

No.3/4/2021-JCA  
Government of India  
Department of Personnel & Training  
Establishment (JCA) Section  
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North Block, New Delhi-110001.

Dated: 18 August, 2021

To


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Shri Shiva Gopal Mishra,  
Secretary, Staff Side  
13-C, National Council (JCM)  
New Delhi.

**Subject:** Minutes of the Meeting held under the Chairmanship of Secretary (P) on 30.07.2021 discuss the left-out items of the Meeting of the National Council (NC) of the Joint Consultative Machinery (JCM), held on 26.06.2021

I am directed to enclose herewith a copy of the Minutes of the Meeting, held under the Chairmanship of Secretary (P), on 30.07.2021, to discuss the left-out items of the Meeting of the National Council (NC) of the Joint Consultative Machinery (JCM), held on 26.06.2021

**Encl. as above**

Yours faithfully,

  
(S.P. Pant)  
Deputy Secretary (JCA)

1. All the Members of the National Council (JCM)

**MINUTES OF THE MEETING HELD UNDER THE CHAIRMANSHIP OF  
SECRETARY (P) ON 30.7.2021 TO DISCUSS THE LEFT-OUT ITEMS FROM THE  
MEETING OF THE NATIONAL COUNCIL (NC) OF THE JOINT CONSULTATIVE  
MACHINERY (JCM), HELD ON 26.06.2021.**

The 48<sup>th</sup> Meeting of the NC, JCM, was held on 26<sup>th</sup> June, 2021, under the Chairmanship of Shri Rajiv Gauba, Cabinet Secretary, and out of 29 Agenda Items kept for discussion, only 21 items could be discussed in the meeting. It was therefore, agreed, with the permission of the Chair, that the remaining 08 agenda items, pertaining to DoPT, would be discussed in a separate meeting to be held by the Secretary (P) with the Staff Side. **Accordingly, a meeting was held with the Staff Side on 30.07.2021, under the Chairmanship of the Secretary (P), in which the 08 agenda items of DoPT, along with two agenda items of DoE (included with the permission of Chair), were discussed.** The list of participants is **annexed**.

2. Smt. Sujata Chaturvedi, Addl. Secretary (Estt.), welcomed the chairman and the participants to the meeting.

3. Shri Shiv Gopal Mishra, Secretary, Staff Side, while thanking the Chair for convening the meeting in the month of July itself, raised the following issues:

- (i) The facility of one-time relaxation given to those Government employees who availed the LTC by Air to J&K and the North-Eastern Region during the period of January, 2010 to June, 2014, and had booked the tickets through travel agents, other than the authorized agents, due to lack of awareness about rules, may be extended to the employees, who had travelled by air to Andaman & Nicobar Island during the period w.e.f. 26/09/2014 to 19/02/2020, since LTC-80 facility to A&N was given only from 26/09/2014.
- (i) Departmental Council meetings under the JCM scheme are not being held regularly, despite instructions from DoPT.
- (ii) Policy of appointment on Compassionate Grounds for dependents of those employees, who have expired due to COVID 19, may be made expeditiously.
- (iii) Master Craftsmen in the M/o Defence may be given MACP in the Grade Pay of Rs. 4600/-
- (iv) Legal strikes in Industrial Establishment may be regularized on the basis of 'no work no pay' and may not be treated as dies-non.

Shri Mishra also requested that a meeting of the Standing Committee may be convened soon to discuss pending Agenda items.

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3.1 While thanking the Government for releasing the withheld D.A., Shri Sri Kumar, Member, Staff Side raised the issue of 3% increase in HRA, consequent upon hike in DA beyond 25% and also referred the demand of the Staff Side for DA arrears from 01/01/2020 to 30/06/2021.

4. Thereafter, the agenda items were taken up one by one. The discussion and decision taken on each point is given in the following paragraphs.

**4.1 Item No. NC-47/4/19 - JCM Coverage.**

The demand in brief is that all Group 'B' Non-gazetted employees may be allowed to participate in the JCM scheme.

Shri Shiv Gopal Mishra, Secretary, JCM stated that in the Ministry of Railways, the Grade Pay of Rs.4800 is given to Gazetted, as well as, Non-Gazetted employees. Those who are Non-gazetted employees in the Grade Pay of Rs. 4800/-, may also be allowed to participate in the scheme of JCM.

**Decision:** The Chair stated that since the matter has been going on for last so many years, all the details of the case may be studied carefully, and, if need be, the concerned file may be referred to Ministry of Law and Justice for seeking legal opinion on any specific point of law.

