

COMMITTEE ON SUBORDINATE LEGISLATION

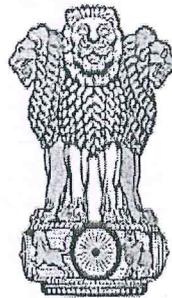
(2019-2020)

(SEVENTEENTH LOK SABHA)

FIFTH REPORT

THE MINISTRY OF HEALTH AND FAMILY WELFARE, CENTRAL GOVERNMENT HEALTH SCHEME ORGANISATION, PARAMEDICAL AND GENERAL CATEGORIES (GROUP C POSTS) RECRUITMENT RULES, 2015

(PRESENTED TO LOK SABHA ON 22.09.2020)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

September, 2020/, Asvina 1942 (Saka)

COMMITTEE ON SUBORDINATE LEGISLATION
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MEMBERS OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(2019-2020)

Shri Raghurama Krishnaraju Kanumuru

Chairperson

Members

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Jyotirmay Singh Mahato
5. Shri Pinaki Misra
6. Shri Chandeshwar Prasad
7. Shri Suresh Pujari
8. Shri A. Raja
9. Shri Nama Nageshwar Rao
10. Shri N. Uttam Kumar Reddy
11. Shri Sanjay Seth
12. Shri Mahendra Singh Solanky
13. Shri Su Thirunavukkarasar
14. Shri B. Manickam Tagore
15. Shri Ram Kripal Yadav

SECRETARIAT

1. Shri R.C Tiwari - Joint Secretary
2. Shri T.S.Rangarajan - Director
3. Smt. Jagriti Tewatia - Additional Director

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Fifth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 7.9.2020.
3. The Committee considered and adopted this Report at their sitting held on 21.9.2020
4. A copy of the Gazette Notification relevant to this Report is included in Appendix-I of the Report.
5. For facility of reference and convenience, observations/recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in Appendix-II of the Report.
6. Extracts from Minutes of the Fourteenth sitting of the Committee (2019-20) held on 7.9.2020 and Extracts from Minutes of the Fifteenth Sitting of the Committee (2019-20) held on 21.9.2020 relevant to this Report are included in Appendix-III of the Report.

New Delhi;
September, 2020
Asvina , 1942 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

REPORT

The Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and general categories (Group C Posts) Recruitment Rules, 2015 (GSR 221 of 2015)

The Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and general categories (Group C Posts) Recruitment Rules, 2015 were published in the Gazette of India, Part-II, Section 3(i) dated 21 November, 2015 (Appendix-I). During scrutiny of the Rules under reference, following infirmities were observed :-

A. Anomaly in Qualification Clause

In the schedule, for the posts at Sl. No. 1 & 2 pertaining to Pharmacist-cum-Clerk (Unani) and Storekeeper (Unani) respectively, the essential qualifications prescribed under column 7 read 'Degree or Diploma in Unani'. In this regard, the Ministry of Health and Family Welfare were requested to furnish the following clarifications :-

- (i) the rationale behind prescribing dual qualifications viz. Degree or Diploma in Unani and whether degree and diploma are treated as equal qualifications.
- (ii) whether there is any standard norm which is in existence in terms of duration of the diploma course prescribed in terms of number of years, i.e. one year, or two years or three years or four years, etc.

1.2 For (i) above the Ministry of Health and Family Welfare *vide* their reply dated 1.3.2018 furnished the following:-

"The RRs for the said posts have been amended vide GSR 466 dated 19.12.2017 prescribing the following qualifications:-

(i) 12th Class pass with Science Subjects [Physics, Chemistry, Maths or Biology] or equivalent from a recognized Board or University with proficiency in Urdu or an equivalent oriental qualifications in Urdu/Arabic/Persian;

(ii) Diploma in Unani Pharmacy from a recognised University or institute

(iii) two years' experience as Unani Pharmacist in a recognised Unani Hospital or Pharmacy

or

Degree in Unani Pharmacy from a recognized University or Institute.

The rationale behind prescribing qualification degree in Unani Pharmacy is to make eligible degree holders also for the said posts. The persons having diploma with two years experience as Unani Pharmacist and having Degree in Unani Pharmacy both are eligible for the said posts.

This Ministry has no objection for prescribing simple qualification of Diploma. On prescribing simple qualification Diploma, the degree holder will not be eligible for the posts."

