

Agenda items for 46th Meeting of National Council (JCM)

1. DISPARITY IN THE FORMATION OF PAY BAND / SCALES

Central Govt. Employees as well as Federations were confident that a similar Pattern would be adopted by the 6th CPC and Review Committee, in the formation, of Pay Scales, irrespective of the Cadre of workers and Officers. After thorough study of the Pay Structure, it is observed that the structure of Pay bands of PB-1 to PB-4 has been formulated with multiplying factor. But it is found that this factor has not been applied in all the Pay bands uniformly.

The Multiplying factor from PB- 1 to PB- 3 is found to be 1.86 (Approx) and for PB-4 it comes to 2.61 (Approx). This disparity has increased the Min. & Max Ration in the Pay Scales of the lowest employees and the highest, officer. This has created great resentment among the workers. It is a great un-justification with the Central Govt. employees.

This Federation strongly demands that this disparity should be removed to console the Central Govt. employees and a multiplying factor of 2.61(Approx) should also be applied for Pay Band PB- 1, PB-2 & PB-3.

2. ASSURED CAREER PROGRESSION (ACP) SCHEME

It is submitted that the Govt. of India No.35034/1/97- Estt (D) Dated 09.08.1999.MOhas introduced the ACP scheme vide on the recommendation of Fifth Central Pay commission to provide 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. As per instructions, the Government employees are granted financial upgradations after completion of 12 & 24 years of regular service and the mobility under ACPS are to be allowed in the 'existing hierarchy'. Since the benefits of upgradation under ACPS are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay scales by ignoring promotions. For granting financial upgradation, if such cadre/hierarchy exists in the Ministry/Department concerned, the upgradation

maybe allowed in keeping with the pay scale of an analogous grade of a cadre/post in the same Ministry/Department. However, if no such grade exists in the Ministry/Department concerned, comparison may be made with an analogous available in other Ministries / Departments.

Further your kind attention is invited to the Resolution published in Gazette of India on 29th August 2008 which also deals with recommendations of Sixth Central Pay Commission on Assured Career Progression Scheme and the para 1. says that the Government employee will be granted 03 financial upgradations after completion of 10, 20 & 30 years of service and para. (iii) accepted by Govt. of India reads as under:-

“(iii) The grade pay shall change at the time of financial upgradation under this scheme (MACPS). The grade pay given at the time of financial upgradation under MACPS will be the immediate next higher grade pay in the hierarchy of revised pay bands and grade pay being recommend. Thus, grade pay at the time of financial upgradation under ACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such case, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion.”

In such circumstances, the wish of the Govt. of India to grant 03 financial upgradation for betterment of its employees in thirty years service span will not be culminated through MACP Scheme as it is disadvantageous in comparison to erstwhile ACP Scheme particularly for the employees in Pay Band -1 as the MACPS will grant different Grade Pay to the employees of same cadre and post.

Therefore you are kindly requested to issue necessary instructions whereby the granting of benefits of ACP in vogue may be continued with modification that 03 financial upgradation will be granted on completion of 10, 20 & 30 years in the such cadre/hierarchy exists in the Ministry/Department and if no such grade exists

in the Ministry/Department concerned, comparison may be made with an analogous grade available in other Ministries/Departments.

3. PROMOTIONAL BENEFITS

It is observed that there will be a very small / meager financial benefit to a Group 'C' Employees on his promotion. Group 'C' employees in the Pay Band of Rs.5200 – 20200 when promoted after a service of five years then at the time of his promotion his basis pay would be Rs.6040 (Approx). On his promotion he will get a benefit of one increment of 3% i.e. Rs.180 and additional Grade Pay of Rs.100 only, thus total financial benefit comes to Rs.280, which is a very meager amount when compared with the employees of PB-2 & PB-3 Pay Band.

It is worth to mention here that two additional increments to be granted at the time of promotion to officers of Indian Administrative Services as per Resolution issued by MoF on 29th August, 2008.

Considering the above this federation demands that two increments or a minimum of Rs.1000, whichever will be higher, should be enhanced in the Basic Pay of the Minimum paid employee.

4. INCREMENTAL BENEFIT

Your attention is invited to the para 2 (iii) of the letter No. G.O.I. MF., DoE, (Implementation Cell), F.No.1/1/2008-IC Dt. 30.08.2008 on the subject matter, which deals with granting the next increment in the revised pay structure is as under:-

“In terms of the CCS(RP)Rules, 2008, there shall be uniform date of increment i.e.1st July of the year after implementation of the revised pay structure. Consequently, will be drawn in the pre-revised scale and pay fixed in accordance with the tables after including this increment. The next increment in the revised pay structure in such cases will be drawn on 1st July, 2006.”

