

# DELHI HEALTH SERVICE (ALLOPATHY) RULES, 2009

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Notification No. F. 70/49/2006/H&FW/PF-IV.- In exercise of the powers conferred under Article 309 of the Constitution of India read with Government of India, Ministry of Home Affairs O.M. No. 24/78/68-DH(S) dated 24.09.1968, the Lt. Governor of Delhi is pleased to make the following rules regulating, the terms and conditions of Delhi Health Service (Allopathy) namely:-

### **1. Short title and commencement.-**

(1) These rules may be called the Delhi Health Service (Allopathy) Rules, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions**

In these rules, unless the context otherwise requires-

(a) “Commission” means the Union Public Service Commission

- (b) “Controlling Authority” means the Health and Family Welfare Department, Government of NCT of Delhi.
- (c) “Departmental Promotion Committee” means a Group ‘A’ Departmental Promotion Committee specified in Schedule IV for considering cases of promotion or confirmation in Group ‘A’ posts of the Service;
- (d) “Duty Post” means any post, whether permanent or temporary, specified in Schedule-II;
- (e) “Government” means Lt. Governor of Delhi;
- (f) “Grade” means any of the grades specified in Schedule-I;
- (g) “Schedule” means a Schedule appended to these rules;
- (h) “Service” means the Delhi Health Service (Allopathy);
- (i) “Sub Cadre” means any of the two streams of the Service, namely General Duty, and Non teaching Specialist as the case may be;

### **3. Composition of the Service.-**

All duty posts included in the Service shall be classified as Central Civil Service Group ‘A’ and the grades, scales of pay, non-practicing allowance and other matters connected therewith shall be as specified in Schedule-I.

### **4. Authorized strength of the Service.-**

- (1) The authorized strength of the duty posts included in the various grades of the Service on the date of commencement of these rules shall be as specified in Schedule-II.
- (2) After the commencement of these rules, the authorized permanent strength of the duty posts in the various grades shall be such as may, from time to time, be determined by the Government.
- (3) The Government may make temporary addition to, or reduction in the strength of the duty posts in the various grades as deemed necessary from time to time.
- (4) The Government may, in consultation with the Commission, include in the Service any post other than those included in Schedule-II or exclude from the Service a post included in the said Schedule.
- (5) The Government may, in consultation with the Commission, appoint an officer whose post is included in the Service under sub-rule (4), to the appropriate grade of the Service, in a temporary capacity or in a substantive capacity, as may be deemed fit, and fix his seniority in the grade after taking

into account continuous regular service in the analogous grade.

- (6) Upto 10% of the total number of posts in each sub cadre (excluding SAG posts) shall be included in the service as training/leave/deputation reserve.
- (7) In the General Duty Medical Officer (GDMO) Sub cadre Medical officer (Grade Pay Rs.5400 on PB-3) who has rendered 4 years in the Grade Pay of Rs.5400 on PB-3) who has rendered 4 years in the Grade Rs.8000-13500 shall be eligible to be promoted to Senior Medical Officer (Grade Pay Rs.6600 in PB-3). Senior Medical Officer within 5 (five) years of regular service as Senior Medical Officer in the Grade Pay of Rs.6600 in PB-3 including service rendered in the pre-revised scale of Rs.10000-15200 shall be eligible to be promoted to the post of Chief Medical Officer (Grade Pay Rs.7600 in PB-3). A Chief Medical Officer grade including service rendered in the pre-revised scale of Rs.12000-16500, shall be eligible to be promoted to the post of Chief Medical Officer (Non Functional Selection Grade- Grade Pay Rs.8700 in PB-4). Thereafter, a CMO (NFSG) who has rendered 7 years in the Grade Pay of Rs.8700 in PB-4 including service rendered in the pre-revised scale of Rs.14300-18300 or 20 years of regular service shall be eligible for promotion to the SAG Grade with Grade Pay 10000 in PB-4. The promotions from the scale of Medical Officer to SAG Grade shall be without linkage to vacancies.

