

F. No. 11/2/2008-JCA
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
(JCA Section)

North Block, New Delhi
Dated the 13th September, 2012

OFFICE MEMORANDUM

Subject: Minutes of the Meeting of the National Anomaly Committee held on 17th July, 2012.

The undersigned is directed to forward a copy of the minutes of the Meeting of the National Anomaly Committee held on 17th July 2012 in Room No. 119, North Block, New Delhi under the Chairmanship of Secretary (Personnel) for information and necessary action.



(Ashok Kumar)
Deputy Secretary (JCA)
Tel: 2309 2589

To

All members of the National Anomaly Committee as per list attached.

Copy for information to:

- 1) Sr. PPS to Secretary (P)
- 2) PS to JS(E)
- 3) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
- 4) General Secretary, AIRF, 4 State Entry Road, New Delhi.
- 5) General Secretary, NFIR, 3, Chelmsford Road, New Delhi

Minutes of the meeting of the National Anomaly Committee held on 17th July, 2012

1. The 4th meeting of the National Anomaly Committee (NAC), which was held on 5.1.2012 at 2.30 PM at New Delhi was adjourned. Record Note of that meeting is at **ANNEXURE I**. The NAC next met subsequently on 17th July, 2012 at 3.00 PM in Conference Room No 119, North Block and was chaired by Shri P K Misra, Secretary DOP&T. A list of members who attended this meeting is at **ANNEXURE II**.
2. The Chairman welcomed all members of Official and Staff Side of the National Anomaly Committee. He mentioned that the recommendations of the 6th Central Pay Commission were extensively discussed with the Staff Side representatives and the Government had also made improvements while implementing them. He referred to further discussions on pay related matters in this forum and Government agreement on certain issues raised by the Staff Side besides issuing of clarificatory instructions. Since some of the issues raised by the Staff Side had earlier been discussed with the Staff Side during the implementation of 6th CPC recommendations and were amicably resolved, he suggested that there has to be finality in regard to the pay scales implemented by the Government on the basis of recommendations of the 6th CPC. He stated that settled issues which were resolved in consultation with the Staff Side earlier need not be reopened.
3. The Chairman also stated that after the last meeting of the National Anomaly Committee held on 5th January, 2012, Government has issued orders relating to grant of one increment in pre-revised pay scale on 1.1.2006 as a onetime measure in respect of all those employees whose next increment fell between 1.2.2006 to 30.6.2006 which was a significant resolution of the issue raised by the Staff Side. Further, Temporary Status Casual Labourers have since been granted wages on the basis of the Grade Pay of Rs.1800 at Pay Band I with effect from 1.1.2006 vide DoPT OM dt. 23.01.2012, an issue raised by the Staff Side in this committee. In regard to doubling of Risk Allowance, the Chairman informed that the Government was in the process of seeking Cabinet's approval to the proposal as requested by the Staff Side.
4. The Chairman concluded by expressing that with the spirit of cooperation and mutual understanding as evinced in the earlier meetings the issues would get resolved through the process of constructive dialogue and discussion.
5. The Leader, Staff Side, while thanking the Chairman raised the issue of irregular functioning of the JCM in various Departments. He pointed out that Departmental Councils were either not functioning or have not been constituted. He also suggested that to resolve problems in MACP Scheme an honest comparison of erstwhile ACP Scheme with MACPS may be made for analysing if there is any improvement.
6. The Secretary, Staff Side, in his opening remarks stated that though the JCM Scheme has been effective in resolving disputes between the Central

Government employees and the Government of India, of late, the scheme is not being administered properly causing discontentment among the staff of the Central Government . He requested the Chairman that it should be ensured that scheme functions effectively both at the National and Departmental levels in letter and spirit. He also pointed out that in many departments, Departmental Council has not yet been formed, and where Departmental Councils are in existence they are not functioning properly. He also requested that a separate discussion should be held on MACP Scheme related matters, and the date for the same should be fixed very shortly.

7. The members of the Staff Side also raised the issue of slow progress in resolution of the issues and in this context demanded that greater delegation of decision making powers with the Ministries. The Official Side responded by stating that on issues related to common categories of personnel such a delegation of authority can lead to disturbance in vertical and horizontal relativities in the pay structure across several Departments/Ministries. Consequently, this shall give rise to a large number of anomalies which may be difficult to resolve. The Chairman assured that all the departments will be appropriately advised to revive the Departmental Councils functioning as per the JCM scheme. The Chairman also said that separate meeting for discussing the issues relating to MACP Scheme would be held under Joint Secretary (E), DoPT at the earliest in consultation with the Staff Side.

8. The Agenda Items were subsequently taken up for discussion as follows:-

8.1 Items No.1, 2, 3 & 4 – Fixation of pay in revised pay scale

On this item the Staff Side reiterated their demand that the pay of the incumbents holding the merged pay scales of Rs.5000-8000/- and Rs.5500-9000 should have been fixed by applying the multiplying factor of 1.86 at Rs.6500/-with effect from 1.1.2006 implying thereby that the commencement point of the Pay Band 2 should be at Rs.12090/- based on $6500 \times 1.86 = 12090$ instead of Rs.9300/- computed by multiplying Rs.5000/- by 1.86. The Official Side maintained that the fitment tables are as much a part of the 6th CPC's report as in the narrative portion and hence the recommendations of the 6th CPC have to be read in conjunction with the fitment tables.

The Official Side informed that incumbents in the pre-revised pay scale of Rs.6500-10500 have been granted Grade Pay of Rs.4600/- and therefore there was no justification for this demand. Since there was no consensus on this issue, it was decided that on this issue a disagreement may have to be recorded.

