GOVERNMENT OF KERALA

Abstract

FINANCE (ANOMALY RECTIFICATION CELL) DEPARTMENT

G.O.(Rt)No.6722/2017/Fin Dated, Thiruvananthapuram, 26/08/2017

Read : -

ORDER

Kerala Veterinary Surgeons' Service Association filed WP(C)No. 23375/2009 before the Hon'ble High Court, requesting to grant parity in scale of pay and allowances to Veterinary Surgeons at par with Medical Officers in Health Services Department, the WP(C) was transferred to the Hon'ble Kerala Administrative Tribunal and renumbered as TA 4657/2012. The Hon'ble Kerala Administrative Tribunal has disposed of the petition vide its order read above directing the applicants to ventilate their grievances before the Anomaly Rectification Cell in Government constituted for looking into the grievances relating to the 10th Pay Revision and the said Cell has been directed to issue appropriate orders on the demands raised by the Association in the representation after affording an opportunity of being heard to its representatives.

2. Pursuant on the direction of the Kerala Administrative Tribunal, Kerala Government Veterinary Officers' Association submitted representation read as 3rd paper above. In compliance with the judgement the petitioners were heard on 24.04.2017. During the time of hearing the petitioners deposed the following arguments in support of the claims raised in the representation:
In the 4th State Pay Revision Order, Veterinary Doctors were grouped along with Assistant Surgeons of Health Services Department and they were granted the same scale of pay as that of Assistant Surgeon. From 1992 Pay Revision onwards Veterinary Doctors were given lesser scale of pay than Medical Doctors. Aggrieved by the lower placement, the Association had approached the Hon'ble High Court preferring WP(C) No.35027/2000, but the WP(C) had been disposed of by directing the applicants to approach the Anomaly Rectification Cell for redressal of their grievances. But their plea had not been considered favourably by the Anomaly Rectification Cell constituted after 1997 Pay Revision. The 6th Pay Revision Commission had placed all professional categories on the same footing by placing them on the same scale of pay of Rs.2060-3200 whereas Medical and Dental Doctors had been granted two additional increments. The 7th Pay Revision Commission also followed the same pattern. Aggrieved by this discrimination, they again approached the Hon'ble High Court by preferring another WP(C), but nothing happened in favour of Veterinarians despite passing through the next Pay Revision Commission. The 8th Pay Revision Commission not only refused parity to Veterinary Doctors but also made certain disparaging remarks on incorrect assumptions to deny parity. The 9th Pay Revision Commission had recommended to place the medical fraternity on a much higher scale of pay than the existing placement. After 9th Pay Revision 2nd level promotion post of Veterinary Doctors becomes equal to the entry level scale of pay of Medical Doctors. Aggrieved by this the Veterinary Doctors had waged agitations demanding justifiable pay packages and as a result of the overtures Government appointed Smt.Gita.N.Potti, Additional Secretary to Government(Rtd) as a single member Commission to study and submit a comprehensive report on the Service Conditions and Pay and Allowances of Veterinary Doctors. The observations of the Gita.N.Potti Commission report did not find a place in the pre dated 10th Pay Revision Commission Report. Nevertheless Government have accepted the Gita Potti Commission report which contains a slew of recommendations for improving the service conditions of Veterinary Doctors. But no efficacious action has been taken hitherto in this regard by the Anomaly Rectification Cell in Government. The 5th Central Pay Commission had granted pay parity between all doctors(MBBS, BDS and Veterinary) and had observed that degree in Veterinary Science is comparable to MBBS Degree. A Veterinary Doctor has to be a physician and will be a conglomerate of different branches practised by different personnel of Medical Doctors in various specialties ie, Surgery, Anesthesia, Gynecology etc. In the case of bovine health all specialties are to be
