

**CHANDIGARH ADMINISTRATION
OFFICE OF THE SECRETARY HEALTH**

No. PA/Secy-Health/2021/275

Dated: 03.11.2021

PRESS-NOTE

(Facts about strike by NHM Staff and termination of their contractual appointment)

The staff were engaged by the Health Department under the National Health Mission (NHM) and their pay and other service conditions are regulated as per the contract agreements executed under the guidelines issued by the Ministry of Health & Family Welfare, Govt. of India.

2. During the month of August, some of the NHM staff went on strike with the demand for salary as per the DC rates and somehow the same was agreed by the Administration. Considering that their appointments were based as per the contractual agreement, vide order dated 26.10.2021, they were asked to exercise either of the following options in 05 working days:

OPTION-I: Salary/Wages as per the DC rates and shall adhere to all the Terms & Conditions as mentioned in the office order issued by the Deputy Commissioner regarding number of duty hours and leave etc. **OR**

OPTION-I: To continue draw the salary as per the NHM Norms.

It was also mentioned in the order dated 26.10.2021 that in case of not exercising of either of the option, it would be presumed that the new pay structure (DC) rates along with prescribed service norms was not acceptable to them and according the pay would be disbursed as per the old pay structure i.e. NHM norms. Hence each of the NHM staff was free to opt for salary on DC rates with applicable terms & condition.

3. It is pertinent to mention here that the NHM norms provide for lesser number of working hours, better leaves & other service conditions. However, the monthly salary/wages as per NHM norms is lesser than the DC rates.

4. In the evening of 27.10.2021, some of the NHM staff met the DHS and MS of GMSH16. The NHM staff insisted for pay equal to the DC rates but without other conditions of DC rates i.e. increased working hours (08 hours instead of 06 hours daily) and lesser leaves etc. Best possible efforts were made by the DHS & MS to convince them that they were free to exercise option either for pay at DC rates with applicable working hours/leaves etc or to continue with pay at NHM rates with applicable working hours/leaves etc. as per the guidelines of the NHM. They were not convinced because of being adamant for pay as per DC rates but the other service conditions as per NHM which was not possible and they immediately announced to proceed on strike from very next day. On 28.10.2021 they organized 'Dharna' inside the campus of GMSH-16, shouted slogans and tried to instigate other staff who were diligently performing their duties. They also attempted to provoke the outsourced


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staff for lesser number of working hour and other service conditions available to NHM staff.

5. The sudden strike did not give sufficient time to make alternative arrangements and it had badly affected the health services during the ongoing difficult time when the health facilities were overflowing with the patients. To ensure un-interrupted health services and to save life of the patients during the ongoing COVID pandemic, Malaria and Dengue etc, the following actions have been taken:

- a) The existing staff have been deputed in shifts/extra duty to overcome the shortage.
- b) The outsourcing agency has provided some staff and preference has been given to those out-sourced persons who were deputed during the second wave of COVID but were subsequently disengaged.
- c) A fresh process to fill up the required number of vacancies under NHM has already been initiated.

6. Considering the misconduct being in gross violation of the Terms & Conditions, the contractual appointment of about 178 staff of NHM under different category have been terminated with effect of 29.10. 2021. Chandigarh Police has been requested to ensure appropriate security arrangements at GMSH-16 and at other establishments of the Health Department in the City. The 178 ex-staff of NHM, whose contractual services have already been terminated by the Competent Authority, are not allowed to enter in any of the health facility of UT Administration. Their entry without written permission from the in charge/Head of the particular Health Facility would be an unauthorized entry which may amount to trespassing to attract appropriate action as per the law.

7. An emergency meeting of the Executive Committee of NHM Chandigarh was held on the last Saturday i.e. 30.10.2021. The Executive Committee expressed anguish over the conduct of the ex-staff of NHM and had observed that:

- a) Presently the city of Chandigarh is grappling with an unprecedented health crisis because of serious illnesses like COVID pandemic, Dengue, Malaria, Acute fever with thrombocytopenia and other vector borne diseases having spread. Almost all the health facilities are overflowing with patients more than its capacity. Such times call for extraordinary commitment and dedication, even beyond the normal dictates of duty, both from a professional as well as humane aspect.
- b) Knowing the gravity of this unprecedented emergent health crisis is prevailing in Chandigarh, such highly irresponsible conduct has put the life of large number of patients to serious risk which clearly indicates that these ex- staff of NHM could not be relied upon to provide un-interrupted patient care in UT Chandigarh. In past also some of the NHM staff went on strike and health services in the City were adversely affected. Such misconduct is a gross

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violation of the Terms & Conditions of the Contractual appointment and deserve to dealt with exemplary actions.

- c) The demand for pay as per DC rates but without applicable working hours and leaves, is un-reasonable. Agreeing to such un-justified demand will lead to serious implications and become a reason of unrest in the staff deputed as per DC rates because they may also demand for lesser working hours and other services conditions as per NHM staff.

8. After detailed deliberations and considering the present scenario of health related issues in the City, the Executive Committee in the emergency took following decisions:

- a) In the given circumstances and the gross misconduct in violation of Terms & Conditions, the termination of services of the 178 NHM staff was correct decision and need of the hour. It must be ensured that the persons whose contractual appointment has been terminated because of the misconduct are not considered in the fresh selection process.
- b) Actual requirement of the staff to be re-assessed after an exercise of rationalization and thereafter due process to be followed as per the NHM guidelines for fresh selection of staff.
- c) The aspect of pay to NHM staff as per the DC rate needs to be re-examined carefully after getting status from other UTs, Punjab, Haryana and Himachal Pradesh. Till then the guidelines issued by the Central Government for service conditions including pay to the NHM staff to be strictly followed.


9. In view of above, the present status is as under:

- a) Initially the Health Services were adversely affected because of the sudden strike but now with the extra efforts and new staff, the services are on the track. A fresh process to fill up the required staff under NHM has already been initiated. The persons whose contractual appointment were terminated because of the misconduct are not considered in the fresh selection process.
- b) Contractual appointment of 178 staff under the NHM has been terminated. They are not allowed to enter in any of the health facility in the City without a written permission.
- c) The office order 26.10.2021 asking for option for DC rates has been withdrawn. None of NHM staff has opted for DC rates with applicable Terms & Conditions of DC rates.
- d) The status of salary/wages to NHM staff is being obtained from other UTs, Punjab, Haryana and Himachal Pradesh to re-examine the aspect of pay to NHM staff as per the DC rates. Till then the guidelines issued by the Central Government for service conditions including pay to the NHM staff to be strictly

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followed. The re-examination will also include re-assessment of the actual requirement because with higher working hours & lesser leaves as per the terms & conditions of the DC rates, we may need only about 60% of the present strength.

10. Here it is made clear that the narrative being played by the ex-staff of NHM that the UT Administration was forcing the service conditions of DC rate upon the NHM staff is factually incorrect and malicious. The correct factual position is that the UT Administration gave them clear options to choose either for pay as per DC rate or as per NHM norms with applicable condition of the respective option. They wanted to work only for 06 hours but salary equivalent to outsourced staff who is working for 08 hours which was not possible. Best of both the options could not be provided to them and they were terminated for misconduct and gross violation of the Terms & Conditions of the agreement for contractual appointment.


(Yashpal Garg, IAS)
Secretary Health

To,
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