8.2 Special Allowance and Qualification Pay

The Official Side referred to earlier discussions on this issue in the meeting held on 5th January, 2012. It stated that since special qualifying pay was revised from 1.9.2008 while the pay scales were revised from 1.1.2006, in cases where a senior employee is promoted during the period 1.1.2006 to 31.8.2008 gets the benefit of pre-revised qualification pay while junior employees promoted on or after 1.9.2008 have been granted the benefit of

revised qualification pay and therefore the pay of the seniors getting fixed at lower stage as compared to the juniors may result in an anomaly. The Chairman directed that this anomaly needs to be resolved within one month.

8.3 Item No.5 (ii), (iv)(with 32 & 33), (v)(vii) – Rule 8 of the Revised Pay Rules Fixation of pay on promotion

Staff Side stated that anomaly in this case is basically due to the fact that it is for the first time that CPC has recommended specific entry level pay for Direct Recruits (DRs). This has resulted in employees who were appointed in service prior to the DRs and got promoted earlier getting less pay as compared to their counterparts recruited directly and who joined after 1.1.2006. The Official Side stated that in such cases stepping up of pay is permissible subject to certain conditions. However, the Staff Side insisted that on promotion, the pay of all the promotees should be fixed at the entry level of pay of that post as in the case of the direct recruits, wherever there is a provision of direct recruitment in the RRs.

The Staff Side requested that in cases where no direct recruitment actually took place even though RRs provided for the same or when a DR did not join, stepping up of pay should be considered.

This suggestion of the Staff Side was considered by the Official Side, who responded by stating that wherever there is a provision of direct recruitment in the Recruitment Rules, pay on promotion would be fixed at the prescribed minimum of the Entry Pay as provided for the Direct Entrants in the Revised Pay Rules, irrespective of the fact whether direct recruitment has actually taken place or not. The Staff Side agreed to close this issue thereafter.

8.4 Item No 11 Granting revised allowances with effect from 1.1.2006

The Staff Side demanded that all the allowances should be doubled w.e.f. 1.1.2006 instead of 1.9.2008. It was pointed out that allowances were revised prospectively at the time of implementation of the recommendations of the 5th CPC also. The 6th CPC has also recommended that all allowances should be revised prospectively. Therefore, there is no anomaly as such. After discussions, the Staff Side agreed to drop this item.

8.5 Item No.12 & 13 – Transport Allowance

The Official Side stated that the issue of Transport Allowance was discussed with the Staff Side after the submission of the 6th CPC report and the rates of Transport Allowance were fixed as per these consultations. The Staff Side was, therefore called upon to honour such a commitment. The Staff Side explained that in those discussions, the issue of CCA being taken into account for payment of OTA to an employee was also raised. As CCA has since been subsumed in Transport Allowance which is not taken into account for payment of OTA, employees in respect of OTA are consequently at a loss.

It was decided that the issue of changes in the rates of Transport Allowance will stand closed and the issue of subsuming CCA under Transport

Allowance and its repercussions on the payment of OTA will be examined separately.

The Staff Side also raised the issue of doubling of Daily Allowance on tour in those cases where it is not practical to get bills/receipts for fares charged by the Autorikshaws or bills for tea/snacks/meals from dhabas/ small restaurants/ roadside eateries etc. The Official Side stated that as per the present dispensation, employees have the option to claim for the pre-revised rates of D.A. without submitting any bills / receipts. The Staff Side however contended that the pre-revised rates of D.A. are too meagre to take care of the boarding and lodging requirements and should be doubled.

It was decided that the matter will be examined separately although this cannot be treated as an anomaly. The issue of rate of Transport allowance to employees staying in Gurgaon, Ghaziabad and Faridabad (NCR) was also raised by the Staff Side. The Official Side agreed to re-visit this matter separately.

8.6 Item No.14 – Revision of existing allowances which are to be withdrawn and replaced by new schemes

The Official Side informed that the matter pertaining to doubling of rates of Risk Allowance and Patient Care Allowance is under process for seeking Cabinet approval.

8.7 Item No.16 & 17 – Parity in Pension

The Chairman stated that since the matter is sub-judice, any further action on this issue will be dependent on the directions of the Court of Law. There seemed to be no point in keeping these items in the National Anomaly Committee. This was agreed to.

8.8 Item No.25, 25 & 26 – Commutation of Pension

The Staff Side stated that the additional amount of pension commutation due to retrospective revision of pay of post 31st December 2005 retirees, should be done on the basis of the then existing (old) commutation tables and not on the basis of the New Commutation Table recommended by the 6th CPC. This flows from the fact that the New Commutation-Table came into force on or after 1.9.2008 and, therefore cannot be made applicable to determine additional commutation value. As a matter of fact, the new Table was not in existence on the date of retirement of such pensioners.

The Official Side stated that the revised commutation table is used for calculating only the future commutation of pension and is not applicable to the past commutation. In respect of a pensioner who has already commuted the pension, the revised commutation table is used only to compute the amount of pension that has become additionally commutable due to retrospective implementation of the revised pay scales. Further, if the concerned pensioners feel that the revised commutation table is not favourable to them they have the option of not opting for the additional commutation. The Chairman pointed out that the suggestion of Staff Side to apply old commutation table in case of those retirees who retired between

1.1.2006 and 31.08.2008 could result in further anomaly for post 1.9.2008 retirees as in their case only revised commutation table is applicable. The Chairman directed Department of Pensions to work out tables using existing (old) commutation table and the revised commutation table for the employees who retired prior to and after 1.9.2008 so as to explore the possibility of a fair resolution for both the pre- 1.9.2008 as well as the post 1.9.2008 retirees.