practised by a single Veterinary Doctor. Nature of duty of Veterinary Doctor is much more arduous compared to a Medical Doctor. He has to treat animals which are more heavier than humans and cannot easily respond to the directions of the doctor. Even if there is some justification of having higher scale of pay to Medical Doctors viz-a-viz Veterinarians, there is no reason for including Dental Doctors along with Medical Doctors in terms of scale of pay as none of the justifications said to be applicable to Medical Doctors are applicable to Dentists. In spite of the direction of Hon’ble Court neither the Pay Revision Commissions nor the Anomaly Committees have examined the demands of the Veterinarians in a proper perspective. Medical Doctors have to study and practice about one species whereas Veterinary Doctor have to study many species and diseases suffered by each species. But this fact had not been considered while fixing pay to Veterinarians. The disparaging remarks made by the 8th Pay Commission about Veterinary Doctors have added insult to the injury of Veterinary Doctors as it depicts Veterinarians as the second class Doctors. These remarks are arbitrary and to be expunged. In addition to higher scale of pay, Medical Doctors are being given additional perks as Non Practising Allowance, PG Allowance, Risk Allowance, Rural Allowance etc. But none of these allowances are given to Veterinarians. The relief sought in the petition is for declaring Veterinary Doctors in Animal Husbandry Department to be entitled to the same pay and allowances as enjoyed by Medical Doctors in Health Services Department. The existing Career Advancement Scheme is not beneficial to Veterinary Doctors. The so called professional parity is confined only in the entry cadre; in respect of promotion posts no such parity is existing. Therefore the scheme is to be streamlined in favour of Veterinary Doctors by redesignating the post of Deputy Director as Assistant Director (HG). Major chunk of professionals are enjoying the scale of pay of Rs.68700-110400 on completion of 15 years of service, but in this place Veterinary Doctors are getting a very lower scale of pay of Rs. 45800-89000. The nature of duty of Veterinary Doctors is more tedious and arduous than Dental Doctors in Health Services Department. In addition to the clinical works, Veterinary Doctors are implementing officers of several Plan Schemes implemented by the Government worth crores of rupees. Veterinary Doctors have to discharge their duties at the door steps of the rural population. But they are being paid Rural Area Allowance at a lower rate than Medical Doctors. Therefore Veterinary Doctors are to be paid Rural Allowances @ Rs.4500 per month and Difficult Rural Area Allowance @ Rs.5500 per month at par with Medical Doctors. In the G.O(Ms) No.128/2013/(141)/Fin dated
6.3.2013 Risk Allowance @of Rs. 270 per month had been sanctioned to Veterinary Doctors. But this allowance has not been included in the 10th Pay Revision Order. Therefore the same is to be restored. Apart from the rest of the professional categories only the three ie, Medical, Dental and Veterinary need to clear a professional course having duration of 5 ½ years. Moreover these three only are practising modern medicine. Taking this into account Veterinary Doctors also are to be treated on the same footing as Medical and Dental Doctors.