Further Rule 10 of CCS (RP) Rules, 2008 is an under:-

“..... Employees completing 06 months and above in the revised pay structure as on 1st July will be eligible to be granted the next increment. The first increment after fixation of pay on 01.01.2006 in the revised pay structure will be granted on 1.7.2006 for those employees for whom the date of next increment was between 1st July, 2006 to 1st January, 2007.”

The above is creating dilemma whether the employees whose date of next increment falls between 01st Feb, 2006 and 01st June, 2006 will also be eligible to be granted their next increment on 01st Jan, 2006. If not, they will be eligible to be granted their next increment on 01st July, 2006 and this will violate the provisions of F.R.26 which confers the right to be granted next increment on completion of 12 months and as per FR 24 as increment shall ordinarily be drawn as a matter of course unless it is withheld.

Therefore you are kindly requested to remove the anomaly so that the employee may be granted the next increment on 1st January to whom those were drawing their increment between July to December of the year.

5. MERGER OF PAY SCALE OF Rs.3050 – 4590 with Rs.3200 – 4900 and Rs.4000 – 6000 with Rs.4500 – 7000

The industrial workers are being recruited in the Semi-Skilled grade against the sanctioned post of Skilled grade in the pay scale of Rs.3050-4590. Such employees have the educational qualification of Matriculation with Science & Mathematics plus they have to undergo training for 03 or 04 years as per Trade Apprentice Act. It seems injustice to grant the pay scale of Rs. 3050 – 4590 to the Skilled employees as they have to perform the highly sensitive operations on the CNC machines, metallurgical operation, work on optical and electronics equipments, chemical process with hazardous operation.

The pay scale of Ministerial Category i.e. Clerks and Store Keepers should be revised. At present the Pay Scale of LDC (Lower Divisional Clerk) & Store Keepers have been equated with cooks, L.H.Fireman and Drivers, causing thereby demoralization in this category. This category is performing sophisticated, Tedious & highly complicated and sensitive jobs i.e. Recruitments, Posting / Transfers, DPC, Defending Court Cases. Parliament Questions, Welfare, Labour Relation Work, Financial Implications viz. GPF A/c's maintaining records of Advances, Pension / Retirement Terminal Benefits, Facing Audit Objections, Procurements, Preservations, Control on Material Movement, keep safe the inventories etc. etc. On the same analogy, the incumbents like Highly Skilled trades man, UDC, Supervisors (Non – Tech.) & equivalent are also eligible to be granted the higher pay scale of Rs. 4500 – 7000 from Rs.4000 – 6000 due to their job responsibilities.

It is urged to merge the pay scale of Rs. 3050 – 4590 with Rs.3200 – 4900 and the pay scale of Rs. 4000 – 6000 with Rs.4500 – 7000 in the pre-revised with grade pay of Rs.2000 & Rs.2800 respectively.

6. UPGRADATION FROM PROSPECTIVE DATE

After perusal of the Gazette Notification it is found that under Part B section sub para it is very clearly mentioned that the pre-revised pay scales of Rs.5000 – 8000, Rs.5500 – 9000 and Rs.6500 – 10500 which presently constitute feeder and promotion Grades will come to lie in an identical grade. With the provision given in the Gazette, the posts in the scale of Rs.5000 – 8000 and Rs.5500 – 9000 should be merged, with the post in the of Rs.6500 – 10500, being upgraded to the next higher grade in pay band-2 i.e. to the grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs.7450 – 11500, the post upgraded from the scale of Rs.6500 – 10500 should be merged with the post in the pay scale of Rs.7450 – 11500.

Further it is mentioned under sub-para-(iii) of section I that 'posts in the scale of Rs.6500-10500 Carrying minimum qualification of either Degree in Engineering or a Degree in Law should also be upgraded in the pay scale of Rs.7450 – 11500 corresponding to the revised pay band of Rs.9300-34800 along with grade pay of Rs.4600. It has very specifically been mentioned that 'post of scientific staff in the scale of Rs.6500-10500 Carrying minimum qualification of Engineering Degree or a post Graduate Degree should also be upgraded and placed in the pay scale of Rs.7450-11500 corresponding to the revised pay band PB-2 of Rs.9300-34800 along with grade pay of Rs.4600. The Gazette Notification has ordered the effectiveness of the revised pay scales along with financial benefits w.e.f.1.1.2006, but lately on the contrary MoD vide its I.D. No.11(1)/2008-D(Civ.I) dated 10th Sept. under Para 2. has ordered that such upgraded Scales will be effective from a Prospective date.

