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Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
JCA Section


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North Block, New Delhi
Dated: 7th July, 2010.

OFFICE MEMORANDUM

Subject: Minutes of the 46th Ordinary Meeting of the National Council (JCM) held on 15th May, 2010.

The undersigned is directed to forward a copy of the minutes of the 46th Ordinary Meeting of the National Council (JCM) held on 15th May, 2010 in Conference Hall No. 267, Rail Bhavan, New Delhi under the Chairmanship of Cabinet Secretary for information and necessary action.


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

All Members of the National Council (JCM) as per list attached.

Copy to :-

- 1) Staff Officer to Cabinet Secretary, Cabinet Secretariat
- 2) PPS to Secretary (P)
- 3) PS to JS (E)

Copy also to:-

NIC, DOPT with the request to upload the minutes on the website.

**MINUTES OF THE 46TH MEETING OF THE NATIONAL COUNCIL
(JCM) HELD ON 15TH May 2010**

1. The 46th Meeting of the National Council (JCM) was held on 15th May 2010 under the Chairmanship of Shri K. M. Chandrasekhar, Cabinet Secretary. A list of the representatives of Staff Side and Official Side who participated in the meeting is annexed.

2. The Cabinet Secretary and Chairman, National Council (JCM) extended a hearty welcome to the representatives of the Staff Side as well as the Official Side. The Chairman stated that although there has been a long gap between the 45th and 46th meeting of the National Council but there have been continued informal interactions between the staff and official sides. He referred to the fruitful discussions held with the representatives of the Staff Side to discuss the recommendations of the 6th CPC and also stated that the meetings of the Standing Committee have also been held quite frequently. He further hoped that there would be progress achieved in the two meetings of the National Anomaly Committee. He also stated that a Joint Committee consisting of the members of the staff side and official side to specifically look into the anomalies in the Modified Assured Career Progression Scheme has been set up. Therefore, it has been the endeavour of the Government to address the problems of the employees as effectively as possible.

3. The Chairman then enumerated some of the decisions taken by the Government in the recent past :

- The CCS (Revised Pay) Rules 2008 have been notified vide GSR 622 (E) dated 29th August 2008.
- Instructions have been issued vide O.M. No.1/1/2008-IC dated 30th August 2008 regarding fixation of pay and payment of arrears.

- Instructions regarding revision / refixation of pension/ family pension have been issued vide O.M. NO. 38/37/08-P&PW dated 1st September 2008.
- Instructions regarding revision in the provisions regulating pension/ gratuity/ commutation of pension/family pension/disability pension/ex-gratia lump sum compensation have been issued vide O.M. No.38/37/08-P&PW dated 2nd September 2008.
- Instructions / guidelines regarding the Modified Assured Career Progression Scheme (MACP) have been issued vide O.M. No.35034/3/2008-Estt (D) dated 19th May 2009.
- Instructions/ guidelines regarding enhancement in the quantum of maternity leave and introduction of Child Care Leave (CCL) to women employees have been issued vide O.M. No.13018/2/2008-Estt. (L) Dated 11th September 2008.
- Instructions / guidelines regarding special casual leave to the Central Government Employees with disabilities have been issued vide O.M. No 25011/1/2008-Estt. (A) Dated 19th November 2008.
- In addition, most of the allowances of the Central Government Employees have been doubled as per the recommendations of the 6th Central Pay Commission.

4. The chairman also stated that the fact that all the issues relating to recommendations of 6th Central Pay Commission could be resolved through the process of constructive dialogue, shows the kind of closeness that the government has been able to maintain with all concerned. The Chairman informed that instructions have been re-iterated to all Ministries / Departments to make effective use of Joint Consultative Machinery and also to ensure that meetings of the Departmental Councils are held more frequently. The Chairman also stated that there is a need to evolve a mechanism to ensure that the Meetings of the National Council could be scheduled in such a manner that there is certain fixity about the dates and the time.

5. The Chairman once again stated the resolve of the Government to maintain a sustained level of contact with the staff side to take forward the process of consensus building and collaborative endeavour to achieve the goals of higher productivity, efficiency and staff welfare. With these words, the Chairman once again welcomed all the participants to the National Council meeting and assured them of the fullest cooperation in discussing and resolving staff grievances, in a just manner, keeping in mind the compulsions of our economy. Thereafter, the Chairman invited the Leader, Staff Side and the Secretary, Staff Side to make their opening remarks.

6. The Leader, Staff Side thanked the Chairman for apprising the staff side of the important decisions taken by the Government in the recent past particularly relating to the implementation of the recommendations of the 6th CPC. He further thanked the Empowered Committee for hearing the staff side on 17th May 2008 before taking a final view on the recommendations of the 6th CPC which resulted in improvements in some of the recommendations of the 6th CPC at the implementation stage. He further thanked the Chairman for having played a key role in satisfying the genuine aspirations of the staff. He then referred to the Child Care Leave (CCL) and stated that subsequent to issuance of orders granting the CCL to the women employees, certain restrictions were imposed through a clarification issued by the Government. While agreeing that certain restrictions are necessary, he stated that the restriction regarding exhausting all the Earned Leave to be eligible for CCL is really very harsh and a number of representation have been received from the women employees. He further stated that what was agreed by the Cabinet and implemented earlier was diluted in the name of a clarification issued later. He requested the official side that once orders are issued and subsequently changes are required due to practical difficulties being faced by the Government in implementing those

orders, then such issues should be first discussed with the representatives of the staff side before taking any decision to carry out any changes. He, therefore, requested the Official Side to look into this genuine grievance of the staff and review the CCL in such a rational manner that will not jeopardize the efficiency and at the same time welfare of the staff is also taken care of.

7. Leader, staff side then referred to the Children Education Allowance (CEA) and stated that subsequent to the issuance of the original order granting CEA to maximum of 2 children, a clarification was issued that only the eldest two surviving children are eligible for CEA. This has resulted in problems and in certain cases the administration divisions of some Ministries / Departments have even started recoveries. He requested that this may be looked into and further requested that once a decision is taken and implemented, it should be maintained and should not be scuttled or diluted later in order to convey the right kind of message to the employees.