8.9 Item No.29 & 30 – Revision of Base Index for D.A.

The Staff Side stated that a 12-monthly average index of 536 (AICPI-IW) 1982 series, corresponds to 74.97% increase over the base index of 306.33 as prescribed by V CPC. Since 74% increase in D.A. has only been merged in emoluments (Pay Band), this increase corresponds to 12 monthly average index of 533.02 of cost of living Index (1982=100) series. The base index for the 6th CPC Pay Scale should therefore be 533.02 of 1992 index i.e. 115.12 in (2001=100) series for the computation of D.A. in pay scale of VI CPC, and not 115.76.

Deptt. of Expenditure stated that Dearness Allowance is calculated based on the 12 monthly average of AICPI for Industrial Workers and that the twelve monthly average as on 1.1.96 was 306.33 and on 1.1.2006 it was 536. Government converted the average of 536 which is based on the 1982 series by dividing it by 4.63, which was the linking factor for conversion of the base from 536 to 115.76. The Sixth CPC also recommended the usage of the base of 536. The Official Side pointed out that although the Sixth CPC had in its Report mentioned a base of 116 but the Government worked it out as 115.76 which has resulted in relatively higher increase in Dearness Allowance.

The Chairman directed that since this issue entailed pure mathematical calculations, the Department of Expenditure will share the calculations with the Staff Side and if they still had any further issues, then those could be examined.

8.10 Item No.36 – Income criteria in respect of parents and widowed/divorced/unmarried daughters

In regard to the demand of the Staff Side to convert income criteria in respect of parents and widowed/divorced/unmarried daughters from the limit of Rs.3500/- plus DA to a fixed amount, it was pointed out that as per the present criterion as recommended by the 6th CPC, periodical enhancements in the rate of DR, would result in more and more families becoming eligible for family pension. The Staff Side agreed to drop this item.

8.11 Item No.38 & 39 – Anomaly in fixing grade pay

The Staff Side stated that the general recommendation of the 6th CPC was that the grade pay will be 40% of the maximum of the pre-revised pay scales. However, at the time of implementation of the recommendations of the 6th CPC, Government has given more than 40% as grade pay to certain categories of the employees in PB-3 and PB-4. Therefore, it was an anomaly and demanded that everyone should be given grade pay of at least 50% of the maximum of the pre-revised pay scales.

The Official Side stated that the demand of the Staff Side to give grade pay of at least 50% of the maximum of the pre-revised pay scales is against the general recommendations of the 6th CPC. In respect of certain employees,

the 6th CPC has itself recommended a grade pay in excess of 40% of the maximum of the pre-revised pay scales. Also, in Para 2.2.21 the report of the 6th CPC, it has been clearly stated that in some cases, the amount of the grade pay has been adjusted so as to maintain a clear differential between successive grades pay. The government implemented the recommendations of the 6th CPC with certain conscious modifications in the Grade Pay in some cases. Moreover, the erstwhile Group D employees have also been granted grade pay in excess of 40% of the maximum of the pre-revised pay scales. It was pointed out to the Staff Side that even post 5th CPC, uniform benefit did not accrue to all employees. It was felt that this is a demand and not an anomaly and such an issue cannot be reopened at this stage.

8.12 Item No.41 – Fixation of pay on promotion to a post carrying the same grade pay

The Staff Side demanded that with regard to fixation of pay on promotion to a post carrying the same grade pay, one increment should be granted. The Official Side was inclined to agree to such a suggestion on the condition that such a promotion shall also be reckoned with for the purpose of MACP. It was decided that in cases where promotion is to a post carrying the same grade pay, benefit of one increment would be considered separately for each category of employee subject to the condition that the promotional post had higher duties and responsibilities under FR 22(1)(a)(1) and an increment was permitted in such cases even prior to 6th CPC as the two posts carrying the same pay scale was not merged due to functional considerations. The issue of treating it as promotion for the purpose of MACPS will be examined separately.

8.13 Item No.42 – MACPS

It was decided that since the issues involved in MACP Scheme are complex, another round of consultation through a meeting with the Staff Side under Joint Secretary (E), DoPT may be held soon. The meeting was held on 27th July, 2012 and the record note of that meeting is at ANNEXURE III.

8.14 Item No.44 – Anomaly in the pay scale/pay band and grade pay of Library Information Assistants

It was informed that the issues raised in the representation received from the Staff Side would be considered after obtaining comments from the Ministry of Culture, as the Nodal Ministry on the subject and Ministry of Human Resource Development.

8.15 Item No.45 – Anomaly in pension of those in receipt of stagnation increments in pre-revised pay scale

The Staff Side that that persons who were in service as on 1.1.2006 and drawing the maximum of prerevised pay scale plus stagnation increments and had chosen to be fixed in his Revised Pay Band + Grade Pay (which is 40% of the maximum prerevised Pay Scale) have not been given 40% of stagnation increment in their fixation. In their view such persons on retirement after 1.1.2006 have thus been deprived of a stagnation increment in the pre-revised

scale and accordingly their Grade Pay should be increased by 40% of their stagnation increment in the pre-revised scale. The issue relating to availability of re-option subsequent to the issue of Government orders dated 19.03.2012 by the Deptt of Expenditure, relating to grant of one increment in pre-revised pay scale on 1.1.2006 as a onetime measure in respect of all those employees whose next increment fell between 1.2.2006 to 30.6.2006 and then re-fixing them in the revised pay band so as to grant next increment on 1.7.2006, was also raised by the Staff Side.