It is submitted that when all the recommendations of the CPC has been agreed from 1.1.2006 then why a small group of employees should be deviated from this advantage. As such this federation demands that the upgraded scales should also be effective from 1.1.2006. This will give benefits to the employees of EME & DGOS.

7. MERGER OF PAY SCALE OF 7450-11500 & 7500-12000 OF GROUP 'B' GAZETTED

It is submitted that the nature of work and responsibilities of JTO (S) and JSO in DGOA & in other Defence Departments is almost same and similar. The pay scale of JTO (S) is Rs.7450-11500 and of JSO is Rs.7500-12000. (Both Group-B Officers), the difference in their pay scale is marginally of Rs.50 only. It takes more than four years for JTO (S) to get promotion to JSO, which gives negligible financial gain. Further the grade pay of JTO (S) with pay scale of Rs.7500-12000 is Rs.4600 & Rs.4800 respectively. Both are Group B Gazetted Officer and doing the same nature of work. As per the recommendations of 6th, JSO with grade pay of Rs.4800 get into the grade pay of Rs.5400 after completion of four years of service in that post (refer para 3.1.14 of the report) whereas an other officer doing the same nature of work with similar responsibility has to wait for eight years to get into Rs.5400 pay band. It is a great anomaly and may be sorted out to remove resentment in the affected officers.

This Federation demands that the Cadres of JTO(S) & similar cadre should be merged into JSO cadre in

the pre-revised pay scale of Rs.7500 – 12000 and both of them should be given the same grade pay of Rs.4800 and promotional benefit after completing their four years of service in this cadre.

It is observed that in different Organizations / Departments the revised pay scales of the staff & officers working in the pay scale of Rs.6500 – 10500 has been upgraded to the Pre-revised pay scale of Rs.7500-12000 having less qualification & responsibility than the Scientific / Technical staff of DGQA, working in the pay scale of Rs.6500-10500.

For example:

a) The employee in the pre-revised pay scale of Rs.6500-10500 carrying minimum qualification of engineering degree has been upgraded to the Pre-revised pay scale of Rs.7450-11500 with grade pay of Rs.4600 whereas a Section Officer / PS / Equivalent in the revised pay scale of Rs.6500-10500 has been upgraded to the pay scale of Rs.7500-1200 with grade pay of Rs.4800. The section officer / PS of secretariat will get the next higher grade pay of Rs.5400 after four years of service in that grade (Refer para 3.8.12) whereas the officer of other organization will have to wait minimum for eight years to get that grade pay. First minimum four years to get promotion for grade pay of Rs.4800 then after four years to gain grade pay of Rs.5400.

b) Asst. Nursing Superintendent in the revised pay scale of Rs.6500-10500 has been upgraded to the pay scale of Rs.8000-13500 (Refer para 3.8.15) is still bearing less qualification & responsibilities of Graduate Engineer working in work shops / Quality Assurance / Research work in defence organizations.

c) The Primary School Teachers / Trained Graduate Teachers / Post graduate teachers in the pay scale of Rs.6500-10500 has been upgraded to the pre-revised pay scale of Rs.7500-12000 with grade pay of Rs.4800 whereas they have minimum responsibility, less working hours and more leaves in a year.

d) Removal of anomaly in the pay scale of Junior Work Manager in OFB Junior Works Managers are the main pillars of this organization still they are deprived of their legitimate rights. Considering their responsibilities and duties, the pay scale of JWM may be upgraded to the pre-revised pay scale of Rs.7500-12000 to the revised pay band -2 (Rs.9300-34800) with grade pay of Rs.4800 and after completion of four years of service in the grade, they will be placed in the PB-3 (15600-39100) with the grade pay of Rs.5400 as it is stipulated in para. 1(x)(a) to (e) of resolution, bearing No.1/1/2008-I.C. dated 29.08.2008 of Ministry of Finance (Department of Expenditure) for group 'B' cadres of DANICS, CSS, CSSS, IA & AD and group 'B' officers of Ministry of Railways and Departments of Posts, Revenue etc. Similar self explanatory examples are elaborated in Para 7.6.18; 7.8.10; 7.10.26; 7.19.51 & 7.19.68 etc. of the Gazette Notifications / CPC Report.

This Federation strongly demands that this disparity should be removed and similar advantage should be extended to all deserving employees of Departments of MOD viz. DGQA, DGAQA, DRDO, Naval etc. considering their qualification, Responsibility and nature of duties.

8) DISPARITY IN THE PAY OF DIRECT RECRUITEE & PROMOTEE SHOULD BE REMOVED

It is observed that a promotee with a bundle of Departmental experience gets less enumeration than a recruit appointed on direct recruitment in different cadres. Kindly refer section II of para –A of the Notification where entry pay in the revised pay structure for direct recruits appointed on or after 1.1.2006 is mentioned.

