



शरीरमाद्यं खलु धर्मसाधनम्

ALL INDIA INSTITUTE OF MEDICAL SCIENCES NEW DELHI

TABLE AGENDA

FOR THE 158TH MEETING OF THE

GOVERNING BODY

TO BE HELD ON : 18th June, 2021 (Friday)
TIME : 10.30 A.M.
PLACE : Conference Room, 3rd Floor
Hon'ble HFM's Office
Nirman Bhawan, New Delhi

TABLE AGENDA FOR THE 158TH GOVERNING BODY MEETING TO BE HELD ON 18TH JUNE, 2021 AT 10.30 A.M. IN THE CONFERENCE ROOM (3RD FLOOR) OF THE HON'BLE HFM'S OFFICE IN NIRMAN BHAWAN, NEW DELHI.

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NOTE FOR THE GOVERNING BODY

ITEM NO. GB-158/20

**Post-facto approval of the Governing Body be sought for
220th SFC Agenda item No. 220/8.**



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ALL INDIA INSTITUTE OF MEDICAL SCIENCES, NEW DELHI
PROJECT MANAGEMENT UNIT

अ०भा० पा०स०
A. I. I. M. S.

No. ARS/PMU/15/21-22

03.06.2021

Item no. GB-158/20

Sub: Update on 220th SFC Item No. SFC-220/8 for upcoming meeting of GB

FR is Minutes of meeting of 220nd SFC Meeting of AIIMS, New Delhi held on 22nd June 2020 during which under item no. SFC-220/8 had recommended awarding of work to M/s AECOM India Pvt Ltd. for Master Planning & Programme Management Consultant for the Redevelopment of AIIMS New Delhi Campus.

It is informed that subsequently, as there was delay in holding the meeting of Governing Body of AIIMS, Hon'ble HFM had during the Projects Review Meeting held 7th October 2020, desired that the Redevelopment Project of AIIMS New Delhi Campus be expedited and the timeline of 2022 given by Hon'ble Prime Minister be met with. Accordingly, to avoid further delay in starting the work on the said project, in-principle approval of President, AIIMS - New Delhi & Chairman, Governing Body was obtained on file on 10.11.2020 with the undertaking that a post-facto approval of the Governing Body shall be sought for the same whenever the new Governing Body is constituted and holds its next meeting. Subsequently, in line with the said approval, Letter of Award was issued to M/s AECOM on 19th November 2020. (F/A)

It is understood that the next meeting of Governing Body of AIIMS is being held on 15th June 2021. Accordingly, it is submitted that post-facto approval of the Governing Body be sought for 220nd SFC Agenda item no. 220/8 in line with the forementioned update in the upcoming GB meeting.


31/6/21
Dr Angel Rajan Singh
APHA & PO-NCI

Administrative Officer (General Section)

16
3-6-2021
AAO/PP
RB
4.11.2021
2/6/2021

The confirmation of minutes of 220th meeting of SFC held on 22nd June 2020 has been included as GB 158/05 agenda.

After this meeting, Hon'ble HFM has accorded in-principle approval on file 10.11.20 for issuing award of letter to M/s AECOM for master planning of programme management consultant for redevelopment of AIIMS (New Delhi Campus) with the undertaking that a post-facto approval of GB shall be sought.

In view of above, a proposal ^{@ X} may be considered for placing before GB.

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Through Special Messenger
By Speed Post

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

No.F. 4-3/2019 Genl. (SFC-220)

Ansari Nagar, New Delhi-29

Dated:

16 JUL 2021

MEMORANDUM

Subject:- Final Minutes of 220th meeting of the Standing Finance Committee held on Monday the 22nd June, 2020 at 10:30 A.M. in the Committee Room (No.155, A Wing) 1st Floor, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.

The Final Minutes of the Standing Finance Committee meeting held on 22nd June, 2020 at 10:30 A.M. in the Committee Room, 1st Floor, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi as approved by the Chairperson of the Standing Finance Committee is being circulated to Chairperson and all the Members of the Standing Finance Committee for information.



(PROF. RANDEEP GULERIA)
DIRECTOR & MEMBER SECRETARY

Encl: As above.

The Chairperson and all the
Members of the Standing Finance Committee.

MINUTES OF THE 220TH MEETING OF THE STANDING FINANCE COMMITTEE OF AIIMS, NEW DELHI HELD ON 22ND JUNE, 2020 AT 10:30 A.M. UNDER THE CHAIRPERSONSHIP OF SECRETARY, HEALTH & FAMILY WELFARE IN THE COMMITTEE ROOM (1ST FLOOR), MOHF&W, NIRMAN BHAWAN, NEW DELHI.

The 220th meeting of the Standing Finance Committee of AIIMS, New Delhi was held on 22nd June, 2020 at 10:30 A.M. in Committee Room (First Floor), Nirman Bhawan, New Delhi under the Chairpersonship of Secretary Health & Family Welfare and Chairperson of the Standing Finance Committee. The list of members who attended the meeting is as follows:-

- | | | |
|--|---|------------------|
| 1. Ms. Preeti Sudan
Secretary, Health & Family Welfare
Govt of India
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi - 110011 | : | Chairperson |
| 2. Dr. Rajiv Garg
Director General of Health Services
Govt. of India
Nirman Bhawan, New Delhi-110011 | : | Member |
| 3. Dr. D. S. Gangwar
Addl. Secretary and Financial Advisor
Govt of India
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi - 110011 | : | Member |
| 4. Prof. Randeep Guleria
Director, A.I.I.M.S., New Delhi. | : | Member-Secretary |

No Member of Parliament (Lok Sabha) has been nominated. Secretary, Department of Higher Education & Dr. D.G. Mhaisekar, Vice Chancellor, Maharashtra University of Health Sciences could not attend the meeting. The quorum for the meeting was fulfilled. Shri Rajesh Bhushan, O.S.D. to the Ministry of Health & F.W., Shri Sunil Sharma, Joint Secretary in MoHF&W, Dr. V.K. Bahl, Dean (Academic) & Dr. D.K. Sharma, Medical Superintendent (Main Hospital) attended the meeting as Special Invitees. Shri Subhasish Panda, Deputy Director Administration and Shri Neeraj Kumar Sharma, Sr. Financial Advisor, AIIMS also attended the meeting.



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ITEM No SFC-220/4

TO CONSIDER THE PROPOSAL FOR CREATION OF ADDITIONAL 06 (SIX) POSTS OF ASSISTANT PROFESSOR FOR THE CENTRE FOR DENTAL EDUCATION AND RESEARCH AT THE AIIMS, NEW DELHI

The SFC considered and recommended the proposal for creation of 1 post of Assistant Professor of Conservative Dentistry & Endodontics, 2 posts of Assistant Professor of Orthodontics and 1 post of Assistant Professor of Oral & Maxillofacial Surgery subject to the approval of DoE.

ITEM No SFC-220/5

TO CONSIDER THE PROPOSAL FOR PROCUREMENT OF MEDICAL FURNITURE & EQUIPMENT AT NATIONAL CENTRE FOR AGEING, AIIMS NEW DELHI

The SFC considered and recommended the proposal for procurement of medical furniture and medical equipment at a cost of Rs.5,36,95,000/- and Rs.73,39,15,000/- respectively for Phase -II. The SFC observed that the funds approved for the centre under the National Programme for Healthcare of Elderly may first be utilized. The remaining funds may be met from the budget of the Institute. It was also decided that the Regional Geriatric Centre, which was also sanctioned earlier for AIIMS, Delhi, should get merged with the NCA with infrastructure, equipment and posts to have synergy in the establishment and operations of the NCA.

ITEM No SFC-220/6

TO CONSIDER THE PROPOSAL FOR SUPPLEMENTAL CREATION OF POSTS OF VARIOUS CADRES FOR THE NATIONAL CENTRE FOR AGEING AT AIIMS.

The SFC considered the proposal and observed that an earlier proposal for staffing of the National Centre for Ageing as recommended by the SFC vide Agenda No.217/5 dated 22.05.2018 is still under consideration of the Department of Expenditure. The SFC recommended that, while in-principle there is no objection to the proposal for creation of supplemental posts, the proposal may be submitted to the Ministry for taking approval of DoE only after the approval for the first proposal is received.

These applicants were further provided an opportunity to provide clarifications / relevant documents supporting the claims in the bid till 9th September 2019. During evaluation of the above proposals, it was observed that all three Applicants are not fulfilling the qualification criteria for various Core Staff and accordingly AIIMS decided to re-advertise the said RFP after suitable amendments.