8. Leader, Staff side, also conveyed the appreciation of the staff side and thanked the Secretary (P) for quickly agreeing to constitute Joint Committee to look into the aberrations / anomalies in the MACP Scheme. He stated that the earlier Scheme of ACP got completely diluted by the newly introduced MACP Scheme. He opined that in reality an employee who hitherto got the two financial upgradations in 24 years under the old ACP Scheme, shall now have to wait for three decades to get the same level of upgradations under the new MACP Scheme. Therefore, this is a serious aberration and he hoped that the Joint Committee will be able to resolve the matter to the satisfactions of the staff. He once again thanked Secretary (P) for his special initiative on this particular issue. Leader, Staff Side also referred to the various pay bands and grade pays recommended by the 6th CPC and stated that there are a large number of

issues / anomalies and once again thanked Secretary (P) for holding the two meetings of the NAC with the positive intent. He referred to the fruitful discussions held during the two meetings of the NAC and conveyed the appreciation of the staff side for taking the perceptions of the staff side seriously and in the right spirit. He referred to the mismatch in the pay drawn by a senior direct recruit inducted into the service prior to 1st January 2006 and that of a junior direct recruit inducted into service after 1st January 2006 and stated that this is a genuine issue and requested the official side to find out a way to rectify the anomaly. Regarding holding the meetings of the National Council, he stated that the meetings should be held more frequently in order to ensure that the dialogue process can continue. He further stated that normally after every Pay Commission, the Government used to raise the limit of the taxable income. This was not done this time, with the result that even the low paid employees have come within the ambit of the income tax. He assured the Chairman of the fullest co-operation of the staff side for improving efficiency and productivity and again requested the Chairman to meet the staff side as often as possible in order to build harmonious relationship through the dialogue process.

9. Thereafter, Secretary, Staff Side while making his opening remarks, thanked the Chairman for holding the 46th meeting of the National Council. Referring to the JCM Scheme, he stated that the scheme was evolved in order to ensure harmonious relations between the staff and the Government and the essence of the harmonious relations between the two is a constant dialogue. He was of the view that the JCM Scheme provided the platform for the dialogue. He further stated that it was not necessary to have grievances but it is vital to have a dialogue which enables the Government to know the pulse of the staff and also makes the staff aware about the thinking of the Government on various related issues. He, however, regretted that in the past few years, the

formal dialogue through the meetings of the National Council has been irregular. He also stated that efforts were made to hold the 46th Meeting the National Council earlier also, however, because of one reason or other, the meeting could not be held. He also pointed out that the real problem lies at the level of the Departmental Councils where the meetings have been held regularly in a very few Ministries / Departments. He was of the opinion that if the JCM machinery is to work smoothly then it has to function properly at all levels including the Departmental Council.

10. Thereafter, Secretary, Staff Side referred to the 16 pending awards of the Board of Arbitration and stated that these awards have not been implemented by the Government and there is a need to discuss them once again with the staff side. He further stated that arbitration was inbuilt in the JCM Scheme. Issues on which agreements could not be reached are to be referred to the Board of Arbitration. Both the Parties are supposed to abide by the decision of the Arbitrator. The Govt. Is vested with the power of referring to the Parliament for approval or rejection of the awards on certain specific circumstances like the expenditure on implementation of such awards would have a serious deleterious effect on the economy of the country. He further stated that of late the Government had been referring every award to the Parliament for rejection and even though it was agreed that such references would be intimated to the Staff Side well in advance, the same had not been adhered to. He added that recently he was informed of such a rejection of an award being considered by the Parliament on 4th May, 2010. However, the Staff Side was informed only on 3rd May, 2010. He, therefore, suggested that in future sufficient notice should be given to the Staff Side before moving the resolution for rejection of any award in the Parliament. He further stated that despite two or three rounds of discussions, no consensus could be arrived at on the pending awards of the Board of Arbitration. He conveyed that the Staff Side is willing to

discuss these awards with the Official Side so as to reach an amicable solution. He, therefore, suggested that the pending awards may once again be discussed with the Staff Side before taking a final view on them. He also stated that there was a need to give a second thought to the whole JCM Scheme which was introduced in 1966. He appreciated the questionnaire prepared by the Department of Personnel & Training seeking feedback from the staff side regarding the JCM Scheme and stated that it is the right time for a comprehensive review of the JCM Scheme and suggested that a High Level Joint Committee may be constituted for this purpose.

11. Secretary, Staff Side then thanked the Official Side for quickly implementing the recommendations of the 6th CPC. He was of the view that the report of the 6th CPC was revolutionary and unique in a way that some of the recommendations like the system of pay bands and grade pay are absolutely new. He also stated that some of the benefits recommended for the women employees had already been demanded by the Staff Side in the JCM for a long time. However, there were associated problems regarding interpretation of the recommendations and different persons were interpreting the recommendations differently resulting in a lot of problems. Therefore, he suggested that there should not be any time limit for submission of representations and delays should not come in the way of not listening to the genuine grievances of the employees. He further requested that each and every issue raised in various representations must be given due care. Thereafter, he spoke about the recommendation of the 6th CPC regarding the allowances and demanded that in respect of those allowances which are to be replaced by some other alternative like insurance etc., these allowances should continue at double rates until the alternative mechanism is put in place. He further stated that certain allowances like Patient Care Allowance and Fixed Medical Allowance (FMA) have not been revised at all and demanded that

suitable steps should be taken urgently in this regard. At this point of time, the Chairman informed the Staff Side that a decision had been taken to enhance the Fixed Medical Allowance from Rs.100 to Rs.300 per month. The Staff Side demanded that the FMA should be raised to atleast Rs.500 per month. The Staff Side also suggested that Dearness Allowance should be paid on FMA like the existing dispensation in respect of Transport Allowance. Secretary, Staff Side further stated that as per the estimates available, per capita expenditure on OPD consultation was approximately Rs.600 per month. Therefore, the amount of Rs.300 per month to be paid as FMA was not adequate and needed to be reviewed. He then pointed out that in the model recruitment rules for the post of LDC, it has been prescribed that the employee has to be 12th Pass for promotion to the LDC or equivalent posts. He further stated that such a change can not be imposed on the existing employees and therefore should be revisited.