For (ii) above the Ministry submitted the following:-

"Generally, the duration of a diploma in every university is minimum two years. Therefore, Diploma in Unani Pharmacy from a recognized University or institute has been prescribed as essential qualifications. This Ministry has no objection in prescribing two years diploma in Unani Pharmacy from a recognized University or institute."

1.3 The Committee note that in the aforesaid Rules, one of the essential educational qualifications prescribed for the posts of Pharmacist-cum-Clerk (Unani) and Storekeeper (Unani) is Degree or Diploma in Unani Pharmacy by recognised University or Institute. Since the Degree as well as Diploma in Unani Pharmacy has been treated at par, the same may be perceived as anomalous because the Degree undoubtedly, is a superior qualification over Diploma and the same should not have been equated. The Committee note that educational qualification is one of the most important constituent to any

Recruitment Rules and an error in the same can have further ramifications on the selection of candidates. But to the surprise of the Committee the same was overlooked by the Ministry. The Committee express their disagreement with the stand taken by the Ministry that, after prescribing 'Diploma' as minimum qualification, the Degree holders will not be eligible for the post. The Committee emphasize that Diploma may be prescribed as minimum qualification, it implies that, even the degree holders are eligible, as they meet eligibility criteria. It was not the intention to exclude the degree holders. The Committee desire that the Ministry should be extra cautious in drafting/framing of the Recruitment Rules as the anomalies in the same may have varying ramification on the candidates, recruitment process, etc and it may lead to unnecessary litigations. The Committee, however, note that once the said infirmity was brought to the notice of the Ministry, the Ministry has amended the same vide GSR 466 dated 19.12.2017 and has supplemented the qualification of diploma in Unani pharmacy; with two years' experience as Unani Pharmacist in a recognised Unani Hospital or Pharmacy and the Degree in Unani Pharmacy has been prescribed as a standalone qualification. However, in the amended qualification the Committee note that the Ministry did not prescribe the duration of diploma viz. 2 years in Unani Pharmacy despite expressing their no objection in prescribing the same. The Committee, therefore, while expressing its satisfaction that on behest of the Committee the required correction in the educational qualifications for posts of Pharmacist-cum-clerk (Unani) and Storekeeper have been agreed to be made by the Ministry, recommend that the necessary amendments including prescribing the duration of Diploma may be notified at the earliest and the Committee may be apprised of conclusive action taken in this regard.

B. Use of Vague Expressions

1.4 In the schedule, for the posts at Sl. No. 3, 4, 6 & 7 pertaining to the posts of ECG Technician (Junior), Laboratory Technician, Dental Technician and Lady Health visitor

respectively, under column 7 for fulfilling Essential Educational Qualifications, the words like, - from 'recognised institute', 'recognised hospital', 'recognised laboratory' have been used which are vague and are liable to be interpreted differently by different persons because the Authority/Government viz. Central or State Government whose recognition of the institute/hospital/laboratory will be valid has not been specified. The Ministry were requested to clarify the position and also to state if they have any objection in making them precise and specific.

1.5 In response, the Ministry of Health and Family Welfare *vide* their reply dated 1.3.2018 furnished the following:

"Where provision for registration with a Para Medical Council has not been made, provisions of experience for the posts of ECG Technician (Jr.) Laboratory Technician, Dental Technician and Lady Health Visitor from a recognised institute, recognised hospital and recognised laboratory has been made. This Ministry may have no objections in specifying in respective field."

1.6 In the aforesaid Recruitment Rules, for the posts of ECG Technician (Junior), Laboratory Technician, Dental Technician and Lady Health Visitor, in column 7 pertaining to educational qualification the words from - 'recognised institute', 'recognised hospital', 'recognised laboratory' have been used which appears to be vague as the Competent Authority or the State/Central Government whose recognition of the institute/ hospital/laboratory will be acceptable has not been specified. The Committee are of the view that vague expressions used in Rules open the windows for different kind of interpretation and may be construed to harm/benefit some for whom the Rules are intended. Therefore, to avoid such situations it is necessary that the Rules are devoid of expressions and phrases which are vague in nature and lack clarity. The Committee, however, express its satisfaction that on being pointed out, the Ministry

have stated that they have no objection in specifying the terms. The Committee, therefore, desire that the Ministry may bring out the necessary amendment to the Rules to specify the terms and expressions which are vague and intimate the Committee of the final action taken in the matter.