To illustrate, if an employee drawing basic pay Rs.3200 in the pre-revised pay scale of Rs.3050-4590 is fixed on the basic pay of Rs.6060+1900 = 7960 in the revised pay scale of PB-1(5200-20200) on 1.1.2006. Later, if he is promoted to the pre-revised pay scale of Rs.4000-6000 his pay will be fixed at Rs.6300+2400 = 8700 as per para 13 of the CSS (Revised Pay) Rules,2008.

On the same day, if another employee is directly recruited in the pay scale of Rs.4000-6000 (pre-revised),

his pay will be Rs.7510+2400=9910 in the revised pay scale of PB-1 Rs.5200-20200 as per section II of part A of the first schedule of these rules. Thus, directly recruited employee will get Rs.1210 (i.e. 9910 – 8700 = 1210) more in comparison to the promoted employee. It is great anomaly and may be removed to avoid disappointment among the staff.

This federation demands that necessary amendments may be carried out, so that the pay of the promoted employee may be fixed higher than the entry pay for the direct recruits appointed on after 1.1.2006.

9. RISK ALLOWANCE, HOSPITAL PATIENT CARE ALLOWANCE SHOULD BE CONTINUED

The risk allowance is paid to all those engaged in duties involving greater hazards or whose health is liable to be adversely affected progressively over a long period of time because of the particular avocation. The second pay commission recommended that certain unskilled staff employed in the Ministry of Defence and Railways, whose work was exceptionally heavy or whose normal duties involved special risk such as those of chemical process was also extended to sweepers working in underground sewers and in infectious hospitals in the name of Patient Care Allowance and or Hospital Patient Care Allowance. On the recommendation of 3rd CPC, a committee was constituted to examine the facilities of rationalizing nature, which classified the beneficiaries of Risk Allowance into four categories namely: Semi Skilled, Skilled Workers, Supervisors and certain Gazetted and non Gazetted officers. The 4th CPC recommended a hundred per cent increase in the cover in cases where employees like custom inspectors, Railway Drivers, Guards, Income Tax officers and staff carrying out raids, are exposed to risks. The 5th CPC concluded that risk and continuous risks. Contingent risks relate to one time events where event is uncertain and that may be considered for insurance cover or ex-gratia payment. Continuous in the occupation itself with adverse effect on the health and the employee will be paid the risk allowance with the revised rates.

The 6th CPC was also partially agreed that Risk Allowance is only justified for jobs which are inherently risky with adverse effect on health but recommended that the Government should insure that latest technology and greatest level of care is observed in these jobs so that the element of risk involved therein minimized. In this context, it should be kept in views that technological upgradation cannot zero the continuous risk but in can minimize the risk only due to nature of specific job or process. Hence, the risk insurance scheme cannot provide any relief in case of continuous risk.

Therefore, this Federation demands that the Risk Allowance, Patient Care Allowance, Hospital Patient Care Allowance should be continued and even the amount of the risk allowance should be doubled as the 6th CPC has doubled all the allowance payable to Government employees.

This Federation does appreciate the provision for free medical and insurance for those employees, but it should be in addition to Risk Allowance.

10. CHILD CARE LEAVE

6th CPC has recommended Child Care Leave for women employees having minor children for a maximum period of two years 730 days during their entire service for taking care of up to two children. This leave is admissible up to the age of 18 years of her child. This Federation welcomes this scheme, it will help the mothers to build better career of their child.

This Federation submits that there may be a case/instance when the wife of the Central govt. employee expires at the time of delivery or at time when her child is less than 18 years of age. In that case the father of the child should be entitled for all that child care leave benefits for which a Central govt. women employee is entitled. Such cases happen very rare, but there must be a similar provision for Central Govt. male employees so that a proper care could be given to their child.

Further, child care leave and enhanced maternity leave should be granted to Industrial Employees as it is being to the female employees governed by the existing provisions of the Central Civil Services (Leave)

Rules, 1972.

11. NIGHT DUTY ALLOWANCE (NDA)

6th CPC vide their Sub para 4.2.81 has recommended to double the allowances including Night Duty Allowance, which is not as per rules of Night Duty Allowance (NDA). NDA has ever been calculated with a given formula. This Federation demands that for the calculation of NDA the same formula should be adopted with inclusion of Transport Allowance in place of CCA.

Formula:- Night Duty Allowance =
Basic Pay + DA + TA

195 x 6

12. RECRUITMENT OF TRADE APPRENTICES

The grade of unskilled and semi-skilled has been merged as per recommendation of 6th CPC 3.8.27. In such circumstances, ex-trade apprentices (NCVT / ITI passed) should be directly recruited in the grade of skilled in the pay scale of Rs.5200-20200 + Grade Pay of Rs.1900) instead of Semi-Skilled grade.