12. Secretary, Staff Side then appreciated the job done by the Fast Track Committee (FTC) and stated that despite the clear cut recommendation of the FTC regarding the Master Crafts Man, the same is yet to be implemented by the Ministry of Defence. He pointed out that the related file has been tossing up between one department and other and suggested that something must be done to do away with this culture of file tossing. He also pointed out the case of overpayment and subsequent recovery of Transport Allowance in respect of employees working in Jaipur and Lucknow. Some employees went to the court and the court ruled in their favour and directed that the recoveries should be pack back. Now those employees who had approached the court have been paid back, however, leftover employees are still to be paid back the recoveries. He requested that the leftover persons should also be paid back the recoveries without waiting for them to approach the court.

13. Thereafter, Secretary, Staff Side raised the issue relating to the class IV employees who were non-matriculate. Referring to the recommendation of the 6th CPC regarding training of such employees to place them in PB-I w.e.f. 01-01-2006, he stated that it was expected that the process of imparting training to non-matriculate employees would be finished within a maximum time of six months. However, the time taken by the different departments was different and if an employee died before he was trained, there would be a huge loss to the family of that particular employee. Similarly, in case a person retired before re-training, he and his family would suffer financial loss. Therefore, Secretary, Staff Side requested that such cases should be considered sympathetically and their pension / family pension may be re-fixed at par with those class IV employees who were re-trained and their pay was fixed in PB-I with the grade pay of Rs.1800/-. He also stated that he had already written to Secretary, Department of Expenditure in this regard and hoped that the official side would soon take steps to resolve this matter. With these words, he once again thanked the Chairman for giving him an opportunity to say a few words.

14. Afterwards, other members of the staff side made the following observations:

- a) Non-matriculate class IV employees who retired or died between January 2006 and August 2008 without any re-training had also been deprived of the benefit of pay fixation in PB-I. Therefore, such employees should be deemed to have been re-trained and extant benefit should be granted to them.
- b) Problems are being faced in issuance of the revised PPOs as the disbursing banks are not sending the required advice to the Controller of Accounts.

- c) The matter regarding granting of Children Education Allowance to any two children instead of restricting it to the eldest surviving two children was re-iterated.
- d) The women industrial employees of the Ministry of Defence have not been sanctioned the CCL and the benefit of enhanced maternity leave had not been given from the date it was sanctioned to the civilian women employees.
- e) The risk allowance has been withdrawn w.e.f. 1.4.2009 without introducing any alternative benefit to the employees. Many of the civilian employees are deployed in highly risky and hazardous nature of work, the risk allowance may be continued beyond 1.4.2009 and the same may at least be doubled w.e.f. 1.8.2008.
- f) The work load has been increasing whereas the number of employees has been going down. It was also stated that the problem is really acute particularly in the Ministry of Railways. Therefore, there is a need to reconsider the policy of matching savings at the time of creation of new posts.

15. The Chairman stated that all the issues mentioned by the Staff Side have been noted and concerned Ministry / department will take suitable action where ever warranted. He also assured that he would write to all the Secretaries to make sure that the Departmental Councils mechanism should be activated and geared up and its meetings are held regularly to take care of the department specific issues. He further stated that the pending awards of the Board of Arbitration would be reviewed. Regarding the suggestion to constitute a high level committee to review the JCM Scheme, the Chairman

stated the matter may initially be discussed by the Secretary, DOP&T with the Staff Side and then if needed, a committee could be constituted.

16. Secretary, Department of Pension and Pensioners' Welfare, while responding to the issue of delays in issuance of the revised PPOs stated that the problem existed at the level of disbursing banks as well as the pension sanctioning authorities. In some cases, banks are not sending the advice to the concerned authorities and in some cases even if the advice had been sent by the banks, the pension sanctioning authorities have not issued the revised PPOs. He assured the staff side that the matter will be reviewed in consultation with the Central Pension Accounts Office, Controller General of Accounts and Controller General of Defence Accounts and a deadline will be fixed for issuance of the revised PPOs.

17. Thereafter it was decided to move to the agenda items.

ITEM NO. 01/10/NC-46

SUBJECT: REIMBURSEMENT OF AYAA CHARGES – DELEGATION THEREOF

The staff side requested to delegate the power for reimbursement of Ayaa charges to the Head of Department (HOD), as has been done in case of reimbursement of Special Nurse Charge, which will not only help the employees to get the reimbursement in time but also save Govt. expenditure towards postage charge.

The official side stated that the Ministry of Health and Family welfare, vide its Office Memorandum dated 30th June 2008, has already addressed this problem.

ITEM FINALISED

ITEM NO. 02/10/NC-46

**SUBJECT: REIMBURSEMENT OF EXPENDITURE TOWARDS
IMPLANTATION OF SPECIAL TYPES OF STENTS LIKE
CYPHER STENT ETC. IN CASE OF CS (MA) BENEFICIARIES –
DELEGATION THEREOF**

The staff side requested that the power for reimbursement of expenditure towards implantation of special types of stents like Cypher stents etc., in case of CS (MA) beneficiaries may be delegated to the head of Department (HOD), as has been done in case of Coronary stents, which will help the employees to get the reimbursement in time and save them from financial hardship.

The official side stated that Ministry of Health & Family Welfare has already issued an Office Memorandum on 12th September 2007 and a clarification in this regard has been issued on 8th February 2010 and the request of the staff side has been addressed.

