

No.3/1/2019- JCA  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training  
Establishment (JCA) Section  
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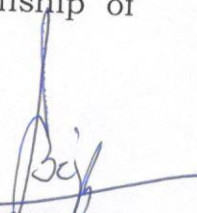
North Block, New Delhi - 110 001  
Dated: 13<sup>th</sup> June, 2019

OFFICE MEMORANDUM

**Subject: Minutes of the 47<sup>th</sup> Meeting of National Council (JCM) held on 13<sup>th</sup> April, 2019.**

The undersigned is directed to forward a copy of the minutes of the 47<sup>th</sup> Meeting of the National Council (JCM) held on 13<sup>th</sup> April, 2019 in Conference Hall, Rail Bhavan, New Delhi under the Chairmanship of Cabinet Secretary for information and necessary action.

Encl.: As above

  
(Juglal Singh)  
Deputy Secretary to the Govt. of India  
Tel: 2309 2338

To

All Members of the National Council (JCM) as per list attached.

Copy to:-

1. Secretary, Staff Side, NC (JCM), 13-C, Ferozeshah Road, New Delhi.
2. General Secretary, AIRF, 4 State Entry Road, New Delhi
3. General Secretary, NFIR, 3 Chelmsford Road, New Delhi

**MINUTES OF THE 47<sup>TH</sup> MEETING OF THE NATIONAL COUNCIL OF THE JOINT CONSULTATIVE MACHINERY(JCM) HELD ON 13<sup>TH</sup> APRIL, 2019.**

The 47<sup>th</sup> Meeting of the National Council (JCM) was held on 13<sup>th</sup> April, 2019 under the Chairmanship of Shri P. K. Sinha, Cabinet Secretary, at Rail Bhawan, New Delhi. A list of the representatives of Staff Side and Official Side who participated in the meeting is annexed.

2. At the outset, Secretary (Personnel) welcomed Cabinet Secretary and Chairman, National Council (JCM), the Leader of the Staff Side, the Secretary of the Staff Side, the Senior Officers from different Ministries/Departments and Members of the Staff Side.

3. Thereafter, Cabinet Secretary and Chairman, National Council (JCM) extended a hearty welcome to the representatives of the Staff Side as well as the Official Side. He stated that there has been a long gap between the 46<sup>th</sup> and 47<sup>th</sup> meeting of the National Council. However, four meetings of the Standing Committee were held during the last four years. He thanked the Staff side for their cooperation for successful and smooth implementation of recommendations of the 7<sup>th</sup> CPC and further stated that Government of India have taken several new initiatives, such as maintaining 10% employees' contribution and increasing Government contribution from 10% to 14% in the New Pension Scheme(NPS), promotion of more than 4000 Central Secretariat Officers viz. Deputy Secretaries, Under Secretaries and Section Officers, increasing the duration of admissible maternity leave upto 6 months, employee friendly modifications to the CGHS and abolition of the interview for recruitment to Group 'B' and Group 'C' posts. He further observed that some of the agenda items of the 47<sup>th</sup> meeting are too old and may have thus lost relevance. He also stated that Staff Side should come up with new ideas for the welfare of the employees, and that National Council and the Standing Committee meetings must be held regularly in future. Chairman also emphasized on the need for all Departmental Council meetings to be held on a regular basis to remove the gap between the two sides as also to identify the issues which require further consideration, and desired that all Secretaries of the concerned Ministries/Departments should ensure regular meetings of the Departmental Councils.

4. Leader of the Staff Side thanked the Chairman for highlighting important initiatives of the Government and for the assurance to continue sustained dialogue through JCM. He highlighted following issues for consideration:-

4.1 Importance of the forum of Joint Consultative Machinery(JCM) and holding regular meetings of NC(JCM) so that accumulation of Staff issues/grievance is avoided.

4.2 Non-fulfillment of the commitment given by the Government relating to revision of minimum wage and the 7<sup>th</sup> CPC fitment formula.

4.3 Withdrawal of NPS and re-introduction of Defined Pension under CCS (Pension) Rules 1972. He emphasized the Government to recommend at least 50% of the last pay drawn as minimum pension to the retired/retiring Central Government employees.

