

By Speed Post

No. 3/4/2021-JCA
Government of India
Ministry of Personnel, PG and Pensions
Department of Personnel & Training

North Block, New Delhi

Dated: 16.6.2021

To,

Shri Gopal Mishra,
Secretary, National Council (Staff Side)
Joint Consultative Machinery for Central Government
Employees,
13-C, Ferozshah Road, New Delhi - 110001.

Subject: Agenda notes for the 48th meeting of National Council
JCM to be held on 26/06/2021

Sir,

Reference is invited to the discussions that took place between your good-self and the undersigned regarding finalisation of the agenda notes. Based on the same, final Agenda Notes for discussion during the meeting are enclosed for your kind perusal and records please.

Yours sincerely,



(S.P. Pant)

Deputy Secretary (JCA and Res-II)

**AGENDA NOTES FOR DISCUSSION IN
THE 48TH MEETING OF THE NATIONAL
COUNCIL, JCM, TO BE HELD ON
26.06.2021**

1. Item No.NC-47/ 13/19: Reimbursement of expenses on indoor treatment to Pensioners living in Non CGHS towns.

There are many Central Government Pensioners who are living in towns / villages etc. not covered by CGHS. They have been granted Rs.100/- pm, by way of fixed medical Allowances in lieu of outdoor treatment. There is however no scheme for reimbursement of expenses on account indoor treatment like Heart etc. critical diseases. Our demand for extending CS (MA) Rules to pensioners has not been accepted.

The result is that many such pensioners who got their indoor treatment in Private Hospitals had to go to High Courts / Central Administrative Tribunals and got the expenses incurred by them reimbursed under Court orders.

However now the Government have decided to introduce Central Government Health Insurance Scheme to provide Indoor Treatment without any hassles to Central Government Employees / Pensioners and their family members. Since the said scheme is still in formative stage, it will take long time before this scheme is introduced.

It is, therefore, demanded that some arrangement may be made to reimburse expenditure in indoor treatment of pensioners living in Non CGHS Towns.

2. Item No. NC-47/16/2019: Grant of Medical Advance to the Central Govt. Employees.

Ministry of Health vide its OM No. S.11016/1/92-CGHS(P), dtd. 29/10/1992 have issued instructions for grant of Medical Advance as follows:

- i) Rs.10,000 or the amount recommended by the physician, whichever is less for indoor treatment in hospital and out-patient treatment for disease like TB, Cancer etc.
- ii) In case of major illnesses like Bypass Surgery , Kidney Transplant etc., the advance may be limited to 80% of the package deal wherever it exists or the amount demanded by the Hospital concerned in other cases and the balance payable on final adjustment.

Thereafter the Min. of Health vide OM No.S12015/3/93-CGHS(P), dtd. 30/12/1993 have issued the following clarification.

“The amount of advance is limited to the ceiling provided in this Ministry’s OM No.S-11016/1/92-CGHS(P), dt. 29.10.1992. i.e. 80% of the estimate submitted by the Government/Private recognized hospital.”

Even though it is mentioned that 80% of the estimate submitted by the Govt./Private recognized hospital can be given as advance, the amount is restricted to Rs.10,000/- only. This ceiling limit was fixed during 1992 and thereafter no revision has taken place. The medical treatment now days has become very expensive and even for normal diseases hospitals are charging more amount. Therefore it is demanded that this ceiling limit of Rs.10,000/- may please be enhanced to at least Rs.50,000/-.

3. NO.NC-47/17/19: Reimbursement of additional charges paid on account of overstay in the hospitals

As per CGHS rules no additional charge on account of extended period of stay shall be allowed, if that extension is due to infection on the consequences of surgical procedure or due to any improper procedure and is not justified. This decision of the Govt. is putting the employees in to undue financial hardship, since the hospital authorities never takes the responsibilities of infection and consequences of the Surgery etc. Therefore, it is demanded that in case of extended period of stay in the hospital the additional charges may please be reimbursed.

4. Item No.NC-47/27/19 : Hospital Patient Care Allowance for C.G. Employees working in Hospitals.

At present Hospital Patient Care Allowance has been extended to the Cook, Ward Sahika, Safaiwala, barber and washer men, junior physiotherapists, junior dietician, Carpenter, painter, Tailor, Mazdoor, Mali and Chowkidar (no n ministerial Staff) have been left out and are not being granted Hospital care allowance on the plea that these categories of employees where contact with patients or exposure to infected materials is of occasional nature.

