

**Central Administrative Tribunal
Principal Bench**

OA No. 2726/2017

Order reserved on: 06.08.2018
Order pronounced on : 20.08.2018

Hon'ble Mr. Pradeep Kumar, Member (A)

Dr. Mahesh Chauhan, aged 48 years,
Senior Medical Officer,
S/o Late Dr. Udai Veer Singh
R/o H.No. D-2/32, Second Floor,
Janak Puri,
New Delhi-110058.

... Applicant

(By Advocate: Sh. Kanwar Udai Bhan Singh Sehrawat with Sh. Babulal Jangira and Sh. Gaurav Sehrawat)

Versus

1. Government of NCT of Delhi,
Through Principal Secretary (Health),
Health & Family Welfare Department,
9th Level, A-Wing, Secretariat,
New Delhi.
2. The Director,
Directorate of Health Services,
Government of NCT of Delhi,
Health & Family Welfare Department,
F-17, Karkardooma,
Delhi-110092.
3. The Chief District Medical Officer,
South-West District,
Directorate of Health Services,
Government of NCT of Delhi,
Sector-2, Dwarka,
New Delhi.

... Respondents

(By Advocate: Sh. Ramesh Shukla proxy for Sh. Amit Anand)

ORDER

Heard the learned counsel for applicant and the learned counsel for respondents.

2. Learned counsel for applicant brought out that the applicant was appointed on contract basis by the respondents vide their orders dated 13.11.2000. Subsequently, in follow up of the Tribunal's directions in OA No.2108/1999 which was decided on 08.05.2000, the applicant was granted regular scale and allowances vide Government policy directive issued on 25.07.2001. The applicant was thereafter paid the tuition fee amounting to Rs.12000/- for the year 2009-2010. Since as per Government notification they were entitled for such tuition fee for subsequent years also, he represented to the respondents for such payment for academic year 2010-11, 2011-12 and 2012-13 for his two children. However, this was not paid and instead the tuition fee paid for the year 2009-10 was also proposed to be recovered vide an order passed by the respondents dated 17.07.2017 in respect of applicant and seven other employees.

3. In due course, some of the other employees have since been paid the tuition fee and thus it is the case of the applicant that he is due to be paid the tuition fee for the years for which it was not paid and that in the process of recovery/denial of tuition fee he has been

treated in a discriminatory manner, which is the cause of the present OA.

4. The respondents pleaded that in terms of circular no. F 70/49/2006/H & FW/Vol. IV/Part File/113-121 dated 11.01.2013 the benefits of regular employees under DHS (Allopathy) Rules 2009 are applicable in the year 2013 and thereafter, hence the tuition fee is not admissible in the instant case.

5. It is seen that the Government of National Capital Territory of Delhi (GNCTD) has issued their policy directives on 25.07.2001 in compliance of decision of Tribunal in OA No.2108/1999 which had specifically directed the respondents to grant to the applicants same scale of pay and allowances and also some other benefits of service conditions as are applicable to other Medical Officers (H). In compliance to this, the applicant was also granted regular scale and allowances etc. This naturally includes grant of tuition fee.

6. Accordingly, the plea of the respondents that the tuition fee is not admissible, cannot be sustained. The tuition fee is required to be paid to the applicant for the relevant years and the respondents shall take necessary action within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

(Pradeep Kumar)
Member (A)

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