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ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi-110029

F.No.20-40/2020 (Nurses Union)-Estt.I

Dated: 14.12.2020


OFFICE MEMORANDUM

AIIMS Nurses Union had given Notice for strike w.e.f. 16.12.2020. Their demands are already under consideration at appropriate level. However AIIMS Nurses Union has suddenly preponed the date of Strike and has decided to go on indefinite strike w.e.f. 14.12.2020. This action of AIIMS Nurses Union is not only in contravention of the judgement of the Hon'ble High Court of Delhi (i.e. there should be no cessation of work for any reason whatsoever or the aiding, or abetting of such disruption or cessation), but is also against the Medical Ethics as life of the admitted patients has been put in jeopardy.

The Secretary, Ministry of Health & Family Welfare vide his order No.V-16020/231/2019-9-INI-I (Pt) , dated 14-12-2020 under the Disaster Management Act, 2005 has directed that the aforementioned orders of the Hon'ble High Court are to be strictly complied with without fail and there should be no cessation or disruption of Nursing functions in the AIIMS nor such an action aided or abetted. Non-compliance will be treated as offence under the Disaster management Act read with the India Penal Code and action will be taken accordingly against defaulters.

Attention of all the **Nursing Officers under probation** is drawn to the condition of appointment order and provision of the Central Civil Services (Temporary Service) Rules, 1965 by which the service of Nursing Officers under probation is liable to be terminated.

Accordingly, all the Nursing Officers under probation are advised to desist from participating in the Strike as called for by AIIMS Nurses Union and to report for duty.


(DEO NATH SAH)
CHIEF ADMINISTRATIVE OFFICER

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|--------------------------|---|---|
| 1. Chief Nursing Officer | } | With request to bring the above advisory to all Nursing Officers working under their control. |
| 2. All NS/DNS/ANS- | | |

Copy forwarded for information to :

1. All Chief of Centres/Head of the Deptt. Unit/Sections.
2. Dean (Research/Academic/Examination)
3. Medical Superintendent (Main Hospital/Dr.R.P.Centre)


15/12

4. PPS to Director/PS to Dy. Director (Admn.)/Dy. Secy./CAO, AIIMS, New Delhi
5. All Notice Boards
6. Computer Facility - Please upload the same in AIIMS portal

V-16020/231/2019-INI-I(Pt.)
Government of India
Ministry of Health and Family Welfare
INI-I Section

ORDER

Whereas the AIIMS Nurses Union (hereinafter referred as Union), vide their letter dated 13.11.2020, gave a call for indefinite strike and listed various issues concerning the Union.

Whereas the Union has been raising their demands from time to time, many of which also require consultation with other stakeholder Ministries / Departments. All such demands are taken up promptly for examination in the light of extant Rules and Regulation and decisions, as and when arrived, are communicated to the AIIMS Administration.

Whereas with a view to expedite resolution of some of the pending issues of AIIMS Nurses Union, a meeting was convened on 08.12.2020, which was attended by officers of the Ministry of Health & Family Welfare (MoHFW), Department of Expenditure (Ministry of Finance) and AIIMS Administration. After the said meeting, position on so called 6th CPC anomaly was communicated to the AIIMS Administration vide letter dated 10.12.2020 of MoHFW, informing that the interpretation of AIIMS Nurses Union, on pay fixation under 6th CPC, is beyond the provisions in the Gazette Notification dated 29.8.2008 of Department of Expenditure on Central Civil Services (Revised Pay) Rules 2008. It was also explained that the interpretation of AIIMS Nurses Union is for a dispensation which is not covered under existing instructions of Department of Expenditure (I.D. No. 03-34/2020-E-III (A) dated 10.12.2020 of D/o Expenditure). This will therefore have to be examined as a fresh demand. It was also stated that the Ministry is open to placing the fresh demand before appropriate authorities for sympathetic consideration and therefore the AIIMS Nurses Union may be requested to reconsider and withdraw call for any strike, especially during these trying times, due to the national priority of effectively tackling Covid-19 pandemic.

Whereas, on 10.12.2020 a meeting with the Nurses Union was also held at AIIMS, New Delhi, which was attended by officers from MoHFW, AIIMS Administration and two representatives of AIIMS Nurses Union. Repeated attempts were made to convince the Nurses Union that their demand is not covered under the existing CCS (RP) Rules, 2008 and also that their demand will still be placed before appropriate authorities as fresh demand for sympathetic consideration. The said Meeting remained inconclusive.

Whereas, while sincere attempts were being made to dissuade the Union from resorting to strike, especially when Government is dealing with national priority of effectively tackling Covid-19 pandemic, the AIIMS Nurses Union vide a handwritten letter dated 14.12.2020 have informed Director, AIIMS, New Delhi about their decision to go on strike from 14.12.2020, Afternoon and have proceeded on strike.

Whereas in the judgment passed by a Division Bench of the Hon'ble High Court of Delhi on 20.5.2002 in WP(C) 5166/2001 (Court on its own motion v. All India Institute of Medical Sciences) whereby a Code of Conduct was put in place by the Hon'ble Court which was made applicable not only to all the employees of AIIMS but also to the Staff and Faculty members. The Code of Conduct, inter alia, provides that there should be no cessation of work for any reason whatsoever or the aiding, or abetting of such disruption or cessation.

Whereas in pursuance of the above judgement of the Hon'ble High Court and also in exercise of powers delegated under Section 10(2) of the Disaster Management Act, 2005 vide Order dated No.40-2/2020-DM-I(A) dated 11.3.2020, it is hereby directed that AIIMS, New Delhi should ensure that directions of the Judgement of the Hon'ble High Court are strictly complied with without fail and there should be no cessation or disruption of Nursing functions in the AIIMS nor such an action aided or abetted. Non-compliance will be treated as offence under the Disaster management Act read with the Indian Penal Code and action will be taken accordingly against defaulting authorities/employees.



(Rajesh Bhushan)
Secretary (H & FW)
14th December 2020

Director,
All India Institute of Medical Sciences,
New Delhi

Sh. Sanjeev K. S.P.
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