Subsequently, RFP no. AIIMS/PMU/MP-02/2019-20 was advertised on 12th September 2019 on Central Procurement Portal of NIC with a closing date of 10th October 2019. In response to this RFP as well, proposals were received from the same three applicants, namely: -

- (1). M/s AECOM India Pvt. Ltd.
- (2). GHESA Inegnieria Y Tecnologia, Spain
- (3). M/s TUMAS India Pvt. Ltd. & NKY Architects & Engineers, Turkey

For the evaluation of these proposals, AIIMS constituted a Technical Evaluation Committee (TEC) comprising of representatives from AIIMS, NITI Aayog and Ministry of Health & Family Welfare (MoHFW). Subsequently, a representative of CEO, Delhi Mumbai Industrial Corridor Development Corporation (DMICDC) was also co-opted into the said committee based on the advice given by NITI Aayog as DMICDC had experience in evaluating similar type of proposals.

In 1st TEC meeting held on 15th October 2019, the technical committee noted that all three applicants had not submitted certain relevant documents in support of the claims related to eligibility and scoring as per QCBS method. Hence, on 16th October 2019, AIIMS had sent letters to all three applicants for submission of clarifications along with relevant documents in support of their claims latest by 21st October 2019 till 05:00 PM after which their proposals were evaluated in various meetings dated 25th November 2019, 28th November 2019, 5th December 2019 & 14th December 2019

The evaluation summary of TEC was as follows:

Sr. No.	Applicant Name	Evaluation summary	Reason
1	M/s AECOM India Pvt. Ltd.	Technically Shortlisted	Meets the eligibility criteria as per the RFP requirement.
2	M/s GHESA Ingenieria Y Tecnologia, S.A. Madrid (Spain).	Not Technically Shortlisted	Does not meet the eligibility criteria as per the RFP requirement due to following reasons: "Applicant does not have two Eligible Program Management Project."
3	M/s TUMAS India Private Limited: (India) and NKY	Not Technically Shortlisted	Does not meet the eligibility criteria as per the RFP requirement due to following reasons: "Three Core staffs (Team leader,

documents, including diplomas, reference letters and declarations showing progressive experience, have been provided among our technical proposal dossier annex for item no. 2 (Form 12) and item no. 3 (Form-11) of this clarification".

- *Accordingly, after reviewing the information furnished by you in your technical proposal and subsequent clarification dt. 28th October 2019, the Technical Evaluation Committee of AIIMS, New Delhi has concluded that the length of Professional Experience claimed by you in Form-6 for your 3 Core Staff (Team Leader, Healthcare Planner/Architect & Programme Procurement / Contract Manager) is not substantiated by the relevant details in the respective Core Staff's Form-12 furnished by you*
- *Hence your proposal does not meet the Conditions of Eligibility as per clause 2.2.2 (E)*

Hence, as decided by the Competent Authority, no further action is being taken on your representation dt. 19th December 2019."

After this reply, M/s TUMAS-NKY Consortium has not represented any further against their disqualification till date. No representation against their disqualification has been received from M/s GHESA Ingenieria Y Tecnologia, S.A. Madrid (Spain).

2. Reference sent to Department of Expenditure (DoE): SFC wanted to know regarding the details of the reference sent to DoE by MoHFW/AIIMS.

SFC was informed that as detailed in the agenda note - on the date of opening of financial proposal (20th December 2019), the Core Committee of AIIMS was informed that a technical issue has been encountered in one of the digital signature certificates (DSC) out of the two used for encrypting the applicant proposal on e-tendering CPP portal and required for accessing the financial proposals. The Committee took serious note of the issue and recommended all necessary actions to resolve the issue at the earliest on emergency basis.

Accordingly, M/s (n)Code - the firm which had issued the DSC token which was not functioning - was contacted. After detailed trouble shooting at their end including with their developer team in China, they concluded on 26th December 2019 that the DSC Token is non-functional as the data structure of that token is incorrect and that there is no way to recover it. A new DSC token was issued by M/s (n)Code for the said user but that could not be mapped to the user's CPP account as the old functional DSC is required for logging into the portal. Subsequently, AIIMS contacted NIC on 1st January 2020 for assistance in opening the financial proposal of M/s AECOM India Pvt. Ltd. NIC team checked the said DSC Token at NIC Headquarters and found it to be non-functional as well. On 2nd January 2020, NIC Team advised AIIMS as follows:

"For keeping intact the security aspects, the eProcurement system has been designed in such a way that, for decryption, system mandatorily needs at least two Digital Signature Certificate having encryption Keys, with which the Bids have been originally encrypted. In this case, as there are only two Bid Openers assigned in the tender and one of the key has

1. Hence, two file hash values generated by the system for the price bids in the Finance Packet are not matching.
2. The chances for the BoQ file hash values not matching/differing may be because of bidder would have opened original BoQ of bid id 1767615 and would have either pressed Save or would have exited without clicking on Save button or made some changes and pressed Save.
3. It is informed that as per system requirement, the BoQ file name of the price bid pertaining to Tender ID: 2019_AIMSD_502302_1 needs to be renamed as per revised Tender ID2020_AIMSD_532990_1 and to be uploaded. The renaming of BoQ file does not affect file hash of BoQ.
4. However, the file size is noted to be the same (314.00 KB) in both the cases. The file size changes in size only when sufficient additional contents are added to the BoQ excel file.

Based on the above fact, AIIMS Delhi may decide accordingly."

Based on the advice given by NIC, the Core Committee of AIIMS had deliberated in its meeting held on 23rd Jan 2020 that as NIC has not been able to match the file Hash values of the financial proposals of M/s AECOM, it was not possible to technically ascertain that the financial proposal submitted by M/s AECOM is same in both instances though the file size matches.

It was further deliberated in the said meeting that if AIIMS has to avoid a re-tender and as this is an exceptional circumstance wherein it has been derived from the previous two open tenders that there is only one technically competent firm available to perform the said assignment, there is guidance available under GFR Rule 194 (iii) & (iv), wherein work could be awarded to the single technically qualified firm - M/s AECOM India Private Ltd. under GFR Rule 194 after ascertaining the reasonability of their financial proposal.

The Core Committee had also noted that similar guidance regarding awarding work by "private negotiation" in such exceptional circumstances wherein only single technically qualified firm is available has also been given by CVC vide their Circular Number 06/07/18 wherein a judgement of the Hon'ble Supreme Court of India in such matters has also been referred to.

However, before proceeding further, the Core Committee had decided that AIIMS may seek advice from Ministry of Health & Family Welfare, Govt. of India in the said matter to ascertain if it is possible to award the work to M/s AECOM India Pvt. Ltd. under Rule 194 (iii) & (iv) after ascertaining the reasonability of their Financial Proposal or AIIMS-ND should retender the same.

Accordingly, the matter was forwarded on file to Ministry of Health & Family Welfare, Govt. of India (MoHFW) on 24/01/2020. MoHFW further sought opinion of Department of Expenditure, Ministry of Finance, GoI which was communicated back to AIIMS on 21/02/2020 as follows:

- f) Programme Procurement/Contracts Manager: Mandatory requirement of length of professional experience was relaxed from minimum 15 years progressive experience to 12 years.

The Committee had observed that after making above amendments during the first RFP, three Applicants had submitted their proposal. However, none of them could qualify technically as one or more of their Core Staff did not meet the eligibility criteria.

Based on the learnings from 1st RFP, the Core Committee of AIIMS had during the meeting dated 11th September 2019, recommended further following dilutions in the Eligibility Criteria before the retender:

- a) Team Leader: Mandatory requirement of Post Graduate Master's degree or Diploma in management relaxed to include Post Graduate Master's degree or Diploma in which Graduation has been done, as well.
- b) Deputy Team Leader & Design Coordination Manager: Mandatory requirement of Experience in Eligible Assignments was removed.
- c) Urban Planner: Mandatory requirement of Post Graduate Master's degree/Diploma or equivalent in Urban Planning or Urban Design was relaxed to include Post Graduate qualifications in other specializations like Architecture/Planning/Relevant field.
- d) Programme Controls & Cost Manager: Mandatory requirement of Experience in Eligible Assignments was removed. Mandatory requirement of active registration as a Project Management Professional or similar certification from a recognized international body or institution was also removed.
- e) Programme Procurement/Contracts Manager: Mandatory requirement of Experience in Eligible Assignments was removed. Mandatory requirement of advanced degree, diploma or training in contracts and procurement administration was also removed.

Hence, the TEC of AIIMS was of the opinion that in view of the above numerous dilutions already done in the RFP, it would not be appropriate to further dilute the Eligibility Criteria as this is a complex assignment work worth over INR 7000 Crores which envisages the creation of a world class medical university with focus on patient care, teaching & research and it is essential to have a competent vendor and qualified professionals with necessary qualifications and experience to ensure successful completion of the project.

4. Reasonability of rates: SFC wanted to know in detail how AIIMS had established reasonability of rates of the financial proposal of M/s AECOM India Pvt Ltd.

SFC was informed that the financial proposal of M/s AECOM India Pvt. Ltd. in the current instance is INR 177.77 Cr. excluding GST (INR 209.3186 Cr. including GST). The estimated costs submitted by AIIMS to the EFC for the Project was Rs. 7310 Cr. exclusive of taxes (Rs. 3810 Cr. for Building Work + Rs. 3500 Cr. for Medical Equipment installation). Accordingly, the consultancy cost quoted by M/s AECOM India Pvt. Ltd. is calculated to be 2.43 % of the total project cost.

