

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 29th October, 2020

Complainant : Smt. Sudesh Pal

Respondent : Principal Secretary,
H&FW Department,
Govt. of NCT of Delhi,
Through
Dr. R.S. Tolia,
SPO, DSHM.

1. Brief Facts of the Case

The complainant, in her grievance, has stated that she had been working in the National Health Mission (Delhi State Health Mission) as a Pharmacist and consequent upon her selection in the Delhi Transport Corporation, she resigned from the post on 31.8.2018. She had come to know vide order dated 10.10.2018, endorsed by the State Programme Manager, DSHM, vide his endorsement No. F1-14/06/2018-estt/1/4178/2018, dated 27.12.2018 that an incentive is to be given to Pharmacists and other staff for the year 2017-2018. She met State Programme Officer two three times and earlier as well, who assured her that her arrear /payment of incentive will be given to her as early as possible. Later, however, they refused to give any incentive to her. She has sought information under Right to Information Act, 2005 vide letter dated 23.8.2019, but they again denied to furnish any information regarding this matter. The complainant has requested to resolve her grievances.

2. Facts emerged during the proceedings

2.1 Dr. R.S. Tolia, SPO, DSHM is present and submitted status report, stating the following :-

“Delhi State Health Mission was launched in Delhi on 2nd Oct 2006 for implementation of National Rural Health Mission to facilitate achievement of accessible, equitable, affordable & accountable healthcare for all.

State Health Society and Integrated District Health Societies are Societies registered under the Society Act, 1861.

The society is not permanent entity and will have permanence or existence only to the extent that it continues to be registered as a society to implement a scheme which in the instant case is National Health Mission.

The applicants have been employed as contractual engagements by State Health Society and various Integrated District Health Societies as per annual approvals of State Programme Implementation Plan received from Gol.

The contract of contractual engagement is renewed every year on the basis of performance appraisal as per guidelines received from the Govt. of India.

The contractual engagements are granted annual increase in monthly remuneration based on the approvals of annual Program Implementation Plan received from Govt. of India.

The emoluments leave & other benefits granted to these contractual engagements are as per the terms and conditions of the contract.

The Council of Ministers approved payment of State incentives upto 100% consolidated remuneration to contractual engagement vide cabinet Decision 2642 dated 25.09.2018, issued by Jt. Secretary (H&FW), GNCTD vide order dated 10.10.2018 (annexed).

The Cabinet Decision was a blanket approval and the categories, applicability and admissibility of benefits was a policy decision, decided by Delhi State Health Mission with the approval of Pr. Secretary (H&FW), GNCTD/Chairman SHS (D).

Since there was lack of clarity in the order, the matter regarding enhancement of incentives to contractual engagements who had resigned was discussed in the meeting Governing Body of SHS (D). Governing Body of State Health Society (Delhi) directed that incentives may be paid to contractual engagements that were in position when orders were issued by the office of State Program Management Unit.

Further, in view of the PGC, the matter was again submitted for perusal by Pr. Secretary (H&FW), GNCTD/Chairman SHS (D), it has been reiterated that “The incentives may be paid to contractual engagements that were in position when orders were issued by the office of State Program Management Unit i.e. 27.12.2018.”

3. Directions of PGC

3.1 In view of the submissions made on behalf of Spl. Secretary (H&FW)/Mission Director (Delhi State Health Mission) that the incentives may be paid to contractual engagements that were in position when orders were issued by the office of State Program Management Unit i.e. 27.12.2018, the Commission feels that the claim of the complainant with respect to payment of incentive to Pharmacists and other staff for the year 2017-2018 is not tenable.

3.2 With the above observations, the matter stands closed in the Commission.

**(SUDHIR YADAV)
MEMBER(PGC)**

No. PGC/2020/H&FW/Annex.II/01

Dated :

1. The Principal Secretary (Health), H&F Welfare Department, Govt. of NCT of Delhi, 9th Level, A-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi-110002.
2. The Secretary (H&FW), Health & Family Welfare Department, Govt. of NCT of Delhi, 9th Level, A-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi-110002
3. The State Programme Officer, Delhi State Health Mission, Govt. of NCT of Delhi, 6th Floor, B-Wing, Vikas Bhawan, Civil Lines, Delhi-110054.
4. Smt. Sudesh Pal