4.4 Discouraging privatization and outsourcing of various activities of the Government. He reminded that in the past, a D.O. letter was sent by the Cabinet Secretary to various Departments to hold meetings / consultations with the Staff Side before taking any decision on privatization/outsourcing/closure of establishments. He urged to issue similar instructions again to all Departments to ensure prior consultations with the Staff Side.

4.5 To consider modification to the MoF's O.M. dated 12<sup>th</sup> December, 2018 relating to re-option opportunity to those staff who intend to switch over to the 7<sup>th</sup> CPC from the date of their promotion/MACPS/Cadre restructuring beyond 25<sup>th</sup> July, 2016 instead of restricting the same upto 25<sup>th</sup> July, 2016 and also to those employees who have opted for promotional/MACP/ pay fixation from the date of increment i.e. on 1<sup>st</sup> July 2016 in 6<sup>th</sup> CPC pay scale prior to the notification of 7<sup>th</sup> CPC.

He further stated that when V<sup>th</sup> & VI<sup>th</sup> CPC Pay Scale/Structures were implemented in the past, opportunity for revising the option was granted.

4.6 7<sup>th</sup> CPC recommendation relating to placement of OT Assistants/Dressers in GP 2000 and placement of SSO (Accounts) in GP 5400/Level-9 in Railways has been pending with the Ministry of Finance, which may be cleared at the earliest.

4.7 Non-implementation of the 7<sup>th</sup> CPC recommendation for allotment of GP - Rs.4600/ (Level 7) to CMA category in Railways was also raised. He requested to take action to implement the specific recommendation relating to CMA category given by 7<sup>th</sup> CPC particularly when similar other recommendations have been/are being implemented.

4.8 Upgradation of 75% of SSEs/ Supervisory officials etc., in Railways to GP 4800/Level-8. He urged that this needs to be expedited and approval given soon as Engineers/Supervisors in Railways are greatly disappointed over the delay.

4.9 Resolving issue of Night Duty Allowance and National Holiday allowance to Railway employees. The aberrations brought out by the Ministry of Railways in its communication to the DoP&T may be rectified without any further delay.

4.10 Implementation of awards of Board of Arbitration:- Concern was expressed over the abnormal delay in finalizing the Awards given by Board of Arbitration, pending for 15 years. The case of CA ref 3/2001 relating to Pay Scales of Senior Accountants, Accounts Assistants/ Senior Auditors to be brought on par with Assistants of the Central Secretariat, which has been pending since 24<sup>th</sup> August, 2004. He specially requested the Cabinet Secretary to issue a directive that all such Awards be settled through dialogue/discussion with the Staff Side.

4.11 Crediting earned leave to the employees' account beyond 300 days including Industrial employees. He further said that while there is no financial implication as also the Rule position is unaltered there should not be any problem in accepting the demand.

4.12 Re-fixation of pay on last pay drawn at the time of retirement of Defence Forces Personnel re-employed in Central Government Departments. He urged to issue orders at the earliest duly granting pay re-fixation to the retired Defence Forces Personnel re-employed in Railways etc., on the basis of their last pay drawn at the time of retirement.

4.13 Removal of ceiling for Compassionate appointments. He requested that the issue needs to be considered with the objective of mitigating the hardships faced by the bereaved families.

4.14 Revision of Kilometrage Allowance rates of Running Staff. He urged that concurrence is communicated to the Ministry of Railways soon by Ministry of Finance.

4.15 MACP issues:-

The Leader of the Staff Side said that "Very Good" benchmarking should be cancelled and the MACPS should be given effect from 01/01/2006 with appropriate option. He explained that while the teaching staff under HRD Ministry and Delhi Government have been brought under MACPS, the Principals and Teachers of Indian Railways, Defence etc. are not covered. He requested for quick action for rendering justice to Teaching staff of Railways and Defence etc.

4.16 Exemption of TA Element from Kilometrage from the purview of Income Tax. It was explained that 70% of Kilometrage Allowance (KMA) paid to Running Staff is the Travelling Allowance (TA) component. Therefore this should be exempted from Income Tax as TA is not taxable.

5. The Secretary of the Staff Side, while making his opening remarks thanked the Chairman for holding the 47<sup>th</sup> meeting of the National Council after 9 years.