Consultancy Fee (excluding GST)	Building = ₹ 32.08 Cr. (2.79%) Equipment = ₹ 13.9 Cr. (1.39%) Total Fee = ₹ 45.985 Cr. (As quoted by L1)	Building = ₹ 4,495 Cr. x 2.79% = ₹ 125.41 Cr. Equipment = ₹ 4,130 Cr. x 1.39% = ₹ 57.40 Cr. Total Fee = ₹ 182.81 Cr.	Total Fee = ₹ 172.77 Cr. (Post negotiation)
Scope	<ul style="list-style-type: none"> Greenfield Project Master Planning (MP) and full Project Management Consultancy (PMC) 	<ul style="list-style-type: none"> Brownfield Project requiring demolition, augmentation of services in addition to new construction Master Planning (MP) and Project Management Consultancy (PMC) <u>Excludes</u> PEA consultancy, inviting tenders for building and medical equipment and making payments <u>Includes</u> extra consultancy work related to retrofitting of old buildings after structural stability study 	

SFC was also informed that the following published guidelines were also referenced:

I. "Standard Operating Procedures for CPWD Works Manual 2019" and refer "SOP No. 8/7: Levy of Fees by CPWD for Consultancy Services (Para 8.20)-Copy enclosed, wherein it is mentioned that, "

- Fees for Consultancy Services
 - (a) Planning 4%
 - (b) Construction Management 5%
- For planning and designing work, the following charges is levied:
 - (i) Development of Master Plan Rs.10000/- per hectare
 - (ii) Architecture Plans & Drawings 3 % for original work
 - (iii) Structural designs and drawings 1 % for original work"

II. Scale of Charges recommended by "Council of Architecture" (Statutory Body of Government of India, under the Architects Act 1972)-Copy enclosed, wherein it is mentioned that-

Type of Project/ Services	Scope of Work & Services	Minimum fees/ Reimbursable expenses
1.2 All projects other than housing	As described for Comprehensive Architectural Services in the Conditions of Engagement including Site Development but excluding Landscape Architecture, Interior Architecture, Graphic Design and Signage.	5 Percent on the cost of works assigned.

Sr. No.	Name of the Project	Payment received by the Applicant	Total estimated project cost	Payment as percent of total project cost
	and Expo Centre Dwarka, New Delhi		purview of PMC)	
2	General Consultancy Services for Kolkata Metro Rail Project	443.2 Crore	8,575 Crore	5.17 % (PMC)
3	Program management Services for Dholera Special Investment Region, Gujrat	230 Crore	2,900 Crore (Approx.) of construction works under execution	5.8 % (PMC)
4	Program management Consultant for Phase IIA, Project Seabird, Karwar, Karnataka	396.38 Crore (Excluding escalation and variation)	19,603 Crore (Estimated)	3.05 % (Design & PMC fee)
5	General Consultancy Services for Chennai Metro Rail Project	671.7 Crore Excluding of taxes	18,542 Crore (Estimated) Excluding of taxes	3.62 % (Design & PMC fee)
6	General Consultancy Services for Mumbai Metro Line 3 (Coiaba-BandraSeepz)	920 Crore	30,000 Crore (Estimated)	3.06 % (Design & PMC fee)
7	The King Khalid Medical City (KKMC) Mega Project, Dhahran, Saudi Arabia	183.3 Crore (Approximate)	8,450 Crore (Estimated)	2.17 % (Design Fee)
8	U.S. Department of Veterans Affairs, New VA Medical Center Orlando, Florida	162.5 Crore (Estimated)	3,250 Crore (Estimated)	5 % (Design Fee)

The TEC of AIIMS had observed that out of the eight work orders submitted by M/s AECOM as above, for three projects at Sr. No. 1, 3 & 8, no documentary evidences were made available, project at Sr. No. 2 is PMC scope only while project at Sr. No. 7 is design scope only and hence are not considered for price reasonability.

Of the remaining, in only three projects at Sr. no. 4, 5 & 6 in above mentioned table, the scope included both Design & PMC. In view of the above references, TEC of AIIMS had unanimously concluded that the financial proposal offered by M/s AECOM appears to be reasonable.

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2.	Additional costs in INR (Not included in evaluation)- as quoted in 4.28 of financial proposal	2.50 Cr.	2.50 Cr.	2.50 Cr.	2.50 Cr.
3.	Grand Total in INR for administrative & financial approval	177.77 Cr.	209.3186 Cr.	175.27 Cr.	206.3686 Cr.

ITEM No SFC-220/9

TO CONSIDER BUDGET ALLOCATION FOR MACHINERY & EQUIPMENT FOR THE MOTHER AND CHILD BLOCK UNDER 'PLAN/CAPITAL CREATION' HEAD TO ENSURE TIMELY AND FULL OPERATIONALIZATION OF THE NEW FACILITY.

The SFC considered and recommended the proposal for procurement of machinery and equipment as proposed in two phases at a cost of Rs.213,34,27,800/- and Rs.111,63,35,000/- respectively and for engagement of the services of M/s. HITES as a procurement agency at not more than 2% consultancy fee.

ITEM No SFC-220/10

TO CONSIDER THE PROPOSAL FOR OUTSOURCED MANPOWER FOR THE MOTHER AND CHILD BLOCK UNDER PLAN/CAPITAL CREATION HEAD TO ENSURE TIMELY AND FULL OPERATIONALIZATION OF THE NEW FACILITY.

The SFC considered and recommended the proposal for outsourcing of services.

ITEM No SFC-220/11

TO CONSIDER THE PROPOSAL FOR REVISION/ENHANCEMENT OF RATES OF REMUNERATION IN RELATION TO CONDUCT OF EXAMINATIONS, EVALUATION & INTERVIEW ETC.

The SFC considered and recommended the proposal in-principle, while suggesting that the Director, AIIMS may revisit and rationalize the proposed enhancement of rates before implementation.

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ITEM No SFC-220/16

TO CONSIDER THE PROPOSAL TO INCREASE ONE SENIOR DEMONSTRATOR
IN THE DEPARTMENT OF BIOCHEMISTRY

The SFC considered and recommended the proposal, subject to approval of Department of Expenditure.

ITEM No SFC-220/17

TO CONSIDER THE PROPOSAL FOR CREATION OF TWO POSTS OF SENIOR
RESIDENTS (SR) IN HOSPITAL ADMINISTRATION FOR ORBO, AIIMS, NEW
DELHI

The SFC considered and recommended the proposal, subject to approval of Department of Expenditure.

ITEM No SFC-220/18

TO CONSIDER THE PROPOSAL FOR REVISION OF AIIMS INSTITUTE
FELLOWSHIP AS PER GOVERNMENT OF INDIA REVISION (DST, ICMR, CSIR,
MHRD, DBT.... ETC.)

The SFC considered and recommended the proposal.

ITEM No SFC-220/Table Agenda No. 1

TO CONSIDER ONE TIME RELAXATION FOR WAIVING OFF THE DAMAGE
RENT FOR RETAINING THE ACCOMMODATION AT AIIMS CAMPUS DURING
THE DEPUTATION PERIOD BY THE FACULTY MEMBERS TILL DATE OF
POLICY DECISION.

The SFC considered and recommended the proposal.

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ALL INDIA INSTITUTE OF MEDICAL SCIENCE, NEW DELHI
PROJECT MANAGEMENT UNIT

No: PMU/69/2019-20

19th November 2020

To,
M/s AECOM India Pvt. Ltd.,
9/F, Infinity Tower-"C", DLF Cyber City,
DLF Phase II, Gurgaon, Haryana-122002.
Email ID: - rabindra.prusty@aecom.com

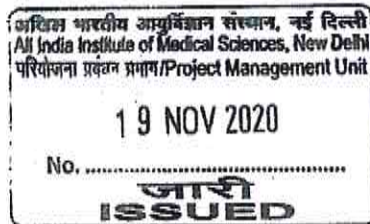
Sub: Letter of Award (LOA) for Master Planning & Programme Management Consultant for Re-development of AIIMS, New Delhi

Ref: technical proposal submitted by M/s AECOM India Pvt. Ltd. on eprocure.gov.in against eTender ID: 2019_AIMSD_502302_1, subsequent financial proposal submitted against eTender id: 2020_AIMSD_532990_1 and negotiation meeting held on 9th March 2020, the competent authority of AIIMS, New Delhi has approved the award of work to M/s AECOM India Pvt Ltd. for Master Planning & Programme Management Consultant for the Redevelopment of AIIMS New Delhi Campus as follows:

	As per final negotiated financial proposal enclosed at Annexure 1	Excluding GST	Including GST @18%
1.	Total Agreement Fee Ceiling/Agreement Value in INR	172.77 Cr.	203.8686 Cr.
2.	Additional costs in INR - as quoted in 4.28 of financial proposal	2.50 Cr.	-

As per clause 2.28 of the tender document, you are required to within 7 (seven) days of the receipt of this LOA, sign and return the duplicate copy of the LOA in acknowledgement thereof.