**4.2 Item No. NC-47/31/19 - Litigation cases on service matters:**

- i) **Night Duty Allowance (NDA) in revised Pay Scales**
- ii) **MACP in promotional hierarchy a and not in the next Grade Pay**
- iii) **Placement from Higher Selection Grade to HS Grade -1 be ignored for granting MACP**

The demand in brief is that the judgments of the Hon'ble Supreme Court, which have impacted a large number of employees, may be implemented *in rem* and not *in personem*, and also that the Government should implement such judgments

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*suo-motu*. Secretary, Staff side stated that the mechanism of JCM may be used to resolve the dispute.

On item (i) above, it was stated by AS(E), DoPT, that the guidelines issued by DoPT are not for the industrial employees working under the MoD. Hence, MoD has to take a conscious decision in the matter.

On item (ii) above, it was stated the Hon'ble Supreme Court, in 'M.V. Mohanan Nair vs. UOI', dated 5.3.2020, directed that financial up-gradations under MACP Scheme may be granted in the standard hierarchy of grade pay and not in the promotional hierarchy. Based on this judgement, DoPT has issued instructions to all concerned to grant financial upgradation in the standard hierarchy of grade pay and not in the promotional hierarchy.

On item (iii) above, it was stated that the Grade Pay of 2800 given to HS-Grade 1, cannot be ignored for grant of MACP and that the MoD has already been advised of the same on 31.12.2020.

AS(Pers), DoE, stated that their policy is to give benefit of court orders only to petitioners, and not to non-petitioners.

**Decision: The Chair directed that in view of the above clarifications, this Item may be treated as closed.**

**4.3 Item No. NC-48/13/21 -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**

The demand of the Staff Side, in brief, is that the contract employees should be given rights at par with that of the regular employees. Secretary, Staff Side, stated that formation of a union is their basic right under Article 19 of the Constitution. He further stated that this category of workers is an exploited lot and is given lower wages as compared to their regular counterparts, which is not justified. Further, he also stated that the contract employees, once engaged through any Contractor, may not be discharged, if there is a change in the Contractor, subsequently.

It was explained by the Chair that the judgement of the Hon'ble Supreme Court, delivered in the year 2006, in *Uma Devi*, directs the Government to follow the Constitutional scheme, insofar as regularization or continuation of the services of the contract employees is concerned. Regarding their wages, it was stated that

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DoPT has already issued Office Memorandum on 4.9.2019, *inter alia*, providing that where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid wages at the rate of 1/30<sup>th</sup> of the pay at the minimum of the relevant pay scale plus DA for work of 8 hours a day. Regarding formation of Union, it was stated that the Union formed by them cannot be recognized under CCS(RSA) Rules, 1993, as the Scheme is meant only for regular employees.

**Decision: In view of the above, the matter may be treated as closed.**

#### **4.4 No. NC-48/15/21-Fill up all vacant posts in all grades**

The demand of the Staff Side in brief was that there are a large number of vacancies in all the Departments/Ministries of the Government of India and these should be filled up on immediate basis.

Secretary, Staff Side stated that due to non-filling up of vacancies, workload on the existing staff has increased manifold. Further, when new projects are being started, new vacancies are also required to be created. However, for creation of posts, DoE asks for matching savings through abolition of certain posts, which is not possible, particularly when new projects are being taken up.

AS, DoE, stated that surrender of posts/matching savings may be given by the Departments concerned only where it is possible. If not, proper justification is required to be given for such creation.

The Chairman stated that it is for individual Ministry/Department to take action in the matter. These vacancies have been continuing since the implementation of the 5<sup>th</sup> Pay Commission and each Ministry/Department has to take a decision whether or not to fill up these vacancies.

**Decision: In view of the above, the matter may be discussed in respective Departmental Councils. For the present, the matter may be treated as closed in this forum. However, a letter will be written in this regard to all the Ministries/Departments.**

#### **4.5 Item No. NC-48/16/21 - Grant of 5 (five) effective upgradations to all Group B & C employees in entire service life**

The demand in brief is that the employees should be given at least five upgradations in their entire carrier, as they do not get timely promotion.

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AS(Pers), DoE, stated that three MACPs were recommended by the Pay Commission and approved by the Cabinet. Hence, grant of two additional MACPs is not within the powers of DoE, and pointed out that regular cadre review, which is covered in next agenda item, is the proper remedy for the settlement of their grievance. This will ensure their timely promotions.

