

Ph.: 23382286

National Council (Staff Side)

*Joint Consultative Machinery
for Central Government Employees*

13-C, Ferozshah Road, New Delhi – 110001

E Mail : nc.jcm.np@gmail.com

Shiva Gopal Mishra
Secretary

No.Nc-JCM-2021/SC

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To

All the Member of Staff Side of
The National Council JCM

Dear Comrades,

As already informed to you the meeting of the Standing Committee of the NC – JCM was held today (i.e 26/02/2021) under the Chairmanship of Secretary (Personnel) DOPT. Apart from Additional Secretary DOPT and Additional Secretary Expenditure senior Officials from DOPT, Ministry of Railways, Ministry of Defence, Ministry of Health and Department of Pension were present in the meeting. The Staff Side was represented by Comrades, M. Raghaviah, Shiva Gopal Mishra, N.Kanniah, Guman Singh, C.Srikumar, R.Srinivasan, R.P.Bhatnaga, K.S.Murty, R.N.Parasar. Comrades K K N Kutty and Ch. Sankara Rao, attended the meeting through Video Conference. On behalf of the Staff Side the following important demands were raised by us in the meeting during the introductory remarks.

1. The Government of India without holding any discussion with the Staff Side has arbitrarily decided to Freeze the three Instalment of DA due to the Central Government Employees and three Instalment of DR due to the pensioners for 18 months and that this 18 months increased DA / DR will not be given back to the employees / pensioners. Such type of a decision is taken by the Government for the 1st time. Dearness Allowance is a part of the salary and DR is a part of the pension. This cannot be stopped arbitrarily. We protest against this decision of the Government and demand the DA /DR due from 1/1/2020, 1/7/2020 and 1/1/2021 may please be given in cash to the Central Government Employees and Pensioners immediately since the government is claiming that the economy of the country as considerably increased. Moreover attention is drawn to the recent Judgment of the Hon'ble Supreme Court dated 08/02/2021 where in Supreme Court has observed that salaries and pension are rightful entitlement of the Government employees and Government which has delayed the payment of Salaries and Pension should be directed to pay interest at an appropriate rate. Therefore there is no justification on the part of the government to freeze the DA of the employees and DR of the Pensioners and the same would be released immediately.
2. The National Joint Council of Action of Central Government Employees consisting of all the Constituent Organization of NC-JCM have issued a Notice on 20/01/2021 to the Cabinet Secretary with Copy to the Secretary DOPT for observing an Action

Programme Call Attention Day on 01/02/2021. This programme was observed successfully by all the C G E through of the Country. However it is unfortunate that neither the Government has convened any meeting with the Staff Side to discuss the demands nor responded to our letter. We protest against this unhelpful attitude. A meeting may be held with the Staff Side to discuss all the 13 Charter of Demands submitted by us.

3. Once again we are forced to mention here that inspite of the letters being written by the DOPT to the various Ministry and Departments the Departmental Council – JCM Meetings is not taking place. Holding of the JCM meetings at all level should be made statutory. The Secretaries of the Departments being the Chairman of the Departmental Council – JCM, it is a part of their duty to hold the meetings regularly as mandated in the JCM Scheme therefore this matter may be viewed seriously and appropriate remedial action may be taken to ensure regular holding of the Departmental Council JCM meetings
4. Demands raised by the Staff Side in the meetings and after discussion wherever the official side have agreed to examine the case are being rejected without holding any discussion with the Staff side. Recent example is the case of Grant of 3rd MACP in GP Rs.4600 to the MCM of Defence Ministry holding the post as on 31/12/2005 has been rejected by the DOPT in violation of its own clarification and instructions on the subject the Staff side is not convents with the decision of the DOPT. We are once again submitting a detailed note in this regard giving all justification. The matter may be reconsidered by the DOPT. The Staff Side is ready to discuss the matter with DOPT. (a letter dated 25/02/2021 addressed to Additional Secretary DOPT is handed over to the Secretary DOPT and copy on the subject matter was handed over to JS (E) of MOD).
5. The Demand of the Staff Side for restoration of Festival Advance was agreed in the last meeting. However no decision has been taken yet in the matter we once again demand that one month basic pay of the employee may be granted as festival Advance to be recovered in ten Easy installments.
6. The request made by the staff side for extending the time limit for availing the LTC of the Block year of 2018-20 up to 31/12/2021, so that the employees who have booked their flight tickets and who were not able to travel due to cancellation of flight because of COVID-19 pandemic can avail the facility is not yet considered by the DOPT / Department of Expenditure. The same may be considered favorably.
7. Two recovery action initiated at the various C.G. Establishments including Railway and Defence has subjected the employees to undue financial hardship. The Night