The following are the duties attached to these parts: -

Dietician Grade - III Hospital working closely with the medical team and to ensure the proper diet for patients. Closely associated with bed patients and provide diet to the patients having the communicable diseases. Daily visit to all wards and checking up of food distribution including Wards like i. e. Med OPD and ward, Surgical Ward, ICU Ward, eye and ENT Ward, Gynea & OBST Ward, Pead and Isolation Ward, Offrs Ward, Family Ward.

Junior Physiotherapist Hospital working closely with the medical team to ensure that patients receives proper treatment and rehabilitation. Cardio respiratory physiotherapy (which involves postural drainage, breathing exercises and various chest mobility exercises in ICU. In various ward like orthopedic, Burns and Plastic Surgery, Pediatrics, medical etc. Neurological Rehabilitation in (Head injury, Stroke and other neurological conditions), Treatment of out patients in the physiotherapy dept.

Carpenter - Working in the Hospital closely to Patients preparation of daily needs for comforts (Beds, Table, Dining Table, Chair, Door, Window, Cup Board, Almirah, wires used for mosquito Net, Change Damage wire meshes of door and window for ventilation etc.) at admitted Patients Wards and Departments including toilets, bathrooms, injections room etc. during regular working of duties. Which involves routine contact with patients infected with the communicable diseases at hospital working areas. i. e. MI Room, Hosp Laboratory, Injection Room, Med OPD & Ward, Surgical OPD and Ward, ICU Ward, NICU, Isolation Ward, Operation Theater, Blood Bank, Eye OPD and ward, ENT OPD and Ward, X-Ray dept, Physiotherapy Dept, CT-Scan Centre, Gynea OPD, OBST ward, pead OPD and Ward, offrs Ward, offrs family ward and JCOs/ OR Family Ward.

Painter - Working closely with the patients admitted wards and departments including toilets, bathrooms, injections room etc. during regular duties. Which involves routine contact with patients infected with the communicable diseases at hospital working areas. i. e. MI Room, Hosp Laboratory, Injection Room, Med OPD & Ward, Surgical OPD and Ward, ICU Ward, NICU, Isolation Ward, Operation Theater, Blood Bank, Eye OPD and ward, ENT OPD and Ward, X-Ray dept, Physiotherapy Dept, CT-Scan Centre, Gynea OPD, OBST ward, pead OPD and Ward, offrs Ward, offrs family ward and JCOs / OR Family Ward.

Tailor - Working in the hospital for preparation and repair of old and torn patient linen of all wards i.e. MI Room, Med OPD & Ward, Surgical OPD and Ward, ICU

Ward, NICU, Operation Theater, Eye OPD and ward, ENT OPD and Ward, X-Ray dept, Gynea OPD, OBST ward, pead OPD and Ward, offr Ward, Family Ward.

Mali -Working in the hospital area closely to patients in all Wards. Maintenance of gardening area which is contaminated by sitting and coughing of the patients i. e MI Room, Med OPD & Ward, Surgical OPD and Ward, ICU Ward, NICU, Operation Theater, Eye OPD and ward, ENT OPD and Ward, X-Ray dept, Gynea OPD, OBST ward, pead OPD and Ward, offr Ward, Family Ward.

Mazdoor -loading / unloading of patient Medicines and collection / distribution of patient Ration, Mainptenance of hospital lawn and areas at wards.

Chowkidar-Working in the hospital area closely to patients in all Wards watchman duty at Day / Night covering area of MI Room, Hosp Laboratory, Medical Ward, Surgical OPD and Ward, ICU Ward, NICU, Isolation Ward, Operation Theater, Blood Bank, Eye OPD and ward, ENT OPD and Ward, X-Ray dept, Physiotherapy Dept, CT-Scan Centre, Gynea OPD, OBST ward, pead OPD and Ward, offr Ward, offr family ward and JCOs / OR Family Ward.

There are other categories of Group C (ministerial employees) i.e. LDC, UDC, Stenographers, Accountants and messengers who to are working in Hospitals and are exposed to the infected at morpheme obtaining in the Hospitals and are also in constant touch of with the patients in fulfilling their day to day requirements / necessities and comforts have also been left out and have not been granted Hospital care allowance, may be of accessional nature yet susceptible to catching infection never the less.

