

MOST IMMEDIATE

No. 11/1/2010-JCA
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
(JCA Section)

North Block, New Delhi
Dated the 20th April, 2011

OFFICE MEMORANDUM

Subject: Summary record of discussions held during the third meeting of the Joint Committee on MACPS held on 15th March, 2011 under the Chairpersonship of the Joint Secretary (Estt.) DOPT.

The undersigned is directed to enclose herewith summary record of discussions held during the Third Meeting of the Joint Committee on MACPS held under the Chairpersonship of the Joint Secretary (Establishment), DOPT on 15th March, 2011 for information and further necessary action.


(Dinesh Kapila)
Director (JCA)
Tel: 2309 2589

To

All Official and Staff members of the Joint Committee of MACPS as per list attached.

Copy for information to:

1. Sr. PPS to Secretary (P).
1. PS to JS (E), DOPT.
- ✓ 2. NIC, DOPT with the request to upload the same on the official website.

**SUMMARY RECORD OF DISCUSSIONS HELD DURING THE THIRD MEETING
OF THE JOINT COMMITTEE ON MACPS HELD UNDER THE
CHAIRPERSONSHIP OF THE JOINT SECRETARY (ESTABLISHMENT), DOP&T
ON 15TH MARCH 2011**

The third meeting of the Joint Committee constituted to examine the anomalies pertaining to the MACP scheme was held under the Chairmanship of Joint Secretary (Estt.) Department of Personnel & Training on 15th March, 2011. All the members of the Committee were present in the meeting.

2. The Chairperson welcomed the representatives of the Official Side and the Staff Side and stated that with respect to item numbers 13, 21, 27, 28, 32, 38, 44, 50 & 58, suitable instructions had been issued vide this Department's O.M. dated the 1st November, 2010. She also informed that as per the decision taken in the second meeting of the Joint Committee, vide this Department's O.M. dated 10th February, 2011, all concerned have been advised to review the cadre structure in a time bound manner with a view to mitigate the problem of stagnation

3. Thereafter, the agenda items which were still pending were taken up for discussion.

Item numbers 1,3,8, 9 & 29- Grant of financial upgradation in the promotional hierarchy instead of Grade Pay hierarchy under the MACPS.

The Staff Side reiterated their demand that the financial upgradations under the MACP Scheme should be granted in the promotional hierarchy of posts instead of the Grade Pay hierarchy. The Staff Side stated that the erstwhile ACP Scheme was implemented on the recommendations of the 5th CPC and, as such, has become a part of the service conditions of the employees. The Staff Side, therefore, contended that the Government cannot impose the MACP Scheme thereby altering the service conditions to the detriment of the employees.

The Official Side stated that the 6th CPC recommended two financial upgradations in the Grade Pay hierarchy after 12 and 24 years. However, the Government improved upon the recommendations of the 6th CPC and has implemented MACPS with three financial upgradations in the Grade pay hierarchy after 10, 20 & 30 years. Referring to earlier discussions held in the matter, the Official Side stated that the Government was willing to consider revision in para 13 of the MACP Scheme to the effect that organisations / cadres shall have the option to choose either the ACP Scheme or the MAGP Scheme. However, the Staff Side pointed that such a dispensation will not be practical and hence there is a need to explore other alternatives to solve the issue. After discussion, it was agreed that there is no need to change the basic structure of MACP Scheme. However, there is a need to separately examine those cases where MACP Scheme is less

advantageous than the ACP Scheme. Accordingly, it was decided that the Official Side will write to the Ministry of Railways, Defence, Urban Development, Home and the Department of Posts to forward information in respect of the specific categories of employees where the MACPS is less advantageous than the erstwhile ACP Scheme. The Official Side also requested the Staff Side to collect and forward such information to the Department of Personnel & Training for further necessary action. In this connection, the Staff Side specifically pointed out the case of Technician category wherein under ACP (w.e.f 1.10.199) the staff got upgradation to Rs.4500-7000 (V CPC) on completion of 24 years whereas under MACPS they get the same benefit, i.e. Grade Pay of Rs.2800 after 30 years.