Duty Allowance paid in 6th CPC rates from 01/07/2017 is being recovered from the employees. Similarly the Transport Allowance paid to the employees during the Lock Down period is also being recovered. Both these recoveries action should be stopped and as already demanded by the Staff Side the NDA should be paid to all the employees who ever is deployed on Night Shift duty without any basic pay ceiling in accordance with the Supreme Court Judgment.

8. There are certain issues to be addressed by DOPT and Department of Expenditure with regard to LTC Special Package
 - a. The LTC special package benefit is not being extended to the employees recruited from 2012 onwards. The benefit may please be extended to them also
 - b. The condition that the employees should purchase such items avail such facilities which carry a GST rate of not less than 12% should be withdrawn
 - c. The additional burden of expenditure imposed on the employee may be withdrawn
 - d. The time limit for availing this facility may be extended up to 31/12/2021
9. Full reimbursement of the Medical Treatment incurred for COVID-19 treatment availed in the recognized / empanelled hospital may be ensured. The accounts /Audit Authorities are disallowing a major portion of the Expenditure. This may be looked into
10. The Demand of the Staff Side for payment of compensation to the employees who died out of COVID_19 infection and immediate grant of Compassionate Appointment to the dependent is not yet considered by the Govt. This request may be considered favorably by the Government
11. In violation of the DOPT instructions under FR 17 (a) the employees who participated in a legal strike in the industrial Establishments under Ministry of Defence are being imposed with dies-non. Dies-non can be imposed only if the strike is declared illegal by the Labour Court. In a similar case the CGHS employees approached Delhi High Court and the high Court has ruled that dies-non cannot be imposed. Only the principle of “no work no pay” can be imposed. The Ministry of Health have implemented the Judgment to the CGHS employees same benefit may be extended to the Defence Employees who participated in a legal strike. A reference of the MOD in this regard is pending with Ministry of Health. This issue needs to be settled since the employees are subjected to unnecessary hardship, since the dies-non period are not counted for various purpose including residence for promotion, MACP etc

Responding to the above points raised by the Staff Side Secretary DOPT assured that the points would be considered by the concerned Departments and if required separate meetings would be held with the Staff Side. There after discussion took place on the Action Taken Report of the old Agenda Points discussed in the Standing Committee meeting held on 07/03/2019. The decisions taken on the old Old Agenda Points are given below:-

1. Policy formulation for direct appointment of Trained Trade Apprentices of Central Government Industrial Establishments like Railways, Defence etc. as per the amended provisions of Section 22 of Apprentice Act, 1961.

DECISION

Staff Side Demanded that as per the amended provision of the Apprentice Act 1961 the employer should make a policy for recruitment of their Trade Apprentices. Since in our case Government is the employer a common policy may be framed by Railways and Defence. In the Navy in Defence 60% of the Skilled vacancies are reserved for Navel apprentices. Same provision may be extended to the Apprentices of other Directorates of MOD also. Railway should discuss the matter with the Staff Side for formulating the policy. The official side assured that the demand of the staff side would be considered

2. Counting of full service of temporary casual labourers for pensioners and retirement benefits in Railways:

DECISION

Staff Side demanded that 100% of the Tremporery Service and 50% of the Casual Service should be counted for the purpose of pension and other terminal benefits. The demand of the Staff Side would be examined

3. Implementation of 7th CPC recommendations – Upward revision of pay scales of various categories.

DECISION

As recommended by the High Level Committee orders are expected to be issued for Grade Pay of Rs.5400 on completion of 4 years' Service in Grade Pay of Rs. 4800 on nonfunctional basis to three categories of posts in the Railway Accounts Cadre {SSO(A/Cs)/ Sr. Travelling Inspector{A/Cs)/ Sr. Inspector (Stores A/Cs)} of Ministry of Railways. As regards up-gradation of posts of Chemical and Metallurgical Assistant (CMA), Chemical and Metallurgical Superintendent (CMS) and Assistant Chemist and Metallurgist (ACM) of the Chemical & Metallurgical Organization of Ministry of Railways would be considered separately