The Official Side stated that the fitment tables were framed after taking into account the stagnation increments. Nevertheless, it was decided that suitable clarifications on stagnation increment as well as on the issue of options to be granted will be examined.

8.16 Item No.46 and 49 – Disparity in pay scales of Officers in Stenographers Cadre in Secretariat and Field offices

This is an issue relating to disparity in pay scales of Stenographers Cadre in Secretariat *vis a vis* Field offices. The Staff Side contended that there is disparity in pay scales of officers in Stenographers cadre in Secretariat and Field formations. They stated that since parity between Secretariat and Field offices has been approved, the PS in field offices (Prerevised Pay Scale of Rs.6500-10500) may be upgraded to prerevised Pay Scale of Rs.7450-11000 i.e.PB-2 with grade pay of Rs. 4600/- and Sr. PS of field offices may be granted PB – 3 with Grade pay of Rs.5400/- on completion of 4 years of service.

The Official Side stated that in para 3.1.14 of the 6th CPC's Report a specific recommendation for PS/Sr. PS in non-secretariat organizations has been made and the same has been accepted and notified by the Government. Further, the 6th Pay Commission while advocating grant of parity between similarly placed personnel employed in field offices and the Secretariat has extended this parity only up to the grade of Assistant (pre-revised Pay Scale of Rs.6500-10500) (vide para 3.1.3 of their report). It was also brought out that posts that were existing in the pre-revised pay scale of Rs.6500-10500 before 1.1.2006, including that of PS in field offices, have been upgraded to the pre-revised scale of Rs.7450-11500 w.e.f. 1.1.2006 vide Department of Expenditure's O.M. No.1/1/2008-IC dated 13.11.2009. Therefore, suitable action has already been taken in the matter. The Staff Side however, felt that the recommendations of the Pay Commission have not been implemented in certain cases, particularly in Railways and Defence field units.

It was decided that if there are any such instances pertaining to Office staff outside the Secretariat where Government orders for grant of PB 2 with GP of 5400 has not been given, these cases can be brought to the notice of Government for resolution as parity in terms of pay structure, between the field and Secretariat offices would continue to be maintained, as per recommendations of 6th CPC.

8.17

Item No.48 – 15 year period fixed for restoration of commuted portion of pension arbitrary and unjustified

The Staff Side stated that the commuted portion of pension is actually recovered by the Government within 12 years and therefore Government is over-recovering from the pensioners and thus there is a need to have a relook in the matter. The Staff Side also referred to their calculations in this regard and requested the Official Side to reconsider the matter.

Department of Pension and Pensioners' Welfare stated that the Hon'ble Supreme Court in 1996 had ruled in favour of restoration after 15 years in WP No 3958-61. The 6th CPC had also recommended that the existing 15 years period for restoration of pension should be maintained.

The Staff Side demanded that a copy of the Judgment of the Supreme Court may be provided to them. It was decided that the copy of the judgment shall be provided to the Staff Side.

8.18

Item No.50 – Anomalies in the pay scales of Official Language Staff

The Staff Side pointed out the disparity between pay scales of Official Language Staff / Rajbhasa Sahayak / Hindi Asstt. as issued vide Ministry of Finance, Department of Expenditure's letter No.1/1/2008 – IC dated 24.11.2008 and the Official Language Staff / Rajbhasa Sahayak / Hindi Asstt working in Indian Railways. The Staff Side mentioned that the parity in the pay scales in field and HQ is still to be granted in many field offices of Ministry of Railways. The Official Side pointed out that in terms of Department of Expenditure Orders issued in November, 2008 parity in the pay scales of OL posts in field offices and CSOLS has been given and the matter has already been clarified by them on various references received in this regard from several other administrative Ministries / Departments.

It was decided that Ministry of Railways may separately examine the issue with regard to field formations under its jurisdiction in consultation with the Department of Expenditure.

The Staff Side raised the issue of additional items sent by them for consideration by the National Anomaly Committee. It was decided that these will be examined for taking up in the National Anomaly Committee. The Chairman thanked the participants for very stimulating and fruitful discussions and assured that the Committee will meet after 3 or 4 months.

ANNEXURE I

Summary Record of Discussions of the 4th meeting of the National Anomaly Committee held on 5.1.2012

The 4th meeting of the National Anomaly Committee was held on 5.1.2012 at 2.30 PM at New Delhi. The meeting was chaired by Shri R C Misra, Secretary DOP&T.

The Chairman welcomed all members of Official and Staff Side and expressed the hope that the Committee will be able to resolve the issues through a collaborative process. The Leader of Staff Side in his introductory remarks desired that the issues relating to increasing the frequency of the meetings of the National Council and other fora; increment for those whose date of increment fell between February 2006 to June 2006, benefit of MACP for Loco Drivers should be resolved on a priority basis.

The following agenda items were then discussed.

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 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 done is in line with the recommendation of the 6th CPC as well as the fitment tables which are also contained in the report itself.

It was decided 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 stated that the orders for giving the option up to 31.12.2010 was received late in the lowest formations and therefore, all the employees could not exercise the option, before the stipulated date. A demand for extending this date beyond 31.12.2010 was hence raised.

The Official Side stated that this item already stands closed but if there are still any pending issues in this regard these could be referred on a file to DOPT, which would consider the same and take a decision thereafter in consultation with Department of Expenditure.