It is therefore proposed that the para meter that categories of employees whose contact with patients or exposure to infected materials of occasional nature to deny such employees the Hospital care Allowance may be removed and all employees ministerial or non-ministerial who are working in Hospital may be granted Hospital patient care Allowance.

5. Item No. NC-48/1/21 Settlement of following COVID-19 related issues:

- a) To declare the Central Government Employees as frontline warriors and to ensure free COVID-19 vaccine to all the employees and their family members
- b) Employees who are tested COVID-19 positive may be given quarantine leave till they are medically declared fit.
- c) Ex-gratia payment/compensation of Rs. 50 lakh to the family of all those employees who died of COVID-19 infection.
- d) Immediate out of turn compassionate appointment to the dependents of the employees who died of COVID-19 infection over and above the 5% ceiling limit.
- e) Full reimbursement of Medical treatment charges of COVID-19 infection.
- f) Declare all CGHS dispensaries/wellness centres, Railway Hospitals and Dispensaries, Ordnance Factory Hospitals and Dispensaries etc., as vaccination centre where the Central Government will provide free vaccine.
- g) The Staff who could not attend duty due to lock down or were forced to be in isolation, come in contact with Covid-19 positive person, should be treated 'on duty' on special CL.
- h) Provide full wages to all workers who are engaged on daily rated basis even for the day they could not attend office due to COVID related reasons.

6. Item No. NC-48/2/21

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

7. Item No. NC-48/3/21

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 of vaccine and oxygen units.

8. ITEM No.NC-47/5/19: GPF for those who have been recruited on or after 1.1.2004

The employees who have been appointed on or after 1.1.2004 are covered by N.P.S. while doing so Government have also abolished G.P.F. deductions in respect of them.

The contribution made under NPS by these employees are fully locked for the entire tenure of their service. The contribution to G.P.F. are not so locked as there are provisions for taking advances or even final payments under G.P.F.

During the long tenure of service, employees require such advances or final payments to meet their social obligations like marriages etc.

It is, therefore, necessary that employees may be allowed to contribute to G.P.F. It is, therefore, demanded that such employees who are covered by NPS may also opt for continuance of G.P.F. from which they can draw advances/final payments as per G.P.F. Rules.

9. Item No.NC-48/4/21: 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.

The Department of Personnel and the Department of Expenditure have been advised to finalize the productivity linked bonus without delay for those who are in receipt of adhoc bonus. It has further been stated that the productivity linked bonus should not be less than adhoc bonus. At present productivity linked bonus is given in the Department of Defence Production, Ministry of Railways and Department of Posts.

10. Item No.NC-48/5/21: Revision of Central Govt. Employees Group Insurance Scheme.

The Staff Side has stated that the CGEGIS subscription rates and the benefits was not revised for the past more than 3 decades. The Staff Side has given various proposals in writing to the DoP&T. However, till date the Govt. has not taken any decision in this regard.

Therefore, The Staff Side has requested to decision in this regard as already proposed by the Staff Side may be taken in the NC (JCM) meeting itself.

11. Item No. NC-48/6/21 Withdrawal of orders of DA/DR freeze.

It is a drastic decision to pause normal increase in salary and pension in the form of DA/DR for a next one and a half year to its employees and pensioners which is basically a compensation against the price rise. More than 80% of the serving employees as well as pensioners are low paid. They are worst hit by this decision of the Government. They have already contributed at least one day salary/ways to PM relief Funds/PM Cares Funds. Further, it is the Government employees who has remained in forefront during tuff Covid-19 period.

The Staff Side has stated that as per the judgement dated 08.02.2021 in the case of the State of Andhra Pradesh and Another Vs Smt. Dinavahi Lakshmi Kameshwari, the law is now establish that the DA due to the employees and DR due to the pensioners cannot be frozen.

Therefore, Staff Side states that the orders for release of DA/DR, along with arrears should immediately be issued to avoid financial hardship to Government employees.

12. Item No. NC-48/7/21-

Central Government Employees may be granted one more option to switch over to 7th CPC, from a date subsequent to 25th July 2016 on the ground of lockdown due to COVID-19.

13. Item No. NC-48/8/21- Settle all 7th CPC Anomalies represented by the Staff

There were 18 items referred by the Staff Side to DOPT. Out of them elements of anomaly for found in item no. iii, iv, v, viii, ix, xiv and xvii. These items were referred to the Department of Expenditure on 30.10.2017 by the then DS(JCA) for giving their comments. These items are as follows:

Item No. iii. Removal of Condition of 3% stipulated to grant Bunching benefits.