This issues with the approval of Director, AIIMS - New Delhi.



Angel
19/11/2020
Dr. Angel Rajan Singh

Convener, PMU- AIIMS, New Delhi

Enclosures:

- Duplicate Copy of LOA
- A copy of final negotiated financial proposal (Annexure 1)



डॉ. एंजेल राजन सिंह /Dr. Angel Rajan Singh
सह आचार्य, अस्पताल प्रशासन एवं
संयोजक परियोजना, प्रबंधन प्रभाग
Associate Professor, Hospital Administration
& Convener Project Management Unit
अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली
All India Institute of Medical Sciences, New Delhi

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-158/21

To consider the appeal of Sh. Vinay Pande, System Analyst, Computer Facility, AIIMS, New Delhi against the penalty of Reduction of lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e. 31.03.2020 without cumulative effect of not adversely affecting his pension” imposed on him under Rule 16 of CCS (CCA) Rules, 1965

No.F. 17/NC/2013 (346)
NOTE FOR GOVERNING BODY

Item No. GB/.....158/21..

Appeal of Sh. Vinay Pande, System Analyst, Computer Facility, AIIMS, New Delhi against the penalty of Reduction to lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e 31/03/2020 without cumulative effect of not adversely affecting his pension" imposed on him under Rule 16 of CCS (CCA) Rules, 1965.

INTRODUCTION :

Sh. Vinay Pande, Ex- Senior Programmer & Officer-Incharge (Stores) , Computer Facility, AIIMS, New Delhi, has made an Appeal dated 24/04/2020 (**Annexure - I**) against the penalty of "Reduction to lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e 31/03/2020 without cumulative effect of not adversely affecting his pension" imposed by the Disciplinary Authority upon him vide Order No. 17/NVC/2013 (346) dated 28/10/2019.

In his appeal Sh. Vinay Pande, has inter-alia submitted as under :

"That as Officer -Incharge (Stores), Computer Facility, AIIMS, which is addition responsibility assigned to him to assist Prof. incharge (Computer Facility). His role to monitor the inventory level of various consumable items, request the Stores Officer to procure the items reached the ROL, through Prof.-Incharge (CF). To verify 2nd indent raised for Computer Facility Stores and eHospital Stores, Stock verification for items issued to various Wards from Computer Facility Store and eHospital Store in their stock register. Verifying and compiling the request received for Computer and peripherals from various Deptts./Sections & various eHospital location and to forward them to Stores Officer for procurement of same

2. In addition to process the bills received from service providers for payment through Prof-Incharge (Computer Facility), AIIMS, New Delhi.

3. That Sh. Vinay Pande, Ex- Senior Programmer further stated that Stores Officer Computer Facility (Sh. Rakesh Sharma) was responsible to initiate the procurement process, tendering, store procedures and adhering rules & regulations in accordance to CVC guidelines.

4. That the note for preponement of dates of tender was not processed through him and he is not involved in the process of preponing of dates of tender. The same was put up by Stores Officer (Sh. Rakesh Sharma) and signed by Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS.

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5. That he had discussed this matter with all senior officer of AIIMS Administration (CVO, DDA, CPO (SPC) & Prof-Incharge (CF) but all senior appeared helplessness for reason of Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS.

6. That he has been served the Institute for 31.5 years and even a small allegation was not leveled against him. That such penalty is big stigma / blot for his 31.5 years of his services and he is finding difficult to live with this stigma which leading loss of peace of mind and deterioration of his health. He further requested to exonerate him from the penalty of "Reduction to lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e 31/03/2020 without cumulative effect of not adversely affecting his pension" imposed on him.

In view of above, submission, he has explained that no irregularity on his part as he was not party to in pre-ponement of tender opening. It was done under the directions/pressure of Dr. Deepak Agrawal, Chairman, Computerization Committee and appealed to consider his view sympathetically and exonerate his from charges leveled against vide above order".

ADMINISTRATIVE COMMENTS & BACKGROUND OF THE CASE :

Two complaints dated 10/03/2014 & 03/03/2014 (Annexure -II) were received in the Vigilance Cell, AIIMS against preponement of tender No. CF-04/ERP/GT/13-14/CFST & CF-12/VSITA/13-14/CFST by Computer Facility, AIIMS. Accordingly, comments were sought from the then Chairman, Computerization Committee, AIIMS, New Delhi and original file of tenders was called for from Computer Facility. The file was examined by the then CVO, AIIMS and found that initial date of tenders were preponed, which was found improper by the then CVO, AIIMS. Moreover the dates of tenders were preponed without seeking approval of Competent Authority. Also the then CVO, AIIMS has pointed out that the following mandatory conditions were not in the tender documents :

- a) Financial Statement from the Banker
- b) Performance report/list of organizations to whom supplied with the same equipment.
- c) Authority letter from the manufacturer.
- d) Affidavits for non blacklisting /vigilance /CBI case.
- e) Quality Assurance Certificate ISO 9002 etc.
- f) Statement of Turnover for last three years.
- g) Literature / original catalogue of the product.

2. That in addition, complaints were received from firms who had been declared disqualified during the process of technical evaluations without unreasonable grounds. Accordingly, the comments were sought from the then Chairman, Computerization Committee, AIIMS on aforesaid issue.

3. That, the matter was placed before Stores Purchase Committee, AIIMS (SPC), wherein the SPC after considering the issue of preponement of dates of tender recommended to scrap this tender and to float tender afresh. Accordingly, the tender was scrapped on the recommendation of SPC.

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4. That it is pertinent to mention here that one of the bidder of Tender No. CF-12/VISTAHER/2013-123/CFST had approached by way of filing Writ Petition to Hon'ble High Court of Delhi against preponement of tender and tender conditions, wherein the Writ was later disposed off by the Court in view of decision of AIIMS SPC to scrap the tender and float the tender afresh.
5. That meanwhile then Dy. Secy. & CVO, AIIMS had referred this matter to CBI and CVC, wherein the CBI informed that the matter may be treated as closed on their part being the tender has been already scrapped by the SPC, whereas the CVC directed to examine the case in details and fix the responsibility of officials and the refer the case to Commission for advice.
6. That the CVC, New Delhi had been apprised the position taken by CBI and Hon'ble High Court of Delhi vide Letter dated 15/07/2017, wherein in turn the CVC vide OM No. 014/HFW/029/354192 dated 14/08/2017 observed that even CBI did not find any criminal liability, which does not absolve the officials who committed irregularities in tender process and advised for initiation of minor penalty proceeding against the officials who floated the tender **(Annexure -III)**.
7. Accordingly, after considering the matter by the competent authority, all such following officials who were considered to be responsible for floating of tender were chargesheeted under Rules 16 of CCS (CCA) Rules, 1965 with opportunity to submit the representation within 10 days from the date of receipt of chargesheet memorandum :
- Sh. Mangal Singh, UDC, Computer Facility, AIIMS.
 - Sh. Rakesh Sharma, the then Stores Officer (Computer Facility, AIIMS.
 - Sh. Satish Prasad System Analyst, Computer Facility, AIIMS.
 - Sh. A.K Kamra, (on deputation) the then CPO
 - Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS.
 - Dr. P.P Kotwal, HOD (Dept. of Orthopaedics) & the then Prof-Incharge (Computer Facility) - No action considered being time barred (more than 4 years of retirement)
8. That accordingly, replies submitted by above officials against Chargesheet Memorandum were submitted to President, AIIMS, wherein the President, AIIMS recorded to impose the minor penalty of "Withholding of one increment for one year on following officers :
- Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS
 - Sh. Rakesh Kumar, the then Stores Officer, Computer Facility, AIIMS.
9. The President, AIIMS, New Delhi also recorded to closed the case against the following officials :
- Sh. Mangal Singh, the then UDC, Computer Facility, AIIMS.
 - Sh. A.K. Kamra, (on deputation) the then CPO, AIIMS.
 - Sh. Satish Prasad, System Analyst, Computer Facility, AIIMS.

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10. That in addition, the President, AIIMS, New Delhi recommended to initiate formal disciplinary action against Sh. Vinay Pande, Officer Incharge (Stores), Computer Facility, AIIMS being part of process of preponing of tender without getting approval of competent authority.

11. Accordingly, Disciplinary Inquiry under Rule 16 of CCS (CCA) Rules, 1965 was initiated against Sh. Vinay Pande, Ex- Senior Programmer, (CF), AIIMS, New Delhi.