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

The Staff Side pointed out that although the special qualifying pay is treated as an allowance, it is counted 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 double qualification pay and therefore the pay of the seniors is getting fixed at a lower stage as compared to their junior counterparts resulting in an anomaly.

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 the pay of 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 by clubbing several posts, the 6th CPC has devised a formula for fixing the entry pay (which is always the minimum) for fresh recruits. That being the case, the pay of all the promotees should also be fixed not below the said minimum i.e. the entry pay of the fresh recruit for each grade pay.

The Official Side explained that in such cases if an anomaly arises then the stepping up of the pay of the promotees is allowed subject to fulfilment of certain conditions. However, if certain difficulties persist in this regard, they could be referred to DoPT for consideration.

The Staff Side however insisted that all the conditionalities imposed while stepping up pay may be withdrawn and that the pay of all the promotees may be fixed at the entry level of that post as in the case of the direct recruit. This should be permissible in those posts where there is an element of direct recruitment in that post irrespective of any new recruit having joined the post or not

The Official Side agreed to reconsider the points raised by the Staff Side. It was decided that the matter shall 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 a onetime measure in respect of all those employees whose next increment fell between 1.2.2006 to 30.6.2006 and then re-fixing them in the revised pay band so as to grant next increment on 1.7.2006. The Official Side requested that the Staff Side should confirm that their request for grant of an increment in the pre-revised scale would not have repercussions on any other category and not lead to any further demands. The Staff Side confirmed that this was only a one-time measure and would not result in either raising of other demands or have repercussions on any other category of employees.

The Official Side stated that they will consider this issue positively.

(Necessary Orders have since been issued by DoExpdr dt 19.03.2012)

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 in so far as the pay scale is concerned they are being treated as regular employees. However, they should be granted the Grade Pay of Rs.1800 and fixed at Pay Band I with effect from 1.1.2006 if they are already matriculates and if they do not meet this basic qualification they should be given the training and then fixed at Pay Band I with grade pay of Rs.1800 w.e.f. 1.1.2006. The Official Side noted this demand and assured consideration of the same.

(Necessary Orders have since been issued by DoPT dt 23.01.2012)

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

The demand of the Staff Side was that allowances formed part of wages and thus should be revised with effect from the same date from which the revised pay scales have been implemented i.e. 01.01.2006. The Official Side stated that the allowances, other than Dearness Allowance (DA), have been revised w.e.f. 01.09.2008 on the basis of specific recommendations of the 6th CPC. It was also mentioned that even in regard to 5th CPC recommendations similar practice was followed. Therefore, there was no anomaly as such.

Item No 12& 13 - Transport Allowance.

The Staff Side pointed out that the calculations desired by the Official Side are already available under item no. 13. It was 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/- and 4200/- has been revised to Rs.1600/- which is only 2.28 times of the pre-revised TA+CCA amounting to Rs.700/-.

The Staff Side demanded that the raise granted in respect of grade pay of Rs.4600/- and Rs.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 an anomaly. The Staff Side then stated that this item would be taken up in the National Council

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

Reference was made to minutes of the 3rd meeting of National Anomaly Committee held on 15th February 2011 where under item No 14 it was stated that if within six months the new schemes are not finalized and introduced, the rates of the 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.

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

The contention of the Staff Side was that the pension of the pre-2006 retirees is fixed in terms of different set of rules as compared to those who retired on and after 1.1.2006 which results in pension at a lower rate for pre-2006 retirees as compared to those who are in identical pay scale and at the same stage of pay but retiring on or after 1.1.2006. Reference was made by them to the 6th CPC recommendations which stated that pension will be subject to the provision that revised pension, in no case, shall be lower than 50% of the sum of the minimum pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired. This recommendation was accepted by the Government vide para 4.2 of O.M.No.38/37/08-P&PW (A) dated 1.9.2008 which reads as follows:

“The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale.”

The Government of India vide their OM. No.38/37/08 P&PW (A) Pt I dated 3.10.2008 and OM F No. 38/37/08-P& PW (A) dated 11.2.2009 clarified that the pension calculated at 50% of the minimum of the Pay in the pay band plus grade pay would be calculated at the minimum of the pay in the pay band (irrespective of the pre-revised scale of pay) plus the grade pay corresponding to the pre-revised pay scale. The Staff Side contended that by qualifying the term “ minimum pay in the pay band” by the clause “irrespective of prerevised scale of pay” the 50% of pay in the pay band has been brought down to the minimum of the lowest pay scale in the pay band. In other words minimum pay in the Pay Band of PB 1 has been fixed at Rs.5200/- in respect of all the pay scales of that Pay Band. In PB 2, such a minimum has been fixed at Rs.9300/- in respect of pay scales of that Pay Band.

The Staff Side pointed out that the clarificatory OM dated 3.10.2008 and dated 11.02.2009 have been quashed and set aside in the latest judgment of full Bench of Principal Bench of Central Administrative Tribunal on these issues. The Official Side stated that the Judgment was under consideration and decision would be taken soon.

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

The Staff Side demanded that option of commutation is given when a person retires and that the commutation should be allowed in terms of pension fixed at that time on the basis of pre-revised pay etc on the day following the date of retirement in terms of the Table then in force. In view of this if as a result of revision of pay the issue of additional amount of commutation arose, the commutation-table which was applicable on date of retirement needs to be adopted. The New Commutation-Table which has come into force on or after 1.9.2008 cannot be made applicable to determine additional commutation value since the new Table was not in existence on the date of retirement.

The Official Side stated that for commutation purposes New Commutation-Table will have to be applied and this was based on the recommendations of the 6th CPC. Therefore, this cannot be construed as an anomaly.