4. Extension of benefits of revised pension rules - 2016 in respect of pensioners of Central Government employees in autonomous bodies

DECISION

Separate meeting would be held with Staff Side

5. Enhancement of Bonus Ceiling Limit of Casual Labourers, consequent on enhancement of bonus calculation ceiling of Central Govt. Employees

DECISION

Circular is already issued by Department of Expenditure to collect the details of such employees. After receipt of the same further action would be taken

6. Deduction of House Rent on flat rates without providing equal facilities

DECISION

Item to be discussed in the Departmental Council of the Railways

7. Removing the anomalous situation in the representation of JCM.

DECISION

The demand of the Staff Side to include all Group B Non-Gazetted employees in the JCM scheme would be considered by the DOPT

8. Opening of CGHS Dispensaries in Agra, Barrackpore (Kolkata) and Kochi.

DECISION

CGHS Dispensaries in the above places have been made functional. For opening CGHS dispensaries in new cities Staff Side may give fresh demand with details

9. Grant of one time option to CGHS beneficiaries to opt for entitlement as per their revised Pay in Pay Band

DECISION

The Staff Side have to give details for consideration

10. Provision of CGHS facility for life time to dependent / disabled/ mentally retarded children of Central Government Employees /Pensioners

DECISION

The matter would be reexamined

11. Revision of the benefit of Deposit Linked Insurance Coverage from GPF

DECISION

The proposal of Department of pension to increase the Deposit Linked insurance coverage from GPF to enhance from Rs. 60000/- to Rs.3.50 Lakh is under consideration of the Department of Expenditure. The Staff Side requested to approved the same without further delay

12. Revision of Ex-gratia to CPF/SRPF retirees

DECISION

Information about the number of beneficiaries is being collected from CPAO and Banks. After receipt of the data a decision would be taken in the matter

13. Recommendations of the 7th CPC on the allowances

DECISION

Railway Board would examine the matter

14. Restoration of Interest Free Advances, withdrawn by the Government based on 7th CPC Recommendations

DECISION

Staff Side demanded that as agreed in the last meeting festival advance may be granted every year without any condition and to recover in 10 monthly installment. Additional Secretary (Expenditure) stated that to decide about the modalities for payment of festival advance, the same would be separately discussed with the Staff Side

15. Parity in pay scale of all Stenographers, Assistants and Ministerial staffs in subordinate offices and in IA&AD and organized accounts cadre with Central Secretariat staffs by upgrading their pay scales

DECISION

The Committee constituted by DOPT on the Subject matter would hold discussions with the Staff Side before finalizing its report.

16. Career progression of Data Entry Operator Cadre of DRDO, under Ministry of Defence

DECISION

The Staff Side stated that their request was to provide promotional quota for promotion of DEO Cadre to Admin officer. However the DOPT has proposed LDCE for promotion to Admin officer. The Staff Side demanded that there should be a promotion quota for DEO to become Admin officer. The MOD / DRDO should discuss the matter with the Staff Side and should come with a revised proposal.

17. Recognition of Technical Diploma Course in different discipline of Engineering / Technology obtained through Distance Education Mode for the purpose of LDCE to the Departmental Candidates for appearing for higher post with Grade Pay Rs. 4200/- (Level 6 of 7th CPC)

DECISION

Official side disagreed to consider the demand. After thorough discussion the Staff Side proposed that the AICTE may be asked to have a qualifying examination for such candidates who have acquired Diploma qualification through distance education mode and the employees who pass the examination may be made eligible to participate in LDCE. This request of the staff side would be considered in consultation with AICTE.

18. Correlation of the hourly rates of Industrial Workers of Ordnance Factories based on 6th CPC pay scale w.e.f. 01.01.2006

DECISION

Since the Department of Expenditure have not agreed the demand the employees have approached court of Law. The Staff Side also mentioned that even now the piece work correlation in 7th CPC pay scale has not yet been approved by the DDP in the case of Ordnance Factory Employees. Such considerable delay on the part of Department and implementing the same from a prospective date is not acceptable. Chairman desired that the DDP may expedite the matter and settle the same.