3. Government have examined all the demands raised in the representation submitted by Kerala Government Veterinary Officers' Association in detail and are not in a position to agree with any of them owing to the following reasons:

(a) The Veterinary Doctors were placed in the same scale of pay of Rs. 2060-3200 along with the Doctors in Health Services Department in 7th Pay Revision. The corresponding scale of pay of Rs. 2060-3200 after the 10th Pay Revision is Rs.36600-79200. But the Veterinary Doctors are now placed in the scale of pay of Rs.39500-83000. It is obvious that no erosion has happened in the scale of pay of Veterinary Doctors hitherto; but their scale of pay has been given substantial upgradation over these years. Now the Veterinary Doctors demand hike in scale of pay on the ground of higher placement of Doctors in Health Services Department. In our State owing to the distinct features of our Health Care System, Doctors in Allopathic stream are to be given preferential treatment compared to other professional categories in general and Doctors of other streams in particular. Health Services Department is the umbrella organization covering major portion of Health Care System of our State. After the 8th pay revision the Doctors in Health Services Department were placed in the scale of pay immediately higher to other professional categories viz Assistant Engineer in PWD, Irrigation etc, Medical Officers in Indian Systems of Medicine and Homoeopathy Department, Agriculture Officer, Assistant Electrical Inspector, Veterinary Surgeons, etc. The service conditions prevailed in the State after the 8th Pay Revision was not conducive for attracting proficient candidates to the Government Health Services which led to acute dearth of adequate number of Doctors and stress on the existing personnel in position badly affecting the effective functioning of the Health Services Department. The unattractive pay structure was propped up as the reason for this predicament and concomitant turbulence being experienced in Health Service Sector. In order to get over the untoward situation, the Government after having consultation and conciliation with the stake holders, had decided to introduce a new pay package by the name
'Common Special Allowance' to different grades of Doctors in Health Services Department. It was interalia committed that the Common Special Allowance would be merged with basic pay in the next pay revision. But the 9th Pay Revision Commission had not recommended for the merger of the Common Special Allowance, instead a hike of three level up gradation in scale of pay was recommended and the existing Common Special Allowance was allowed to continue at the same rate. Government had accepted these recommendations and allowed a higher scale of pay corresponding to District Level Officers in major Departments to the entry cadre Doctors(Assistant Surgeons). After the implementation of 9th pay revision, demand for fulfilment of earlier assurance was raised from various quarters and it ultimately led the health service sector to a further unrest. Consequently Government had to agree for the merger of 76% of Common Special Allowance to the individual basic pay of all Medical Officers. That is why the pay of Medical Doctors has become higher now compared to other professional categories. Taking into account the arduous nature of work, professional status, responsibility and mental strain etc doctors practising modern medicine deserves a better pay package compared to any other professional categories. The cry for pay parity on the mere basis of duration of qualifying course is devoid of any merit. The market conditions emerged after the proliferation of private sector medical institutions make doctors practising modern medicine a cosseted category. In order to attract proficient and dedicated medical practitioners into Government sector and to provide high quality health care to the lower strata of the society, attractive pay package competing with the private sector is imperative. The claim of the Veterinarians stems from the higher scale of pay enjoyed by the Medical Doctors, but the higher placement of a different category standing in a different echelon cannot be accepted as a claim for another category for the same placement. Higher scale of pay to Medical Doctors is ordered by taking into account the special characteristics of State Health Services System. Therefore the demand of Veterinary Doctors for pay parity with Medical Doctors cannot be considered.

(b)Gita.N. Potti Commission has been appointed for studying the grievances of Veterinary Associations relating to the 9th Pay Revision and for making a comparative study of pay scales of Veterinary Officers in the Animal Husbandry Department and Medical/Dental Doctors of Health Services Department in all cadres and make suitable recommendations on the revision of pay scales of Veterinary Officers of Animal Husbandry Department. The Government had accepted the report of the Commission in principle, which implies accepting the recommendations of the Commission.
for detailed examination. Action on the basis of the report can be taken only after examining the report in detail which is going on.

(c) The views of the Central Pay Commission are not binding on the State Government. The courses of MBBS and BVSc & AH have their own distinctions and BVSc & AH cannot be taken as equal to MBBS and vice versa. The arguments that Veterinary Doctors is a conglomerate of different specialities and Medical Doctors can confine within a particular speciality are so unreasonable that much arguments are not needed for disapproving the claim. Like that the comparison of complexities involved in the work of Medical and Veterinary Doctors as elaborated in the petition is preposterous. Medical Doctors and Dental Doctors are practising in the same department and the common man needed the service of both of them under one organization for their total health care needs. Therefore Dental Doctors are to be treated at par with Medical Doctors at least to some extent even if not wholly. The existing wage structure is based on that principle.

(d) The Hon'ble High Court did not ever order for parity in scale of pay to Veterinary Doctors with Medical Doctors. The petitions filed by Veterinary personnel had been disposed by the Honourable Courts directing the Government to examine and to take an appropriate decision in the case. Accordingly, the Government had earlier examined all the points put forward by the petitioners in their true spirit and have denied the demands on the ground of lack of rationale in the arguments put forth. It is an avowed policy of the Government that Veterinary Doctors cannot be treated at par with Medical Doctors notwithstanding any of the arguments raised in favour of the petitioners.

(e) The Pay Revision Commissions appointed by the Government from time to time have all rights to comment on any matters which are referred to their consideration. As Pay Revision Commissions are independent bodies Government are expected to follow an objective approach to the observations made by the Commissions in their reports. Government had not taken any adverse actions against the petitioners on the basis of the so called disparaging remarks of the 8th Pay Revision Commission. Therefore the demand for expunging the remarks of 8th Pay Revision Commission does not have any relevance at all.

