

RECORD NOTE OF THE MEETING HELD ON 25th FEBRUARY, 2015

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A meeting was held on 25th February, 2015 in Conference Room No.190, North Block, New Delhi with the representatives of the Staff Side under the Chairmanship of Secretary (Personnel). A list of participants who attended the meeting is annexed.

2. At the outset, the Chairman welcomed the representatives of the Staff Side and Official Side and expressed his firm belief and conviction that all the issues/demands can be resolved through the consultative process. He also indicated that the next (47th) meeting of the National Council (JCM) is likely to be scheduled soon under the Chairmanship of Cabinet Secretary. Thereafter, the Chairman invited the Leader and Secretary of Staff Side for their opening remarks.

3. Shri M. Raghaviah, Leader of the Staff Side welcomed the new Chairman. He thanked the Chairman and conveyed the appreciation of the Staff Side for convening the meeting. He mentioned that presently JCM is almost defunct which has caused much anguish and frustration. He observed that the basic framework for which Joint Consultative Machinery (JCM) has been set up is defeated if meetings are not held and no result oriented interaction takes place. He complained that even issues agreed upon do not result in appropriate orders being issued by the Government and cogent replies are not given in case of rejection of proposal.

4. While thanking the Chairman, the Secretary Staff side, Shri Shiva Gopal Mishra, stated the anguish of the Central Government Employees about communication deadlock. He also mentioned that no dialogue policy of the Official Side has left the Staff Side with no option except to agitate the issue. He further mentioned that no date has been fixed for National Anomaly Committee and that no meeting of the National Council has been fixed till date.

All the above shows that the government does not want to resolve the problems of the Central Government Employees in a peaceful manner and this is the reason that all the constituents of National Council JCM had decided for sustained struggle with massive demonstration before the Parliament on 28th April. He further hoped that, the Government will take a note and will resolve the issues raised in their Declaration.

5. It was also pointed out by other Members from Staff Side that many anomalies of 6th CPC have not been resolved and since 7th CPC has been constituted, this has become an excuse to keep the anomalies pending as they stand referred to the 7th CPC. If confrontation is to be avoided, the legitimate demands should be settled and action taken on agreed area like stepping up of pay in the matter of pay fixation anomaly. They pointed out that since meetings of the JCM are not held regularly, it gives the impression that the government is not interested to settle the issues positively and the JCM is being treated casually. This is a painful situation as even

Departmental Council meetings are not taking place which leads to plethora of litigations. It was also brought out that a Memorandum was submitted earlier by Staff Side for merger of DA and interim relief in view of the erosion of the value of rupees and cost hike. Thereafter, the issues as per the Charter of Demands were taken up for discussion.

- 1. Effect wage revision of Central Government employees from 1.1.2014 accepting the memorandum of the staff side JCM; ensure 5- year wage revision in future; grant interim relief and merger of 100% of DA. Ensure submission of the 7th CPC report with the stipulated time frame of 18 months; include Grameen Dak Sewaks within the ambit of the 7th CPC. Settle all anomalies of the 6th CPC.**

The Staff Side stated that a memorandum was submitted to 7th CPC for merger of DA and Interim Relief, and the Commission has forwarded the same to the government. Now, the government must take a decision on the memorandum itself or amend the terms of reference to enable the CPC to make their recommendations on the twin issues. Staff Side also pointed out that there was no laid down periodicity rule setting up of Pay Commissions but by convention it has been done after every ten years. The Staff Side stated that the wage revision must be made every five years as is the case in the Banking and Insurance Sector and other Public Sector Undertakings. With regard to the 7th CPC recommendations, the staff side wanted these to be given effect from 01.01.2014.

Regarding Grameen Dak Sewaks, the staff side wanted the Government to amend the terms of reference of 7th CPC to include Grameen Dak Sewaks as a category of employees as the Supreme Court has declared them as holders of civil post.

It was also submitted by the Staff Side that Interim relief is not part of the TOR of CPC. However, it can be made as part of the TOR even now by the government. Staff Side was of the view that the Interim Relief should not be linked to the delay in the submission of the report by the CPC but should be construed as necessary in view of the erosion of the real value of wages on account of inflation. This was noted by the Chairman.