IMPUTATION OF ARTICLE OF CHARGE :

1. That the said Sh. Vinay Pande, while working as Senior Programmer & Officer-Incharge (Stores) of Computer Facility, AIIMS, New Delhi had been responsible for misconduct during floating of tender (Tender No. CF-04/ERP/GT/2013-14/CFST and Tender No. CF-12/VISTA/13-14/CFST) process regarding preponing of last date of submission of bids and pre-bid meeting and manipulation of prequalification conditions to favour a particular firm. The tender was floated by the computer Facility, AIIMS, New Delhi with the approval of the Director, AIIMS, New Delhi. Subsequently the Computer Facility had proposed the date of submission of bids, which is highly irregular and is not allowed.

Moreover, even the approval of the competent authority was not taken. The details in respect of both the tenders are as under:-

(i). CF-04/ERP/GT/13-14/CFST- Supply and Implementation of Enterprise Resource Planning (ERP) Solution for AIIMS.

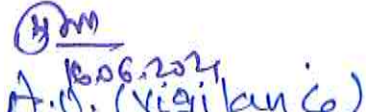
(ii). CF-12/VISTA/13-14/CFST-Customization, support and up gradation of existing electronic Health record "VISTA HER" open RIS and open PC.

- Date of pre-bid conference meeting with prospective bidders (for CF-04/ERP/GT/13-14/CFST was fixed on 27.02.2014 at 11.00 A.M.
- Last date for sale of TE documents - 07.03.2014 upto 4.30. P.M.
- Closing date for sale of TE documents- on or before 12.03.2014 (upto 12.30 P.M.)
- Date, Time and Place for opening of Technical bids - 12.03.2014 at 2.30 P.M.

Later on the dates of tender was proponed. The detail of the same are as under:-

- Date of pre-bid conference meeting with prospective bidders (for CF-04/ERP/GT/13-14/CFST-19.02.2014 at 11.00 A.M.
- Last date for sale of TE documents - 25.02.2014 up to 4.30 P.M.
- Closing date for sale of TE documents-on or before 27.02.2014 (upto 12.30 PM)
- Date, time and Place for opening of Technical bids - 27.02.2014 at 2.30 P.M.

2. It was observed that pre-qualification criteria was also not clearly specified and there was no performance criteria mentioned in the bid document. Moreover, the essential pre-qualification criteria/conditions were missing in the tender documents and some firms were disqualified on account of unreasonable grounds during the technical evaluation.


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3. That Shri Vinay Pande, Senior Programmer is thus found responsible for gross misconduct, failed to maintain devotion to duty and acted in a manner unbecoming of an Institute employee; hereby contravening the provision of Rule 3 (1) (i)(ii) & (iii) of the CCS (Conduct) Rules, 1964 as applicable to the employees of the Institute.

4. Accordingly, Chargesheet Memorandum under Rule 16 of CCS (CCA) Rules, 1965 was issued against him with opportunity to submit the representation within 10 days from the date of receipt of chargesheet memorandum **(Annexure-IV)**. In reply, Sh.Vinay Pande, Ex- Senior Programmer vide his representation dated 18/11/2019 denied the charges framed against him in the chargesheet.

DECISION OF THE DISCIPLINARY AUTHORITY :

That after careful consideration of imputation of his conduct, submission of CO and all other relevant material/facts/records, the President, AIIMS, New Delhi imposed the penalty of "**Reduction to lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e 31/03/2020 without cumulative effect of not adversely affecting his pension**" upon Sh. Vinay Pande, Ex-Senior Programmer, Computer Facility, AIIMS, New Delhi **(Annexure- V)**.

APPELLATE AUTHORITY

Sh. Vinay Pande was holding the Group 'A' post in AIIMS and as per Schedule II of the AIIMS Regulation 1999, the Governing Body is appellate Authority in the instant case and his appeal needs to be disposed off by the Governing Body being Appellate Authority.

PROPOSAL SUBMITTED BEFORE GOVERNING BODY :

In view of CVC advice, decision of the disciplinary authority, representation of the CO, facts relevant to the case, and an appeal filed by Vinay Pande, Ex Senior Programmer Computer Facility), AIIMS, New Delhi against Order of imposition of penalty of "Reduction to lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e 31/03/2020 without cumulative effect of not adversely affecting his pension" is placed for kind perusal, consideration and further direction of the Governing Body, AIIMS, New Delhi.

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NOTE FOR THE GOVERNING BODY

ITEM NO. GB-158/22

To consider the appeal dated 08.04.2015 filed by Ms. Geeta Dhankar, Nursing Officer, JPNA Trauma Centre, AIIMS, New Delhi against the penalty of reduction to a lower stage in time scale of pay, by two stage, for a period of four years, with cumulative effect, during which she will not earn increments, but expiry of which will not have the effect of postponing the future increments of her pay imposed against her vide order dated 12.02.2015 as a outcome of a disciplinary proceedings under CCS (CCA) Rules, 1965

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NOTE FOR THE GOVERNING BODY

No.45-47/2007-Estt. (TC)

JPN APEX TRAUMA CENTRE

ITEM NO./GB-158/22

TO CONSIDER THE APPEAL DATED 08.04.2015 FILED BY MS. GEETA DHANKAR, NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS, NEW DELHI AGAINST THE PENALTY OF REDUCTION TO A LOWER STAGE IN TIME SCALE OF PAY, BY TWO STAGE, FOR A PERIOD OF FOUR YEARS, WITH CUMULATIVE EFFECT, DURING WHICH SHE WILL NOT EARN INCREMENTS, BUT EXPIRY OF WHICH WILL NOT HAVE THE EFFECT OF POSTPONING THE FUTURE INCREMENTS OF HER PAY IMPOSED AGAINST HER VIDE ORDER DATED 12.02.2015 AS A OUTCOME OF A DISCIPLINARY PROCEEDINGS UNDER CCS (CCA) RULES, 1965.

INTRODUCTION

The disciplinary proceedings was initiated against Ms. Geeta Dhankar, Nursing Officer as she had absented herself from duty willfully and unauthorisedly since 21.06.2012 to 16.09.2013 (total 453 days) without prior permission or sanction of leave by the Competent Authority in spite of issuance of directions to report for duty immediately.

FACTS OF THE CASE AND ADMINISTRATIVE COMMENTS

Ms. Geeta Dhankar has joined at this Institute as Nursing Officer on 12.12.2006 and completed her period of probation on 11.12.2008.

Ms. Geeta Dhankar, Nursing Officer vide letter dated 22.03.2012 has requested for grant of 59 days Earned Leave w.e.f. 23.04.2012 to 20.06.2012 with the permission to visit USA to meet her husband, which was duly recommended and forwarded by the Dy. Nursing Superintendent (TC). Accordingly, she was sanctioned Earned Leave for 59 days w.e.f. 23.04.2012 to 20.06.2012 with the permission to visit USA vide Office Memorandum No.

45-47/2007-Estt. (TC) dated 31.03.2012 subject to the conditions that no extension of leave will be granted to her under any circumstances.

Further, she has requested for extension of Earned Leave w.e.f. 21.06.2012 to 16.09.2013 (total 453 days) and the same was not sanctioned. The period of 21.06.2012 to 16.09.2013 has been treated willfully absent from duty for which she has charge sheeted under Rule 14 of the CCS (CCA) Rules, 1965 after following due procedure, she was penalized to penalty of reduction to a lower stage in time scale of pay, by two stage, for a period of four years, with cumulative effect, during which she will not earn increments, but expiry of which will not have the effect of postponing the future increments of her pay.

Ms. Geeta Dhankar, Nursing Officer vide appeal dated 08.04.2015 (**Annexure-I**) has requested for provide justice against the very stringent and harsh order of the Disciplinary Authority, AIIMS imposing the extreme major penalty of "Reeducation to a lower stage in time scale of pay, by two stages for a period of four year, with cumulative effect, during which she will not earn increments, but on expiry of which will not have the effect of postponing the future increments for her pay" vide Order No. 45-47/2007-Estt. (TC) dated 12.02.2015.