The Official Side deferred this item for the next meeting.

Modified Assured Career Progression Scheme

It was demanded by Staff Side that the stage of Rs.2000/- and Rs.4600/- in Grade Pay hierarchy may be ignored for the purpose of MACP. Official Side stated that in the Joint Committee on MACP it was decided that there is a need to separately examine those cases where MACP Scheme is less advantageous than the ACP Scheme. The Official Side had since written to the Ministries of Railways, Defence, Urban Development, Home and the Department of Posts to elicit information in respect of the specific categories of employees where the MACPS is less advantageous than the erstwhile ACP Scheme and the Staff Side was also requested to collect and forward such information to the Department of Personnel & Training for further necessary action. The Official Side pointed out that though DoPT had written to the concerned Ministries, no Ministry/Department other than Ministry of Urban Development had responded. Ministry of Defence representative stated that they have since sent the cases of specific problems on MACP. The Leader of Staff Side raised the issue relating to Loco Pilots/Drivers in Ministry of Railways. These employees are in the same grade pay and thus they are not getting any benefit of MACP. The Official Side assured that such cases could be specifically looked into and where seniors were getting less pay than juniors after availing of benefit of ACPS/MACPS, stepping up of pay could be considered.

Miscellaneous

Following issues which were not part of the Agenda of the 4th meeting of the NAC were also raised by some of the Staff Side members.

- a) Reference was made to minutes of the 3rd meeting of National Anomaly Committee held on 15th February 2011 where, under item No 28, relating to Grant of grade pay of Rs.5400 in PB-2 for Asstt. Accounts/Audit Officers, it was decided that since this matter pertains to Group 'B' employees who are not covered under the JCM Scheme, the item did not fall within the purview of the NAC. However, it was decided that Joint Secretary (Pers.), Department of Expenditure and Joint Secretary (Estt.), Department of Personnel & Training will discuss this issue with the members of the Staff Side. This was noted by the Official Side.
- b) The issue relating to doubling of Daily Allowance on Tour was also raised; and 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 hotels / restaurants and the Auto drivers do not issue the receipts. It was pointed out that this was not an Item under discussion in the Agenda.

- c) The issue of Child Care Leave to female civilian industrial employees in defence establishments was also raised and the Staff Side mentioned that this benefit has been given from 20.10.2011 even though it should be given from 1.9.2008 as in the case of female civilian government employees. The Official Side pointed out that reference from Ministry of Defence in this case was not on record.

On account of time constraint, this meeting of the NAC was adjourned thereafter with the decision that another such meeting will be held shortly to discuss the remaining items.

ANNEXURE II

List of Participants in the Fourth Meeting of the National Anomaly Committee held on 17th July, 2012 at 3.00 PM in Room No. 119, North Block, New Delhi.

CHAIRPERSON - Sh P K Misra, Secretary (Personnel)

OFFICIAL SIDE	STAFF SIDE
1. Mamta Kundra JS (E), DoPT	M.Raghavaiah
2. Madhulika P. Sukul, JS(Pers), M/o Finance	Umraomal Purohit
3. P.K.Sharma, AM(Staff),M/o Railways	Shiva Gopal Mishra
4. Prashant Mishra, ED/PC, M/o Railways	Rakhal Das Gupta
5. Neera Khuntia , ED/PC II, M/o Railways	S.K.Vyas
6. V.P.Singh, DDG(Estt), D/O Post	C.Srikumar
7. Surender Kumar, ADG(PCC) D/Post	Ch.Sankara Rao
8. Kamlesh Kumar Tripathi, D/o Telecommunications	Guman Singh
9. R.Magadewan ADG(B&A) D/o Posts	R.P.Bhatnagar
10. K.K. Mittal, Director, D/o P&PW	R.Srinivasan
11. Harjit Singh, US,D/o P&PW	K.K.N.Kutty
12. S.P.Kakkar, US(Administration), D/o P&PW	J.R.Bhosle
13. D.K.Solanki,U.S. D/o Pension & P.W	M.S.Raja
14. M.C.Worthing, Defence(AG), M/o Defence	
15. Renu Jain, Director, D/o Expenditure	
16. Mukta Goel, Director(Estt.I), DoPT	
17. Mukesh Chaturvedi, DS(Pay), DoPT	
18. Ashok Kumar, DS (JCA), DoPT	
19. P.Behera S.O.(M/o Defence/Fin./AG)	

Summary Record of discussions of the meeting held on 27th July, 2012 with the Staff Side on the issues relating to Modified Assured Career Progression Scheme (MACPS)

In the meeting of the National Anomaly Committee, held on 17/07/2012, it was decided that Joint Secretary (E), DOPT will hold a separate meeting with the Leaders of Staff Side to discuss the issues relating to MACP Scheme which formed Agenda Item No 42 of the National Anomaly Committee. Accordingly a meeting was held on 27/07/2012 in Room No. 190 at North Block, New Delhi. The list of participants of this meeting is at **Annexure IV**.

Joint Secretary (E) DoPT welcomed the participants and stated that the Joint Committee which was set up by the National Anomaly Committee to discuss the issues relating to Modified Assured Career Progression Scheme (MACPS) met thrice and based on the discussions in those meetings a Report of the Committee was prepared and was placed before the National Anomaly Committee in its meeting held on 5th January, 2012. However due to shortage of time this item could not be discussed fully. In the meeting of the National Anomaly Committee held on 17th July, 2012, the Chairman had desired that since the issues involved in MACP Scheme are complex, another round of consultation through a meeting with the Staff Side under Joint Secretary (E) DoPT may be held soon. This meeting was held in pursuance of that decision.

