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No.NC-JCM-2021/NC Meeting

Dated: June 26, 2021

All Member of the National Council
(Staff Side) – JCM

Dear Comrades,

Decision taken in the Staff Side meeting held on 25/06/2021

The Staff Side meeting of the National Council JCM was held on 25/06/2021 to discuss about the issues to be raised in the introductory remarks during the National Council – JCM meeting on 26/06/2021. After finalizing the points to be raised in the meeting and also after discussion on the 29 Agenda Points the following decision were taken unanimously:-

1. To protest against the arbitrary decision taken by the Government to Corporatize the 41 Ordnance Factories and to submit a protest letter to the Cabinet Secretary requesting him to place the views of the Staff Side on behalf of the 32 lakhs Central Government employees before the Hon'ble Prime Minister so as to reconsider and withdraw the decision considering the impact of the Government decision on National Security and Defence preparedness and also the future existence of the 41 Ordnance Factories and its workforce.
2. Solidarity and support action to be observed by the NJCA on the day the Ordnance Factories Employees Federation serve strike notice to the Government and also various action programmes from the date of commencement of strike.
3. In case the Government fails to issue Government orders for releasing the frozen DA / DR with effect from 1/1/2020 before 15th of July 2021 then protest programme will be observed throughout the country by the Constituent Organizations. Date of the programme will be decided later only by the NJCA.

The following Staff Side members attended the meeting of the NC JCM physically on 26/06/2021

1. Shri Shiva Gopal Mishra (Secretary)
2. Shri M Raghavaiah, (Leader)
3. Shri Guman Singh, (Member)
4. Shri J.R. Bhosle, (Member)
5. Shri C.Srikumar, (Member)
6. Shri R.N.Parashar, (Member)

The other Staff Side members participated in the meeting virtually. The Secretary DOPT in his welcome speech stated the following:-

As you are aware the very foundation of the JCM is based on cooperation and harmonious relations between the two sides, and the dialogue between the two sides must be a continuous and ongoing process. In fact, it is for this reason that DoPT has issued directions to all Ministries/Departments to hold the meetings of Departmental and Office Councils once in every four months period. Ministries/Departments have

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also been advised to revive the Departmental or Office Council, in case these are not functioning effectively. I am happy to inform that notwithstanding the challenging situation arising out of the Covid-19 Pandemic, the Standing Committee of JCM met on 26.02.2021 under my Chairmanship and the proceedings were held in a very cordial and harmonious way, in keeping with the JCM spirit.

During the Covid-19 Pandemic, DoPT has played a proactive part and has exempted Government servants from marking their biometrics attendance and has also allowed Work from Home. DoPT also issued directions on 7.6.2021 providing for various type of leave to Staff who could not attend duties on account of Lock-down or other difficulties which arose with the staff. In a series of reliefs, special dispensation has been extended to PwDs and pregnant women. We also continue to facilitate on the one hand the smooth working of govt. offices with curtailed attendance, and on the other, to ensure the safety and welfare of the employees.

I once again welcome all participants and also thank the Staff Side for their cooperation, in finding amicable resolution to various staff related problems. The Staff Side is always welcome to come up with new initiatives or ideas for good governance. I assure you of our fullest cooperation in resolving issues, pertaining to the welfare of the employees, in a just and fair manner, which are also economically viable.

Thereafter presiding over the meeting Cabinet Secretary made the following remarks

As you are aware, this meeting was scheduled to be held in May, 2021. Due to increase in COVID-19 cases, it has been delayed. As we know the JCM is an old & established platform, in existence since 1966, for a constructive dialogue between the representatives of the Staff Side and the Official Side for peaceful resolution of all disputes between the Government as employer and the employees. The JCM functions with the object of further increasing the efficiency of the public service combined with the wellbeing of those employed and has contributed immensely over the years in maintaining harmonious relations between the two sides.

The last meeting of the National Council of JCM was held in April 2019, and due to various exigencies, it has been held after a gap of two years. However, I understand that several informal meetings to discuss the progress of various demands of the Staff Side have been held in DoPT in the meanwhile, and Secretary Personnel has also held a meeting of the Standing Council of JCM in February, 2021.