19. Promotional prospects of MTS

DECISION

The demand of the Staff Side to increase the 10% promotional quota of MTS to LDC may be enhanced to 25% would be considered by a committee constituted in the DOPT in this regard

20. Implementation of the recommendation of 6th CPC with regard to Limited Departmental Competitive Examination for posts in Group "B" and Group "C"

DECISION

The Staff Side demanded that as recommended by the 6th CPC employees in the Grade pay of Rs.1800/- and who have the qualification required for any Group B post should be allowed to appear in the LDCE of the concerned post. However the Government has not yet accepted this recommendation. Due to this there is no motivation for the employees to acquire higher qualification. Therefore there is all justification to accept this conscious recommendation of the 6th CPC. Chairman agreed to reconsider the matter.

21. MACP to the employees, who have completed 10/20/30 years on the date of their retirement

DECISION

The Staff Side demanded that on the day of retirement if the employee completes the qualifying service required for MACP, then the employees should be granted the MACP benefit. Chairman stated that as a policy the demand is not acceptable. However after our insistence Chairman agree to consider the matter

After the discussion on the old Agenda Points the following fresh Agenda points given by the Staff Side is taken up for discussion.

1. Coverage under CCS (Pension) Rules 1972 in place of National Pension System to those Employees who are recruited to Central Government Service Based on the Employment notification issued during the year 2002, 2003 and selection process completed on or after 1/1/2004

DECISION

The Department of Pension would study the demand of the Staff Side. And thereafter the issue would be further discussed with Staff Side

2. Non implementation of decision taken in the 7th CPC National Anomaly Committee meeting Held on 17/07/2018 on the Item No.4 on fixation of pay on Promotion

DECISION

The Staff Side reiterated their demand that 2 increments may be given while on promotion / MACP, since the present benefit of one increment on promotion / MACP is comparatively lesser than what was available during fifth and sixth CPC dispensation. After discussion Additional Secretary Expenditure assured to consider the demand.

3. Central Government Employees may be granted one more option to switch over to 7th CPC from a date subsequent to 25th of July 2016

DECISION

Additional Secretary Expenditure would further discuss the matter with the Staff Side

4. Accumulation of Earned Leave/Leave on Average Pay (LAP) beyond the ceiling of 300 days-reg.

DECISION

Staff Side demanded the following:-

- a. Industrial employees in the Defence ministry may be allowed to accumulate 300+ 15 days EL at par with other employees
- b. Employees may be allowed to accumulate more than 300 days EL while in service so that they can avail leave in case of any emergent situation and hence

while restricting the encashment up to 300 days EL, accumulation may be permitted beyond that.

Chairman assured that DOPT would consider the Demand of the Staff Side

5. Fixation of pay on promotion in 6th CPC Pay Structure – Deprivation of annual increment to those promoted prior to 31/12/2005, but relieved after 01/01/2006-reg.

DECISION

The issue would be discussed by the Additional Secretary Expenditure with Staff Side

6. Unjustified denial of financial up gradation to Junior Translator in GP 4200/Level-6-reg.

DECISION

Official Side stated that the demand is not acceptable

7. Grant of increment on 1st January & 1st of July to those employees retiring on 30th June/31st of December – Apex Court order-reg.

DECISION

The Staff Side stated that since Government has not accepted to extend the benefit of Supreme Court Judgment to similarly placed employees 100s of Court cases are being filed through out the Country. Therefore to avoid the multiplicity of litigation, Government may extend the benefit to all similarly placed employees. After discussion Chairman agreed to reconsider the matter.

8. Enhancement of entry qualification and up gradation of entry Grade Pay of Pharmacist category-reg.

DECISION

The matter is under consideration by Ministry of Health

9. REGULARISATION OF THE ABSENCE OF EMPLOYEES DUE TO VARIOUS CIRCUMSTANCES UNDER COVID-19 PANDAMIC AND LOCKDOWN.

DECISION

The Staff side reiterated the following demands:-

- a. Employees who were not able to attend duty due to non availability of public transport including State Transport Buses and suburban trains - in their cases the authorities have asked them to apply for their own leave instead of Special Casual Leave. These employees may be sanctioned Special Casual Leave to regularize their absence due to non availability of Public Transport.