ITEM FINALISED

ITEM NO. 03/10/NC-46

SUBJECT: PATHOLOGICAL & DIAGNOSTIC PROCEDURES

The staff side stated that very limited facilities are available with Polyclinic of CGHS Jaipur. That is why MO (i/c) of CGHS Dispensaries at Jaipur refers such cases to State Govt. SMS Hospital. The Principal & Controller of SMS Hospital has declined to entertain such requests. Such procedures like Lipid Profile, G.Hb. HbAC, LET, RFT, PSA etc. are not available in CGHS Polyclinic, nor has such procedures been approved in respect of any of the empanelled Hospitals/Diagnostic Centres at Jaipur. The staff side further stated that it may be possible that such problems are being faced at other CGHS Stations as well. Therefore, the general orders may kindly be issued in this regard.

The official side stated that in the tenders issued in the current year, most of the pathological and diagnostic procedures have been included in the approved list. Further, across the cities where CGHS facility is available, many private pathological & diagnostic labs are being empanelled which will address the problems being faced by CGHS beneficiaries. Final orders in this regard are expected to be issued by June 2010.

ITEM FINALISED

SUBJECT: GRANT OF FMA IN LIEU OF OUT DOOR TREATMENT FACILITIES

The staff side stated that Fixed Medical Allowance of Rs.100/- p.m. is granted to Central Govt. Pensioners who reside in place not covered by CGHS as also to such CGHS beneficiaries who have opted for FMA in lieu of out door treatment. In Railways, FMA is also granted to pensioners holding RELH card but who are residing 2.5 k.m. away from Railway Hospital / Dispensary. There are very old Pensioners who are CGHS or RELH card holders living within 2.5. k.m. distance (for Railway only) but due to their old age cannot avail outdoor treatment facilities as because they are not in a position to even stand for long time in queue before Doctor & then again before Dispenser. Staff side therefore requested that all CGHS or RELH card holders who are beyond the ripe age of 70 whether living within 2.5. k.m. distance or not may kindly be given option for FMA in lieu of outdoor treatment.

The official side stated that firstly, the FMA may not be able to cover the requirements of OPD treatment. Secondly, two separate records of the Pensioners will have to be maintained as those opting for FMA might still have to come to the CGHS dispensary for referrals to the hospitals etc. Therefore, because of the practical difficulties, it may not be possible to grant FMA to CGHS beneficiaries. The official side further stated that the concept of FMA will have greater chances of success once the health insurance scheme is implemented. The guidelines of the proposed Health Insurance Scheme Central Government Employees and Pensioners have been shared with the staff side where OPD is taken care of through FMA and for indoor treatment an insurance cover of Rs. Five lakhs is available to the beneficiaries. The official side stated that the Insurance Scheme is in the advance stage of finalization. In the end, the Chairman stated that the issue raised by the staff side, i.e., grant of FMA in lieu

of outdoor treatment facilities in respect of card holders who are beyond the age of 70 years has been taken note of and the matter will be further examined by the Ministry of Health and Family Welfare in consultation with the Ministry of Finance.

ITEM NO. 05/10/NC-46

**SUBJECT: RELOCATION OF ONE CGHS DISPENSARY IN WADI AREA,
UNDER THE JURISDICTION OF MUNICIPAL CORPORATION,
NAGPUR**

The staff side stated that there are about 1500 pensioners who are settled at Wadi Area of Nagpur. They are permanent Cardholders of CGHS Nagpur. At present these pensioners have been attached to three Dispensaries viz. Civil Lines, Seminary Hills & Kotal Road OPD Dispensaries. All these dispensaries are situated about 15 k.m. away from Wadi area. The transport facility is quite inadequate &, therefore, in one visit to these Dispensaries from Wadi area for consultation and another for obtaining indented medicines would cost these beneficiaries more than about Rs.300/-. Therefore, the staff side requested that one of these OPD Dispensaries viz. Civil Lines or Kotal Road may be relocated in Wadi area.

The official side stated that the matter had already been discussed with the staff side and it was agreed to have a joint inspection of Wadi area and further action in the matter will be taken on the basis of the joint inspection report.

ITEM FINALISED

ITEM NO. 06/10/NC-46

SUBJECT: SPECIALIZED CONSULTATION IN PUC HOSPITAL LIKE ISPAT HOSPITAL, HEC HOSPITAL & CCL HOSPITAL, RANCHI

The staff side stated that as per circular No. CGHS/Ranchi/(Admn)/2006/436 dated 31.3.2006 issued by Jt. Director, CGHS, Ranchi, the beneficiaries will take specialized consultation in RIMS, Sadar Hospital (Govt. Hospitals) and in PUC Hospitals such as Ispat, HEC & CCL Hospitals. However which specialists are there in the above PUC hospitals has not been notified. Of late all beneficiaries of Ranchi are being asked to take specialized consultation only in RIMS hospitals which is 12 k.m. away from residences of pensioners from Doranda, Kadrn & Hinoo areas of Ranchi City. This is very inconvenient particularly for pensioners beneficiaries who have to travel this long distance and then to stand for long time in a queue. If they are referred to any of the above PUC hospitals which are nearby, they can get the consultation there in no time. Accordingly, the staff side requested that for specialized consultation, at least Pensioners beneficiaries may be referred to the above one PUC Hospitals.

The official side stated that the matter has been considered and it has been decided to agree with the request of the staff side.

ITEM FINALISED

ITEM NO. 07/10/NC-46

SUBJECT: SUPPLY OF FREE DIET TO EMPLOYEES AND THEIR DEPENDANT UNDER TREATMENT FOR TB, LEPROSY, MENTAL ILLNESS, CANCER AND HIV/AIDS, RENAL DIALYSIS THERAPY, THALSAEMA.

The staff side stated that there are provision for free diet to employees and their family undertaking treatment for T.B. etc. drawing basic pay up to Rs.6000/- Rs.6200/- (for Railway employees). The staff side proposed that the list of diseases may include diseases like Cancer, HIV/AIDS Renal dialysis and therapy, Thalsaema etc. and all employees and their families drawing pay in the Pay Scale under Pay band I may be extended the facility of free diet.