New Delhi;
September, 2020
Asvinaa, 1942 (Saka)

RAGHURAMA KRISHNARAJU KANUMURU
Chairperson,
Committee on Subordinate Legislation

(12)

- (3) मुख्य चिकित्सा अधिकारी, —सदस्य
केन्द्रीय सरकार स्वास्थ्य योजना
- (4) प्रशासनिक अधिकारी, स्थापना (अराजपत्रित) —सदस्य
केन्द्रीय सरकार स्वास्थ्य योजना

[फा. सं. ए-12018/01/2014-सीजीएचएस-1]

सुनील कुमार गुप्ता, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Central Government Health Scheme Division)

New Delhi, the 19th November, 2015

G.S.R. 221.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the (i) Central Government Health Scheme Delhi (Group "C") Unani Recruitment Rules, 1978, (ii) the Central Government Health Scheme, Delhi (E.C.G.) Technician (Junior) Recruitment Rules, 1981, (iii) the Central Government Health Scheme, Delhi, Bombay, Calcutta, Madras, Bangalore, Hyderabad, Kanpur, Lucknow, Jaipur, Ahmedabad, Allahabad, Nagpur, Meerut, Patna and Pune (Group 'C' post) Recruitment Rules, 1989, (iv) the Central Government Health Scheme, Delhi (Group 'C') Paramedical and general categories of posts Recruitment Rules, 1993 insofar as they relate to the post of Refractionists and Dental Technician, and (v) the Central Government Health Scheme (Lady Health Visitor) Recruitment Rules, 1995, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the posts of Pharmacist (Unani), Pharmacist (Unani)- cum Clerk, Store Keeper (Unani), E.C.G. Technician (Junior), Laboratory Technician, Optometrist, Dental Technician and Lady Health Visitor, in the Central Government Health Scheme, Ministry of Health and Family Welfare, namely:-

1. Short title and commencement.—(1) These rules may be called the Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and general categories (Group 'C' Posts) Recruitment Rules, 2015.

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

2. Number of posts, classification, pay band and grade pay or pay scale.—The number of posts, their classification, pay band and grade pay or pay scale attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

3. Method of recruitment, age-limit, qualifications, etc.—The method of recruitment to the said posts, age-limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the aforesaid Schedule.

4. Disqualification.—No person,—

- (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,

shall be eligible for appointment to the said posts:

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

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

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

SCHEDULE

Name of the post	Number of posts	Classification	Pay Band and Grade Pay or Pay Scale	Whether selection post or non-selection post	Age-limit for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)
1. Pharmacist -cum- Clerk (Unani)	13* (2015) 1. CGHS, Delhi-6 2. CGHS, Kolkata-1 3. CGHS, Hyderabad-3 4. CGHS, Lucknow-2 5. CGHS, Bangalore-1 *Subject to variation dependent on workload.	General Central Service. Group 'C', Non-Gazetted, Non-Ministerial	Pay Band-1, Rs. 5200—20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government servants up to the age in 40 years in the case of general candidates and up to 45 years in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes in accordance with the instructions or orders issued by Central Government from time to time) Note 1 : The crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India (and not the closing date for those in Assam, Mizoram, Manipur, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep). Note 2 : In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.
Educational and other qualifications required for direct recruits		Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees		Period of probation, if any	
(7)		(8)		(9)	
Essential : (i) 12th Class pass with Science Subjects [Physics, Chemistry, Maths or Biology] or		Not applicable		Two years	

(7)

equivalent from recognised Board or University;

(ii) Degree or Diploma in Unani Pharmacy by recognised University or Institute;

(iii) Must be registered as a registered Unani Pharmacist under any State Council.

Note 1 : For diploma holder two years' experience as Unani Pharmacist in a recognised Unani Hospital or Pharmacy, etc.

Note 2 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.

Note 3 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of recruitment : Whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods

In case of recruitment by promotion/deputation/absorption, deputation grades from which promotion/deputation/absorption to be made

(10)

(11)

By direct recruitment.

Not applicable

Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the officers of the Central Government,—

- (a) holding analogous post on regular basis in the parent cadre or department; and
- (b) possessing the qualifications and experience prescribed for direct recruits under column (7).

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which the Union Public Service Commission is to be consulted in making recruitment rules

(12)

(13)

Departmental Promotion Committee (for considering confirmation) consisting of:—

Not applicable.