Before we start discussing the formal agenda of today's meeting, it is necessary to understand the context in which today's meeting is being held. The global COVID-19 Pandemic, which began early last year, has continued to create distress across the world, and our country too has also faced a lot of difficulties. Govt. of India has played a pro-active role in mitigating the hardships faced by the citizens due to this Pandemic, and the role played by the Central Govt employees, especially the frontline workers such as the health care personnel, the essential service providers as also the law and order machinery, has been truly commendable. It is a matter of great sadness that several employees have also lost their lives to COVID-19, for

which I express my deepest condolences. Needless to say, COVID-appropriate behavior needs to be continued until the threat of the Pandemic subsides. Government is well aware of the hardships faced by the Government Servants due to the pandemic, and has adopted various welfare measures, such as free vaccination for all, full salaries to those who could not attend duty due to Lock Down or Quarantine, facility to work from home, notification of CGHS rates for treatment of COVID-19, full wages to daily wage workers, CGHS wellness Centres allowed to be used for running vaccination programmes etc. In today's meeting, we are going to deliberate on 29 Agenda Items, and I sincerely hope that most of the agenda items would be resolved. I am of the view that the meeting of the National Council of JCM, and that of the different Departmental Councils under the JCM should be held regularly, for which instructions have already been issued. Similarly, I would encourage the Staff Side to come up with innovative ideas to increase the efficiency of the Central Govt. Before I conclude, I would like to place on record my appreciation for the positive and constructive approach shown by the Staff Side, and I hope that we continue to function in the same spirit in future. I would also like to request the Departmental Secretaries to take personal interest in coming up with solutions in their respective domains to the various demands raised by the Staff Side. I also hope that today's meeting is conducted in an exemplary passion as envisaged in the spirit of the JCM mechanism.

After the introductory remarks of the Chairman the following important issues were raised on behalf of the Staff Side by the Leader, Secretary and other Staff side Members

1. Staff Side extend a warm welcome to the Cabinet Secretary Chairman of the National Council – JCM and all senior officers from various Ministries / Departments. I am thankful to the Chairman for convening this meeting in spite of the pandemic situation in the country. Many of our Staff Side Members wanted to attend the meeting physically however due to the various restrictions only six Staff Side Members were allowed to attend the meeting physically and others are attending virtually. We are confident that all the burning issues agitating the minds of the employees and pensioners will be resolved through mutual understanding and cooperation.
2. At the outset the Staff Side would like to register their protest against the arbitrary and one-sided decision taken by the Government in violation of all the previous written agreements and assurances given in the past by the Government. The Federations of the Defence Civilians employees served a strike Notice against the Government decision to corporatize the 41 Ordnance Factories into 7 Corporations. Due to the intervention of the CLC (C) a settlement was reached on 9th October 2020 and accordingly the Federation deferred the Indefinite Strike. However the Ministry of Defence violated the conciliation settlement and proceeded with its decision to corporatize the Ordnance Factories into 7 Corporations. Even the CLC by violating all the norms concluded the conciliation proceedings on 15/06/2021 in the actions of the three major Federations who served the strike notice. On 16/06/2021 the Cabinet without even giving an opportunity to the Federations to be heard by the Empowered Group of Ministers has approved to slice Ordnance Factories into 7 Corporations. The employees are agitated and the Federations have decided to revive their indefinite strike. We the Staff Side request the

Government through the Cabinet Secretary to withdrawn the decision to corporatize the ordnance factories on hold and start negotiations with the recognized Federations of Ministry of Defence for improvement of the functioning of Ordnance Factories.

3. All Central Government employees and pensioners are anxiously waiting for the outcome of this meeting since the DA due to employees and DR due to the Pensioners are freezed from 1/1/2020 for 18 months. The Central Government employees and pensioners have contributed more than Rs. 40,000/ Crores by not receiving the DA/DR due for them. Now since the economy is getting revived according to the Government itself, Central Government employees and pensioners may be given DA and DR retrospectvly with arrears. Hope Government will take a positive decision in this regard.
4. It has become ritual for the DOPT for issuing a letter to all the Ministries to hold the meeting of the Departmental Council- JCM. However in most of the Departments neither the JCM is functioning nor are meetings taking place in the Ministry of Defence the last JCM meeting of the Departmental Council was held during November 2016. In the 47th meeting of the National Council – JCM the Defence Secretary has assured that he will call the Departmental Council – JCM meeting however so far no meetings of the JCM has been convened. IN ISRO also the Departmental Council (JCM) is not yet constituted. Therefore Cabinet Secretary may direct all the Secretaries to hold the meetings of the Departmental Council minimum thrice in a year in accordance with the JCM Scheme.
5. A decision was taken in the last meeting to enhance the Deposit Linked Insurance Scheme in the GPF Scheme. It is regretted to inform the Chairman that so far no orders have been issued on the subject. Long back the scheme was revised under the EPF Scheme. The same benefit is not being extended to GPF subscribers. Government orders may please be issued in this regard at the earliest.
6. Some of the important Agenda points which the Staff Side has forwarded for inclusion in this meeting has not been included and we were not informed about the reasons for not including these agenda points. It is requested that these two points may please be included for today's discussion.
 - a. Regularization of the legal strike period in the Industrial Establishments.
 - b. Withdrawal of the provisions of the FR 56(J) / (i) and Rule 48 of the CCS (Pension) Rules, 1972 since it is being largely misused.
7. Department of Pension vide its OM dated 19/07/2017 issued a clarification stating to grant family pension to a divorce daughter in such cases where the divorce proceedings had been filed in a competent Court during the life time of the employee / pensioner or his / her spouse but divorce took place after their death. It has been noticed that in some cases pensioner/ family pensioner who have been settled in remote areas and the divorcee daughter has come back to live with her old age parents (especially mother) and do not file the Divorce petition during the lifetime of the pensioner/Spouse due to financial constraints or no physical support to attend the court hearings in the main cities. They filed the cases after the death of the pensioner/family pensioner. These type of cases may also be considered sympathetically and also be allowed family pension if The date of the filing of divorce cases is after the death of parents but she is actually living with her parent before their death and that date is also mentioned in the divorced judgment.