The official side stated that the demand of the staff side has been examined and suitable instructions have been issued by the Ministry of Health and Family welfare, vide its Office Memorandum dated 22nd March 2010.

ITEM FINALISED

SUBJECT: SANCTION OF INCENTIVE ALLOWANCE TO CENTRAL GOVERNMENT EMPLOYEES WORKING IN EXTREMISTS INFESTED AREAS

The staff side stated that In Maharashtra State, the districts of Chandrapur and Gadchiroli are declared as Naxalite areas and State Government employees working in these districts are paid incentive allowance at 15% of basic pay. But the Central Government employees (Railways etc.) working in these districts are denied this allowance. The staff side requested that this allowance may be sanctioned to Railway employees and Central Government Staff who are employed in the districts of Chandrapur and Gadchiroli of Maharashtra State.

The official side stated that all the special compensatory allowances are based on the parameters of geographical remoteness and hilly areas. Presently no allowance is given to Central Government Employees for working in extremists infested areas except in case of the employees working in Para Military Forces who are deployed for actually combating the Extremists. Further, such a dispensation can not be limited to the State of Maharashtra and therefore the demand of the staff side can not be agreed to.

The staff side stated that the Tribal Area Allowance was also sanctioned first by the State Governments for their employees and later on the Central Government also allowed this allowance for its employees. Similarly, in case of special allowance for working in the extremists infested areas, if it is granted by a particular State government, then the central Government should also follow suit albeit the quantum of the allowance may be different than that sanctioned by the State Governments.

After a prolonged discussion, it was decided that the official side will re-examine the matter.

SUBJECT: DECLARATION OF GANDHINAGAR AS LINK – CITY OF AHMEDABAD.

The staff side stated that since the setting up of Gujarat State capital at Gandhi Nagar, several Central Government offices functioning from Ahmedabad have been shifted. The result is that while they have been deprived of higher HRA & CCA admissible to them at Ahmedabad (Ahmedabad is 'A' Class Town whereas Gandhi Nagar is a 'C' Class Town), they have to daily commute to & fro 70 K.m. by changing 2-3 buses & incurring expenditure of Rs.70/- per day. Having established their families at Ahmedabad, they are not in a position to shift them to Gandhi Nagar on account of studies of their wards and treatment of the ailing parents as also on account of social relationship at Ahmedabad. Cities like Noida, Ghaziabad (in UP), Gurgaon, Faridabad (in Haryana) where also certain Central Government Offices had been shifted from Delhi have been declared link / satellite cities of Delhi & employees have been granted HRA/CCA/Transport Allowance admissible at Delhi. The staff side, therefore, proposed that Gandhi Nagar may also be declared as link / satellite city of Ahmedabad & employees working there may be granted HRA/CCA/Transport Allowance as admissible at Ahmedabad.

The official side stated that no city has been declared as a link or satellite city for HRA and CCA purposes. Further, Gandhi Nagar is not part of the urban agglomeration of Ahmedabad. Therefore, Gandhi Nagar can not be granted the same class as that of Ahmedabad. The official side also stated that as per the recommendations of the 6th CPC, Gandhi Nagar has been classified under the 'Z' category and therefore, the rate of HRA has been increased from 7.5 percent to 10 percent. Therefore, it was not found feasible to agree to the demand of the staff side. However, in view of the prolonged demand of the Staff Side, the Chairman agreed to re-examine the matter.

SUBJECT: UPGRADATION OF JAMNAGAR AS B-2 TOWN WITH EFFECT FROM 20.07.2006.

The staff side stated that the Gujarat State Govt. had issued notification on 20.7.2006 including entire area of the Navagam-Ghed Municipality within the limits of Jamnagar. As a result of this the population of Jamnagar City had exceeded 5 lakhs. The city of Jamnagar was therefore, upgraded as B-2 Town for grant of HRA/CCA with effect from 1.1.2007 & not with effect from 20.7.2006, the date on which the above notification had been issued. In the case of Asansol, Tiruchirappalli & Salem the date of effect from which these towns were upgraded was the date on which the notification for enlarging the said Municipalities were issued. The staff side, therefore, urged that in the case of Jamnagar, its upgradation may be granted with effect from 20.7.2006, for the purpose of grant of HRA/CCA at higher rates.

The official side stated that Jamnagar was upgraded w.e.f. 1.1.2007 after the receipt of the intimation from the State Government. The staff side further stated that there is no laid down policy that this has to be done from the date of Notification. The staff side contended that there is nothing wrong in granting the date of effect from the date of notification as has been done in the past. The staff side further contended that what will happen if the intimation from the State Government is received after two or three years and why should the employees suffer financial loss due to delays on part of the State Governments. The Chairman stated that there was merit in the arguments put forward by the staff side and directed the Department of Expenditure to re-examine the matter.

SUBJECT: A-1 STATUS TO BANGALORE CITY

The staff side stated that whereas the Govt. of Karnataka by a Notification dated 16.1.2007 had constituted BBMP, raising its population to exceed 50 lakhs, the Govt. of India have granted A-1 status to enlarged Bangalore City for purposes of HRA with effect from 1.10.2007. The staff side, therefore, demanded that Upgradation of Bangalore City as A-1 town may also be given effect from 16.1.2007.

The official side agreed to re-examine the matter.

SUBJECT: ANOMALY IN THE FIXATION OF REVISED PENSION

The staff side stated that as per the RPS Rules, 1997, those special pay/Allowances which were not continued after the implementation of revised pay scale have been treated as part of pay and included in emoluments for fixation of revised pay. The result is that those employees drawing the pre revised special Pay/Allowances have got the benefit thereof in their revised pay/pension etc. However employees who had retired prior to 1.1.96 have been denied this benefit as such special Pay/Allowances have not been included in their emoluments for fixation of their revised pension. Employees drawing these pre revised special Pay/Allowances who retired after 1.1.1996 have been granted higher pension than the later which is clearly an anomaly.