Member Staff Side stated that at many levels of Pay Matrix, the difference between 1 shall and another is less than 3% of the basic pay of the amount in the lower cell. The benefit of bunching to the employee is denied on the ground that the difference is less than #% which is not reasonable.

Item No. iv. Fixation of Pay on Promotion

Staff Side has pointed out that till the 5th CPC while on promotion under FR-22(C) one increment in the low pay scale is added and the pay is fixed in the next available stage in the higher/promoted pay scale. After 6th CPC, one increment in the lower pay scale plus the Grade Pay difference was given while on promotion/ACP/MACP. After 7th CPC, the promotion benefit is restricted to only one increment. This not justified and therefore, grant of two increments on promotion is justified.

Item No. v. Removal of anomaly in the Pay Matrix

The Staff Side attracted the attention toward the condition wherein the pay of officials drawing different grade pay is fixed in the same stage in different pay levels of 7th CPC pay matrix and suggested that the anomaly may be resolved in the individual case through stepping up of pay. Staff Side also mentioned that it is not necessary to change the entire pay matrix. The stages at which such differences arise may be identified and remedial measures taken.

Item No. viii Lesser pay in Higher Level of Pay Matrix

The Staff Side demanded that the D/o Expenditure vide their OM dated 01.06.2016-IC dated 03.08.2017 took away the genuine benefits given by Pay Commission. Therefore, it may be reviewed.

Item No. ix. Bunching of steps in the revised pay structure.

The Staff Side demanded that the D/o Expenditure vide their OM dated 01.06.2016-IC dated 03.08.2017 took away the genuine benefits given by Pay Commission. Therefore, it may be reviewed.

Item No. xiii parity in pay scales between Assistants/Stenographers in field/Subordinate Offices and Assistant Section Officers and Stenographers in CSS.

Item No. xiv. 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 Accounts).

14. ITEM NO.NC-48/9/21Grant of Compassionate Allowance to the widow of Employees dismissed/removed from service

Dismissed or removed from service shall forfeit employees' pension and gratuity provided that authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, compassionate allowance not exceeding two-third of pension of Gratuity or both which would have been admissible to him, if he had retired on compensation pension. In some cases pending such applications from the dismissed employees, concerned ex-employee has died and the request of e widow of the ex-employee for compassionate allowance is not being considered on the plea that there is no such provision no such provision in Rule 41 of CCS (Pension)Rules, 1972.

The Staff Side has requested that after the death of an employee who has rendered more than 10 years qualifying service before dismissal/removal, his widow may be sanctioned compassionate allowance on a humanitarian and compassionate basis. This provision may please be included in the Rule 41 of CCS (Pension) Rules, 1972.

15. Item No. NC-48/10/21

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

Scrap-ping NPS (New Pension System) and bringing all Central Government Employees under the fold of old pension Scheme.

The Staff Side has informed that the monthly pension amount being received under the Insurance Annuity Scheme under NPS varied from Rs. 700/- to Rs. 3000/- per month to those NPS employees who have already retired from service during 2018-19 after completing 14 to 15 years of service under the Old Scheme the minimum pension to lowest paid employees is Rs.9000/- per month. Pension is a welfare measures that ensure social justice. After retirement there is no DA/DR no pension revision under the NPS. There is no GPF but only voluntary deposit in tier-II account. No family pension on death, etc.

The Staff Side has requested to scrap NPS (New Pension Scheme) and restore OPS (Old Pension Scheme) to all Central Government employees as NPS employees are not getting 50% of their last pay as pension.

16. Item No. NC-47/7/19 - Exempt transport/running allowance from income-tax.

The Transport Allowance up to Rs.800/- pm. has been exempted and is not treated as Taxable Income. Up to 31.12.2005 (in pre-revised pay scale) Transport Allowance was Rs.800/- and was fully exempted from Income Tax.

The revised Transport Allowance now ranges up to Rs.3200/- plus Dearness Allowance thereon.

Keeping the above intention in view, it is proposed that transport allowance up to Rs.3200/- pm + Dearness Allowance thereon may not be treated as taxable income and be exempted from Income Tax.