A Non Teaching Specialist Grade III in the Grade Pay of Rs.6600 in PB-3 with 2 years regular service in that grade, including service rendered in the pre-revised scale of Rs.10000-15200 shall be eligible to be promoted to Specialist Officer Grade II of the non teaching sub cadre in the Grade Pay of Rs.7600 in PB-3. A non-teaching Specialist Grade II with 4 years regular service in that grade including service rendered in the pre-revised scale of Rs.12000-16500 shall be eligible to be promoted to non-teaching specialist Grade I in the Grade Pay of Rs.8700 in PB-4. Further, a non teaching specialist Grade I with 7 years regular service in that grade/PB including service rendered in the pre-revised scale of Rs.14300-18300 shall be eligible to be promoted to the SAG grade with Grade Pay Rs.10000 in PB-4. Promotion from the non-teaching specialist Gr III to the level of SAG grade shall be without linkage to vacancies.

#### **5. Members of the Service.-**

- (1) The following persons shall be members of the Service, namely :-
  - (a) Persons appointed under sub-rule (5) of rule 4.
  - (b) Persons appointed to duty posts under rule 6, and
  - (c) Persons appointed to duty posts under rule 7.
- (2) A person, appointed under clause (b) of the Sub-rule (1) shall, on such appointment, be deemed to be the member of the Service in the appropriate Grade applicable to him in Schedule-II.
- (3) A person appointed under clause (c) of the Sub (1) shall be the Member of the Service in the appropriate grade applicable to him in Schedule-II from the date of such appointment.

## **6. Initial Constitution of the Service.-**

(1) All the officers appointed under the Central Health Service Rules, 196, who are working in the Government of NCT of Delhi as on the date of publication of these rules in the official gazette and who opt to be part of this service shall be deemed to have been appointed under these rules and they shall be members of the service in the respective grades.

(2) All officers appointed on contract basis/ad-hoc basis on or before 18<sup>th</sup> December 2006, i.e. the date of issue of the Government of Delhi's O.M. No. F.70/49/2006/H&FW/SSHF/463-475 dated 18<sup>th</sup> December, 2006, on the basis of their suitability as assessed by the Commission and requisite educational qualifications and experience prescribed for the post and being found fit, shall be deemed to have been appointed under these Rules and assigned to the Sub-Cadre of General Duty Medical Officers or Non-teaching Specialists, as the case may be, and they shall be members of the Service at the entry level of the respective Sub-Cadre at the initial constitution stage.

## **7. Maintenance of Service.-**

(1) The vacancies in any of the grades referred to in Schedule-II shall be filled in the manner as hereinafter provided under these rules.

(2) The method of recruitment, the field of selection for promotion, including the minimum qualifying service in the immediate lower grade or lower grades as the case may be, for appointment or promotion to the posts in the respective Sub-Cadres and specialties within the Sub-Cadre concerned, included in the Service shall be as specified in Schedule-III.

(3) (i) The Departmental promotions shall be confined to officers of the respective Sub-Cadres.

(ii) The departmental promotions to higher posts in the respective Sub-Cadres shall be made on the basis of selection from among the officers of the service in the immediate lower grade or lower grades, as the case may be, in the respective Sub-Cadres on the recommendations of the Departmental Promotion Committee constituted as at Schedule-IV.

(4) (a) The minimum educational and other qualifications, experience and age limit of appointment to various duty posts in the service by direct recruitment shall be as specified in Schedule-V.

(b) The direct recruitment to posts belonging to Super-Specialties specified in Schedule VI for which minimum essential qualification is Doctor of Medicine (D.M.) or Magister Chirurgie (M.Ch.) or equivalent shall be made in the scale carrying Grade Pay of Rs.6600 in PB-3 (pre-revised scale of 10,000-15,200).

(c) The recognized post-graduate qualifications shall be as specified in Schedule-VI.

Note: (i) The post of Medical Officer, Senior Medical Officer, Chief Medical Officer, Chief Medical Officer (NFSG), and SAG in the General Duty Medical Officer Sub-cadre, and the post of Specialist Grade III, Specialist Grade II, Specialist Grade I, and SAG in the Non-Teaching Sub-cadres, are interchangeable within the respective Sub-Cadres for the purpose of promotion.

(ii) Promotion to the grades (other than entry grades) mentioned above shall be without linkage to vacancies upto the level of SAG.

### **8. Filing of Duty Posts by Deputation (including short term contract).-**

(1) Notwithstanding anything contained in rule 7, where the Government is of the opinion that it is necessary or expedient so to do, it may for reasons to be recorded in writing, fill not more than five percent duty posts, in the grades of Medical Officer in the General Duty Sub-Cadre and Specialist Grade II in the Non-Teaching Specialist Sub-Cadre by transfer on deputation of suitable officers holding analogous posts under the Central Government (including Ministries of Railways and Defense)/State Government/Union Territories or by short term contract of suitable officers holding analogous posts under the statutory bodies, autonomous bodies, semi-government organizations, universities or recognized Research Institutions in consultation with the Commission.