13. PAY SCALE OF Sr. DATA ENTRY OPERATOR

Head clerk / Assistants / Steno Gr.II / Equivalent in the pay scale of Rs.4500-7000 and Rs.5000-8000 are upgraded to the revised pay scale of Rs.6500-10500 in the PB-II with a grade pay of Rs.4200. Accordingly Sr.Data Entry Operator who are in the existing pay scale of Rs.4500-7000 should be covered by such upgradation. It is learnt that the same benefit has been granted in DRDO vide their letter No. DHRD/16342/VI CPC/1/C/M/01 dated 7.10.2008.

14. DISPARITY IN LEAVE TRAVEL CONCESSION

Prior to implementation of 6th CPC the benefit of availing LTC was uniform among the employees, but the anomaly has been created by implementing the 6th CPC and some segment (newly recruited) of employees will enjoy the benefits of LTC every year, but others shall lose the same benefits.

It is therefore submitting that suitable provisions in the rules may be obtained to clear this disparity by providing LTC to the employees every year as every employee and his family desires to visit at his Home Town yearly.

15. DATE OF NEXT INCREMENT IN EXTRA ORDINARY LEAVE CASES

Your attention is invited to DOP&T U.O No. 13/1/2009-pay I dated 20/02/2009 on the subject matter wherein it is stipulated "... Qualifying service of less than 06 months rendered between 1st January and 30th June of any year on account of EOL will have the effect of postponing one's increment to 1st July of next year, if all other conditions are met.", whereas the Rule 10 of the Civilians in Defence Services [Revised Pay] Rules, 2008 issued by MOD F>No.11[1]/2008/D[Civ-I] dated 09th Sep, 2008 says that the employees completing 6 months and above in the revised pay structure as on 1st July will be eligible to be granted the increment.

It is crystal clear from Rule 10 above that if an employee completes 06 months or more between 01st July, 2006 to 30th June, 2007 and he takes EOL of 02 months for personal affairs [without medical certificate] between 01.01.2007 to 30.06.2007, he will be granted his next increment on 1.7.2007 (not on 1.7.2008). Such types of examples are published in the Swamysnews.

Therefore you are kindly requested to amend the DOP&T letter dated 20.2.2009 and issue clarification so that the employees may be granted their next increment on their legitimate due date.

16. ENHANCEMENT OF BENEFITS OF CENTRAL GOVERNMENT EMPLOYEES GROUP INSURANCE SHCEME

The Central Government Employees Group Insurance Scheme was introduced in Jan 1982 to provide insurance cover to the employees so as to enable their families to get a lump sum amount in the event of employees death. The scheme also envisages a lump sum payment on cessation of employment. The scheme is wholly contributed and is run on self different groups. Subscription under the scheme is appointed between the insurance fund and the saving fund in the ratio of 30:70. The rates of monthly subscription as well as the insurance cover are supposed to be revised periodically.

The present rates of subscription and insurance cover for the different categories of employees are Rs.15 and Rs.15000 respectively for the lowest category of government employees since Jan. 1990 (i.e. due to implementation of 4th CPC recommendations).

Thereafter, the 5th CPC, taking in account the erosion in the real value of rupee recommending daubing of the rates of monthly subscription, as well as the insurance cover available under the scheme has become totally inadequate and an amount of Rs.15000 cannot provide financial support to the family of a diseased group 'D' employees. When the rates of subscription and the insurance cover under this scheme were last revised in 1990, the pay scales recommended by 4th CPC were in vogue and the minimum salary was Rs.750.

Now the minimum salary of Government employees is Rs.7000 as recommended by 6th CPC. The increase in the minimum salary between 1.1.1990 and the date of implementation i.e. 1.1.2006, of the pay scales works out to be more than nine times. However, the 6th CPC has recommended that monthly subscription should be Rs.180 and the amount of insurance will be Rs.180000

To restore the actual value of insurance cover provided under the scheme, this federation demands that the present amount for various categories should be enhanced to rupees two lakh as a minimum payment to the lowest cadre.

17. DEFINE THE MEANING OF "ORDINARY RATE OF WAGES" UNDER THE FACTORIES ACT, 1948

This reflects the concern of the employees working in Indian Ordnance Factories under Ministry of Defence, over the interpretation of 'Ordinary rate of wages' under Rule 59 of the Factories Act, 1948 issued by Ministry of Labour and Employment vide their O.M. No. Z 16025/81/2007 – ISH – II dated 27.05.2009 wherein it has opined that the allowance of compensatory nature (HRA / Transport Allowance / Small Allowance etc.,) may be excluded for the purpose of computing Overtime Allowance under the Factories Act, 1948. Earlier, Ministry of Labour and Employment vide their O.M. No. Z – 16025/81/2007 – ISH – II dated 19.11.2007 has compensatory allowance which is reimbursed and hence may not be taken into account calculating OTA under the Factories Act, 1948.