She has submitted the following grounds against the above order for dropping/quashing the Major penalty imposed upon her:-

Sr. No.	Ground of Appeal	Administrative Comments
1	That I initially applied for 59 days Earned Leave w.e.f. 23.04.2012 to 20.06.2012 with the permission to visit USA to meet my husband vide my application dated 22.03.2012 which was duly recommended and forwarded by the Dy. Nursing Superintendent (Trauma Centre) and sanctioned by the Competent Authority vide Memorandum No.45-47/2007-Estt.(TC) dated 13.03.2012 with the permission to visit USA.	Ms. Geeta Dhankar, Nursing Officer vide letter dated 22.03.2012 (Annexure-II) has requested for grant of 59 days Earned Leave w.e.f. 23.04.2012 to 20.06.2012 with the permission to visit USA to meet her husband, which was duly recommended and forwarded by the Dy. Nursing Superintendent (TC). Accordingly, Ms. Geeta Dhankar, Nursing Officer was sanctioned Earned Leave for 59 days w.e.f. 23.04.2012 to 20.06.2012

		<p>with the permission to visit USA vide Office Memorandum No. 45-47/2007-Estt. (TC) dated 31.03.2012 (<u>Annexure-III</u>) subject to the following conditions :-</p> <ul style="list-style-type: none"> i. She is permitted to spend her leave only in USA ii. No extension of leave will be granted to her under any circumstances. iii. Her resignation will not be accepted during her leave period.
2	<p>Unfortunately, however, due to circumstances beyond her control on account of sickness of my child there, I was compelled to stay back and extend her leave to take care of my child as there was none else to look after him about which I duly sent intimation to the Institute through Fax letters dated 26.06.2012 and requesting for extension of my leave from 21.06.2012 to 31.08.2012.</p>	<p>As per available records, Ms. Geeta Dhankar, Nursing Officer vide Fax letter dated 26.06.2012 (<u>Annexure-IV</u>) had requested for extension of leave upto 31.08.2012 for taking care of her 14 months old son as there is no one else to look after him.</p> <p>No supportive evidence of the sickness of the child was sent in June, 2012.</p> <p>Her request for extension of leave w.e.f. 21.06.2012 to 31.08.2012 had duly been recommended and forwarded by the then Dy. Nursing Superintendent. No memorandum regarding extension of leave was issued by the Establishment Section (TC) for the same.</p> <p>As per the terms and conditions mentioned under the Memorandum dated 31.03.2012, the administration did not</p>

		grant her leave beyond 20.06.2012 on account of she was already was advised that there is no provision to extend her leave under any circumstances vide O.M. dated 31.12.2012.
3	I was compelled to stay back and extend her leave to take care of my child as there was none else to look after him about which I duly sent intimation to the Institute through Fax letters dated 04.09.2012 and requesting for extension of my leave upto 30.11.2012.	Ms. Geeta Dhankar, Nursing Officer vide Fax Letter dated 04.09.2012 (<u>Annexure-V</u>) had again requested for extension of her leave upto 30.11.2012 for taking care of her child as there is currently no one else to look after him. Her request for extension of leave w.e.f. upto 30.11.2012 was recommended and forwarded by the then Dy. Nursing Superintendent. No leave memorandum regarding extension of leave was issued by the Establishment Section (TC) on account of terms & conditions of Leave Memorandum dated 31.03.2012.
4	I had applied for extension of leave upto 28.02.2013 vide my fax letter dated 10.12.2012 for taking care of my child as there is currently no one else to look after him.	Her request has not been acceded to and she continued to remain absent without sanction of leave.
5	I had applied for extension of leave upto 31.05.2013 vide my fax letter dated 28.02.2013 for taking care of my child as there is currently no one else to	Ms. Geeta Dhankar, Nursing Officer vide fax letter dated 28.02.2013 (<u>Annexure-VIII</u>) has requested for extension of leave till 31 st May, 2013 for taking care of her

	<p>look after him.</p>	<p>child as there is currently no one else to look after him.</p> <p>Her request has not been recommended by the Deputy Nursing Superintendent (TC).</p> <p>Since, her request had not been recommended by the Dy. Nursing Superintendent, a recall notice has been issued to her vide this Office Memorandum No.45-47/2007-Estt. (TC) dated 09.03.2013 and directing her to join her duty within 07 days from the date of issue of this Office Memorandum <u>(Annexure-IX)</u>.</p> <p>It is also submitted that the Office Memorandum dated 09.03.2013 issued to Ms. Geeta Dhankar was sent to her local address Flat No. 102-A, Hira Appt. 886-E, Ward No. 06, Mehrauli, New Delhi-110030. Whereas, during the aforesaid leave period her mailing address was 4134 Lexington Avenue, St. Paul Minnisota, U.S.A.</p>
6	<p>In response to the Office Memorandum dated 09.03.2013 regarding willful absence from duty, I had submitted my explanation and applied for extension of leave upto 31.05.2013 vide my fax letter dated 21.03.2013 for taking care of my child as there is currently no one</p>	<p>The request of Ms. Geeta Dhankar, Nursing Officer regarding extension of leave upto 31.05.2013 had been received at Establishment Section (TC) and the same has not been recommended by the than DNS (TC). Accordingly, Reminder-I <u>(Annexure-X)</u> was issued to her on</p>

	else to look after him.	26.04.2013 with direction to join her duty as well as the said memorandum was again sent to her local address Flat No. 102-A, Hira Appt. 886-E, Ward No. 06, Mehrauli, New Delhi-110030. Since, she did not join her duty; a Reminder-II was issued to her on 15.06.2013 with direction to join her duty <u>(Annexure-XI)</u> .
7	In the meanwhile I had submitted my request for extension of leave upto 31.08.2013 vide Fax letter dated 17.06.2013 and 26.06.2013 as my son is not feeling well.	The same has not been recommended by her supervising officer for sanction the leave.
8	Vide letter dated 05.07.2013, I had submitted my intimation regarding resuming the duties and requested for extend my leave upto 31.07.2013 as nobody except myself and my husband to look after my son. The Project which was assigned to her husband by his company is likely to be completed in the last week of July, 2013. As such I alongwith my husband and son are going to return Delhi in last week of July, 2013. I shall sure resume my duties in the last week of July, 2013.	It is a matter of record. However, it may be noted that her request has not been considered favorably.
9	Vide letter dated 18.07.2013, I had informed to the Institute regarding illness of my child as my son was taken to Emergency and hospitalized after suffering a febrile seizure. The copy of relevant treatment papers was also	It is a matter of record. She has submitted evidence of the sickness of her child in July 2013, while claiming leave on behalf of his sickness in June 2012. The time period don't match.

	provided to the Establishment Section at that time.	
10	After availing the leave, I had joined my duty on 17.09.2013 and requested to grant me Earned Leave w.e.f. 21.06.2012 to 16.09.2013.	<p>As per available records, Ms. Geeta Dhankar had joined her duty on 17.09.2013 and requested to grant her Earned Leave w.e.f. 21.06.2012 to 16.09.2013. Her request has been forwarded by the DNS (TC) <u>(Annexure-XII)</u>.</p> <p>In the meanwhile, with the approval Competent Authority, Ms. Geeta Dhankar, Nursing Officer was charge sheeted under Rule 14 of the CCS (CCA) Rules-1965 vide Office Memorandum dated 13.11.2013 <u>(Annexure-XIII)</u>.</p>
11	Sh. N.K. Sharma, Chief Medical Record Officer was appointed as the Inquiry Officer who conducted the Inquiry proceeding. On completion of the inquiry she duly submitted her defence brief dated 30.05.2014 to him stating the facts of her innocence.	<p>In response to the Charge Sheet Memorandum, Ms. Geeta Dhankar vide letter dated 02.12.2013 had submitted her written brief to the Disciplinary Authority and denied article of charges leveled against her <u>(Annexure-XIV)</u>.</p> <p>Accordingly, with the approval of the Competent Authority, Sh. N.K. Sharma the then Chief Medical Record Officer was appointed as Inquiry Officer.</p> <p>The Inquiry Officer after conducting the detail inquiry had submitted his report. The findings of the Inquiry is as under <u>(Annexure-XV)</u>:-</p>

	<p>The undersigned had conducted an Inquiry in the said case. During the inquiry, it was established that the charged official Ms. Geeta Dhankar had remained absent on the days mentioned in the charge sheet.</p> <p>The Presenting Officer (PO) in his written brief dated 23.05.2014 stated that Charged Officer has failed to join the duty on 21.06.2012 and she actually joined on 17.09.2013. She had sent FAX letter which was not recommended by the Nursing Superintendent. She therefore, found absent w.e.f. 21.06.2012 to 16.09.2013 (453 days) and thus, charge leveled against her Stand Proved. The PO, further, has noticed that now she attending her duty regularly.</p> <p>Mrs. Geeta Dhankar in her written brief dated 30.05.2014 mentioned that initially she had granted 59 days of leave with the permission to visit her husband in USA. But, due to unavoidable circumstances beyond her control, she informed by FAX time to time and due to sickness of her child, she could not join the duty in time.</p> <p>The Charged Official requested that the period in question may kindly be treated as EOL as DNS has also no objection for same that the period of her leave may be</p>
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		<p>treated as EOL.</p> <p>While examination by Inquiry Officer, it had been noticed that the Charged Official was granted EL for 59 days vide Memo dated 31.03.2012. After that she had neither applied for further extension nor joined back her duty on 21.06.2012 as per direction of the Admn. Officer, JPNATC. She was requesting to extend her leave vide Fax dated 28.02.2013. She was sent a recall notice to join her duty on 09.03.2013. She also sent a medical certificate dated 16.07.2013 of her child in which doctor advised that her child needed at least two month time before travel to India.</p> <p>The record listed as above clearly indicates that this is a matter of unauthorized absence and the CO did not inform the authority for more than 9 months about her overstayed abroad without permission which is grievous offence on her part.</p> <p>Hence, in view of the above, the charges framed against Ms. Geeta Dhankar, Sister Grade-II stand proved.</p>
12	The Inquiry Officer submitted his report arbitrarily with the conclusion of charge proved without taking into consideration the documentary and oral	As mentioned as Point No.11 above.