Provided that with regard to the posts filled up on deputation it shall be open for the government, in consultation with the Commission, to consider appointment on absorption basis only in the Non-Teaching Specialists sub-cadre.

(2) The period of deputation or contract shall ordinarily not exceed three years, which may, in special circumstance be extended up to five years, as the Government may think fit.

(3) For appointment to duty posts on deputation or absorption basis, the officer shall, among others, fulfill the minimum educational and other qualifications prescribed for the posts in Schedule-V to these rules.

### **9. Seniority**

(1) The relative seniority of members of the service appointed to a grade in the respective sub-cadres or in the respective specialty of the sub-cadre of the Service, as the case may be, at the time of initial constitution of the service under rule 6(1), shall be as obtaining on the date of commencement of these rules.

Provided that if the seniority of any such members had not been specifically determined on the said date, the same shall be determined on the basis of the rules governing the fixation of seniority as were applicable to the members of the Service prior to the commencement of these rules or in consultation with the Commission as the case may be.

- (2) The seniority of officers recruited to the Service other than those appointed under rule 6(1) shall be determined in accordance with the general instructions issued by the Government in the matter from time to time.
- (3) The seniority of persons recruited to the Service in accordance with sub-rule (5) of rule 4 shall be fixed in the manner provided therein.
- (4) The protection, if any accorded in towards increments drawn by the doctors who worked on contract/adhoc basis prior to placement at the initial constitution stage shall not be taken into account for determining the length of service or seniority for consideration for promotion on time scale basis subsequent to their placement at the initial constitution stage.

#### **10. Probation**

(1) Every officer except for those appointed as part of the initial constitution, appointed to the Service by direct recruitment shall be on probation for a period of two years.

Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by the government from time to time in this behalf.

Provided further that any decision for extension of the period of probation of an officer shall be taken immediately after the expiry of initial period of probation and ordinarily within eight weeks and communicated in writing to the concerned officer together with the reasons for so doing within the said period.

- (2) On completion of the period of probation or any extension thereof, officer shall, if considered fit for permanent appointment, be confirmed in terms of the extant orders of the Government of India.
- (3) If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge the officer or revert him to the post held by him prior to his appointment in the Service, as the case may be.
- (4) During the period of probation or any extension thereof, officers may be required by the Government to undergo such courses of training or to pass such examinations or tests (including examination in Hindi) as Government may deem fit as condition for satisfactory completion of probation.
- (5) As regards other matters relating to probation, the members of the service will be governed by the orders or instructions issued by the Government in this regard from time to time.

### **11. Appointment to the Service**

All appointments to the service on the basis of direct recruitment and deputation (including short term contract) / absorption to the Service shall be made by the Controlling Authority in consultation with the Commission.

### **12. Posting.-**

Officers appointed to the Service shall be liable to serve in any institution of the Government of NCT of Delhi.

### **13. Prohibition of private practice.-**

(1) Persons appointed to the service shall not be allowed private practice of any kind whatsoever including any consultation and laboratory practice.

(2) Such persons shall, however, be entitled to a Non-practicing allowance at the rates specified in Schedule-I.

### **14. Pension & other conditions of Service.-**

(1) The conditions of service of the members of the service in respect of matters not expressly provided for in these rules, shall, mutatis mutandis and subject to any special orders issued by the Government in respect of the service, by the same as those applicable to officers of the Central Civil Services in general.

(2) (a) Officers appointed under Sub-Rule (1) of Rule 6, prior to 1.1.2004, before the commencement of these Rules, shall be governed by the CCS (Pension) Rules, 1972.

(b) Officers appointed under Sub-rule (1) of Rule 6, after 1.1.2004, shall be governed by the new Pensions Scheme.

(c) Officers appointed under Sub-rule (2) of Rule 6 will be governed by the new Pensions Scheme, applicable after 1.1.2004.

### **15. Disqualification.-**

No person shall be eligible for appointment to the Service.

(a) Who has entered into or contracted a marriage with a person having a spouse living, or

(b) Who, having a spouse living, has entered into or contracted a marriage with any person.

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

### **16. Power to relax.-**

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Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

**17. Saving**

Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

**18. Interpretation.-**

If any question relating to the interpretation of these rules arises, it shall be decided by the Government in consultation with the Commission.