

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 7.2.2018

Complainant : Shri Raj Kumar Arora,
r/o 39/8, Ashok Nagar, Tilak Nagar,
ND-110018

Respondent : **Medical Superintendent, DDU
Hospital**

Grievance No. : PGC/2013/DHS/83 (**This case
been re-opened on 26.7.16**)

Grievance filed on : 9/12/2013
First hearing in the PGC : 7/2/2014
Scheduled on

1. Brief facts of the complaint

The instant case was closed with the direction to MS/DDI to pursue the matter regarding parity of pay of the complainant with his counterpart Shri Chander Mohan, and take further action as per rules and send a final action taken report to the Commission for its information by 31st March, 2015.

The complainant has stated that no action was taken by DDUH and requested to re-open the case for regular hearing calling all the concerned parties to reach to amicable conclusion on the issues raised.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing after re-opening of the case on 26th July, 2016, the second hearing on 25th August, 2016 and the 3rd hearing on 26th December, 2016, 20.3.2017, 14.6.2017, 19.7.2017, 5.9.2017, 27.9.2017, 5.11.2017 and latest on 7.2.2018 when the following were present:-

Complainant : Present

Respondent : Sh. Krishna Rao, AO, H&FW
Shri Yogesh, UDC Guru Nanak Eye Centre

An ATR has been filed by Head of office, GNEC stating therein that:-

“It is to inform that the file was sent to Secretary (H&FW) deptt. on 7.10.2017 for gathering the comments of Controller of Accounts (H&FW) regarding pay fixation of Sh. Chander Mohan ,MRO.

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The file has been returned by Controller of Accounts (H&FW) reiterating FD's earlier observations that the order dt. 19.8.2008 is very specific that the fixation has to be made under FR-23 read with FR22 (1)(a)(2) and that the pay fixation made by DDU Hospital vide their order dt. 7.12.2012 in respect of Sh. Raj Kumar Arora, appears to be in order. The Controller of Accounts has also given their view that pay fixation orders issued by DDU Hospital vide their order dt. 7.12.2012 in respect of Sh. Raj Kumar Arora, Retd, SO is in order. However, Director, GNEC has been directed to re-examine the pay fixation case of Sh. Chander Mohan in the light of FD's observation and to take corrective measures accordingly."

Another ATR has been filed by IFA/COA(H&WF) stating therein that:-

Since the order dt. 19.8.2008 issued by Planning Department for up-gradation of the scale of pay in respect of Statistical Officers is very specific that the fixation has to be made under FR-23 read with FR22 (1)(a)(2). Hence, the pay fixation done wef 1.1.1996 in the case of Sh. Chander Mohan SO Rtd. Was not according to the provisions of FRSR/CCS (RP) rules, 2008.

Hence we are of the view that the pay fixation orders issued by DDU H vide their order dt. 7.12.2012 in respect of Sh. Raj Kumar Arora, Rtd. SO is in order.

However, the case has been sent back to Director/HOD GNEC for re-examine the pay fixation case of Sh. Chander Mohan Retd. SO in the light of the observations of FD and for taking corrective measures, if any accordingly."

The Health Department has admitted that ~~the~~ in case of Shri Chander Mohan, Retd. SO, the fixation was done wrongly in the past and, as such, they have referred the matter to GNEC for taking corrective measures.

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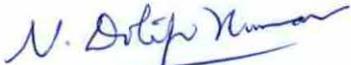
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In view of the above, it is very clear that the complainant is not entitled to be benefits he is claiming. Therefore, no relief can be given to him.

Since Shri Chander Mohan has already retired, the recovery proceedings have to be initiated by using appropriate rules. The Commission is aware of the fact that recovery from the DA component is permissible according to the rules. This matter needs to be examined.

3. Directions of the PGC

In view of the above, the Commission closes the case of the complainant PGC with the advise to the Department to furnish a compliance report in view of the above observations of the Commission.



(N. DILIP KUMAR)
MEMBER
12-2-18

Copy to: 31685-691

1. The Principal Secretary (Finance), Department of Finance, 4th Level, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
2. The Special Secretary (H&FW) Govt. of NCT of Delhi, 9th Level, A-Wing, Delhi Sachivalya, I.P. Estate, New Delhi-110002.
3. Sh. B.P.Singh, Controller of Accounts, (H&FW) Govt. of NCT of Delhi, 4th Level, Delhi Sachivalya, I.P. Estate, New Delhi-110002
4. Sh.S.K.Verma, Accounts Officer, Guru Nanak Eye Hospital, GNCTD, Maharaja Ranjit Singh Marg, New Delhi-110002.
5. The Dy. Secretary (Health) (H&FW) Govt. of NCT of Delhi, 9th Level, A-Wing, Delhi Sachivalya, I.P. Estate, New Delhi-110002.
6. Shri Raj Kumar Arora, r/o 39/8, Ashok Nagar, Tilak Nagar, New Delhi-110018.
7. PS to Member