

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
9th Level A-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002

F.7/CAS/RR/H&FW/2012/1508

Dated:- 25/3/13

To

All HODs of Hospitals & Institutes.


Subj:- Regarding Creation of Delhi Health Service(Dental Surgeons) Cadre.

Sir,

It is informed that this department intends to create a separate cadre for dental surgeons viz., Delhi Health Service(Dental Surgeons) Cadre. The draft proposal is attached herewith for perusal and submission of suggestions/objections if any, to this office latest by 08/04/2013.

Yours faithfully,

Encls: As above.


(Ashok Kumar)
Dy. Secretary(H&FW)

DRAFT

ANNEXURE - I

HEALTH AND FAMILY WELFARE DEPARTMENT
(Department of Health)
(Notification)

New Delhi, the

F.7/CAS/RR/H&FW/2012/(112176985).- In exercises of the power conferred under Article 309 of the Constitution of India read with Government of India, Ministry of Home Affairs O.M. No.24/78/68-DG(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 (Dental Surgeons Cadre) namely:-

1. **Short title and commencement:-** (1) These rules may be called the Delhi Health Service (Dental Surgeons Cadre) Rules, 2012.
(2) They shall come into force on the date 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 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 NCT of Delhi;
 - f) "Grade" means any of the grades specified in Schedule -I;
 - g) "Schedule " means a Schedule to these rules;
 - h) "Service" means the Delhi Health(Delhi Surgeons Cadre);
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 matter 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. Upto 10% of the total number of posts in the cadre (excluding NFSG/SAG posts) shall be included in the service as training/leave/deputation reserve.
5. in the Dental Surgeon sub cadre, a Dental Surgeon (Grade Pay Rs. 5400/- in PB - 3) who has rendered 04 (four) years in the Grade Pay of Rs. 5400/- in PB-3 including service rendered in the pre-revised scale of Rs. 8,000-13,500/- will be eligible to be promoted to Junior staff Surgeon (Grade Pay of Rs. 6600/- in PB-3). A Junior Staff Surgeon with 05 (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. 10,000-15,200/- shall be eligible to be promoted to the post of Staff Surgeon (Grade Pay of Rs. 7600/- in PB-3). A staff Surgeon in the grade pays of Rs. 7600/- in PB-3 with 04 (four) years in staff surgeon grade including service rendered in the pre-revised scale of Rs. 12,000-16,500/- will be eligible to be promoted to the post of staff surgeon (NFSG-Non Functional Selection Grade-grade pay of Rs. 8700/- in PB-4). Thereafter, a staff surgeon (NFSG) who has rendered 07 (seven) years in the Grade Pay of Rs. 8700/- in PB-4 including service rendered in the pre-revised scale of Rs. 14,300-18,300/- or 20 (twenty) years of regular service shall be eligible for promotion to the SAG Grade with Grade Pay 10,000/- in PB-4. The promotions from the scale of Dental Surgeon to SAG/Consultant 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 to duty posts under rule 06, and
 - b. Persons appointed to duty posts under rule 07.

2. A persons appointed under clause (a) 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 (b) of Sub-rule (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 recruitment rules currently subsisting and erstwhile, namely, recruitment rule for the appointment of Civil Assistant Surgeons Grade – I (Dental) as notified vide notification no. F. 53/776/90-M&PH, dated 12th July 1993 and No. F. 2(3)/73-S.II dated 25th August, 1973, who are working in the Government of NCT of Delhi as on the date of publication of these rules in the official gazette shall be deemed to have been appointed under these rules and they shall be members of the service in the respective grades.
2. All the officers appointed on contract basis/adhoc basis on or before 18 December, 2006 i.e. the date of issue of the Govt. of NCT of Delhi O.M. No. F. 70/49/2006/H&FW/SSHFW/463-475 dated 18th Dec. 2006, shall, on the basis of their suitability as assessed by Commission and requisite educational qualifications and experience prescribed for the post and being found fit, be deemed to have been appointed under these rules and assigned to the Dental Surgeons Cadre as the case may be, and they shall be members of the Service at the entry level 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 lowest grade as the case may be, for appointment or promotion to the posts included in the Service shall be as specified in Schedule – III.
3. (i) The Departmental promotions shall be confined to officers of the cadre.

(ii) The departmental promotions to higher scales/posts in the cadre shall be made 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 for appointment to various duty posts in the service by direct recruitment shall be as specified in Schedule-V.

Note:- (i) The posts of Dental Surgeon, Junior Staff Surgeon, Staff Surgeon, Staff Surgeon (NFSG) and Consultant SAG are interchangeable within the cadre 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. Filling of Duty Posts by Deputation (including short term contract):-

1. Notwithstanding anything contained in rule 7, where the Govt. 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 grade of Dental Surgeon 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 permission-Provided that with regard to the posts filled up on deputation only, it shall be open for the Government, in consultation with the Commission, to consider appointment on absorption basis.
2. The period of deputation or contract shall ordinarily not exceed three years, which may, in special circumstances 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 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 be 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 of India in the matter from time to time.
3. The protection, if any accorded to 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 constitutions 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 tow 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 Govt. 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 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 Commission.

12. Posting:-

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

13. Private practice prohibited:-

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 if any, specified by the competent authority from time to time.

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, be the same as those applicable to officers of the Central Civil Services in general.

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2. (a) Officers appointed under Sub-rule (1) or Rule 6, prior to 01.01.2004, before the commencement of these Rules, shall be governed by the CCS (Pension) Rules, 1972.
- (b) Officers appointed under Sub-rule (1) or Rule 6, after 01.01.2004 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 01.01.2004.

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:-

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 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 Casts, 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.