

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

New Delhi

Dated 2nd February, 2016

PRESS STATEMENT

**CONTEMPT PETITION No 34.2016 TITLED "SUDESH KUMAR &
OTHERS Versus DIRECTOR, AIIMS IN ORIGINAL APPLICATION
NO.3335 OF 2011**

The Hon'ble Central Administrative Tribunal in its order dated 15.07.2015 in the matter of "Sudesh Kumar & ors vs Union of India and AIIMS" has held that Private Secretaries and Personal Assistants working in the AIIMS are entitled to same non functional pay scale and upgraded pay scale of 5th CPC and corresponding 6th CPC pay bands and pay grade as have been granted to Private Secretaries and Personal Assistants working in Central Secretariat. The CAT has also directed the respondents to issue appropriate orders and arrears of pay and allowances within two months.

Government policy in this regard has been enunciated by Ms. K. Sujatha Rao, former Health Secretary in her order dated 16th November 2010. Government policy as enunciated by the then Health Secretary says that as AIIMS is an autonomous body it cannot be treated as part of Central Secretariat and revised scales to personal assistants and non functional upgradations to Private Secretaries were meant for CSSS cadre officers. The selection to the posts of CSS and CSSS is done through country wide competitive examination conducted by UPSC and SSC respectively whereas this is not the case with Private Secretaries recruitment of AIIMS.

The CAT has held that the Government order of 16th November 2010 is not sustainable and quashed. Accordingly CAT has held that Private Secretaries and Personal Assistants working in AIIMS are entitled to same non functional pay scales (5th CPC) and upgraded pay scales (5th CPC) and corresponding 6th CPC pay

bands and grade pays as have been granted to Private Secretaries and Personal Assistants working in the Central Secretariat.

The Standing Finance Committee of AIIMS has recommended parity in pay-scales with central government pay-scales in 2008 subject to approval of competent authority. The financial implications of the CAT decision for payment of back arrears is Rs.2.28 crores in addition to recurring costs. The Institute has once again conveyed its willingness to implement the said judgment.

The Ministry of Health & Family Welfare has informed AIIMS that the matter has been examined in the Ministry. It was observed that since the proposal has financial implications and involves a deviation from existing practice for autonomous bodies therefore the matter has been referred to the Department of Expenditure, Ministry of Finance and Ministry of Law for their respective advise/opinion. The AIIMS was advised to seek extension of time from CAT New Delhi for further processing the matter. AIIMS would be filing a miscellaneous petition seeking time from CAT.

Shri Sudesh Kumar and others in the Contempt Petition has made the Director, AIIMS as contemptnor. The Institute has already conveyed its consent to the Ministry for implementation of the CAT judgment dated 15.07.2015. The Institute would be submitting the factual position to the CAT in the next date of hearing.