17. Item No. NC-47/36/19 - Exemption from payment of income tax to Pensioners who have attained age of 80 years or more.

At present very old pensioners have been exempted if their income is up to Rs 500000 p.a .whereas the govt. have granted additional pension @20% of their basic pensioner on attainment of 80.

18. ITEM NO. SC/1/21

Policy formulation for direct appointment of Trained Trade Apprentices of Central government Industrial Establishments like Railways, Defence etc. as per the amended provisions of Section 22 of Principal Act, (1961), sub-section (2), the followings sub-section has been substituted namely:-

“Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment.”

This amendment is valid from December, 2014.

19. ITEM No. 48/11/21-Withdraw the decision to Corporatize the Railway Production Units and Ordnance Factories

The Staff Side has stated that the Govt. of India is moving towards Corporatisation and Privatisation of Govt. Establishments and Public Sectors.

The Defence Production units, the Indian Railways production units, Ordnance factories, Railway Stations, Airports, postal and other services are proposed to be privatized. This is likely to result in loss of jobs by many workers and the workers.

The Staff Side has requested to stop Corporatization, Privatisation, Outsourcing and closure of Govt. Departments and Autonomous Bodies.

20. ITEM NO. NC-48/12/21-

ITEM NO. NC-48/12/21

Grant of Gazetted Status to Senior Section Engineers of Ministry of Railways.

Grant of Gazetted Status to Senior Section Engineers of Ministry of Railways

Historically, pay scales allotted to other operational departments' supervisors are either higher or equal to the pay scales of supervisors of accounts department. After implementation of recommendations of various Pay Commissions, horizontal parity of Pay Scales of supervisors of non-accounts departments got affected by upgrading the Pay Scales of Accounts Supervisors without extending the upgradation to the supervisors of non-accounts departments. Pay Scales of Pay scale of SSO/Accounts in 3rd CPC was Rs.500-900 (functional) and Rs.775-1000 (non functional) was upgraded to GP Rs.4800 in 6th CPC. Whereas Pay scales of Foreman / SSE / Section controllers who were in Rs.840-1040 during 3rd CPC were only allotted GP Rs. 4600 in 6th CPC and Pay Level-7 in 7th CPC. Ch. OS in Pay Scale Rs.7450-11500 & Office Superintend in Pay Scale Rs.6500-10500 during 5th CPC were placed in GP Rs. 4600 in 6th CPC and in Pay Level-6 in 7th CPC, whereas SSO/Accounts who were in Rs.6500-10500 scale in 6th CPC were upgraded to GP Rs.4800.

After the implementation of 6th CPC recommendations number of supervisory levels in Railways was reduced to two from four. This has reduced the administrative efficiency and severely affected the promotional avenues amongst the supervisors of non-accounts department.

To improve the promotional avenue, in para 11.40.113 pertaining to Technical Supervisors 7th CPC recommended that Railway Board should consider increasing number of posts in next higher level.

Disturbance of relativity in the pay scales of supervisors of Railways which is having multi-disciplinary functions in various departments is affecting the moral of supervisors and administrative efficiency. Disparity in Pay Scales of supervisors of accounts and non-accounts departments is affecting coordination & synchronization among the departments which is adversely affecting the work of Railways.

To avoid the serious discontent and dejection among the supervisors of non-accounts departments in Railways and to improve the level of supervision for smooth functioning of Railways, Pay Level-8 (GP Rs.4800) functional and Pay Level-9 (GP Rs.5400) as non-functional may please be introduced.

21. Item No. NC-48/14/21 - Grant Recognition to all employees organizations fairly and transparently – restore function of departmental and office councils in terms of the JCM Scheme.

The Staff Side has requested to the forum of Department Councils must be revived immediately in all Departments. The Chairman, National Council has to ensure that the Council meetings are convened once in four months and the issues raised therein are settled in a reasonable time frame.

All administrative Ministries/Departments are to constitute Department Council, Regional Councils and Office Councils etc. by incorporating the representatives of recognized Service Associations as Staff Side members of those councils at the Department level and below in terms of the JCM Scheme. A large section of administrative authorities are not following the orders of the Government of India. they have kept the applications for recognition to the service Associations for years together despite the fact that the employees Associations of their respective departments have fulfilled all conditions for grant of recognition under the CCS (RSA) Rules, 1993. **Pending cases of recognition of all India Civil Accounts employees Association Category-II (representing Assistant Accounts Officers across the country working under the Controller General of Accounts, New Delhi). All India DAVP Employees Association under the Ministry of Information and Broadcasting and All India Nursing Council Employees Association are some of the Classic examples.** The Cabinet Secretary being a chairman of the National Council, is expected to ensure that the Council meetings are convened once in four months.