The staff side, therefore, proposed that pre revised special Pay/Allowances (which have been merged with revised pay) may be included in the emoluments of employees who retired prior to 1.1.1996 for fixation of their pension as on 1.1.1996 / date of retirement.

The official side stated that after 1.1.1986, the system of reckoning special pay and allowances for the purpose of fixation of pension was discontinued. However, as per the recommendations of the 5th CPC, certain special pay and allowances were merged in the pay of the employees. Therefore, these were automatically taken into account as emoluments for the purpose of fixation of pension. Therefore, there was no change in the basic principle that special pay or allowance shall not be reckoned for fixation of pension. Therefore, it is not possible to agree to the demand of the Staff Side.

ITEM FINALISED

SUBJECT: ELIGIBILITY OF FAMILY PENSION TO WIDOW/DIVORCE DAUGHTER/UN-MARRIED DAUGHTER WHO ARE NOW ELIGIBLE FOR PAYMENT OF FAMILY PENSION FOR INCLUSION OF NAMES IN PPOs ISSUED MUCH EARLIER.

The staff side stated that in terms of Railway Service (Pension) Rules, 1993 and extant instructions, widow/divorce/unmarried daughters over 25 years of age are now made eligible for payment of family pension subject to fulfillment of certain conditions. However the Railway Administration is not including their names in the PPOs resulting in hardship to them.

The official side stated that suitable clarification has been provided to the Ministry of Railways by the Department of pension and Pensioners' Welfare and accordingly, Ministry of Railways has also issued suitable instructions in the matter in the month of March.

The Staff Side also raised another related issue regarding insistence of the concerned authorities in the Ministry of Defence to produce an income certificate from the competent authority in matters relating to payment of family pension to eligible widowed/ divorced/ unmarried daughters. However, the competent authority is not defined anywhere and therefore, most of the cases are pending. The Chairman directed the Official Side representative of the Ministry of Defence to look into the matter and resolve the issue. The Staff Side also cited certain other difficulties being faced in granting family pension to those eligible. The Chairman directed Secretary, Department of Pension & Pensioners' Welfare to hold discussion with the Staff Side and issue clarifications wherever required.

ITEM FINALISED

SUBJECT: GRANT OF FAMILY PENSION IN CASE OF MISSING PENSIONERS AFTER TWO MONTHS

The staff side stated that some pensioners breathed their last while away on tour/pilgrimage and were cremated as unidentified men. In such a situation it would not be possible for the widowed wife of the pensioner to obtain her husband's Death Certificate/Life Certificate. As a missing pensioner, the wife shall have to complete necessary formalities/report to Police and wait at least for one year before she can be granted family pension. The provision for starting family pension in the above case after Police formalities and only after one year is very harsh. This long period during which no family pension is payable will make it very difficult for the wife to survive. The staff side, therefore, proposed that family pension may be paid to the wife of such pensioner on the basis of the life certificate of the wife 2 months after reporting the matter to the police.

The official side stated that the time period of 2 months proposed by the staff side is too short and agreed that the existing period of one year will be revised to six months for payment of family pension.

ITEM FINALISED

SUBJECT: GRANT OF HALF DAY CASUAL LEAVE FACILITY FOR INDUSTRIAL EMPLOYEES

The staff side stated that the Govt. of India has removed the disparity in the matter of Earned Leave between Industrial and Non-industrial employees. However, the disparity in the matter of Casual Leave still remains. The Industrial Employees of the Ministry of Defence are also eligible for 8 days Casual Leave in a year. However Industrial Employees are not permitted to avail half day Casual Leave. Staff side, therefore, demanded that the Industrial employees should also be permitted to avail half days Casual Leave at par with other Central Govt. employees.

The official side stated that the mater has been examined and the Ministry of Defence has issued the orders for granting half days' casual leave to the industrial employees.

However, the staff side stated that while issuing the order granting the facility of half day casual leave, the existing dispensation of allowing the industrial workers two hours leave on medical grounds twice in a month has been arbitrarily withdrawn by the Ministry of Defence which is not at all justified and demanded that this facility should be restored.

The Chairman agreed with this and stated that suitable instructions would be issued soon.

ITEM FINALISED

SUBJECT: RELAXATION OF UPPER AGE LIMIT FOR DEPARTMENTAL CANDIDATES FOR APPOINTMENT TO GROUP C POSTS

The staff stated that according to the existing instructions, the upper age limit for departmental candidates for direct recruitment to Gr. C posts has been prescribed at 40 years for General candidates, 45 years for candidates belonging to SC/ST and 43 years for those hailing from OBC subject to the condition that the direct recruitment in Gr. C posts is in the same line or allied cadre etc. The staff side requested to allow age concession to the departmental candidate to the extent of the period of service rendered by them under Govt. of India which will go a long way in mitigating the grievances of the departmental candidates who have acquired or who may acquire higher qualifications.

The official side stated that in pursuance of an earlier decision of the National Council (JCM), the upper age limit for departmental candidates for direct recruitment to Group 'C' posts had been enhanced from 35 years to 40 years in respect of general candidates, 45 years for SC/ ST candidates and 43 years for OBC candidates. Therefore, the age concession to the departmental candidates has already been provided to the extent possible. If the present demand of the Staff Side is agreed to, it will mean that even at the age of 53 or 54 years, the departmental candidate would be eligible to apply, which will result in administrative difficulties and hence may not be practical. The Staff Side while appreciating the argument put forward by the Official Side, stated that as the age limit for superannuation had been increased from 58 years to 60 years, a further concession of two years should be given to the departmental candidates. The Chairman agreed to examine the suggestion of the Staff Side.

SUBJECT: RATE OF STITCHING CHARGE OF LIVERIES REQUIRES TO BE INCREASED

The Staff side stated that the rate of stitching charge of liveries has been raised many folds due to the inflation from the date of its fixation. It has become almost impossible for various offices & employees to get the liveries stitched at the rates sanctioned. The staff side therefore proposed that rates of stitching charges may be doubled.