- (1) Additional Deputy Director General (Head Quarter), —Chairperson
Central Government Health Scheme

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- | | |
|--|---------|
| (2) Deputy Director (Administration),
Directorate General of Health Services | —Member |
| (3) Chief Medical Officer,
Central Government Health Scheme | —Member |
| (4) Administrative Officer, Establishment (Non-Gazetted)
Central Government Health Scheme | —Member |

(1)	(2)	(3)	(4)	(5)	(6)
2. Store Keeper (Unani)	1* (2015) *Subject to variation dependent on workload.	General Central Service, Group 'C', Non-Gazetted, Non- Ministerial	Pay Band-1, Rs. 5200— 20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government ser- vants up to the age in 40 years in the case of general candidates and up to 45 years in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes in accor- dance with the instructions or orders issued by Central Government from time to time) Note 1: The crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India (and not the closing date for those in Assam, Mizoram, Manipur, Naga- land, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep). Note 2: In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.

(7)	(8)	(9)
Essential : (i) 12th Class pass with Science Subjects [Physics, Chemistry, Maths, or Biology] or equivalent from recognised Board or University;	Not applicable	Two years

(7)

(ii) Degree or Diploma in Unani Pharmacy by recognised University or Institute;

(iii) Must be registered as a registered Unani Pharmacist under any State Council.

Note 1 : For diploma holder two years' experience as Unani Pharmacist in a recognised Unani Hospital or Pharmacy, etc.

Note 2 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.

Note 3 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

(10)

(11)

By direct recruitment.

Not applicable

Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the officers of the Central Government,—

- (a) holding analogous post on regular basis in the parent cadre or department; and
- (b) possessing the qualifications and experience prescribed for direct recruits under column (7).

(12)

(13)

Departmental Promotion Committee (for considering confirmation) consisting of :—

Not applicable.

- (1) Additional Deputy Director General (Head Quarter), —Chairperson
Central Government Health Scheme
- (2) Deputy Director (Administration), —Member
Directorate General of Health Services
- (3) Chief Medical Officer, —Member
Central Government Health Scheme
- (4) Administrative Officer, Establishment (Non-Gazetted) —Member
Central Government Health Scheme

(1)	(2)	(3)	(4)	(5)	(6)
3. E.C.G Technician (Junior)	21* (2015) 1. CGHS, Allahabad-1 2. CGHS, Bangalore-1 3. CGHS, Chennai-2 4. CGHS, Hyderabad-2 5. CGHS, Jaipur-1 6. CGHS, Kanpur-1 7. CGHS, Lucknow-1 8. CGHS, Meerut-1 9. CGHS, Mumbai-1 10. CGHS, Nagpur-1 11. CGHS, Delhi-8 12. CGHS, Pune-1 *Subject to variation dependent on workload.	General Central Service, Group 'C', Non-Gazetted. Non- Ministerial	Pay Band-1, Rs. 5200— 20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 25 years. (Relaxable for Government ser- vants up to the age of 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes in accor- dance with the instructions or orders issued by the Central Government from time to time) Note 1 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing dates for those in Assam, Mizoram, Manipur, Naga- land, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti Districts and Pangi Sub Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep). Note 2 : In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.

(7)	(8)	(9)
Essential : (i) 12th Class pass with Science Subjects or equivalent from a recognised Board or University; (ii) Diploma in E.C.G. technician course from a recognised institute; and (iii) One year experience in handling of E.C.G. Machine in any recognised Hospital. Note 1 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.	Not applicable	Two years

(7)

Note 2 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

(10)

By direct recruitment.

Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the officers of the Central Government,—

- (a) holding analogous post on regular basis in the parent cadre or department; and
- (b) possessing the qualifications and experience prescribed for direct recruits under column (7).

(11)

Not applicable

(12)

Departmental Promotion Committee (for considering confirmation) consisting of :—

- (1) Additional Deputy Director General (Head Quarter),
Central Government Health Scheme —Chairperson
- (2) Deputy Director (Administration),
Directorate General of Health Services —Member
- (3) Chief Medical Officer,
Central Government Health Scheme —Member
- (4) Administrative Officer, Establishment (Non-Gazetted)
Central Government Health Scheme —Member

Not applicable.