The Chair stated that the remedy lies in review of each cadre. Respective Cadre Controlling Authorities (CCAs) may go for cadre review of each cadre in consultation with DoE

**Decision:** In view of the above, the matter may be treated as closed, insofar as action in NC, JCM is concerned. However, DoE would issue instructions to all Ministries/Departments to expedite sending cadre review proposals.

**4.6 Item No. NC-48/17/21 - Undertake cadre review of all Groups - B&C Cadres in every five years before the cadre review of Group A Cadres**

The demand of the Staff Side in brief is that the cadre review of Group 'B' and 'C' should be done every five years, as is done in the case of Group 'A' Cadres.

AS, DoE, stated that her Department is very positive on this aspect and willing to concur with all such proposals, provided matching saving is given by the CCAs. However, proposals are not coming to them regularly from CCAs.

**Decision:** DoE may prepare a Model Cadre Review Framework and organize workshops to apprise CCAs of the process and procedure of cadre review. The matter may be treated as closed insofar as action in NC, JCM is concerned.

**4.7 Item No. NC-48/18/21- Grant of Risk Allowance to the Employees involved in permanent and perennial recognized Risk Operations (DoPT, DoE and M/o Railways).**

The demand of the Staff Side, in brief, is that apart from the 45 operations already declared as risky, all the new risky operations and establishments may also be similarly, declared and brought within the purview of the 'Risk and Hardship Matrix'.

Shri C. SriKumar, Member, Staff Side, stated that Risk Allowance is given for permanent risk, and perennial risk. He also stated that 45 risky operations were identified and approved by the Cabinet way back in 1980's. Since then, many new establishment and operations have come into existence. He requested that

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all these old and new risky operations may be brought under the purview of 'Risk and Hardship Matrix' recommended by the 7<sup>th</sup> CPC. It was informed by the Secretary, Staff Side that the ministry of Railways have formed a Joint Committee to discuss and finalise the Risk and Hard Duty Allowance to different cadres of the Indian Railways

AS(E) informed that comments were sought from M/o Rlys and MoD which have since been received and are under examination.

**Decision: Establishment Division, DoPT may examine the comments received from M/o Rlys and MoD expeditiously and to take further necessary action in the matter.**

**4.8. Item No.NC-48/19/21- Grant of NDA in 7<sup>th</sup> CPC Pay Scale without any Basic Pay ceiling limit**

The demand of the Staff Side, in brief, is that the ceiling of Rs. 43,600 on basic pay for grant of NDA may be done away with, as it has resulted in differential treatment to similarly placed employees. It is well-established that those performing the same duties cannot be put on different footing.

The Chair stated that in the main meeting of NC, JCM, held on 26.6.2021, Chairman, Railway Board stated that they were trying to resolve the issue in consultation with DoE.

**Decision: Chairman advised Chairman Railway Board, Ministry of Defence and AS, DoE to resolve the issue expeditiously.**

**5. ITEMS PERTAINING TO DoE:**

The following items pertaining to DoE were also discussed with the permission of the Chair:

**5.1 Item No. NC-48/7/21: Central Government Employees may be granted one more option to switch over to 7<sup>th</sup> CPC, from a date subsequent to 25<sup>th</sup> July 2016**

The demand of the Staff Side, in brief, was to permit the option for pay fixation up to 31<sup>st</sup> December 2017. It was contended that up to the 6<sup>th</sup> Pay Commission,

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the rule for cutoff date was different, which has been changed, subsequently, by the 7<sup>th</sup> pay Commission. This has resulted in loss to many employees.

The provisions of drawal of pay in the revised pay structure under the 6<sup>th</sup> CPC [CCS (RP) Rules, 2008] and under the 7<sup>th</sup> CPC [CCS(RP) Rules, 2016] are same. Moreover, during the 6<sup>th</sup> CPC also, DoE has not allowed exercise of option for switching over to revised pay after the date of notification of Pay Rules 29.08.2008.

AS (Pers), DoE, stated that there had to be some limit to the cut-off date. If the cut-off date for switching over to the 7<sup>th</sup> CPC is extended up to 31<sup>st</sup> December 2017, as demanded, similar fresh demand may be raised to extend it beyond 31<sup>st</sup> December 2017, which may lead to a chaos. She, further, stated that there is no logic for extending it up to 31<sup>st</sup> December 2017.

**Decision:** The item may be closed. The Chairman, however, stated that if felt necessary, the Staff Side may request major Ministries, like M/o Railways, M/o Defence etc. to forward sporadic proposal (s) of such nature to DoE for examination, separately, on case to case basis.

