

Special leave Petition

21/4

F.No.Z-29011/1/2012-N
Ministry of Health & Family Welfare
(Nursing Section)

Nirman Bhavan, New Delhi-11
Dated the 11th April, 2013

OFFICE MEMORANDUM

Subject: Grant of Pay-Scale/ Grade Pay to Assistant Nursing Superintendent under MACP-reg.

Consequent upon acceptance of recommendations of Sixth Central Pay Commission by the Govt. both Assistant Nursing Superintendent and its promotional grade Deputy Nursing Superintendent have been granted PB-3 pay scale of Rs.15600-39100 with grade pay of Rs.5400/-

2. The matter regarding fixation of pay on account of grant of MACP to Assistant Nursing Superintendent on completion of 30 years of service was taken up with Department of Personnel & Training and M/o Finance (Department of Expenditure) and based on their advice instructions were issued by this Ministry vide OM No. A-11015/01/2011-N dated 09.12.2011 informing that MACP would have to be given only in PB-3 with GP Rs.5400 (copy enclosed). The concerned Hospitals were asked to review the cases of grant of MACP and take further necessary action accordingly.

3. Consequent upon this Delhi Nurses Union filed an OA No.141/2012 MA No.109/2012 in this connection in the Hon'ble CAT and the Hon'ble CAT vide its interim orders 16.01.2012 stayed the recovery. The matter was further agitated and the Hon'ble CAT vide order dated 09.05.2012 directed as under:

"the orders dated 09.12.2011 & 20.12.2011 issued by the Respondent Nos.1 &5 respectively, as well as orders dated 30.12.2011 issued by respondent No.6 are quashed and set aside. The Respondents are directed to grant the benefit of MACPS to the applicants in the grade pay of Rs. 6600/- in PB-3 in the scale of Rs.15600-39100. No recovery shall be made from the applicants, and the applicants shall be entitled to the Grade Pay of Rs.6600/- in continuity of the earlier order dated 01.04.2011".

4. The above said order of CAT was challenged in the Hon'ble High Court of Delhi through a writ petition which was dismissed vide Judgment dated 24.08.2012 with the order to implement the CATs Order dated 09.05.2012. The order of the Hon'ble High Court was again challenged before the Hon'ble Supreme Court through SLP but the same was dismissed by the Supreme Court vide their Judgment dated 04.03.2013.

5. Meanwhile, a contempt petition No. 762/2012 has been filed in the Hon'ble High Court of Delhi regarding non implementation of the judgment of the Hon'ble CAT dated 09.05.2012. The Hon'ble High Court vide order dated 15.03.2013 has directed to file the reply /compliance affidavit within 4 weeks.

6. The matter has been examined in the Ministry and in compliance of the Hon'ble CAT, New Delhi's judgment dated 09.05.2012 passed in OA No.141/2012 and in supersession of this Ministry's OM No. A-11015/01/2011-N dated 09.12.2011 it has been decided to grant the benefit of 3rd MACPS to the Assistant Nursing Superintendent on completion of 30 years of service in the grade pay of Rs. 6600/- in PB-3 in the scale of pay of Rs.15600-39100. No recovery shall be made from the applicants.

7. This issues with the approval of Secretary (HFW).


(S.N.Sharma)

Under Secretary Govt. of India

To,

- 1) Medical Superintendent, College of Nursing, LHMC & Smt. S.K.Hospital, New Delhi - 110001.
- 2) Medical Superintendent, College of Nursing, Dr. R.M.L. Hospital, New Delhi - 110001.
- 3) Medical Superintendent, College of Nursing, Safdarjung Hospital, New Delhi - 110029.
- 4) Director, CLTRI, Chengal pattu-603001 (T.N)
- 5) Director, CIP, Kanke, Ranchi-834006.
- 6) Director, AIHH&PH, 110, Chattisgarh Avenue, Kolkata-700073.
- 7) Medical Superintendent, Sh. Vinoba Bhave Civil Hospital, Dadra and Nagar Haveli, UT, Silvassa - 396320
- 8) Director, CGHS, New Delhi.
- 9) Deputy Secretary/ Director of all administrative divisions dealing with Hospitals.
- 10) NIC, MOHFW with the request to upload on the website of the Ministry with appropriate linkage.

Copy also to:

1. Department Of Personnel and Training, North Block, New Delhi.
2. M/o Finance (Department of Expenditure, North Block, New Delhi)

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26/6/13

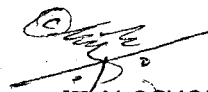
No.F.20/6/2013/AC/10569/177-182
GOVERNMENT OF NCT OF DELHI
FINANCE (ACCOUNTS) DEPARTMENT
'A' WING, 4th Level, Delhi Secretariat
I.P.Estate, New Delhi.

Delhi: 21.06.2013

ENDORSEMENT

The copies of the under mentioned paper is being forwarded herewith for necessary action and strict compliance to the following:

1. Secretary, Health & Family Welfare Department, Govt. of Delhi
2. All Heads of Departments, GNCT of Delhi.
3. Controller of Accounts, Principal Accounts Office, Govt. of NCT of Delhi
4. Controller of Accounts, Dte. Of Audit, Govt. of NCT of Delhi
5. Guard file
6. Website of Finance Department.



[T.ALOSIOUS]

Under Secretary (Finance-A/cs)

List of paper forwarded

S.No.	Name of the Ministry	OM No. & Date	Subject
1.	GOI, Ministry of Health & Family Welfare	F.No.Z-29011/1/2012-N dated 11 th April, 2013	Grant of Pay Scale / Grade Pay to Assistant Nursing Superintendent under MACP-regarding

DMS
Nurses Wing

DMS
A.O. Admin
DNS

Nurses Wing for Information.

26/6/13