- b. Employees who were in different stations / home town prior to the declaration of lock down by the Government, they were not able to report back to their office / establishment due to total stoppage of public transport and movement in private vehicles inter state and inter district were completely stopped by the State and Central Governments. Their absence from duty due to the above mentioned situation may be regularized as Special Casual Leave .
- c. Employees who were affected by COVID-19 positive and were under medical treatment and subsequent home quarantine etc., may be granted quarantine leave for the entire period of Medical Treatment and Home quarantine period as recommended by the Medical Authorities.

After discussion Additional Secretary DOPT agreed to consider the request of the Staff Side.

- 10. OPTION TO SWITCHOVER TO SIXTH CPC PAY SCALE TO THOSE EMPLOYEES WHO ARE SUBJECTED TO THE BENEFIT OF ENTRY PAY IN ACCORDANCE WITH DEPARTMENT OF EXPENDITURE OM NO. 8-23/2017-E.IIIA DT. 28th SEPTEMBER 2018.

DECISION

After discussion Additional Secretary Expenditure Agreed to consider the demand of the Staff Side

- 11. GRANT OF ENTRY PAY FOR PROMOTEEES AT PAR WITH DIRECT RECRUITS APPOINTED ON OR AFTER 1-1-2006 WITHOUT ANY CONDITION.

DECISION

The issue would be discussed separately by Additional Secretary Expenditure with the Staff Side

- 12. TO SETTLE THE OUTSTANDING GRIEVANCES OF THE PHARMACIST CATEGORY.

DECISION

After discussion Ministry of Health assured to issue a general instruction in this regard

13. MEDICAL TREATMENT OF GOVERNMENT EMPLOYEES / PENSIONERS AND ALSO FOR THE FAMILY MEMBERS OUTSIDE INDIA WHO ARE GOVERNED UNDER CGHS.

DECISION

Being a new demand it has to be considered separately by Health Ministry

14. TO ENSURE EFFECTIVE FUNCTIONING OF THE JOINT CONSULTATIVE MACHINERY.

DECISION

DOPT will issue a time table to all the ministries / Department to hold the meetings of the Departmental Council – JCM in accordance with the JCM Scheme.

15. Implementation of awards of Board of Arbitration by the Government of India.

DECISION

Matter would be discussed with the Staff Side Separately

16. Notional Pay Fixation on promotion/ACP/MACP to the employees who are imposed with minor penalty

DECISION

Matter would be examined

17. Educational Qualification for recruitment of MTS and MTS (Tradesman Mate) in the Ministry of Defence

DECISION

The Staff Side stated that the MOD in violation of the 6th CPC recommendation and DOPT instructions has decided Matriculation and ITI as the minimum qualification for recruitment of MTS (Tradesman Mate), where as it should be matric or ITI. DOPT may issue instruction in this regard to MOD to amend the qualification of MTS (Tradesman Mate) as Matric or ITI. The Additional Secretary DOPT agreed to consider the request of Staff Side.

18. One time relaxation for LTC Cash voucher scheme for new recruits who got appointed in the year 2012

DECISION

The Staff Side demand for extending the LTC cash voucher special package to the employees recreated appointed during 2012 and also for extending the period up to 31/12/2021 would be examined by the Department of Expenditure.

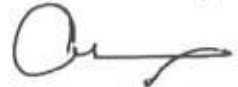
19. Implementation of Govt. decision on 7th CPC recommendations on Risk Allowance to the Central Govt. Employees including Defence Civilian Employees

DECISION

- 1) The Risk Allowance may be given effect from 01/07/2017.
- 2) The employees who are involved in various Risk and Hazardous operation may be brought under the coverage of Risk & Hardship Matrix as recommended by the 7th CPC atleast at par with the Fire Fighting Personnel.
- 3) Ministry of Defence in the past have recommended for inclusion of various left out operations, left out organizations and left out categories to be included for payment of Risk Allowance. However the DOP&T have advised MoD to wait for the recommendations of 7th CPC. Since the recommendations of 7th CPC are already implemented the proposals of MoD may also be approved.

After discussion it was decided that the issue would be separately discussed by DOPT with the Staff Side

Yours fraternally,



(Shiva Gopal Mishra)
Secretary