**5.2 Item No. NC-48/8/21: Settle all 7<sup>th</sup> CPC Anomalies represented by the Staff.**

**a) Removal of Condition of 3% stipulated to grant Bunching benefits**

The demand of the Staff Side, in brief, is that in many cases, the benefit of bunching is denied to the employees claiming that the difference is less than 3% between two cells in the Pay Matrix. The formula in the fitment table need to be revised.

AS(Pers), DoE, informed that benefit of bunching is granted based on difference of 3% in two stages of the 6<sup>th</sup> CPC. In the 6<sup>th</sup> CPC, there were running pay bands and difference of pay between two stages was exactly 3%. The difference between two pay bands and difference of pay between two stages was exactly 3%. The difference of two cells in the pay matrix in the 7<sup>th</sup> CPC, in no way, has been taken into consideration for bunching.

**Decision:** The item may be closed. However, the Chair asked the Staff Side to indicate specific cases where loss has been caused to staff because of bunching formula for examination by DoE.

**(b) Fixation of Pay on Promotion**

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**(c) Removal of anomaly in the Pay Matrix**

The demand of the Staff Side, in brief, is that they should be given two increments on promotion. They stated that the benefit of fixation in the next higher stage of promotional post, after being granted one increment in the lower scale, is not available in the existing pay fixation formula. This facility was available up to 5<sup>th</sup> Pay Commission. Similarly, in the 6<sup>th</sup> Pay Commission, the formula for pay fixation on promotion was to give one increment in the lower pay scale plus the benefit of higher-grade pay, i.e., the grade pay of the higher pay scale to which promotion was made. As stated, now this formula of double benefit on promotion has been done away with by the 7<sup>th</sup> CPC. Secretary, Staff Side, stated that it was in violation of FR-22-C and that the CPC had no power to change the Fundamental Rules.

AS(Pers), DoE stated that the contention of the Staff side was not correct. The benefit of fixation in the next higher stage of promotional post, after being granted one increment in the lower scale, is available in most of the levels of Pay Matrix. In a few levels of Pay Matrix, after being granted one increment in the lower level of Pay Matrix, same stage is available in the higher level of Pay Matrix, and, as such, the concerned employee gets benefit of only one increment. She clarified that this cannot be called an anomaly.

**Decision: The Chair directed that in view of the clarification given by AS(Pers), DoE, the matter may be treated as closed.**

**(d) Lesser Pay in Higher Level of Pay Matrix**

The demand of the Staff Side was to do away with the situation in which a senior employee get lesser pay, though posted in the higher level of pay matrix vis-à-vis his junior.

AS (Pers), DoE, stated that DoE had approached DoPT & DoP&PW in order to get the issue resolved. Both the Departments have raised some concerns. The issue is under examination by DoE.

**Decision: The Chair directed DoE to examine the issue expeditiously.**

**(e) Bunching of steps in the revised pay structure**

The demand of the Staff Side was to review the O.M., dated 03.08.2017, which has taken away the benefit given by the Pay Commission.

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AS(Pers), DoE informed that issue of clarification, dated 03.08.2017, on bunching was a right step, as without issuing this clarification, in some cases, 18-19 increments were required to be granted. As stated by her, further clarification on the issue had been issued on 07.02.2019.

**Decision:** Since the matter has been examined in detail and necessary clarification issued, the matter may be treated as closed.

**(f) Parity in pay scales between Assistants/Stenographers in field/Subordinate Offices and Assistant Section Officers and Stenographers in CSS.**

The demand of the Staff Side, in brief, is that the Assistants and Stenographers of field/subordinate offices may be given pay parity with the Assistant Section Officers and Stenographers of the Central Secretariat.

AS(Estt.), DoPT, informed that the Committee appointed for this purpose has already submitted its Report and the Report has been made available to Secretary, Staff Side.

**Decision:** The Chair asked Secretary, Staff Side to go through the Report and furnish his comments on the same.

**(g) Grant of Grade Pay of 5400 to Senior Section Officers of Railways and AAOs of IA & AD and Organised Accounts (Civil Accounts, Postal Accounts and Defence Account) Services**

It was informed by AS(Pers.), DoE that the demand of the Staff Side has been accepted with issue of following OMs:

- i) O.M., dated 18.06.2018, for Organised Accounts Cadres of IA & AD, Indian Civil Accounts cadre and P&T Accounts cadre.
- ii) O.M., dated 06.11.2020 for Defence Accounts Cadre, and
- iii) O.M., dated 27.04.2021 for Railway Accounts Cadre.

**Decision:** The Chair directed to close the item in view of the position at i) to iii) above.

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

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