The above interpretation of the Ministry of Labour is contrary to the provisions of Factories Act, 1948. As per section 59 of Factories Act, a worker shall be entitled to wages at the rate of twice of his ordinary rate of wages, in respect of Overtime work as per Sub Section (2) of section 59 the 'Ordinary rate of wages' means the basic wages plus such allowances. Including the cash equivalent of the advantage accruing through the concessional rate to workers of food grains and other articles, as the worker is for the time being entitled to but does not include a bonus and wages for overtime work.

Presently Dearness Allowance, House Rent Allowance, City Compensatory Allowance and Transport Allowance are included for the purpose of calculating Overtime Allowance under Factories Act, 1948 and the employees are being paid accordingly.

Dearness Allowance" which is being paid at present is in the nature of a compensatory payment to employees for erosion in the real value of their salaries resulting from price rise. (Para 13.1; Page 216 of 4th

CPC Report)

“City Compensatory Allowance” is granted to Central Government employees to enable them to meet the high cost of living in certain specially costly cities. (Para 106.2; Page 1579 of 5th CPC Report)

“House Rent Allowance” is paid to Central Government employees to compensate them partly for the specially high rents which they have to pay for hired residential accommodation. (Para 14.21; Page 225 of 4th CPC Report)

“Transport Allowance” has been granted to Central Government employees to suitably compensate them for the cost incurred on account of commuting between the place of residence and the place of duty. (G.I. M.F., O.M. No.21(1)97/E-II (B), dated 03.10.1997)

From above it is abundantly clear that allowances like DA, CCA, HRA and TA being paid to Central Government employees are compensatory in nature and there is no justification in discriminating among the above allowances.

It is worth to mention here that the Ministry of Labour is a custodian of rights conferred by the Parliament of India to the employees under various Labour Laws but now it has wrongly interpreted the meaning of the ordinary rate of wages means the basic wages plus such allowance such the worker is for the time being entitled. Due to this the employees are deprived of the extra wages for overtime, which they are getting for more than last 50 years.

Therefore you are requested to take appropriate action so that the provision of payment of Overtime may be continued in letter and spirit of Factories Act, 1948 and the House Rent Allowance, Transport Allowance should not be excluded for the purpose of calculating extra wages for overtime under the Factories Act, 1948.

18. COMPASSIONATE APPOINTMENTS IN FATAL ACCIDENT CASE

Your attention is invited to the situation where a Government servant who is the sole breadwinner of a family unfortunately dies in harness leaving his family in immediate need of assistance in such cases, Ministries / Departments have been delegated the power to appoint n relaxation of procedure of recruitment to a dependent member of the family of the deceased, in the event of there being no other earning member in the family.

For this purpose, Ordnance Factory Board has forwarded the MOD, D(Lab) instruction vide OFY letter No. 039/(6)/A/A/(Vol-III) dated 18.1.2006, whereby directives have been issued of making relative merit points scale to various parameters like Family Pension, Terminal Benefits, Monthly income of earning members and income from property, Movable/immovable property. No. of Dependents, No. of unmarried daughters, No. of minor children and left over service. The weightage fixed above is to be strictly followed.

Sir, very painfully it is brought to your kind notice that no weightage has been given to the death in fatal accident in the process of performing his duty. We have experienced that a number of Ordnance Factories are engaged in manufacturing, filling ;process of Highly Explosives and during the above process some major fatal accidents occurred causing loss of several employees like Ordnance Factory Bhandara, Itarasi and Khamaria where employees have succumbed to the accidents but their dependents are waiting for extra weightage to the Department/Ministry/Nation which needs to be considered while assessing the weightage for compassionate appointments. In spite of that MOD has clarified vide its I.D dated 4.8.2008 as under:

“Since the financial impact of the family due to demise of the Government servant for whatever cause (accident or otherwise) is similar, the cases of accident victims cannot be taken on a different footing and may be regulated under the scheme for compassionate appointment as circulated vide this Department’s O.M. dated 9th Oct, 1998.

In the above circumstances, you are requested to intervene into the matter and kindly issue necessary directions so that top priority may be given to the next of kin to the deceased employees for granting him immediate compassionate appointment without considering the weightage whereby it may be proved that MOD, GOI as always caring the family of the employee who have sacrificed his life of the Government.

