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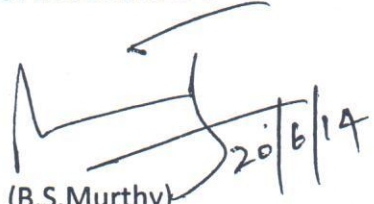
F.No.Z-29011/1/2012-N  
Government of India  
Ministry of Health & Family Welfare  
Nursing Section

Nirman Bhawan, New Delhi -11  
Dated the 20<sup>th</sup> June, 2014

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

The undersigned is to refer to this Ministry's OM No. Z-29011/1/2012-N dated 11<sup>th</sup> April, 2013 (copy enclosed for ready reference) on the above mentioned subject and to say that this Ministry has been receiving various references seeking to extend the benefits as contained in this Ministry's O.M. dated 11.04.2013 to other Asstt. Nursing Supdts working in different Institutions / Hospitals.

The matter has been examined in the Ministry and it is stated that O.M. dated 11.04.2013 has been issued in compliance of Hon'ble CAT order dated 09.05.2012 in OA 141/2012 MA No 109/2012 directing to grant the benefits of MACP to the applicants. Further, Department of Personnel and Training has also directed that implementation of the above CAT orders will be limited to the petitioners only without any precedent value.

  
(B.S. Murthy)  
Director (Nursing)  
011-23062744

To, o/c

- 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.
- 3) Medical Superintendent, College of Nursing, Safdarjung Hospital, New.
- 4) Director, CLTRI, Chengal pattu-603001 (T.N)
- 5) Director, CIP, Kanke, Ranchi-834006.
- 6) Director, AIH&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, Estt. (D), North Block, New Delhi with reference to their I.D. No. 58201/13/CR dt. 02.08.2013
2. M/o Finance (Department of Expenditure, E.III(A) Branch, North Block, New Delhi. W.r.t their I.D. No. 83516/SO(E.III-A)/2013 dt. 09.05.2013.



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

✓ Nirman Bhavan, New Delhi-11  
Dated the 11<sup>th</sup> 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 CAT's 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 3<sup>rd</sup> 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.
- 2) S.K.Hospital, New Delhi - 110001.
- 3) Medical Superintendent, College of Nursing, Dr. R.M.L. Hospital, New Delhi - 110001.
- 4) Medical Superintendent, College of Nursing, Safdarjung Hospital, New Delhi - 110029.
- 5) Director, CLTRI, Chengal pattu-603001 (T.N)
- 6) Director, CIP, Kanke, Ranchi-834006.
- 7) Director, AIH&PH, 110, Chattisgarh Avenue, Kolkata-700073.
- 8) Medical Superintendent, Sh. Vinoba Bhave Civil Hospital, Dadra and Nagar Haveli, UT, Silvassa - 396320
- 9) Director, CGHS, New Delhi.
- 10) Deputy Secretary/ Director of all administrative divisions dealing with Hospitals.
- 11) 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



**MOST IMMEDIATE**

No.A.11015/01/2011-N  
GOVT. OF INDIA  
MINISTRY OF HEALTH & FAMILY WELFARE  
(NURSING SECTION)

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Nirman Bhawan, New Delhi - 110108.  
Dated the 9<sup>th</sup> December, 2011

**OFFICE MEMORANDUM**

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

Reference have been received seeking clarification regarding the pay scale/grade pay to be granted to Assistant Nursing Superintendent on completion of 30 years of service as per instructions under MACP scheme, Consequen upon acceptance of recommendations of Sixth Central Pay Commssion by the Govt. both Assistant Nursing Superintendent and its pro motional 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 on their advice with Ministry of Finance (Department of Expenditure). The issue has been examined by Ministry of Finance and they have advised as under:-

**"Ministry of Health & FW is informed that in the instant case, MACP would have to be given only in PB-3 with GP Rs. 5400 as the normal channel of promotion is to this grade and MACP is only a fall back option".**

3. It is further pointed out that Ministry of Health & FW vide its letter no. Z-28015/02/2009-N dated 31<sup>st</sup> March 2009 had clarified that under the provisions of CCS(RP) Rules 2008, on promotion from one grade to another having the same grade pay, the Gov t. servant will be granted one additional increment on account of promotion.

4. In the light of the aforesaid advice given by Ministry of Finance (Dept. of Expenditure) and the clarification issued by Ministry of Health & FW in para 3 above, MACP granted by Dr. RML Hospital, New Delhi etc. to Assistant Nursing Superintendent on completion of 30 years of service may be reviewed immediately & further necessary action taken accordingly. In case any clarifications are required, the same may be brought to the notice of Ministry of Health & FW in a consolidated manner duly approved from the Medical Superintendent of the Hospital within a period of **two months positively** failing which it will be assumed that no further clarification are needed in the matter.

olc

*S.N.*

(S.N. SHARMA)

Under Secrerary to Govt. of India