	evidence adduced during the inquiry proceedings, on the basis of which the Institute imposed the aforesaid harsh and stringent penalty on me which is not at all justified as my absence from duty was not willful but on account of my unavoidable circumstances on account of sickness of my child etc.	
13	That the after above period of my leave in question, I have been attending my duties continuously with complete devotion to my duties.	As per available records, she has joined her duty on 17.09.2013 and has been attending her duties regularly thereafter.
14	Whenever I sent mentioned applications/fax (all confirmed as received in Inquiry Report too) for the extension of leave and checked telephonically with DNS, I was always conveyed that leaves have been recommended and forwarded to the Establishment Section (TC).	As per terms and conditions of the Office Memorandum dated 31.03.2012 as well as recommendations of her supervising officer, the Establishment Section (TC) was unable to grant/extension of leave. She has not produced any evidence to this effect and no such order has been issued by the Establishment Section of JPNA Trauma Centre.
15	I was shocked to received the memo in March, 2013 and submitted my explanation on 21.03.2013 through fax and requested to grant leave upto 31.05.2013 to look after my child	A government servant cannot claim leave as a matter of right as per leave rules. As per urgency of work at JPNATC recall notice was served upon her to join her duty immediately.
16	I had submitted my intimation regarding resuming the duties to the post of Sister Grade-II in the last week of July, 2013 and requested to grant me leave of kind due.	Her request is available in her personal file.
17	I had also informed to the	Her request is available in her personal

	Administration Officer (TC) that my child was hospitalized and admitted to the hospital vide letter dated 18.07.2013. I had also requested for extension of leave for another 02 months.	file.
18	I had also provided the copy of Medical Certificate and discharge notes of my child alongwith copies of air ticket details, I booked to travel back to India but the same had to be cancelled due to hospitalization of her child and advise from doctor against the travel for few days.	The documents related to treatment of her child is available in her personal file.
19	It may be seen from the records that my request for extension of leave dated 26.06.2012 and 04.09.2012 was duly recommended by the DNS. However, she missed to mention this in her statement.	<p>The DNS and as the employee has herself stated can only recommend and forward the leave for sanction/grant to the Competent Authority. Her request for leave was turned down by the Competent Authority. No intimation of extension of Earned Leave was communicated to the officer. She cannot pre-supposed the extension of leave which has not been sanctioned. As per the leave rule-7 (1 & 2), it is clearly stated that leave cannot be claimed as matter of right as well as the leave sanctioning authority may refuse or revoke leave of any kind, but cannot alter the kind of leave due and applied for.</p> <p>Furthermore, it was made clear to her that her stay abroad would not be extended beyond 20.06.2012.</p>

20	No show cause notice was issued to me by JPNATC	As per records, memorandums were issued on 09.03.2013, 26.04.2013 & 15.06.2013 wherein it was clearly mentioned that action disciplinary action will be taken against her under CCS (CCA) Rules within 07 days and submit the explanation for remaining absent from duty (Annexure – IX, X, XI).
21	The inquiry Officer failed to consider DNS's recommendation of granting the EOL for questioned period. DNS has categorically said in her statement that there is no objection if the intervening period of 453 days is regularized as EOL. But she missed to mention her statement the leave were duly sanctioned till 30.11.2012, so the seniority and promotion are not effected.	<p>Mrs. Geeta Dhankar submitted an application for extension of her leave from 21.06.2012 to 31.08.2012 and again from 01.09.2012 to 30.11.2012 through Fax from U.S.A. Although these leaves were recommended by D.N.S. for grant of E.L. from 21.06.2012 to 31.08.2012 and E.L. from 01.09.2012 to 30.11.2012. But the leaves were not sanctioned as per the terms and conditions mentioned in the memorandum No.F.45-47/2007-Estt.(TC), dated 31.03.2012 issued for granting permission to her to visit U.S.A. with E.L. from 23.04.2012 to 20.06.2012 (Annexure-III).</p> <p>The employee is expected to know the sanctioning authority for her Earned Leave/EOL.</p> <p>Dy. Nursing Superintendent did not recommend for grant of any leave beyond 30.11.2012 (Annexure-VI). Despite issuing three recall notices Ms. Geeta Dhankar did not join her duty till</p>

		16.09.2013.
22	One of the statement of Sh. Venkateshwara Prasad the then Assistant (NS) is factually incorrect wherein he said the leave application for period in question were forwarded to the DNS for comments and DNS did not recommended the leave. However, my requests for extension of leave dated 26.06.2012 and 04.09.2012 was duly recommended and forwarded by the then DNS.	As per urgency of work at JPNATC and shortage of staff to run the department, the supervising officer did not further extend her leave as per leave memorandum issued to her on 31.03.2012.
23	My intimation-cum-request letter regarding resuming the duties is not mentioned at attached in the charge sheet or elsewhere.	In this regard, it is stated that there is no necessary to mention joining date under the charge sheet.

OBSERVATION

1. In view of above, it is noted that 59 days Earned Leave has been granted with permission to visit USA w.e.f. 23.04.2012 to 20.06.2012 with the condition that no further extension of leave will be granted vide Office Memorandum dated 31.03.2012 **(Annexure-III)**.
2. Mrs. Geeta Dhankar submitted two applications for extension of leave through D.N.S. for the period from 21.06.2012 to 30.11.2012, but the same was not granted in view of the conditions mentioned in memorandum dated 31.03.2012.
3. Mrs. Geeta Dhankar further applied for extension of leave upto 28.02.2013, but the supervising officer (D.N.S.) did not recommend the same.
4. Despite issuing three recall notices on 09.03.2013, 26.04.2013 & 15.06.2013 Ms. Geeta Dhankar did not join her duty till 16.09.2013.

5. After conducting the inquiry under Rule 14 of CCS (CCA) Rules and following the all procedures laid down in CCS (CCA) Rules, the President and Disciplinary Authority has imposed the following penalty

“THE PENALTY OF REDUCTION TO A LOWER STAGE IN TIME SCALE OF PAY, BY TWO STAGE, FOR A PERIOD OF FOUR YEARS, WITH CUMULATIVE EFFECT, DURING WHICH SHE WILL NOT EARN INCREMENTS, BUT EXPIRY OF WHICH WILL NOT HAVE THE EFFECT OF POSTPONING THE FUTURE INCREMENTS OF HER PAY IMPOSED AGAINST HER VIDE ORDER DATED 12.02.2015”

APPROVAL SOUGHT

In view of the above, the appeal filed by Ms. Geeta Dhankar, Nursing Officer against the above penalty is placed for consideration of the Governing Body being Appellate Authority as per Schedule-II of AIIMS regulations, 2019.

This has the approval of Director.



**[Prof. Rajesh Malhotra]
Chief, JPNATC, AIIMS
Contact No. 011-26731153**

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-158/23

**To consider the proposal for absorption/regularization of
Research Staff after completion of 15 years of services
rendered by them in various Research Project at AIIMS, New
Delhi**

NOTE FOR THE GOVERNING BODYItem No. GB/158/23

To consider the proposal for absorption/regularization of Research staff after completion of 15 years of services rendered by them in various Research Project at AIIMS, New Delhi.

INTRODUCTION:-

The Dean(Research) vide note dated 10.6.2021 has informed that meetings of the Screening Committee were held on 25.3.2021 and 9.6.2021 under the Chairmanship of Dean(Research) for consideration of absorption/regularization of research staff who have completed 15 years of service in research project at AIIMS under Core Research Cadre at AIIMS. It was considered during the course of meetings that Cell has explained that the following procedure was adopted for regularization of research staff in the past:-

- Considered that the entry level post at which they were appointed 1st in project, will be considered to be offered provide the same or equivalent post at the entry level is available & research staff fulfils recruitment rules in terms of educational qualification etc.
- In cases where incumbents were working on a post which does not exist in AIIMS, in such case these research staffs were offered a post which is equivalent/lower in pay structure in existing cadre of AIIMS and is entry level in these cadres.
- In some cases, where one joined project and took up a position for which, they had qualification which was as per recruitment rules for entry level post in one of cadres of AIIMS. Later on recruitment rules were revised. Such incumbent would had been eligible for entry level post for absorption if recruitment rules would had been same. Due to change in recruitment rules they become ineligible for absorption in entry level post. In such cases decision needs to be taken about absorption at entry level post in such cases.

The Committee also considered the following:-

- **Break in service for Regularization:** The matter was discussed in length and it was appraised that as per guidelines, framed for this purpose that "Age relaxation will be granted to the extent of number of years put in the Research project(s) at the AIIMS".
- **Break in service for Re-recruitment- Age Relaxation:** The research staffs are

initially appointed as per RRs framed for research staff.