22. Item no. NC-47/4/19 - JCM Coverage.

Staff Side wants all Gr. 'B' Non gazetted Staff to be covered by the Scheme of JCM. As informed, our JCM only covers Group C & D. In respect of Central Secretariat Group B Gazetted/ Non-gazetted have also been covered under JCM Scheme.

The posts which were earlier classified as Group 'C' have now been classified as Group 'B' Gazetted and these posts have been taken out from the coverage of JCM.

It is necessary that all the posts which were Group C or Group D at the inception of JCM Scheme was continues to be covered under JCM.

It is therefore proposed that all posts covered by PB-1 and PB-2 may be deemed to be Group 'C' posts for the purposes of JCM coverage.

23. Item No. NC-47/31/19

Litigation cases on service matters –

Night Duty Allowance in revised Pay Scales - CAT Jodhpur Bench on 5.11.2009 directed MoD to revise the Night Duty Allowance on the basis of the actual salary (6th CPC Pay Scale) w.e.f. 1.4.2007 for all similarly situated employees. Appeal and SLP, both by the Government have been rejected. But Govt. extended the benefit only in personem. Orders of CAT madras Bench has also been implemented only for the Portioners of Engine Factory, Avadi. **Ordnance Factories have filed similar petitions in Chennai CAT.**

MACP in promotional hierarchy and not in the next Grade Pay-

CAT Chandigarh Bench gave in favour on 31.05.2011. Govt. lost in High Court as well as in Supreme Court. Benefit not extended to similarly placed employees. **Again, Defence Civilian Employees of Military Farm approached CAT, Principal Bench.** It also directed to give benefit in promotional hierarchy. Government is not implementing it *in rem.*

Placement from HS Grade to HS Grade-I should be ignored for granting MACP.

Artisan staff has HS Grade in the GP of 2400(HS Grade). W.e.f. 1.1.2006, 50% employees in Artisan Grade (HS Grade) have been placed in the G.P. of 2800/- (HS-Grade 1). Now, for grant of 3 financial upgradation, placement in 2800/0 Grade Pay is treated as one financial upgradation. CAT, Principal Bench and Calcutta Bench gave order in favour of employees.

24. 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 : Regularisation of all casual, contingent and outsourced workers.

The Staff Side has stated that these category of employees are discharging their responsibilities on behalf of the Central Government Employees but do not get the facilities given to Central Government Employees. They have quoted the directions issued by the office of Chief Labour Commissioner, Ministry of Labour and Employment that where the workmen employed by the contractor perform the same or similar kind of works as the workmen directly employed by the principal employer, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the Principal Employer. contingent, outsourced and contract workers deployed in difference states under same Govt. department are given differential wages/ payments which is extremely disheartening as they are denied the right of equal pay for equal work. They have stated that these employees have been referred to These workers do not have any democratic right too and are always under the danger of losing their jobs.

The Staff Side has requested to regularize Casual, Contract and Outsourced workers and provide right them to form Union/Association in term of Article 19. 1(C) of the Constitution of India. Further all facilities including wages at par with permanent employees may be granted to these employees.

25. Item No. NC-48/15/21 -

Fill up all vacant posts in all grades

The Staff Side has stated that as per the reports of 7th CPC there are 7,47,171 vacancies in Central Government vacancies as on 01.01.2014. During the period 2001-2008 thousand of posts have abolished. The directions of the Department of Expenditure were to abolish the posts in all cadres where direct recruitment is one of modes of recruitment. However, not even a single Group A posts was abolished; abolition took place only at the level of Group C and D. This has result in heavy worked load at lower level. Only a small percentage of the vacant posts have been filled up after 2017 and most of the Departments are running with 30 to 40% shortage of manpower.

The Staff Side has requested to fill up all vacant posts in all Department of Central Government.

The scientific system of assessing the work load and measuring the man power requirement seems to have been abandoned.