Item Nos. 2, 7, 20 & 48- Date of Effect of MACP Scheme

The Staff Side stated that many employees who retired between 1.1.2006 and 31st August, 2008, have been deprived of the benefits of MACP Scheme and therefore, demanded that the MACP Scheme may be made effective from 1.1.2006. The Official Side stated that the matter was discussed and finalised in the second meeting of the Joint Committee and therefore, there was no reason to reopen the matter. After discussions, it was decided that the matter may be treated as finalised so far as the Joint Committee on MACP is concerned and if required, the Staff Side may raise this issue in the next meeting of the National Anomaly Committee.

Item Nos. 57- Grant of ACP benefit to Artisan Staff of the Ministry of Defence

The Staff Side stated that consequent upon the recommendations of the Fast Track Committee, the highly skilled Artisan Staff of the Ministry of Defence was bifurcated in two categories, i.e., Highly Skilled –II (with Grade Pay of Rs.2400/-) and Highly Skilled-I (With Grade Pay of Rs.2800/-). The Staff Side contended that this bifurcation, in the first instance, may be treated as placement and not as promotion for the purpose of MACP. The Official Side stated that as per the extant instructions of the Department of Personnel & Training, where the whole of a cadre is placed in a higher scale, such placement is not treated as promotion. However, when only a part of a cadre is placed in a higher scale, then such placement is treated as promotion for all purposes including MACPS. The Official Side further stated that even under the erstwhile ACP Scheme similar practice was followed and there is no reason to deviate from that.

The Staff Side cited a Supreme Court judgment in the case of Union of India Vs V.K. Sirota reported in 1999 Supreme Court cases (L&S) 938 that where certain percentage of post are granted higher pay scales to seniors in the cadre will be treated as placement and not promotion. The Staff Side also cited the Manual of instructions for restructuring of cadres in I.A & A.D (para 3.2.8) wherein it has been stated that the Screening Committee in combined Audit & Accounts Offices

besides selecting persons for transfer to audit offices will also decide on their placement (& not promotion) against the higher scale posts.

After prolonged discussions, it was decided that the matter would be re-examined by the Department of Personnel & Training in consultation with the Department of Expenditure.

Item Nos. 12, 30 & 49 - Treatment of employees selected under LDCE Scheme / GDCE Scheme.

The Staff Side demanded that employees selected under the LDCE Scheme/ GDCE Scheme should be treated as a direct recruit and their earlier promotions and services rendered should be ignored for the purpose of MACPS as was being done in the ACP Scheme. The Official Side informed that treatment of such cases would generally be same in MACP as was in the ACP Scheme. Ministry of Railways would be advised to examine the matter accordingly.

Item Nos.11, 15, 22, 39, 47 & 51- Promotion in the identical Grade Pay

The Staff Side raised the issue of promotions in the identical grade pay and demanded that in such cases the benefit of one increment should be granted at the time of promotion. The Official Side stated that if regular promotion is to the same grade pay, then MACP would also be granted to the same grade pay. On the issue of whether one increment is to be allowed in such cases, a reference has been received in the Department of Expenditure from Ministry of Railways. Further action in the matter would be taken consequent upon receipt of certain information from Ministry of Railways as called for by the Department of Expenditure.

4. After discussion on the agenda items, the Staff Side stated that in many instances the provisions of the MACP Scheme were being misinterpreted by various Ministries/ Departments thereby causing financial loss to the employees. The Official Side stated that many Ministries/ Departments had sought various clarifications regarding the provisions of the MACP Scheme which has been given. In addition, many clarificatory Office Memoranda have also been issued by the Department of Personnel & Training to allay the misgivings/ misunderstandings regarding the Scheme. However, if certain misgivings/ misunderstandings were still continuing, the respective Ministries/ Departments may be advised to refer the matter to the Department of Personnel & Training for resolution of the same.

5. In the end, it was decided that the recommendations of the Joint Committee on MACP Scheme along with the action taken report may be discussed in the next meeting of the National Anomaly Committee.

6. The meeting ended with a vote of thanks to the Chair.