

DISCUSSION IN THE JCM NATIONAL ANOMALIES COMMITTEE MEETING

CONFEDERATION OF CENTRAL GOVT. EMPLOYEES & WORKERS.

A-2/95, Manishinath Bhawan, Rajouri Garden, New Delhi-110 027

BRIEF ON THE DISCUSSIONS IN ANOMALIES COMMITTEE MEETING HELD ON 5TH JANUARY 2012

The IV meeting of the National Anomaly Committee was held on 5.1.2012. The meeting was chaired by Shri Mishra Secretary DOP&T.

The Chairman welcomed all members of Official and Staff Side and expressed New Year Greetings while making his introductory remarks.

The Leader Staff Side also welcomed the Chairman and gave new year's Greetings. The following issues were raised by him and by other Staff Side Members:-

1. Meeting of the National Council and other forums should be convened as often as possible and at least once in four months.
2. The issue relating to increment should be resolved in this meeting.
3. Issues relating to MACP may be allowed to be settled departmentally.
4. The 2 (actually 11) items which have not as yet been included in the agenda should be included and discussed by arranging another meeting.
5. The meeting of the National Council which has not met for about 2 years may soon be convened.
6. Issues relating to Loco Drivers (not getting any benefit of MACP) should be discussed and resolved on priority basis.
7. Several decisions taken in the Railway Departmental Anomaly Committee have been referred to Department of Expenditure long time back, but these have not been disposed of. This may be expedited.

The following agenda items were then discussed on the basis of Status Note given by the Official Side:-

Items No. 1 to 4 & 5 (iii) - Anomaly in fixation of pay band in case of merger of pay scales.

The Staff side reiterated that since the pre-revised scales 5000-8000 [S9]; 5500-9000 [S10]; 6500-9500 [S11]; and 6500-10500 [S12] were merged and all are given the benefit of placement in the new Grade Pay 4200 equivalent to pre-revised 6500-10500 scale, the starting of the Pay Band 2 cannot be computed on the minimum of the erstwhile S9 Scale of Pay viz., Rs.5000/- . In fact the commencement point of the Pay Band 2 should be at Rs.12090/- based on the minimum of S12 scale [6500X1.86 = 12090] instead of Rs.9300/- computed by multiplying Rs.5000/- by 1.86.

The Official Side however insisted that what has been recommended by the Commission is correct in terms of the above principle stated by the Commission; This was not acceptable to the Staff Side.

The official side then stated that this item may be further discussed in the next meeting.

Item No 5 (i) and 34 & 35 - Reopening of the option for fixation of pay on promotion.

The Staff Side pointed out that the orders reopening the option up to 31.12.2010 was received in the lowest formations late & therefore all persons could not exercise the reopening option and therefore it should be extended up to 31.12.12. Defense Staff Side also raised the issue of not allowing this option to those who have been promoted to Master Craftsman upgraded post as because final orders have been issued late.

The official side agreed to refer these matters to DOPT, which would be considered and decided.

Item No. 5 (iii) - Special Allowance & Qualifying Pay.

The Staff Side pointed out that special qualifying pay may have been treated as allowance but it is treated as pay for purpose of fixation of pay on promotion to higher post. The result is that senior employees who have been promoted during the period 1.1.2006 to 31.8.2008 get the benefit of pre-revised qualification pay when they have been promoted whereas the junior employees promoted on or after 1.9.2008 have been granted the benefit of doubled qualification pay and therefore the seniors are getting fixed at lower stage.

The official Side agreed to look into this matter

Item No.5 (iv) - Anomaly in fixation of pay between Direct Recruits & Promotees.

The Staff Side pointed out that in terms of FR 22 no person who is promoted should be fixed below the minimum of the Pay Scale of the higher post and as the system of Pay Bands have been introduced clubbing several posts, the Commission has devised a formula for fixing the entry pay (which is always the minimum) for fresh recruits. That being the case all promotes have to be fixed not below the said minimum i.e. the entry pay of the fresh recruit for each grade pay.

Official side insisted that what they have ordered i.e. stepping up the pay of promotes to the post subject to certain conditions is more than enough and if there are certain difficulties, these may be referred to be considered.

The Staff Side however insisted that all the conditionalities may be withdrawn and all Promotees may be fixed at the entry pay of that post for the direct recruit if there is a quota for direct recruitment in that post irrespective of any new recruit has joined the post or not.

The official side stated that the matter may be discussed in the next meeting.

Item No (v) - Date of Next Increment.

The Staff Side urged for grant of one increment in pre revised pay scale on 1.1.2006 as one time measure in respect of all those whose next increment would be between 1.2.2006 to 30.6.2006 and then re-fixing them in the revised pay band and to grant next increment on 1.7.2006. This is only as a one-time measure and we would not demand similar treatment in respect of others.

The official side then agreed to the above formulation.

Item No 5 (vii) - Temporary Status casual labourers.