26. Item No. NC-48/16/21 -

Grant of 5 (five) effective upgradation to all Group B & C employees in entire service life

The Staff Side has stated that the present system of career progression available in the All India Services and the organized Group A Civil service is very attractive to young, talented and educated persons. In subordinate services, in some of the Departments, stagnation is so acute that employees retire from the same post to which they were recruited 4 decade earlier.

The 6th CPC, in dilution of the ACP Scheme, had recommended for 3 (three) financial upgradations in the name of "Modified Assured Progression" Scheme (MACPs) for the Group B and Group C officials. However, the MACP Scheme is not better than ACP Scheme in certain respects.

In some cases, the employees got upgradation to a pay scale after 3 upgradations in 30 (thirty) years, which they could have reached in two upgradations in 20 (twenty) years in terms of the ACPs.

The Staff Side has requested to remove the discrimination of career progression Scheme between Group A and Group B & C grades by granting 5 (five) effective upgradation to all Group B & C employees in entire service career.

27. 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

Even after life 44 years from the date of formation of Civil Accounts Organisation, there was no any cadre review of the Group B, C and D officers and employees of Civil Account organisation while the 5th Cadre Review of the ICAS cadres (Group-A) was done and implemented in March 2015. After a long fight, he Civil Accounts authorities have forwarded a proposal for Cadre Review of Group B And C Officers and employees to Ministry of Finance on 31stJuly 2019. But it is more than a **year, the Finance Ministry has not taken any favourable decision on this matter.**

As per rule, the Cadre Review of Group B, C and D cadres should be undertaken after every five years but situation is completely reverse.

The Staff Side has requested to Undertake cadre review of all Groups – B&C Cadres in every five years before the cadre review of Group A Cadres.

28. Item No. NC-48/18/21 -

Grant of Risk Allowance to the Employees involved in permanent and perennial recognized Risk Operations

Central Govt. Employees including Railways and Defence are engaged in highly hazardous and risky Operations which includes production/manufacturing, processing, handling, loading, unloading, servicing, filling etc. Considering the risk involved in all these operations, the Cabinet has approved 45 such operations as risk and hazardous. Accordingly, a meager amount of Risk Allowance is paid to these employees. Even though the 7th CPC recommended for discontinuing Risk Allowance, the Committee of Secretaries chaired by the Cabinet Secretary has recommended for continuing the Risk Allowance. However, the Risk Allowance has not been brought under the purview of Risk and Hardship matrix recommended by the 7th CPC, rather the existing risk allowance was increased by 2.25 times. This also is a very meager amount. The employees who are engaged in these 45 operations and additional risky operations introduced are all in a high and risky environment. Therefore, the Staff Side proposes the following.

- 1) The existing risk allowance for the approved 45 risk operations may be brought under the purview of risk and hardship matrix recommended by the 7th CPC and the allowance should be not less than what is being paid to the Fire Fighting Staff.
- 2) After the Cabinet approval of 45 risky operations, many new risky operations have come in to existence in the Defence Establishments. Therefore, such operations may also be included in the risk and hardship matrix.
- 3) Many new establishments have come into existence after the issue of the Govt. order on risk allowance, where risky operations are involved. All these left out establishments may also be included for payment of Risk Allowance.
- 4) Many category of employees such as Store keepers, etc., are not being paid risk allowance, even though they are involved in various Risk Operations. These left out categories may also be included for payment of risk allowance.

In this regard a High Level Committee constituted by Ministry of Defence have submitted various recommendations in this regard. The DOP&T has returned back the proposal of MoD with the observation to wait for the 7th CPC recommendation. In view of the present situation as mentioned above, the Staff side request that the proposal of the Staff side may be considered favourably.

29. Item No. NC-48/19/21

Grant of Night Duty Allowance in 7th CPC Pay scale without any basic pay ceiling limit

The DOP&T vide OM referred above have issued order for revision of Night Duty Allowance in 7th CPC Pay Scale w.e.f. 1-7-2017.

However the following 2 conditions are imposed in the Government Order.

1. The ceiling of Basic Pay for entitlement of NDA shall be Rs.43600/- p.m.
2. The Hourly wages of NDA equal to Basic Pay + DA / 200 will be paid and the Basic Pay and DA for the calculation rates shall be the Basic Pay and DA prevalent as per 7th CPC.