- 2. No privatization, PPP or FDI in Railways and Defence Establishments and no corporatization of postal services;**

The Staff Side shown its concern on silence of the Government of India on their demand for trans discussion on FDI and PPP. Staff Side vehemently opposed 100% FDI in the Railways and 49% FDI in Defense Establishment. The Staff was advised to meet and discuss the issue with the concerned departments.

3. Non-resolving of the issues as referred by the Ministry of Railways to MoF (Exp.)

With regard to the demand for settling the anomalies of 6th CPC, the staff side submitted that the Ministry of Railways had sent certain proposals to the Department of Expenditure on which no action has been taken till date. The Grade Pay based MACP has created administrative and other problems in Railways and they added that there was no cadre with the grade pay of Rs.2000 in Railways. The staff side also pointed out that the decision to hold the meeting of the NAC has not been honoured so far. The Official Side stated that the proposals of the Ministry of Railways will be sorted out between Railway Board and Department of Expenditure. The Staff Side further stated that there are several items in the NAC pending settlement. Some agenda items have not been subjected to discussion even once. The Chairman agreed to convene the meeting of NAC shortly.

4. No Ban on recruitment/creation of post.

Regarding ban on recruitment, the Official side stated that there is no ban on recruitment. They further stated that with regard to ban on creation of posts, exceptions are made for operational needs.

5. Scrap PFRDA Act and re-introduce the defined benefit statutory pension scheme.

The Staff Side submitted that the Supreme Court had declared pension as one of the fundamental rights. The Government should, therefore, retrace from its avowed position, which is detrimental to the interest of the employees and ensure that the employees recruited after 1.1.2004 is covered by the existing statutory defined benefit scheme and rescind the PFRDA Act. The recent decision of the Cabinet to allow FDI in pension fund operations has made the real intent of the PFRDA Act unambiguously clear. The FDI will facilitate the mutual fund operators to invest the funds outside India. It is clear that the decision behind the contributory pension scheme was the pressure imposed on Government and taken without consulting Staff Side and therefore it is to be opposed at all cost and with vehemence. The Govt. should not go ahead with its intention of induction of FDI in pension fund companies. The Staff Side demanded to (i) restore the old pension scheme. (ii) abolish PFRDA and amend the New Pension Scheme. The proposal from the Ministry of Railways regarding replacement of National Pension Scheme (NPS) with Old Pension Scheme was sent to Ministry of Finance on 29.03.2014, which needs to be agreed to. The Department of Financial Services gave details on the scheme, asserting the comparative benefits of the contributory pension scheme. Reacting to the presentation, the staff side requested that official side to make the contributory pension scheme optional and the employees might opt for the same if the new scheme is beneficial as presented by the official side. It was decided that the staff side will discuss the issue with the Department of Financial Services further.

- 6. No outsourcing; contractorisation, privatization of governmental functions; withdraw the proposed move to close down the Printing Presses; the publication, form store and stationery departments and Medical Stores Depots; regularize the existing daily rated/casual and contract workers and absorption of trained apprentices;**

Staff Side demanded that due to the ban on creation of posts and recruitment of personnel continuing for a very long period, there was consequent strain on the existing workers and many Departmental heads had to recruit personnel on daily rated basis or as casual workers. Thus, almost 25% of the present work force in Governmental organizations are casual workers deployed to do the permanent and perennial nature of jobs, contrary to the prohibition of such unfair labour practices by the law of the land. In fifties and sixties, even the casual workers who had been employed to do the casual and non perennial jobs used to get priority for regular employment as and when vacancy for such permanent recruitment arises. Thousands of persons are now recruited as casual workers and kept as such for years together. As per information now made available on the floor of the Parliament, the number of contract workers engaged by various public sector undertakings and Governmental organizations is very large. They are paid pittance of a salary with no benefits like provident fund, DA and other compensatory allowances etc. In order to ensure that they do not get the benefit of regularization, these workers are technically discharged for a few days to be employed afresh again. The modus operandi differs from one department to another.

Staff Side demanded that privatization and corporatization must not be allowed. It was informed by official side that the meeting in the Departments of (Railways & Postal) have taken place in this matter and dialogue is continuing.

Regarding Printing Press, representative of Ministry of Urban Development stated that it was looking into it in a holistic manner and no final decision has yet been taken on privatization of printing presses.