- (i) However, if a candidate working in research project switches to another research project as a re-recruitment then age relaxation is given as in service candidate.
 - (ii) However, if the research staff applies for re-recruitment after a break in service, then age relaxation is not given.
 - (iii) If the candidate has more than 10 years of service then as per court ruling, age relaxation is given even if there is a break in service.
- **Break in service- Any limit forage Relaxation:** As per guidelines framed for this purpose that all project employees who have worked for 15 years and above will be considered for regularization/absorption in research cadre of AIIMS irrespective of break period but the actual service rendered by an individual should not be less than 15 years in any case.
 - **Candidate having MBBS qualification:** The matter regarding research staff having MBBS qualification was also discussed that the qualification for Scientist-1 is 1st class M.Sc. or PhD. However, there is a candidate having MBBS qualification. It was apprised that earlier many research scientist/staff having qualification of MBBS were considered for Scientist-I under Core Research Cadre. Hence, the Committee
Unanimously decided that the candidates having MBBS qualification should be allowed/considered for absorption as Scientist-I under Core Research Cadre.

The committee discussed the matter in length and decided that the AIIMS has a commitment for absorption of research staff after completion of 15 years of service rendered in research projects and with the purpose to use their talent. Thus, the incumbents (research staff) should be absorbed/regularized and the criteria for allotting the post should be the post he/she took at the time of his/her entry/joining in the research project at AIIMS. All the years of experience or any more educational qualifications obtained during the 15 years may not be considered while recommending for absorption in AIIMS. Accordingly, the committee recommended the absorption of 50 research staff, on the basis of post/s he/she joined at the time of his/her joining in the research project at AIIMS. The post against which he/she will be absorbed, will be entry level post in the cadres provided her/his existing qualification/experience matches recruitment rules of the entry level post he/she is proposed to be absorbed (Annexure-I).

ADMINISTRATIVE COMMENTS:-

In the above context, it is to be submitted that the Hon'ble supreme Court of India vide judgement dated March 22, 1990 and 14.08.1991 in the case of CWP No. 999/1988 and 1043/1989 and 917/90 had directed that research staff who have put in 15 years of research work should be immediately regularized and a Core Cadre be build up. Pursuant to the direction of the Hon'ble Supreme Court, the Scientific/Technical/Administrative posts for Core Research Cadre were created at AIIMS.

In 1995, the Hon'ble Supreme Court of India again directed in the case of Writ Petition(Civil) No. 756/91 that all those project employee who have completed 15 years of research work are entitled to be regularized. The court further directed not to delay the regularization. It is further submitted that Hon'ble High Court of Delhi and Hon'ble CAT have also issued directions to the Institute from time to time in various cases to absorb employees who have completed 15 years of services in various research projects at AIIMS.

Later on, the Governing Body in its meeting held on 13.08.2008 abolished the word continuous and approved that instead of continuous service, a total period of 15 years is required for absorption/regularization. Accordingly, the Institute has been absorbing/regularizing research staff after completion of 15 years of service in research projects from time to time.

In the year 2016, absorption/regularization of 26 Research staff after completion of 15 years of services rendered in various research projects of AIIMS was done with the approval of the Governing Body. The Governing Body in its meeting held on 21.10.2016 vide Item No. GB-154/7 considered the issue and decided as under:-

“The Governing Body considered the proposal for absorption/regularization of research staff after completion of 15 years of services rendered in various projects. The Governing Body approved the proposal and decided that these research staff must fulfill the eligibility criteria/qualifications for the positions proposed for absorption.

The Governing Body also decided that in future research staff must be phased out once their tenure under the project is completed.”

Further, the Governing Body in its meeting held on 24.1.2019 while considering the proposal for absorption/regularization of 29 research project staff has desired to know in view of decision of Governing Body in previous meeting, if some staff was phased out. The Governing Body further decided that AIIMS may send a detailed proposal to the Hon'ble Chairman to take further decision. Subsequently, the President, AIIMS has approved regularization of 29 research project staff with further direction that the AIIMS to take a

stock of other project staff and to ensure that no further cases of project staff containing for a very long period are created in future.

The Research Section, AIIMS has further submitted a proposal to the Ministry for phasing out research project staff and methods to restrict their future absorption in AIIMS, New Delhi (Annexure-II). In response to this, the Ministry of Health & Family Welfare vide letter No. V.16020/260/2019-INI-I dated 17.5.2021 (Annexure-III) has given the following observations and asked for the response of the AIIMS, New Delhi:-

- It was seen that during last regularization of Research staff most research staff were absorbed in posts where the experience gained during their working in the research projects is not being utilized as they were absorbed on the basis of RRs of vacant posts. They are posted in the other Departments of the Institute which 'is not commensurate to their experience acquired in the research projects.
- AIIMS, New Delhi is the premier medical Institute of the country and research conducted by its faculty is of very high quality, hence it is difficult to understand as to how same staff re-employed in different research projects conducted by different Departments of the Institute is able to make contributions on basis of the experience gained. It defeats the very purpose of absorption for utilizing their past experience. Staff who are not directly linked to the research project are also being re-employed in different projects. The relaxation given in age should not be the same all across the board for re-employment in different projects and should be different for scientist and lower level posts.
- In addition to what committee has recommended, the Institute may furnish their comments on the following:
 - A. AIIMS may publish advertisement in various media platforms so that best talent may get selected and this will also lead to a more transparent process.
 - B. (i) For new applicants:
 - (a) Minimum Qualification be fixed.
 - 60% strength should be from minimum qualification candidates.

Initially appointed be allowed to continue for max 2 gears. After 2 years will be continued for next 2 years in same or any other project within AIIMS if qualified NET/JRF/ GATE/ SLET/ or equivalent National Level Test etc. doing this period. Then after they may be allowed 1 year more to continue in

same or any other project within AIIMS if recommended by their last Head of Office.

- *Other 50% strength should be from those having minimum qualification plus already cleared NET/JRF/GATE/ or equivalent National level test. Initially appointed be allowed to continue for max 4 years. After 4 years these may be continued for 1 year more in same or any other project within AIIMS if recommended by their last Head of Office.*

B (ii) For the candidates presently employed in research projects

- (a) Less than 5 years of service: *Same as for new applicants*
- (b) *Equal or More than 5 years but less than 10 years: Age relaxation and break in service as per prevailing rules in similarly placed organizations or Government of India.*
- (c) *Equal or more than 10 years and less than 15 years: Since this is the experience bracket in which some measures need to be taken to restrict the candidates keeping in view the quality of work does not suffer as well as only deserving candidates are given opportunity. For this the Institute may decide to fix number/ percentage of the candidates based on their performance*
- (d) *15 years or more Service: Absorption to be continued as per SC directives.*

The Research Section, AIIMS, New Delhi is working on above observations of the Ministry and will submit the response in due course of time.

From the above, it is apparent that in pursuance of directives of various Hon'ble courts and decision of the Governing Body of 2008, the Institute has been absorbing/regularizing research project staff under Core Research Cadre as and when they completes 15 years of services in various research projects at AIIMS from time to time. So far 136 + 27(to be checked) research staffs were absorbed after completion of 15 years of service at AIIMS since 1992.

As on date, 50 research staff completed 15 years of services in various research projects at AIIMS and keeping in view of the laid guidelines framed for the purpose, the Screening committee headed by the Dean(Research) recommended 50 candidates for absorption against Core Research Cadre. The detail of the same are annexure with the proposal as Annexure-I for perusal.

As per recommendations of the Screening Committee, 50 candidates are to be absorbed/regularization in following posts:-

Scientist-I	-	03
Jr. Administrative Assistant	-	24
Office Attendant Grade-II	-	19
MSSO Grade-II	-	03
Jr. MLT	-	01

It is to be submitted here that 22 vacant posts of Laboratory Technician (now Medical Laboratory Technologist) and 10 posts of Scientist-I, which were created under Core Research Cadre, are available as of now. Further, in the regular set up of the Institute, 16 vacant posts of Jr. Administrative Assistant 03 posts of MSSO Grade-II are available.

In view of above, it is proposed that the absorption/regularization of 50 Research Staff, to the post/s as recommended by the Screening Committee for absorption/regularization and indicated against each individual in Annexure-I of the proposal may be considered. This absorption/regularization may be against 22/10 vacant posts of Medical Laboratory Technologist/Scientist-I and 16 vacant posts of Jr. Administrative Assistant and 03 posts of MSSO Grade-II. As and when the posts will become available/vacant in the respective cadre in which the 50 incumbents are being absorbed/regularized, they will be adjusted against those posts.

APPROVAL SOUGHT:-

The above proposal for absorption/regularization of 50 Research staff under Core Research Cadre at AIIMS, New Delhi is placed before the Governing Body for consideration and approval please.

The Governing Body may also take a view on the issue whether absorption/regularization of Research staff on completion 15 years of service is to be done with the approval of the Governing Body on every occasion or the same may be done with the approval of the Appointing Authority i.e. the President, AIIMS/Director, AIIMS, as the case may be, on completion of required/desired eligibility criteria by the concerned staff in view of directives of the Hon'ble Court and guideline approval by the Governing Body.

This has the approval of the Director, AIIMS.