Thereafter the report of the Joint Committee was taken up for discussion.

1. Grant of MACP in the promotional hierarchy:-

The Staff Side stated that under ACP Scheme, financial upgradation was granted in promotional hierarchy and therefore it had become part of service condition of the employees. Under the MACPS, financial upgradations is permitted in Grade Pay hierarchy only, thereby adversely affecting the service conditions. Therefore, under MACPS also the financial upgradations should be granted in promotional hierarchy.

The Official Side stated that there was no such recommendation of the 6th CPC and in fact the Commission in its report, while discussing this issue, had mentioned that although the ACPS had, by and large, alleviated the problem of stagnation and also allowed higher rate of increments in the higher scale extended under it, it had, however, given rise to other problems. The financial upgradations in that scheme followed the then existing promotional hierarchy which gave rise to uneven benefit to employees falling in the same pay scale since several Organisations adopted different hierarchical pattern. Consequently, employees working in organizations having greater number of intermediate grades suffered because financial upgradation under ACPS placed them in a lower pay scale vis-à-vis similarly placed employees in another organization that had lesser intermediary grades. The 6th CPC therefore, recommended a systemic change in the existing scheme of ACPS whereby all employees, irrespective of the hierarchical

structure as prevalent in their organization/cadre, would get the same benefit under it.

This was accepted by the Govt with further modification to grant three financial upgradations under the MACPS at intervals of 10, 20 and 30 years of continuous regular service in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. In fact while accepting the recommendations of the 6th CPC on this issue there was no such demand by the Staff Side.

The Staff Side stated that the employees who were in service prior to 1.1.2006 had the right to retain first two financial upgradations in the promotional hierarchy and the Government cannot alter the existing service conditions adversely. The Official Side however stated that since MACPS is in supersession of earlier ACP scheme, this cannot be agreed to. The Staff Side insisted that at least option be given to individual employees in this regard to facilitate him/her to opt for either ACP or MACP for availing benefit of financial upgradation. The Staff Side was insistent that either MACPS should be in promotional hierarchy or individual options should be given to the employees.

The Official Side stated that it was not possible to agree to individual options and if they have any alternate suggestions, the Staff Side could come back with them.

2. Date of effect of MACP Scheme:

The Staff Side stated that those employees who retired during the period between 1.1.2006 and 31.8.2008 could not get the benefit of MACPS and therefore the MACPS should be made effective from 1.1.2006. It was pointed out by the Official Side that during the 5th CPC also the ACPS was made effective from a later date. The Staff Side suggested that in respect of those who had retired/died prior to 1.9.2008, the MACP scheme could be made effective from 1.1.2006. It was pointed out that there is also the issue of some of the employees, who got the benefit of ACPS during this intervening period, may be adversely affected because of this demand. Thus the staff Side was advised to reconsider their demand for giving effect to the MACP Scheme w.e.f. 01.01.2006.

3. Counting of 50% of service rendered by Temporary Status Casual Labour for reckoning 10/20/30 years under MACP Scheme:

It was reiterated by the Official Side that as per para 5 (v) of Appendix pertaining to Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 50% of the service rendered under temporary status is to be counted only for the purpose of retirement benefits after their regularization. Since under MACPS only continuous regular service is taken into account for allowing 1st, 2nd and 3rd financial upgradations on completion of 10, 20 & 30 years of continuous regular service respectively, the demand of the Staff Side cannot be accepted for MACPS. It was decided that this issue may be taken up by the Staff Side in National Council separately.

4. Treatment of employees selected under LDCE/GDCE Scheme:

It was decided that treatment of such cases would be on the lines as was under the ACP Scheme and Ministry of Railways would examine the matter accordingly.

5. Promotion in the identical Grade Pay:

The Official Side stated that they will issue instructions for granting one increment for fixation of Pay in cases of promotion to the same Grade Pay if they were granted such a benefit post 5th CPC also. Such a dispensation would then apply while considering financial upgradation under MACPS.

6. Financial Upgradation under MACPs, in the case of staff who joined another unit/organisation on request:

The Staff Side pointed out that OM dated 01/11/2010 should be suitably amplified/amended covering the staff that was transferred on request on reversion to the Unit/Organisation so that the total service rendered in the previous Unit/Organisation, ignoring the past promotion, may be counted for MACPs.

The Official Side agreed to issue necessary clarificatory instructions in this regard. The Staff Side also pointed out that in certain offices the promotion in the original Unit/Organisation from which an employee got reverted/transferred to the lower post, was also being counted against MACPS which is not warranted. The Official Side agreed to look into this issue.

7. Extension of benefit of MACPS to an employee appointed in Grade where direct recruitment element is there while ignoring service and promotion rendered prior to his appointment in that post:

The Official Side reiterated that suitable clarifications bearing No. 5 in OM dated 09/09/2012 have already been issued and matter stands resolved.

8. Stepping up of Pay of Senior incumbents at par with Junior incumbents as a consequence of ACP/MACPs

It was stated by the Official Side that stepping up of pay in the pay band or grade pay with regard to junior getting more pay than the senior on account of pay fixation under the MACP Scheme can be considered as a special dispensation and suitable clarificatory instructions will be considered to deal with such situations.

The Staff Side also raised the issue of injustice being meted out particularly in the Accounts Department of Indian Railways wherein the incumbents who cleared the Appendix examination are drawing less pay as compared to those who could not qualify the said examination and got the benefit of MACPs. The Staff Side stated that this led to de-motivation among qualified staff and urged for rectifying such an anomaly. It was agreed to

examine this separately and Ministry of Railways was advised to send the proposal in question.

