and Public Health Sub-Cadre, the stipulation for grant of DACP benefit is completion of minimum 13 years of service irrespective of the years of service rendered in the pre-revised scale of Rs.14300-18300. It is contended that the applicant who originally belongs to the GDMO Cadre, was inducted/ transferred to the Public Health Cadre along with several other doctors with effect from 1.07.2002 vide order dated 10.06.2011. It is thus stated that with effect from 1.07.2002, the applicant belongs to the Public Health Cadre and had to satisfy the condition of 13 years of service. However, counting from 2002 i.e. when the applicant got inducted in Public Health Cadre, he would be completing 13 years of service only in 2015 but he retired at the age of 62 years in the year 2013 without completing 13 years of service and, therefore, he is not entitled to SAG scale.

5. We have heard the learned counsel for the parties and considered the rival contentions.

6. In view of the clear rule position, we do not find any irregularity on the part of the respondents in denying SAG to the applicant and the OA is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/dkm/