(1)

(2)

(3)

(4)

(5)

(6)

4. Laboratory Technician	155* (2015) 1. CGHS, Delhi-60 2. CGHS, Mumbai-14 3. CGHS, Kolkata-6 4. CGHS, Chennai-7 5. CGHS, Bangaluru-5 6. CGHS, Hyderabad-7 7. CGHS, Kanpur-5	General Central Service, Group 'C', Non-Gazetted, Non-Ministerial	Pay Band-I, Rs. 5200—20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government servants up to the age of 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes in accor-
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8. CGHS, Lucknow-9
 9. CGHS, Jaipur-8
 10. CGHS, Ahmedabad-7
 11. CGHS, Allahabad-3
 12. CGHS, Nagpur-3
 13. CGHS, Meerut-3
 14. CGHS, Patna-4
 15. CGHS, Pune-7
 16. CGHS, Bhubaneswar-1
 17. CGHS, Bhopal-1
 18. CGHS, Dehradun-1
 19. CGHS, Jabalpur-3
 20. CGHS, Shillong-1
- *Subject to variation dependent on workload.

dance with the instructions or orders issued by Central Government from time to time)

Note 1 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing dates for those in Assam, Mizoram, Manipur, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti Districts and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Note 2 : In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.

(7)

(8)

(9)

Essential :

Not applicable

Two years

(i) 12th Class pass with Science Subject [Physics, Chemistry, Maths or Biology] or equivalent from a recognised Board or University;

(ii) Diploma in Laboratory Technician from a recognised institute; and

(iii) Two years' experience as Laboratory Technician in a recognised Hospital or Laboratory.

Note 1 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.

Note 2 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff

(7)

Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

(10)

By direct recruitment.

Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the officers of the Central Government,—

- (a) holding analogous post on regular basis in the parent cadre or department; and
- (b) possessing the qualifications and experience prescribed for direct recruits under column (7).

(11)

Not applicable

(12)

Departmental Promotion Committee (for considering confirmation) consisting of :—

- (1) Additional Deputy Director General (Head Quarter),
Central Government Health Scheme —Chairperson
- (2) Deputy Director (Administration),
Directorate General of Health Services —Member
- (3) Chief Medical Officer,
Central Government Health Scheme —Member
- (4) Administrative Officer, Establishment (Non-Gazetted)
Central Government Health Scheme —Member

(13)

Not applicable

Departmental Promotion Committee (for considering confirmation) outside Delhi consisting of :—

- (1) Additional Director/Chief Medical Officer,
Central Government Health Scheme —Chairperson
- (2) Deputy Director (Administration),
Directorate General of Health Services —Member
- (3) Administrative Officer, Establishment
Central Government Health Scheme —Member

(1)	(2)	(3)	(4)	(5)	(6)
5. Optometrist	4* (2015) 1. CGHS, Delhi-3 2. CGHS, Kolkata-I *Subject to variation dependent on workload.	General Central Service, Group 'C', Non-Gazetted, Non- Ministerial	Pay Band-1, Rs. 5200— 20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government ser- vants up to the age of 40 years in the case of general candidates and up to 45 years in the case of candidates belonging to the Scheduled Castes or

(6)

Scheduled Tribes in accordance with the instructions or orders issued by Central Government from time to time).

Note 1 : The crucial date for determining the age-limit shall be the closing date for receipt of applications (and not the closing date for those in Assam, Mizoram, Manipur, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti Districts and Pangi Sub -Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands and Lakshadweep).

Note 2 : In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.

(7)

(8)

(9)

Essential :

Not applicable

Two years

Degree in Optometry (four years duration) from a recognised University.

Note 1 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.

Note 2 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Note 3 : According to Rule 10 of the Official Languages Rules, 1976, made under Official

(7)

Languages Act, 1963 (19 of 1963), the candidate should have the working knowledge of Hindi and if he does not have the knowledge of Hindi, he must have to acquire the same during his period of probation.

(10)

By direct recruitment.

(11)

Not applicable

Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the Officers of the Central Government,—

- (a) holding analogous post on regular basis in the parent cadre or department; and
- (b) possessing the qualifications and experience prescribed for direct recruits under column (7).