As regard the Basic Pay ceiling limit for payment of NDA it is not applicable to those category of employees who are already eligible to draw NDA when they are deployed on Night Duty. *“ since in accordance with the DOP&T OM dated 4th October 1989 there will not be any ceiling for entitlement of Night Duty Allowance in respect of the Officials who are at present getting this benefit as per existing criteria.”*

This was clarified by MoD vide ID No. 17(4)/2012/d-(Civ-II) Dt. 7-7-2017 and 22-9-2017 to the CGDA after getting the concurrence of DOP&T during the implementation of the revised rates of NDA in 6th CPC Pay Scale. In the case of Railways, a large number of Employees including Loco Pilots and other running staffs etc., are deployed on Night Shift on regular basis. In the Railways also up to now NDA was paid to all the eligible employees without any restriction of Basic Pay limit. However while implementing the recommendations of 7th CPC the DOP&T in its order dated 13-7-2020 has stipulated an artificial ceiling of NDA entitlement restricting the limit to Rs. 43,600/-. Due to this the authorities in the Railways, Ministry of Defence and other Departments are now refusing to pay NDA for the employees who are deployed on Night Shift in case their Basic Pay is more than Rs. 43,600/-. This has created a discrimination amongst the same category of employees who are deployed on Night Shift and there is an unrest amongst the employees.

In this regard your attention is also drawn to the Judgement of the Honourable CAT, Jodhpur Bench and High Court of Rajasthan which was subsequently upheld by the Honourable Supreme Court. The Honourable High Court of Rajasthan in its order under No.DB Civil Writ Petition No. 8637/2011 dated 5-3-2012 has given the following direction to the Government of India,

“Though the learned counsel for the petitioners frankly pointed out that the decision in Ram Kumar’s case (supra) that has been followed and applied in the present case, was challenged in the court in DBCWP No. 9927/2010 but the said writ petition was dismissed by a co-ordinate Bench of this

court on 1-8-2011 and has placed for perusal the said order dated 1-8-2011, however the learned counsel attempted to argue that the direction as given by the Tribunal is contrary to the circular dated 25-6-1992 whereby the calculation of NDA in such matter was to be made on the basis of basic salary of the incumbent upto the maximum of Rs. 2200/- and such an aspect has not been considered in the earlier decision.

The petitioner's cannot be permitted to seek re-opening of the issue by attempting to submit some additional ground or arguments, which ought to have been made in the previous petition and, in any case, shall be deemed to have been considered and decided because the orders earlier passed essentially related to the question of basis on which NDA was to be calculated. In fact, the attempt on the part of the petitioner - Union of India to challenge such kind of order itself adversely commented upon by the co-ordinate Bench of this court in the aforesaid order dated 1-8-2011 the relevant portion whereof is reproduced hereunder.

1. In our opinion too, the applicants are entitled to receive Night Duty Allowance. Indeed apart from the legal rights of the applicants to claim such Night Duty Allowance, which was rightly awarded by the Tribunal. It does not stand to any reason that an employee would be in Night shift by rendering his valuable services and yet would not be paid any incentive in the form of special allowance for such services. It will be a mockery of the system that they take extra work or additional work from an employees and do not pay when it comes to payment on one pretext or other. It is really a matter of concern that such order being challenged by none other than the Government of India. In all fairness the Government should have accepted the order of the Tribunal having once contested or merit before the Tribunal instead of challenging it in the writ petition. It is such more so, when the order is neither illegal nor perverse.
2. Apart from the morality and basic human norms, in our opinion, the Tribunal very rightly examined the case of applicant's entitlement on the basis of the system prevailing in the department and the norms prescribed for such payment and then impugned directions were issued for such payment. We concur with such reasoning conclusion and finding absolutely no merit in the writ petition, this same in limine.

In the aforesaid view of the matter and following this court's decision in Ram Kumar's Case (Supra) this writ petition stands dismissed,.

This has been implemented by the Ministry of Defence in consultation with DOP&T and necessary orders have been issued during the 6th CPC dispensation. Therefore the above artificial Basic Pay ceiling imposed by DOP&T for eligibility of NDA to the Central Government Employment is illegal and unjustified.

Apart from this your attention is also drawn to one of the award of the Board of Arbitration under the JCM scheme wherein the Artificial ceiling for eligibility/ payment of NDA has been set aside. Therefore to remove the unnecessary hardship caused to the employees due to the DOP&T OM

dated 13-7-2020 it is requested the DOP&T may kindly arrange to issue necessary clarifications at the earliest. A copy of your instruction may please be endorsed to this Office.