19. HALF DAYS' CASUAL LEAVE TO INDUSTRIAL EMPLOYEES AT PAR WITH THE OTHER CENTRAL GOVT. EMPLOYEES

The Government of India has kindly pleased to grant Half Day Causal Leave to the employees for various reasons mentioned in the G.I., M.H.A., O.M. No. 60/17/64-Esst. (A) dated 4.8.1965. It is worth to mention here that the above does not discriminate among the Industrial Employees and Non-Industrial Employees but the rule is published only in the Appendix –III under Central Civil Services (Leave) Rules, 1972.

Therefore you are requested to issue necessary instructions so that half days causal leave to the Industrial employees may be granted at par with the other CG employees, and present system of short leave of 2 hours on 2 occasions in a month may be continued but without pay.

20. REMOVAL OF LEAVE DISPARITY AMONG THE FACTORIES ACT, 1948 AND DEPARTEMNTAL RULES

It is apprised that the 'Principal Controller of Accounts (Factories), Kolkata vide its letter No. pay/Tech – II/ 1058 dated 27.3.2007 has instructed to all Branch Accounts Officers of Ordnance & Ord. Equipment Factories that the Industrial employees who has opted to be governed by CDS(IEs) Leave Rules, 1954 is entitled to 30 days Earned Leave and those who have opted for Factories Act are entitled to one EL for every 20 days of work in the preceding year.

Kindly refer to GOI, DoP&T O.M. No. 12012/1/97-Esst (Leave) dated 20 July, 1998 wherein it is stipulated that as per agreement with the Staff Side of the National Council (JCM) signed on 11.9.1997, the Govt. has decided that henceforth the Industrial employees in CG Departments other than Railways shall be entitled year of service irrespective of service holidays shall also count towards such leave. Chapter – VIII of the Factories Act, 1948 deals with Annual Leave with wages and Section 78 of the Act reads as under:

(i) The provision of this chapter shall not operate to the prejudice of any right to which a worker may be entitled under any other law or under the terms of any award, agreement (including settlement) or contract of service: Provided that if such award, agreement (including settlement) or contract of service provides for a longer Annual Leave with Wages than provided in this chapter, the quantum of leave, which the worker shall be entitled to, shall be in accordance with such award, agreement or contract of service, but in relation to matters not provided for in such award, agreement or contract of service or matters not provided for less favorably therein, the provisions of Section 79 to 82, so far as may be, shall apply.

From above it may be deduced that the Industrial employees who have opted for Earned Leave under Factories Act, are entitled for 30 days in a year and the matter to remove disparity of leave among Factory Rules and Department Rules for industrial employees is pending for very long period.

21. CHILDREN EDUCATION ALLOWANCE

DOP&T has issued clarification vide OM No. 1201111612009 – (Allowance) dated 13th Nov. 2009 that CEA is admissible for the two eldest surviving children only, except when the number of children exceeds two due to second child birth resulting in multiple births.

It is worth to mention here that neither 6th CPC has restricted that the only first 02 eldest surviving children's education allowance will be reimbursed not DOP&T has restricted vide instruction OM NO. 12011/03/2008 – Estt.(Allowance) dated 2nd Oct. 2008.

In such circumstances, kindly issue necessary instructions for granting the CEA to the employees for his/her 3rd or 4th son/daughter if he has not claimed the Tuition Fee reimbursement for his son/daughter on any earlier occasions.

22. REMOVAL OF ANOMALY IN THE PAY SCALE OF LAB. TECHNICIANS SERVING IN ORDNANCE FACTORIES HOSPITALS IN PB-2 WITH GRADE PAY OF Rs.4200 LIKE OTHER CENTRAL GOVT. DEPTT. i.e. RAILWAY RECRUITMENT BOARD INSTEAD OF PB-1 (Rs.5200-20200) WITH GRADE PAY OF Rs.2800.

Lab Technicians serving in Ordnance Factory Hospitals under Min. of Defence have been ordered to be placed in PB-1 (Rs.5200-20200) with Grade Pay of Rs.2800 due to their corresponding 5th CPC scales of Rs.4500-7000.

1. As per description given Lab Technician (designated as Lab. Superintendent Gr-III in the other central government department exists in the pay scale of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500. It means that Lab Technician (Lab. Superintendent) should be in the scale of Pay of Rs.5000-8000 minimum. The below scale of Rs.4500-7000 was meant for Lab. Asst. and not for Lab. Technician. This anomaly should have been set right prior to 6th CPC, but it is painful that nothing was done in this regard.

2. Following list of other CG Departments clearly exhibit that Lab. Technician with entry qualification B.Sc + Diploma are getting the 5th CPC scale of Rs.5000-8000 whereas in Ordnance Factory Board organization. Lab. Technician inspite of having the same entry qualification B.Sc + Diploma are getting 5th CPC scale of Rs.4500-7000.