(12)

Departmental Promotion Committee (for considering confirmation) consisting of :—

(13)

Not applicable

- (1) Additional Deputy Director General (Head Quarter),
Central Government Health Scheme —Chairperson
- (2) Deputy Director (Administration),
Directorate General of Health Services —Member
- (3) Chief Medical Officer,
Central Government Health Scheme —Member
- (4) Administrative Officer, Establishment (Non-Gazetted)
Central Government Health Scheme —Member

(1)	(2)	(3)	(4)	(5)	(6)
6. Dental Technician	19* (2015) 1. CGHS, Ahmedabad-1 2. CGHS, Allahabad-1 3. CGHS, Bangalore-1 4. CGHS, Jaipur-1 5. CGHS, Kanpur-1 6. CGHS, Lucknow-1 7. CGHS, Mumbai-2 8. CGHS, Nagpur-1 9. CGHS, Delhi-8 10. CGHS, Patna-1 11. CGHS, Pune-1 *Subject to variation dependent on workload.	General Central Service, Group 'C', Non-Gazetted, Non-Ministerial	Pay Band-1, Rs. 5200—20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government servants up to the age of 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes in accordance with the instructions or orders issued by the Central Government from time to time). Note 1 : The crucial date for determining the age limit shall be the closing date for receipt

(6)

of applications (and not the closing date prescribed for those in Assam, Mizoram, Manipur, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Note 2 : In the case of recruitment made through Employment Exchange, the crucial date for determining the age-limit shall be the last date up to which the Employment Exchange is asked to submit the names.

(7)	(8)	(9)
<p>Essential :</p> <p>(i) 12th Class pass with Science Subject [Physics, Chemistry, Maths or Biology] or equivalent from a recognised Board or University;</p> <p>(ii) Diploma in Dental Hygiene or Dental Technician from a recognised institute; and</p> <p>(iii) Two years' experience as Dental Technician in a recognised Hospital.</p> <p>Note 1 : The qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates otherwise well qualified.</p> <p>Note 2 : The qualification(s) regarding experience is relaxable at the discretion of the Staff Selection Commission or Competent Authority in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes, if at any stage of selection, the Staff Selection Commission or Competent Authority is of the opinion that sufficient number of candidates belonging to these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.</p>	Not applicable	Two years

(10)	(11)
By direct recruitment.	Not applicable
<p>Note : Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled on deputation basis from the officers of the Central Government,—</p> <p>(a) holding analogous post on regular basis in the parent cadre or department; and</p> <p>(b) possessing the qualifications and experience prescribed for direct recruits under column (7).</p>	

(12)	(13)
<p>Departmental Promotion Committee (for considering confirmation) consisting of : —</p> <p>(1) Additional Deputy Director General (Head Quarter), Central Government Health Scheme —Chairperson</p> <p>(2) Deputy Director (Administration), Directorate General of Health Services —Member</p> <p>(3) Chief Medical Officer, Central Government Health Scheme —Member</p> <p>(4) Administrative Officer, Establishment (Non-Gazetted) Central Government Health Scheme —Member</p>	Not applicable.

(1)	(2)	(3)	(4)	(5)	(6)
7. Lady Health Visitor	36* (2015) 1. CGHS, Delhi-19 2. CGHS, Mumbai-16 3. CGHS, Chennai-1 *Subject to variation dependent on workload	General Central Service, Group 'C', Non-Gazetted, Non-Ministerial	Pay Band-1, Rs. 5200—20200 with grade pay of Rs. 2800	Not applicable	Between 18 and 30 years. (Relaxable for Government servants upto the age in 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes in accordance with the instructions or orders issued by the Central Government from time to time) Note 1 : The crucial date for determining the age-limit shall be the closing date for receipt of applications (and not the closing date for those in Assam, Mizoram, Manipur, Nagaland, Meghalaya, Arunachal Pradesh, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub Division of Chamba District of Himachal

(6)

Pradesh, Andaman and
Nicobar Islands or
Lakshadweep).

Note 2 : In the case of
recruitment made through
Employment Exchange, the
crucial date for determining the
age-limit shall be the last date
up to which the Employment
Exchange is asked to submit the
names.

(7)

(8)

(9)

Essential :

Not applicable

Two years

(i) 12th pass or equivalent from a
recognised Board or University;

(ii) Diploma in Lady Health Visitor course
and one year experience in midwifery from a
recognised Institution or Hospital.

Note 1: The qualifications are relaxable at the
discretion of the Staff Selection Commission
or Competent Authority in the case of
candidates otherwise well qualified.

Note 2 : The qualification(s) regarding
experience is relaxable at the discretion of the
Staff Selection Commission or Competent
Authority in the case of candidates belonging
to the Scheduled Castes or the Scheduled
Tribes, if at any stage of selection, the Staff
Selection Commission or Competent
Authority is of the opinion that sufficient
number of candidates belonging to these
communities possessing the requisite
experience are not likely to be available to fill
up the posts reserved for them.