The Ministry of Health representative said that there was no plans to close the Medical Stores Depots. A Society was being floated for better supplies of medicines. It was decided that Staff Side will have a meeting with Ministry of Health & Family Welfare/Ministry of Urban Development separately.

- 7. Revive the JCM functioning at all levels as an effective negotiating forum for settlement of the demands of the Central Government Employees (CGEs).**

This issue was not discussed.

- 8. Remove the arbitrary ceiling on compassionate appointments.**

The Staff Side has submitted that on the plea of a Supreme Court directive, Government introduced a 5% ceiling on the compassionate

appointments. When the matter was taken up by the Staff side in the National Council the Govt. was not able to produce any such direction of the Supreme Court. Despite that, the official side refused to withdraw the said instructions limiting the appointments to 5% of the available vacancies. In one of the National Council meetings, presided over by the Cabinet Secretary solemn assurance was given to the Staff Side that the issue will be revisited in the light of the discussion, but nothing happened thereafter. It is pertinent to mention in this connection that the compassionate appointments in the Railways continue to be operated without any such ceiling. In the Department of Posts hundreds of candidates selected by Selection Committee were denied jobs. Some candidates approached the Court and obtained favorable order. But the Court directive was made applicable to only those who approached the Court. Such an assurance is being breached by the provisions of limiting such appointments to 5% of vacancies therefore must be done away with.

It was agreed that DoPT will revisit the issue.

9. Other issues were deferred for next meeting.

10. It was agreed that the pending issues on the National Anomaly Committee would also be discussed further. In the case of MACP issues, Ministry of Railways would be requested to respond to the same in consultation with DoPT and Department of Expenditure. As regards, the issue relating to stepping up of pay Department of Expenditure would be requested to respond to the issue.

11. Staff Side Members from the Ministry of Defence flagged the following issues for reconsideration by DoPT:-

- (i) As per provisions of CCS (RP) Rules, 2008, merger of unskilled and Semi-skilled in the Workshop Staff has taken effect from 01.01.2006. Accordingly, as per DoPT guidelines, ACP granted to the labourers (Unskilled and Semi-skilled) of Ministry of Defence may be reviewed, for which an exemption of trade test is required. The MoD recommended the case to DoPT for their approval, however, DoPT has rejected the case on the plea that the ACP, already granted, need not be reviewed since merger of the Unskilled and Semi-skilled has taken place from 01.09.2008.
- (ii) Defence Civilian Employees are always paid a higher rate of Risk Allowance when compared to other Central Government Employees since they are working in highly hazardous and risky jobs. Risk Allowance rate of Defence Civilian Employees may be revised to 6th CPC pay scales.
- (iii) CAT, Principal Bench and also Supreme Court have ruled that Night Duty Allowance of Defence Civilian Employees may be revised in 6th CPC pay scales. However, judgments are not implemented.

ANNEXURE

List of Participants in the Meeting held on 25.02.2015 at 2.30 P.M. in Room No.190, North Block

CHAIRPERSON

Shri Sanjay Kothari
Secretary (Personnel)

OFFICIAL SIDE	STAFF SIDE
Shri A.G. Mathew, JS(Pers) Department of Expenditure	Shri M.Raghavaiah, Leader
Ms Snehlata Shrivastava, Addl. Secy, D/o Financial Services	Shri S.G.Mishra, Secretary
Shri Neeraj Mandloi, JS(UD)	Shri Rakhal Das Gupta, Member
M. Akhtar, Add. Member, Railway Board	Shri Guman Singh, Member
Shri N.S.Kang, AS&DG, CGHS, Ministry of Health & FW	Shri C.Srikumar, Member
Shri Dheeraj Kumar, JS, Ministry of Labour & Employment	Shri K.K.N.Kutty, Member
Shri Sharda Prasad, Dy. Secy. Department of Defence Production	Shri Ch. Sankara Rao, Member
Shri Anju Nigam, DDG(SR&M), D/o Posts	Shri R.P. Bhatnagar, Member
Madhavi Das, ED, PFRDA	Shri R. Srinivasan, Member
	Shri J.R. Bhosle, Member
	Shri M.S.Raja, Member
	Shri M.Krishnan, Member