9. Benchmark for MACP

It was decided that suitable instructions will be issued to specifically clarify that wherever promotions are given on non-selection basis (ie seniority cum fitness), the prescribed benchmark, as mentioned in para 17 of Annexure I of MACPS dated 19.5.2009, will not be applicable and the benchmark for promotion will apply for the purpose of MACPS.

10. Grant of ACP benefit to Artisan Staff of Ministry of Defence:

The Staff Side insisted that based on Fast Track Committee recommendations, the then existing Highly Skilled grade (in the Pre revised pay scale of Rs 4000-6000) was split equally in the ratio of 50:50 and re-designated as Highly Skilled Grade II (GP 2400) and Highly Skilled Grade I (GP 2800) with effect from 1.1.2006. The Staff Side stated that such placement of employees in Highly Skilled Grade I (GP 2800) with effect from 1.1.2006 to 14.6.2010 cannot be treated as promotion for the purpose of grant of financial upgradation under MACP Scheme. The Official Side stated that on the issue of Artisan Staff of the Ministry of Defence, the matter has already been examined on file and Ministry of Defence has been advised accordingly.

The Staff Side insisted that this should be reconsidered so that placements in higher Grade may not be taken as promotion for the purpose of grant of financial upgradation under MACP. The Official Side stated that this has repercussions on the employees working in Railways and therefore it is not amenable to acceptance.

11. The rest of the items of the Report of the Joint Committee, as indicated below, were closed as appropriate action had been taken with respect to the issues raised therein.

(1) Applicability of MACPS to Group D employees who have been placed in the grade pay of Rs.1800/- in PB-1

(2) Grant of financial up gradation under old ACP Scheme between 1.1.2006 and 31.8.2008

(3) Counting of services rendered prior to re-appointment for the purpose of MACP.

(4) Accounting of services rendered before Removal/Dismissal from service and subsequent reinstatement in service for the purpose of MACP Scheme

(5) Counting of service rendered in State Govt/PSUs etc.

(6) Regulation of Probation period under MACPS

(7) Application of MACPS to the Surplus Staff Re-deployed to lower posts in other Cadres/Organisations.

(8) Entitlement of the privileges after financial upgradation under MACP Scheme

(9) Extension of ACP/MACP Scheme to Staff Car Drivers /Civilian Motor Drivers/MT Drivers/Fire Engine Drivers etc.

(10) Pay Fixation on promotion subsequent to grant Of MACPs

(11) Notional Classification for CGEIS consequent upon MACPs

12. The Staff Side raised the following issues though they were not part of the MACP Joint Committee Report.

Employees who got one promotion prior to 01/09/2008 and completed over two decades of service without benefit of promotion and are denied third ACP under MACPs:

The Staff Side raised this issue and insisted that in such cases, third MACP should be straight away given to staff from the date subsequent to the date of completion of two decades of service after promotion. After discussions, the Official Side while appreciating the position stated that this is a peculiar situation and agreed to consider this issue on the basis of a reference to be made by the Ministry of Railways in this regard.

Modification of recruitment rules particularly in Railways and upgradation granted by abolition of Pay Scale-Implementation of MACPs

Though this was not a part of the MACP Report, the Staff Side raised this issue in the meeting and explained that in the Railways, the lower pay scales were abolished and posts were upgraded to higher pay scales with revision of recruitment qualification and designation. In such cases the Staff Side insisted that entry Grade Pay as a result of upgradation consequent upon abolition of lower Pay Scales should be taken into consideration for reckoning 10/20/30 years of service for granting MACP.

The Official Side decided that the Railway Board may send an appropriate proposal to the DoP&T in consultation with the Staff Side.

13. The Official Side reiterated that MACP Scheme is a fall-back option and the Ministries have to conduct Cadre Restructuring in right earnest for ensuring that promotional avenues are available to the staff within a reasonable time frame. It was agreed that Ministry of Finance would issue instructions to all Ministries/Departments/Cadre authorities to undertake Cadre restructuring of Group B & Group C formations in a time bound manner.

The Staff Side pointed out that the Ministry of Railways is citing the instructions of Ministry of Finance issued some years back that only one third of the Cadre could be disturbed, for revising the percentages for the purpose of Cadre restructuring, the Official Side stated that this would be examined and if required, necessary clarificatory instructions will be issued to the Ministry of Railways so that the Cadre Restructuring could be carried out.

ANNEXURE - IV

**LIST OF PARTICIPANTS IN THE MEETING ON MACP HELD ON
27TH JULY 2012 AT 10.00 A.M. IN ROOM NO. 190, NORTH BLOCK,
NEW DELHI.**

Official Side

Ms. Mamta Kundra, Joint Secretary (E), DOPT In Chair
Ms. Mudhulika P. Sukla, JS (Pers.), Dept. of Expenditure
Shri Prashant Mishra, ED, M/o Railway
Ms. Mukta Goel, Director (E-I), DOPT
Ms. Renu Jain, Dir. (DOE), Deptt. of Expenditure
Ashok Kumar, DS (JCA). DOPT

Staff Side

Sh. M. Raghavaiah Leader, Staff Side
Sh. Umraomal Purohit Secretary, Staff Side
Sh. S.K.Vyas
Sh. Shiva Gopal Mishra
Sh. C.Srikumar
Sh. K.K.N.Kutty
Sh J.R.Bhosale