8. Many items like Pharmacist re-designation etc were discussed in the last meeting of the Standing Committee of National Council – JCM held on 26/02/2021 However the decision taken in the meeting are not being implemented yet by issuing necessary government orders. It is requested that the issues discussed in the Standing Committee meeting may be settled without further delay.
9. As per DOPT Instructions the 3 years time limit has been withdrawn for consideration of compassionate Appointment cases. However in the Ministry of Defence in Navy cases are considered by for Compassionate Appointment in 3 Board meetings afterwards the applicants are being informed that their cases is closed and that there cases may be considered by the future Board. A clarification in this regard may please be issued.
10. The Supreme Court has upheld that the employees who have participated in the Selection Examination for direct appointment during the year 2003, but appointed after 1/1/2004 now also be given the brought of Old Pension Scheme. This benefit may please be extended to all similarly placed employees (Ref:- SLP No.173/21 dated 4/2/2021 in the case of Devindra Singh Bran Vs Union of India).
11. The Staff Side is all along demanding for withdrawal of NPS and to restore OPS to the employees recruited on or after 1/1/2004. In the meantime we have been demanding to evolve a mechanism by which the NPS employees get 50% of their last basic pay as minimum ensured pension. However the Government has not taken any decision on this. This needs to be considered sensitively by the Government.
12. Another burning issue which needs immediate settlement is the removal of basic pay ceiling limit for payment of NDA. Any employee who is deputed to work during night shift is entitled for NDA and on the plea of basic pay ceiling employees cannot be discriminated. Therefore DOPT is requested to issue necessary amendment in the orders issued by them.

After the above important issue raised by the Staff Side Cabinet Secretary directed the concerned officers to take note of the issues raised by the Staff Side and take steps to resolve the same and if required after having further discussions / consultations with the Staff Side.

Decisions taken on the Agenda points

Out of 29 Agenda Points 21 points were discussed in the meeting. Due to paucity of time it was decided that the remaining 9 agenda points pertaining to DOPT would be discussed by the Secretary (P) DOPT with the Staff Side within a fortnight. Decision taken on the 21 Agenda points are given below:-

1. Reimbursement of expenses on indoor treatment to Pensioners living in Non CGHS towns.
Decision:- the demand of the Staff Side for reimbursement of the expenditure incurred for out patient treatment of the pensioners staying in remote localities and introduction of Insurance Scheme would be considered by the Health ministry.
2. Grant of Medical Advance to the Central Govt. Employees.

Decision:-A Clarification will be issued by the Ministry of Health that in the cases of Medical treatment other than treatment covered under package rates should also be given 90% of the estimates as Medical Advance subject to CGHS rates.

3. Reimbursement of additional charges paid on account of overstay in the hospitals

Decision:-The demand of the staff side for Reimbursement of Additional Charges paid on account of overstay in the hospitals by CS (MA) beneficiaries would be considered by Ministry of Health.

4. Hospital Patient Care Allowance for C.G. Employees working in Hospitals.

Decision:-Health Ministry is considering a proposal to include various leftout categories for payment of HPCA. The Staff Side requested that other than the categories already forwarded by the Staff Side the categories of AC Maintenance Staff, Electrician, and civil engineering categories also may be included for HPCA. The Staff Side Members of Defence Ministry complained that in spite of Health Ministry orders Defence Paramedical Staff of Ordnance Factories and other Directorates are not being paid HPCA. Cabinet Secretary directed that Defence Ministry may issue instructions to implement the Government orders to the Defence Employees.

5. Grant of Recognition to all employees organisations fairly and transparently- restore function of departmental and office councils in terms of the JCM scheme.

Decision:-Secretary DOPT Clarified that instructions have been issued to all Ministries / Departments to hold regular meetings of the Departmental Council JCM and to settle the Recognition cases in a time bound manner.