(f) Veterinary Doctors are being allowed Rural Area Allowance @ Rs. 3000 and Difficult Rural Area Allowance @ Rs. 4500 per month. The existing rate is fair and no more enhancement can be given. As regards the demand for PG Allowance it is pertinent that owing to the advancement of modern medicine, there is enough avenues for the doctors having
PG/super specialty degree for specialization at the micro level. Therefore the higher qualification other than the basic qualification possessed by the doctors can be effectively used in their service delivery and the common man would be the ultimate beneficiaries. Since such an advancement is yet to come in the field of animal health, the PG Degree possessed by Veterinary Doctors cannot be put to an advanced utilization in the State service. Therefore demand for PG allowance to Veterinary Doctors deserves no consideration on merit.

(g) Non Practising Allowance is given to Doctors in Health Services and Medical Education Departments who have to desist from private practice due to their administrative as well as strategic engagements. Non Practising Allowance is a compensation to them to make good the loss of earnings from private practice which is permissible by rules. According to the stature of Veterinary sector in our State the scope for private practice by Veterinary Doctors is not as wide as Medical Doctors. Therefore the demand for Non Practising Allowance to them deserves no consideration. In the 9th Pay Revision Order Risk Allowance was allowed to various categories of Veterinary Surgeons and the list was further expanded by G.O(Ms)No. 128/2013/(141)/Fin dated 06.03.2013. But in the 10th Pay Revision none of the categories of Veterinary Doctors are allowed Risk Allowance. It is obviously due to the rationalization of allowances as per the specific recommendation of the 10th Pay Revision Commission. Therefore the demand for Risk Allowance to Veterinary Doctors is not on any reasonable grounds.

(h) As per the existing Career Advancement Scheme the directly recruited professionals are eligible for the scale of pay of first and second cadre promotion posts on completion of 8 and 15 years of service. Accordingly Veterinary Surgeons are eligible for the scale of pay of Assistant Director (42500-87000) on completion of 8 years of service and Deputy Director (45800-89000) on completion of 15 years of service. Placement under Career Advancement Scheme can be granted by adhering to the rules governing the Scheme, no exception can be given to any of the categories in view of the existing scenario prevailed in the sectors of professional categories. Therefore a review in the Career Advancement Scheme now in vogue is not possible. The demand for re-designating the Deputy Director post as Assistant Director (HG) with a view to circumventing the existing provisions is adverse to the public interest. Therefore it cannot be considered.
(i) The rate of Rural Area Allowance and Difficult Rural Area Allowance to Medical Doctors is Rs.4500 and Rs.5500 respectively and that of Veterinary Doctors is Rs.3000 and Rs 4500 respectively. The demand for Rural Area Allowance to Veterinary Doctors at the same rate applicable to Medical Doctors deserves no consideration since higher rate of Rural and Difficult Rural Area Allowance is being allowed to Medical Doctors as an attraction to the incumbents for working in rural areas so as to make available quality health care to rural population. It is to be noted that Medical Officers of Ayurveda and Homoeopathy Departments are not allowed Rural Area Allowance even if majority of institutions are located in Rural Areas. Rural and Difficult Rural Area Allowances are being allowed in exceptional circumstances. Medical and Veterinary Doctors are now being allowed the allowance at reasonable rates. Comparison of one's rate with another have no rationale. Therefore demand for enhancing Rural Area Allowance to Veterinary Doctors cannot be considered.

4. The directions of the Hon'ble Kerala Administrative Tribunal in its order read above stand thus complied with.

By order of the Governor
G. ASOK KUMAR
JOINT SECRETARY

To

The Secretary, Kerala Government Veterinary Officers' Association
The Registrar KAT, Ernakulam
The Secretary, Animal Husbandry Department
The Director, Animal Husbandry Department, Thiruvananthapuram
The Advocate General, Ernakulam
Stock file/office copy(E: 405455)

Forwarded/by order

[Signature]
Section Officer