The official side stated that the rates of stitching charges of liveries were last revised in the year 2006. The official side further contended that as per the past history, the rates of stitching charges have been revised after an interval of five years. Therefore, the next revision is due in the year 2011.

The staff side agreed with the contention of the official side but suggested as that the process of revision of stitching charges is likely to take some time, the same may be initiated in the current year (2010) and the revised rates may be made effective from 1st April 2011.

The official side agreed with the suggestion of the staff side.

ITEM FINALISED

SUBJECT: CASUAL LABOURERS (GRANT OF TEMPORARY STATUS & REGULARIZATION) SCHEME – NON IMPLEMENTATION OF.

The staff side stated that there are Temporary Status Casual Labourers (TSCLs) in almost all the Ministries/ Departments of the Government of India. Though they were granted Temporary Status in the year 1993, and the scheme formulated for them also envisages their eventual regularization, the very fact that they continue to be Temporary Status Casual Labourers after a lapse of about 15 years clearly indicates that no steps have been taken to get them regularized. The staff side, therefore, proposed that specific measures may be advised and implemented to get them regularized within a reasonable period of time.

The staff side further stated that after rendering 3 years of service as TSCL in the year 1996, they were treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund Account. However, after introduction of the New Pension Scheme with effect from 1.1.2004, this benefit has been withdrawn and the amount of G.P.F already contributed to their account has been refunded. Since 50% of the service rendered by them up to 1.1.2004 (i.e. about 5½ years service) is to be treated as pensionable service, these employees cannot be treated as having been appointed on or after 1.1.2004 and, therefore, the benefit of G.P.F. may be restored to them.

The staff side further stated that CGHS facilities or CS (MA) Rules are admissible to all regular employees. This has not been extended to TSCLs. When these employees have been treated on par with temporary Group 'D' employees they may also be granted the benefit of CGHS/ CS (MA) Rules. The staff side, therefore, proposed that if necessary the scheme may kindly be modified in order to extend these facilities to them.

The official side stated that the Department of Personnel & Training had requested all the Ministries and Departments to send the proposal for regularisation of all the casual labourers covered under the “Casual Labourers (Grant of Temporary Status & Regularisation) Scheme.” Accordingly proposals were received and DoPT, in consultation with the Department of Expenditure, has already cleared the regularisation of 231 casual labourers. It was further stated that proposals received from certain other Ministries/ Departments are under process. Therefore, there is no delay in regularisation of casual labourers (temporary status).

Regarding the demand of the Staff Side relating to restoration of the benefit of General Provident Fund, the Official Side informed that there were a series of court cases in the matter and presently the matter is pending in the Supreme Court. Therefore, the matter is sub-judice. The Official Side also informed that subsequent to the introduction of the New Pension Scheme, instructions were issued in April 2004 to the effect that no credit of the previous service shall be available to the casual labourers if they are regularized after 1.1.2004. The Staff Side stated that there were many casual labourers who were granted the temporary status prior to 1.1.2004 but their services were not regularized as on that date. Therefore, at least this category of employees must be provided the benefit of the counting of past service and the facility of GPF may be restored to them. At this point of time, the Chairman intervened and stated that if the Staff Side had any legal point on this aspect, then the same may be forwarded to the Department of Personnel & Training for examination.

SUBJECT: RESTRICTED HOLIDAYS FOR THE EMPLOYEES WORKING IN THE INDUSTRIAL ESTABLISHMENTS

The staff side stated that as per the Govt. of India instructions on the subject of holidays to be observed in Govt. offices, the employees are entitled to avail any two holidays as restricted holidays in addition to the 14 compulsory holidays and three holidays decided by the Central Govt. Employees coordination committee in the State capitals. However, the Employees working in the industrial Establishments are eligible for 16 holidays in a year including 3 National Holidays. The employees of Industrial Establishments are thus deprived of one holiday. Apart from this, the various Ministries are not allowing two days restricted holidays for the employees working in the Industrial Establishments especially under the Ministry of Defence. This is a clear discrimination, since the Govt. of India instructions on this subject do not prohibit restricted holidays for the employees of the Industrial Establishments.

In view of the above, the staff side demanded that the employees working in Industrial Establishment may also be given 17 holidays and 2 restricted holidays.

The Official Side stated that there is a fundamental difference between the way the holidays are decided for Central Government administrative offices and the industrial establishments. While no substitute holiday is provided to the employees of the Central Government administrative offices in case a regular holiday occurs on another holiday or weekend, this is not the case in respect of the employees working in the industrial establishments. Therefore, the effective number of holidays in a year are more in case of the industrial establishments than that of the Central Government administrative offices. Therefore, the demand of the Staff Side for granting 17 holidays to the employees of the industrial establishments cannot be agreed to.

At this point of time, the Staff Side stated that while they agree with the decision of the official Side not to increase the number of gazetted holidays from 16 to 17, demanded that at least the benefit of two restricted holidays in a year may be granted to them. On this issue, the Official Side informed that a decision was taken in 1961 that only those offices which were having more than 23 holidays prior to 1960 shall be eligible for 2 days restricted holidays in a year. Since industrial establishments in the Ministry of Defence had less than 23 holidays prior to 1960, they are not eligible two days restricted holidays. The Staff Side stated that in the list of holidays issued by the Department of Personnel & Training every year, it is nowhere stated that employees of the industrial establishments are not eligible for restricted holidays and therefore demanded that there is a need to review the existing practice. The Official Side agreed to re-consider the matter relating to grant of two days restricted holidays to employees of industrial establishments.