6. Settlement of the following COVID-19 related issues.

Decision:-

a). Staff Side insisted that Central Government employees including Railways and Defence, Postal etc should be declared as frontliners.

b). Staff Side Demand for granting quarantine leave to COVID-19 positive tested employees, SCL to employees who were not able to attend duty due to non availability of Public Transport, Curfew etc. would be considered by DOPT.

c). Grant of Ex-gratia payment / compensation of Rs.20 lakhs to the family of all those employees who died of COVID-19 infection and Grant of out of turn compassionate appointment to the dependents of the employees who died of COVID-19 infection over and above the 5% ceiling limit, would be considered by DOPT

d). Ministry of Health to consider Payment of full reimbursement of Covid-19 medical treatment charges.

7. Evolve a health insurance scheme for all employees and pensioners to cover up all pensioners, who are outside the ambit of CGHS.

Decision:-The Matter would be considered by Health Ministry

8. Take steps to revive all PSUs which are either closed down or privatized, which are capable of manufacturing vaccine in the background of the acute shortage as also the oxygen units.
Decision:-Health Ministry is taking steps to revive the PSU vaccine manufacturing Units.
9. GPF for those who have been recruited on or after 1.1.2004.
Decision:-Demand of the Staff Side would be reconsidered.
10. Introduction of productivity linked bonus in place of Adhoc Bonus: raising the minimum ceiling for the purpose of payment of Bonus to 18000/- in accordance with 7th CPC.
Decision:-Decision would be taken depending upon the amendment in the Bonus Act by Labour Ministry.
11. Revision of Central Govt. Employees Group Insurance Scheme.
Decision:-The matter would be further discussed with the Staff Side.
12. Withdrawal of orders of DA/ DR freeze.
Decision:-Cabinet Secretary stated that Department of Expenditure would process the matter for getting the Cabinet Approval for restoring the frozen DA / DR from 1/7/2021. The Staff Side demanded that they are eligible for arrears from 1/1/2020 and the mode of payment can be discussed separately with the Staff Side. The Staff Side also demanded to extend the benefit to those employees who retired / expired between 1/1/2020 and 30/06/2021.
13. 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 discuss the matter with the Staff Side separately.
14. Settle All 7th CPC Anomalies represented by the Staff Side.
Decision:-A meeting of the National Anomaly Committee would be convened to discuss the issues.
15. Grant of Compassionate Allowance to the widow of Employees dismissed/ removed from service.
Decision:-The matter is under examination in the Department of Pension.
16. Withdrawal of New Pension Scheme (NPS) and restoration of Defined Pension Scheme under CCS(Pension) Rule 1972 to the employees who are recruited on or after 1.1.2004 at par with Armed Forces Personnel
Decision:-The demand of the Staff Side for minimum pension would be considered separately.
17. Exempt transport / Running allowance from income tax.
Decision:-Demand of the Staff Side would be brought to the notice of Department of Revenue.
18. Exemption from payment of income tax to Pensioners who have attained age of 80 years or more.
Decision:-Demand of the Staff Side would be brought to the notice of Department of Revenue.
19. To formulate a policy 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:-Railway Ministry and Defence Ministry to discuss the matter with the Staff Side.

20. Withdraw the decision to Corporatize the Railway Production Units and Ordnance Factories.

Decision:-Cabinet Secretary directed that the Ministry of Railway and Defence should discuss the matter with their Staff Side to evolve a solution. Secretary Staff Side handed over a copy of the Staff Side letter dated 25/06/2021 to the Cabinet Secretary demanding withdrawal of the decision taken by the Government to Corporatize the Ordnance Factories (copy of the letter is enclosed).

21. Grant of Gazetted Status to Senior Engineer of Ministry of Railway.

Decision:-The matter would be discussed by the CRB with the Staff Side of Railways.

Night Duty Allowance – Removal of ceiling of NDA i.e. Rs.43,600 was discussed at length and Cabinet Secretary directed Secretary(DoP&T) to discuss the issue with the Chairman Railway Board, Secretary(Dept. of Exp.) and finalise it soon.

The following 8 Agenda Points will be separately discussed with the Secretary DOPT.

1. J.C.M. Coverage
2. Litigation cases on service matters
3. Eradication of injustice to Casual, Contract and Outsourced workers: providing them the right to form a union in terms of Article 19.1(c) of the Constitution of India: Regularisation of all casual, contingent and outsourced workers.
4. Fill up all vacant posts in all grades.
5. Grant of 5 (five) effective upgradations to all Group B & C employees in entire service life.
6. Undertake cadre review of all Groups –B&C Cadres in every five years before the cadre review of Group A Cadres.
7. Grant of Risk Allowance to the Employees involved in permanent and perennial recognized Risk Operations

The meeting ended with thanks to the Chair.

With greetings,

Yours Comradely,



(Shiva Gopal Mishra)
Secretary