Organisation/Post	Pay Scale(Pre-revised)	Qualification	Nature of Work
Ordnance Factory Hospitals Lab.Technician	Rs.4500-125-7000	(i) BSc with Bio-Chemistry/Micro Biology (ii) Diploma in MLT (iii) 01 year experience	Routine Blodd Test of Pathology, Micro-Biology, Bio-Chemistry etc.
Regional Institute of Health & Medical Science Shilong Sr.Lab.Technician	Rs.5500-175-9000	(i) BSc with Medical Lab.Technology or (ii) BSc with Phy/Chem/Zool/Bot from a recognised university with Diploma in MLT of 1 year duration.	Routine Blodd Test of Pathology, Micro-Biology, Bio-Chemistry etc.
Bhabha Atomic Research Centre. Scientific Asst.B(Pathology)	Rs.5500-175-9000	BSc + 01 year Diploma in MLT with 50% in BSc and 60% in DMLT	Routine Blodd Test of Pathology, Micro-Biology, Bio-Chemistry etc.
J.N.Medical College, AMU Sr.Tehcnical Asst.	Rs.5500-175-9000	(i)BSc (ii)Diploma in MLT (iii)02 years experience	Routine Blodd Test of Pathology, Micro-Biology,

			Bio-Chemistry etc.
Railway Recruitment Board Lab.Superintendent Gr-III	Rs.5000- 150-9000	(i)BSc with Bio- Chemistry/Micro-Biology (ii)Diploma in MLT	Routine Blodd Test of Pathology, Micro-Biology, Bio-Chemistry etc.
Rastriya Sanchari Rogsansthan Technician	Rs.5500- 150-8000	BSc with Bio- Chemistry/Micro-Biology	Routine Blodd Test of Pathology, Micro-Biology, Bio-Chemistry etc.

3.OFB while issuing SRO – 88 (Recruitment Rules) as on 3rd August 2005 revised the entry qualifications of Lab. Technician B.Sc + Diploma (DMLT) + 01 year experience bringing it at par other Lab. Technician serving in other CG Departments, but did not revised the 5th CPC scale of pay from Rs.4500-7000 to Rs.5000-8000. In spite of the facts that many of Lab. Technician of other deptt. are already getting the 5th CPC pay scale of Rs.5000-8000.

In view of the above, kindly initiate necessary action for placing Lab. Technician of Ordnance Factories under Ministry of Defence, appropriately in PB-2 with Rs.4200 Grade Pay so that the norms / logic of giving 5th CPC scale of pay Rs.5000-8000 Lab. Technician, which of course could not be done for any reason, is set right at this stage with the placement of the scales in the 6th CPC.

22. ENCASHMENT OF FIXED MEDICAL ALLOWANCE FOR PENSIONERS/FAMILY PENSIONERS

On the recommendation of 5th CPC Govt. of India has issued instruction vide DOP&PW. OM NO. 45/57/97-P 7 PW. Dated 19.12.1997 to the grant of fixed medical allowance @ Rs.100 p.m. to the CG pensioners / Family pensioners residing in the areas not covered by CGHS administered by Min. of Health & Family Welfare and corresponding Health Scheme administered by other Ministries/Departments for their retired employees for meeting expenditure on day to day medical expenses that do not require hospitalization. The amount of Rs.100 was recommended by the 5th CPC and has remained unchanged since then.

6th CPC has recommended in para, 4.11.3 that the Government should consider enhancing the medical allowance for pensioners living in non-CGHS areas appropriately.

Therefore all pensioners and family pensioners living in non-CGHS areas should be granted Rs.100 p.m. Fixed Medical Allowance and the rate of this allowance should be enhanced by 25% automatically each time the dearness allowance payable on the revised pay band goes up by 50%.

23. REDUCTION IN MINIMUM QUALIFYING SERVICE FOR PROMOTION FROM ONE GRADE PAY TO NEXT GRADE PAY.

DOP&T has issued instructions vide OM No. AB 14017/61/2006-Esst. (RR) dated 24th March, 2009 on Sixth CPC recommendations – revision of pay scales – amendment of service rules / Recruitment Rules and instructed to modify the heading of column No. 4 of the schedule on Recruitment Rules and the minimum eligibility service as per the revised guidelines as enclosed in annexure reveals that the minimum qualifying service for promotion from one grade to next or higher grade pay has been enhanced in comparison to existing SROs. This causes discontentment among the employees.

Therefore you are requested to issue necessary instructions for revision of Service Rules/Recruitment Rules without adversely affecting the promotional aspects agenda points in the meeting.