SUBJECT: APPLICABILITY OF CCS (RSA) RULES 1993 TO THE WORKERS EMPLOYED IN DEFENCE ESTABLISHMENTS

The staff side stated that the CCS (RSA) Rules 1993 are meant for recognition of service association of Central Govt. Employees. These rules are not applicable to workers employed in Defence installations of the Ministry of Defence for whom separate Rules of Recognition exist. Majority of the Defence installations are Industrial Establishments and are registered under the Factories Act and the Industrial Dispute Act is applicable to these Establishments. As per the provisions of the Factories Act and Industrial Dispute Act the category of Clerks, Store Keepers, Draughtsman, Driver, Durwan, Fireman, Peon, Canteen Employees and Supervisory Staff are “Workers” for all the purpose. In spite of this clear position, the Associations formed by the above mentioned category of employees who are “workers” are being recognised by the Ministry of Defence under the CCS (RSA) Rules 1993. This is not correct and is against the recognition rules for the Trade Unions in the Min. of Defence. In view of the staff side requested that suitable action may be taken to rectify this anomalous situation.

The Official Side stated that it was observed that there were two schools of thought even within the Staff Side in this matter and therefore, National Council may not be the appropriate forum to discuss this issue. The Official Side further stated that in case the Staff Side can send a unanimous proposal in the matter, the same can be examined by the Official Side.

Thereafter, the representatives of the Staff Side presented two conflicting views, one relating to scrapping of all the existing associations in respect of employees covered under the definition of “worker” in the Ministry of Defence

and the other relating to maintenance of the status quo. After hearing the arguments given by the two different factions of the Staff Side, the Chairman stated that it was quite evident that there was no consensus or unanimity in the Staff Side in the matter. In the end, the Chairman decided that the matter will have to be examined by the Ministry of Defence, in consultation with the Ministry of Law and Department of Personnel & Training.

Department of Personnel & Training

**LIST OF MEMBERS WHO ATTENDED THE 46TH MEETING OF THE
NATIONAL COUNCIL (JCM) HELD ON 15TH MAY, 2010.**

CHAIRMAN

SHRI K.M. CHANDRASEKHAR, CABINET SECRETARY

OFFICIAL SIDE

STAFF SIDE

- | | | |
|---|--|---|
| 1 | Shri Shantanu Consul,
Secretary,
Department of Personnel & Training | 1. Shri M Raghavaiah,
Leader (Staff Side) |
| 2 | Shri Ramesh C. Misra,
Secretary,
Department of Pensions | 2. Shri Umraomal Purohit,
Secretary (Staff Side) |
| 3 | Shri P. C. Chaturvedi,
Secretary,
Ministry of Labour & Employment | 3. Ch. Sankara Rao |
| 4 | Shri A.K. Goyal,
Member Staff,
Ministry of Railways | 4. Shri VPR Pillai |
| 5 | Shri V. Sadasivam,
Member (PSB)
Department of Posts | 5. Shri K.L.Gupta |
| 6 | Smt. Vilasini Ramachandran,
Addl. Secretary,
Department of Expenditure | 6. Shri P.R.Menon |
| 7 | Shri C.B. Paliwal,
Joint Secretary (E),
Department of Personnel & Training | 7. Shri. M.N.Bajpayee |
| | | 8. Shri Shiv Gopal Mishra |
| | | 9. Shri Salil Lawrence |
| | | 10. Shri K.S. Murty |
| | | 11. Shri U C Tyagi |
| | | 12. Shri Harbhajan Singh |
| | | 13. Shri J G Mahurkar |

- 8 Shri Binoy Kumar,
Joint Secretary,
Ministry of Defence
- 9 Dr. C.B.S. Venkataraman,
Joint Secretary,
Cabinet Secretariat
- 10 Shri A.K. Mehta,
Joint Secretary,
Ministry of Urban Development
- 11 Shri Vineet Chawdhry,
Joint Secretary,
Ministry of Health & Family Welfare
- 12 Smt. Shakuntala D. Gamlin,
Joint Secretary,
Ministry of Health & Family Welfare
- 13 Smt. Madhulika P. Sukul,
Joint Secretary,
Department of Expenditure
- 14 Shri A.K. Nigam,
Adviser,
Ministry of Railways
- 15 Shri A.G. Mathew,
PD/Staff,
O/o CAG of India
- 16 Shri A.K. Sharma,
DDG,
Department of Posts
- 17 Dr. A.K. Banerjee,
Dy. CAG,
O/o CAG of India
- 18 Shri C.A. Subramanian,
Director,
Department of Personnel & Training
14. Shri S.K. Brahma
15. Shri Ram Murat
16. Shri Guman Singh
17. Shri R.P.Bhatnagar
18. Shri P.S. Suryaprakasam
19. Shri Munin Saikia
- 20 Shri Ved Pal Yadav
21. Shri K.K.N.Kutty
22. Shri S.K.Panchal
23. Shri M.S.Raja
24. Shri S.K. Vyas
25. Shri C.Srikumar
26. Shri DPS Madan
27. Shri J.D.Suryawanshi
28. Shri M.P.Singh
29. Shri R. Srinivasan
30. Shri Rakhal Das Gupta
31. Tapan K. Chatterjee

- 19 Smt. Smita Kumar,
Director,
Department of Personnel & Training
- 20 Shri Labh Singh Chane,
Director,
Department of Revenue
- 21 Shri Subhash Chander,
Director,
Department of Posts
- 22 Shri Raj Singh,
Director,
Department of Pensions
- 23 Smt. Renu Jain,
Deputy Secretary,
Department of Expenditure
- 24 Shri Saurabh Narain,
Asstt. C&AG
O/o CAG of India
- 25 Shri Dinesh Kapila,
Deputy Secretary
Department of Personnel & Training
- 26 Shri P. Prabhakaran,
Deputy Secretary,
Department of Personnel & Training
- 27 Shri D. Mallik,
Jt. Director (IR),
Railway Board.
- 28 Shri S. Shankar,
Under Secretary
Ministry of Defence
- 29 Ms. Reena Sharma,
Section Officer,
Ministry of Railways

- 30 Smt. Usha Gupta,
Section Officer
Department of Personnel & Training
- 31 Shri Jati Singh Meena
Section Officer
Department of Personnel & Training