(10)

(11)

By direct recruitment.

Not applicable

Note : Vacancies caused by the incumbent being away
on deputation or long illness or study leave or under
other circumstances for a duration of one year or more
may be filled on deputation basis from the officers of
the Central Government,—

- (a) holding analogous post on regular basis in the
parent cadre or department; and
- (b) possessing the qualifications and experience
prescribed for direct recruits under column (7).

(12)	(13)
Departmental Promotion Committee (for considering confirmation) consisting of :—	Not applicable.
(1) Additional Deputy Director General (Head Quarter), Central Government Health Scheme	—Chairperson
(2) Deputy Director (Administration), Directorate General of Health Services	—Member
(3) Chief Medical Officer, Central Government Health Scheme	—Member
(4) Administrative Officer, Establishment (Non-Gazetted) Central Government Health Scheme	—Member
	[F. No. A-12018/01/2014-CGHS-I] SUNIL KUMAR GUPTA, Under Secy.

संस्कृति मंत्रालय

नई दिल्ली, 12 नवम्बर, 2015

सा.का.नि. 222.—राष्ट्रपति, संविधान के अनुच्छेद, 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए संस्कृति मंत्रालय में समूह 'ग' पद/पदों पद भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम संस्कृति मंत्रालय, बहु-कार्यकर्मचारिवृद्ध (समूह 'ग') पद भर्ती नियम, 2015 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पद संख्या, वर्गीकरण तथा वेतन बैंड और ग्रेड वेतन या वेतनमान.—उक्त पद/पदों की संख्या, उसका/उनका वर्गीकरण तथा वेतन बैंड और ग्रेड वेतन या वेतनमान वह होगा, जो इन नियमों से उपाबद्ध अनुसूची के स्तम्भ (2) से स्तम्भ (4) में विनिर्दिष्ट हैं।

3. भर्ती की पद्धति, आयु-सीमा और अर्हताएं आदि.—उक्त पद पर भर्ती की पद्धति, आयु-सीमा, अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तम्भ (5) से स्तम्भ (13) में विनिर्दिष्ट हैं।

4. निरर्हता.—वह व्यक्ति,—

(क) जिसने ऐसे व्यक्ति से, जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है; या विवाह की संविदा की है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है, या विवाह की संविदा की है;

उक्त पद पर नियुक्ति का पात्र नहीं होगा।

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

5. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो कारण हैं, उन्हें लेखबद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके इन नियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।

6. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, भूतपूर्व सैनिकों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

APPENDIX II

(Vide Para 5 of the Introduction of the Report)

SUMMARY OF RECOMMENDATIONS MADE IN THE FIFTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

(SEVENTEENTH LOK SABHA)

Sl.No.	Reference to Para No. in the Report	Summary of Recommendations
1	1.3	<p>The Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and general categories (Group C Posts) Recruitment Rules, 2015 (GSR 221 of 2015)</p> <p>The Committee note that in the aforesaid Rules, one of the essential educational qualifications prescribed for the posts of Pharmacist-cum-Clerk (Unani) and Storekeeper (Unani) is Degree or Diploma in Unani Pharmacy by recognised University or Institute. Since the Degree as well as Diploma in Unani Pharmacy has been treated at par, the same may be perceived as anomalous because the Degree undoubtedly, is a superior qualification over Diploma and the same should not have been equated. The Committee note that educational qualification is one of the most important constituent to any Recruitment Rules and an error in the same can have further ramifications on the selection of candidates. But to the surprise of the Committee the same was overlooked by the Ministry. The Committee express their disagreement with the stand taken by the Ministry that, after prescribing 'Diploma' as minimum qualification, the Degree holders will not be eligible for the post. The Committee emphasize that Diploma may be prescribed as minimum qualification, it implies that, even the degree holders are eligible, as they meet eligibility criteria. It was not the intention to exclude the degree holders. The Committee desire that the Ministry should be extra cautious in drafting/framing of the Recruitment Rules as the anomalies in the same may have varying ramification on the candidates, recruitment</p>

process, etc and it may lead to unnecessary litigations. The Committee, however, note that once the said infirmity was brought to the notice of the Ministry, the Ministry has amended the same vide GSR 466 dated 19.12.2017 and has supplemented the qualification of diploma in Unani pharmacy, with two years' experience as Unani Pharmacist in a recognised Unani Hospital or Pharmacy and the Degree in Unani Pharmacy has been prescribed as a standalone qualification. However, in the amended qualification the Committee note that the Ministry did not prescribe the duration of diploma viz. 2 years in Unani Pharmacy despite expressing their no objection in prescribing the same. The Committee, therefore, while expressing its satisfaction that on behest of the Committee the required correction in the educational qualifications for posts of Pharmacist-cum-clerk (Unani) and Storekeeper have been agreed to be made by the Ministry, recommend that the necessary amendments including prescribing the duration of Diploma may be notified at the earliest and the Committee may be apprised of conclusive action taken in this regard.