The Staff Side pointed out that as per the scheme of Temporary Status, these employees have been granted the pre-revised minimum of Rs.2550-3200 applicable to the lowest post with the benefit of annual increment etc. Therefore so far as pay scale are concerned they are being treated as regular employees. They have to be granted the Grade Pay of Rs.1800 and fixed at Rs.7000 with effect from 1.1.2006 if they are already matriculates and if not they should be given the training and then fixed at Rs.7000 with grade pay of Rs.1800 w.e.f. 1.1.2006.

The official side noted this demand and assured consideration.

Item No.11 - Grant of Revised Allowance w.e.f. 1.1.2006.

After discussion it was indicated that the issue may be discussed further in the next meeting before recording a disagreement if necessary.

Item No 12& 13 - Transport Allowance.

The Staff Side pointed out that the calculations desired by the official side are already available in item no. 13. It has been pointed out that Transport Allowance at the rate of Rs. 3200 granted to those

in PB-3 of grade pay Rs.5400 and above is 2.9 times of their pre-revised TA+CCA which was Rs.1100. The Transport Allowance in respect of Grade Pay of Rs.4600 & 4200 has been revised to Rs.1600 which is only 2.28 times of the pre-revised TA+CCA amounting to Rs.700/-.

The demand was that the raise granted in respect of grade pay of Rs.4600 & 4200 should also be 2.9.times of Rs.700 which would work out to Rs.2030.

The official side stated that this is a new demand and cannot be treated as anomaly.

The Staff Side then stated that this item would be included in the agenda of the National Council

Item No.14 - Revision of the existing allowance which are to be replaced by new schemes.

In the last meeting it was stated that if within six months the new schemes are not finalized and introduced, the rates of these allowance like risk Allowance & Patient Care Allowance would be doubled.

The official side agreed to take a decision in this matter within a month's time i.e. latest by 5.2.2012.

Item No.15, 16, 17 - Parity in pension.

In Para 5.1.47, the VI CPC has stated that in order to maintain the existing modified parity between present and future retirees it will be necessary to allow same fitment benefit as is being recommended for existing employees.

Having so recognised the maintenance of parity between the present and future retirees, the Commission has not extended the following liberalization benefits.

- Full pension after completion of 10/20 years of qualifying service
- Last pay drawn for determination of pension if it is more advantageous than the average emoluments and
- 50% of Grade Pay as against 40% of pre-revised basic pension

Benefit of these liberalisations may be extended to present pensioners w.e.f. 1.1.2006 (we do not want arrears) so that parity between present and future retirees is ensured as desired by the VI CPC.

The official side suggested that the matter may be discussed in the next meeting and disagreement if necessary will then be recorded.

The Staff Side also pointed out the latest judgment of full bench of Principal Bench of Central Administrative Tribunal according to which the clarificatory orders issued by Department of Pension dated 30th October 2008 for determining the modified parity has been quashed and Government has been directed to grant 50% /30% of sum of minimum pay in the pay band and grade pay of the corresponding pay scale of the post from which the employee had retired and re-fix the pension / family pension with effect from 1.1.2006 and pay arrears.

The official side stated that the Judgment is being considered and decision would be soon taken.

Item No. 20 - Daily Allowance on Tour.

The Staff Side insisted that rates of daily allowance may be doubled if the present system of reimbursement on the basis of actual expenditure on conveyance, boarding and lodging etc. are not suitable / practicable in the case of employees who go on tour to places where there are no such hotels / restaurants and the Auto drivers do not issue the receipts.

They also pointed out that when all allowances have been doubled and the Railway has also already doubled the rate of daily allowance on tour, why the Government should insist that DA should be at

the pre-revised rates which are quite inadequate to meet the expenses on conveyance, boarding and lodging.

The matter was deferred to be discussed in the next meeting.

Item No. 24, 25, 26 - Commutation of pension.

The Staff Side demand is that option of Commutation had been given when a person retires. The commutation was allowed in terms of pension then fixed on the basis of pre-revised pay etc on the day following the date of retirement and in terms of the Table then in force.

If as a result of revision of pay and consequent revision of pension, additional amount of commutation arose the table which was applicable on date of retirement will have to be operated.

The New Table which has come in to force on or after 1.9.2008 cannot be made applicable in determination of additional commutation value which Table was not in existence on date of retirement.

The official side deferred this item for next meeting and to consider recording of disagreement if need be only in that meeting.

Item No. 28 - Grant of Grade Pay of Rs. 5400 in PB-2 for Asstt. Accounts/Audit Officer.

In the last meeting it was agreed that this and other connected issues would be discussed separately outside this forum by the Jt. Secretary (Estt.) & Jt. Secretary (Pers) with the Staff Side.

Though a detailed note has been sent to the above officers, no meeting has been fixed to discuss the note.

It was stated that a meeting would soon be fixed.

As there was no time, it was decided that next meeting of the National Anomaly Committee may be fixed soon and before the Budget session of Parliament commences.