**ITEM NO. 08 (H-07)**

1. **Name of the subject :**

Seeking approval for a proposal to request UPSC to assess the suitability of contractual Doctors working in NDMC for regular appointments.

1. **Name of the Department**

Personnel Department

1. **Brief History of the subject/project:**

a) Chapter-VI of the NDMC Act 1994 deals with municipal officers and other municipal employees. The municipal employees have been categorized into as category A, category B, category C and category D. As per section 43(1) of the NDMC Act, the recruitment regulations in respect of category A and category B posts are to be made in consultation with the UPSC. For appointment to any category A post in NDMC, consultation with the Union Public Service Commission is essential. Accordingly, the recruitment rules of all the category A posts and their appointments are being made after consultation with the UPSC or by the UPSC.

b) There is acute shortage of doctors in various health care facilities in NDMC. Personnel Department has been regularly requesting UPSC to sponsor candidates for filling up vacant posts of doctors in the NDMC but the process of recruitment by UPSC is time-consuming. Besides many UPSC sponsored candidates either fail to join or resign soon after joining NDMC. Details are as under:

|  |  |  |  |
| --- | --- | --- | --- |
| **Year** | **No. of Post requisitioned** | **No. of candidates sponsored by UPSC** | **No. of Doctors joined NDMC** |
| 2009 | 19 posts of GDMO | 19 | 02 (01 resigned) |
| 2010 | 11 posts of GDMO | 11 | 01 |
| 2011 | 04 posts of GDMO | 04 | Nil |

c) As can be seen from the above during the last 03 years i.e. 2009, 2010 and 2011, 34 candidates have been sponsored by the UPSC against that only 03 joined and 01 resigned after joining the NDMC.

d) To meet the obligatory function of providing healthcare facilities to the people of Delhi in general and of NDMC in particular, NDMC has been from time to time, engaging both GDMOs and Specialist doctors on contract. All Contractual Doctors working in NDMC are getting all the benefits given to regular doctors except Annual Increment, LTC, Medical Facility, Maternity Leave, Paternity Leave and Municipal Accommodation. As on date position of doctors/specialists appointed on contract is as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **S.No** | **Name of the Post** | **Sanctioned Strength** | **Doctors working on regular basis** | **Vacant Post** | **Doctors appointed on contract basis** |
| 1 | Specialist | 24 | 11 | 13 | 14 |
| 2 | GDMO | 86 | 51 | 37 | 27 |
| 3 | Homoeopathic Physician | 14 | 09 | 05 | 05 |
| 4 | Ayurvedic Physician | 15 | 10 | 05 | 05 |
| 5 | Dental Surgeon | 2 | Nil | Nil | 2 |
| **TOTAL** | | **139** | **81**(2 on dep. basis) | **60** | **53** |

e) NDMC has vide letter No.D-431/PA/Dir.(P) dated 16.04.2010 requested UPSC for regularization of contractual GDMOs and Specialists working in the NDMC. A copy of NDMC’s letter dated 16.04.2010 to the UPSC is at **Annexure**-**I (See pages 62 – 63)**. UPSC vide its letter dated 03.06.2010 has requested to clarify NDMC’s decision in the matter alongwith complete proposal and relevant documents is at **Annexure-II (See page 64)**.

f) The contractual doctors engaged by NDMC have been working against sanctioned posts for a number of years. A break-up of doctors both GDMOs and Specialists working in NDMC **(Annexure-III See pages 65 - 67)** for the last so many years is given below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **S.No** | **Name of the Post** | **10 years & more** | **Below 10 years and 5 years and above** | **Below 5 years but 2 years and above** |
| 1 | Specialist | Nil | 8 | 5 |
| 2 | GDMOs | 1 | 12 | 8 |
| 3 | Homoeopathic Physician | Nil | Nil | 2 |
| 4 | Ayurvedic Physician | 2 | 2 | 1 |
| 5 | Dental Surgeon | Nil | Nil | 2 |
|  | **Total** | **3** | **22** | **18** |

g) Most of these doctors are now past the maximum qualifying age for applying for job elsewhere. It is, therefore, considered prudent to request UPSC to assess the suitability of doctors working on contract in NDMC on the basis of personal interview only by granting them relaxation in age for such number of years as they have worked in NDMC on contract, other things mentioned in RRs, such as educational qualification and experience, if any, required for a post, would need to be met by the contractual doctor who wishes to get himself assessed by UPSC.

UPSC has recently carried out a similar exercise for doctors working on contract in Govt. of NCT of Delhi, Department of Health & Family Welfare.

1. **Financial implications of the proposed project/subject :**

There are no additional financial implications.

1. **Implementation schedule with timeliness for each stage including internal proceeding:**

Will be finalised after approval of the Council.

1. **Comments of the Finance Department on the subject :**

As the Council approval is being sought to approach UPSC to consider existing contractual doctors while selecting regular doctors for NDMC, it is in the larger interest of NDMC to perform its obligatory function, Finance has no objection to it.

1. **Comments of the Department on comments of Finance Department :**

No comments

1. **Legal implications of the subject :**

**9.** **Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject:-**

Nil

**10. Comments of the Law Deptt. on the subject:-**

NDMC Act does not permit Delhi Govt. System in NDMC. Council has to be guided by NDMC Act. However, NDMC can bring to the notice of UPSC the procedure followed by UPSC for Delhi Govt.

**11.** **Comments of the Department on the comments of Law Department**

No comments

**12. Certification by the department that all the Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**

Till date there are no specific guidelines of the Central Vigilance Commission in this case.

**13. Recommendation:-**

In view of that has been stated in the preceding paragraphs the following recommendation is placed before the council for decision:

(i) To authorise the Personnel Department, in relaxation of age prescribed in RRs, to make a reference to UPSC for assessing suitability for regular appointment of Specialists, GDMOs, Ayurvedic & Homeopathic Physician and Dental Surgeon on the basis of interview of only those doctors who have worked in NDMC prior to 1.04.2010 on contract basis and are working with NDMC on 31.12.2012.

(ii) Notwithstanding anything contained in (i) above:

(a) the contractual doctors referred to UPSC for regular appointment shall have to fulfil prescribed qualification and experience, if any required for a post, as per the provision contained in approved RRs.

(b) this relaxation will be only one time relaxation and shall not be cited as a precedent for regularising services of any class/category of contractual employees presently working in NDMC or NDMC controlled Intuitions.

### 14. Draft Resolution:

To be decided by the Council.

### COUNCIL’S DECISION

Deferred with the direction to place the agenda in the next meeting of the Council with details on issues raised by the Members.