1.6

In the aforesaid Recruitment Rules, for the posts of ECG Technician (Junior), Laboratory Technician, Dental Technician and Lady Health Visitor, in column 7 pertaining to educational qualification the words from - 'recognised institute', 'recognised hospital', 'recognised laboratory' have been used which appears to be vague as the Competent Authority or the State/Central Government whose recognition of the institute/ hospital/laboratory will be acceptable has not been specified. The Committee are of the view that vague expressions used in Rules open the windows for different kind of interpretation and may be construed to harm/benefit some for whom the Rules are intended. Therefore, to avoid such situations it is necessary that the Rules are devoid of expressions and phrases which are vague in nature and lack clarity. The Committee, however, express its satisfaction that on being pointed out, the Ministry have stated that they have no objection in specifying the terms. The Committee, therefore, desire that the Ministry may bring out the

		necessary amendment to the Rules to specify the terms and expressions which are vague and intimate the Committee of the final action taken in the matter.
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APPENDIX III

(Vide Para 6 of the Introduction of the Report)

EXTRACTS FROM MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2019-2020)

The fourteenth sitting of the Committee (2019-20) was held on Monday, the 7th September, 2020 from 1500 to 1715 hours in Committee Room D, Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Raghurama Krishnaraju Kanumuru Chairperson

MEMBERS

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Pinaki Misra
5. Shri Suresh Pujari
6. Shri A.Raja
7. Shri Sanjay Seth

SECRETARIAT

1. Shri R. C. Tiwari - Joint Secretary
2. Shri T.S. Rangarajan - Director
3. Shri N.K. Jha - Additional Director
4. Smt. Jagriti Tewatia - Additional Director

WITNESSES

(Ministry of Health and Family Welfare)

1. Shri Rajesh Bhushan - Secretary
2. Shri Lav Agarwal - Joint Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee, thereafter took up for consideration the following draft Memoranda:-

(i) XX XX XX XX

(ii) **Memorandum No. 7:** Draft Memorandum regarding the Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and General Categories (Group C Posts) Recruitment Rules, 2015.

(iii) XX XX XX XX

(iv) XX XX XX XX

3. XX XX XX XX

4. The Committee, then considered and adopted Memoranda No. 7,8 and 9 without any modification and also authorised the Chairperson to present the same to the House.

5. XX XX XX XX

6. XX XX XX XX

7. XX XX XX XX

8. XX XX XX XX

9. XX XX XX XX

10. XX XX XX XX

11. XX XX XX XX

XX Omitted portion of the Minutes are not relevant to this Report

**EXTRACTS FROM MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON
SUBORDINATE LEGISLATION (2019-2020)**

The fifteenth sitting of the Committee (2019-20) was held on Monday, the 21st September, 2020 from 1415 to 1445 hours in Chairperson's Chamber, Room No. 209, Extension Building, Parliament House Annexe, New Delhi.

PRESENT

1. Shri Raghurama Krishnaraju Kanumuru Chairperson

MEMBERS

2. Prof. S. P. Singh Baghel
3. Shri Ajay Bhatt
4. Shri Suresh Pujari
5. Shri A.Raja
6. Shri Nama Nageshwar Rao
7. Shri Sanjay Seth

SECRETARIAT

1. Shri T.S.Rangarajan - Director
2. Shri Nabin Kumar Jha - Additional Director
3. Smt. Jagriti Tewatia - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

(i) XX XX XX XX

(ii) Draft Fifth Report of the Committee based on the examination of Statutory Orders on the Ministry of Health and Family Welfare, Central Government Health Scheme Organisation, Paramedical and General Category (Group C Posts) Recruitment Rules, 2015.

(iii) XX XX XX XX

(iv) XX XX XX XX

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

XX Omitted portion of the Minutes are not relevant to this Report