5.1 He made the following observations with regard to the functioning of the JCM Scheme:-

Regular meetings of the Departmental councils were held only in a very few Ministries/Departments. To make effective use of the JCM, it must be ensured that meetings of the Departmental Council are held more frequently as provided in the JCM Scheme. He stated that necessary instruction should be issued to all Ministries / Departments to make effective use of the JCM and also to ensure that meetings of the Departmental Councils are held more frequently.

5.2 Promotion of the officials in their career is a vital issue, and if not given to them in time, it jeopardizes their career. He requested the Cabinet Secretary to implement the scheme of time-bound promotions; based on benchmark. He further mentioned that, at present, the staff working in GP Rs. 1800 and 4600 is suffering a lot because of non-availability of their promotion prospects, which needs to be redressed to remove their frustration.

5.3 Normally the Court decisions on common service matters of all Central Govt. employees are implemented only to those employees who moves the petition, whereas once the judgment is implemented to the petitioners, the benefits may equally be extended to all the similarly placed employees to avoid multiplicity of litigations and as per the National Litigation Policy published by the Govt. of India.

5.4 CGHS Scheme does not contain clear instructions and there is ambiguity in many cases. Medical reimbursement cases of retired personnel are not processed in time and ought to be made hassle free. Entitlement of beds in private hospitals should be decided by the Ministry/ Departments concerned.

5.5 The issues relating to retired personnel's are to be taken on priority basis. Pension revision cases are much delayed all over, and wherever revised PPO's have been issued, banks are not giving revised pension. Pensioners Portal and other portals are not proving worthy of redressing the grievances of the pensioners. This needs regular monitoring.

5.6 Recognition of Unions under CCS(RSA) Rules, 1993, especially in the Department of Posts is going against the idea of recognition and pending since 2005. Instead of recognizing the union, Regional Channel under JCM has also been stopped. The Department should advise the concerned authorities to ensure streamlining of the procedure of receiving the applications for recognition and disposal in a time bound manner. In fact, it has been decided in the recently held meeting of the Standing Committee on 7.3.2019, that all Ministries/ Departments should take timely action on recognition of associations.

5.7 Regarding LTC-80 cases, there are instances where huge amount is deducted from employees, especially in various Defence establishments under MoD from the funds released to them on retirement as terminal benefits on the ground that these employees have travelled in private airlines and also the employees who have travelled in Air India Flight have purchased Flight Tickets from other than authorized agents. The demand of the Staff Side for granting One Time exemption to such cases is still pending with DOP&T. This is a serious matter since as per Supreme Court directions, no recovery should be made from the employees at the time of retirement. It is requested that the DOP&T may grant One Time Exemption to all such cases, especially in the case of those employees who are otherwise not entitled for flight for settlement of all such LTC-80 cases as a One Time measure.

5.8 In case of Loco Pilots in Ministry of Railways, necessary instructions be issued to extend the benefit of Promotional Pay Fixation on promotion to a post carrying higher duties and responsibilities.

5.9 The Unions are required to file the statement of account before the Registrar of Trade Unions and before the Income Tax Authorities. For Registrar of Trade Unions, the statement is to be prepared for year ending on 31<sup>st</sup> December and for the I.T. Authorities it is to be prepared for the year ending on 31<sup>st</sup> March. This creates insurmountable problems. He requested to either make it 31<sup>st</sup> March or 31<sup>st</sup> December by amending the provisions of the respective enactments.

5.10 On the issue of creation of posts "matching savings" are being insisted in all the Ministries including Railways. In the Ministry of Railways "matching Saving policy" for creation of posts is not workable as it is day to day productive Organization. New trains, new Railway Lines and many new assets of State of Art technology are augmented frequently, whereas the number of employees is getting decreased. Therefore, there is a need to reconsider the policy of matching savings for creation of new posts so as to maintain safe train operations by Indian Railways.

5.11 The Secretary Staff Side raised the issue of "Very Good" benchmark, made effective from retrospective date, which needs to be changed. He said that, in the Railways, CRB had raised the issue with the Cabinet Secretary to bring benchmark at par with selectional promotions. The Chairman asked Member (Staff), Railway Board to review the issue and take appropriate action.

5.12 Secretary Staff Side raised the issue of Kilometerage Allowance pending with the Department of Expenditure even after approval of the Railway Board and Hon'ble Minister of Railways. Chairman advised that the matter may be considered early.

5.13 The Secretary Staff Side also raised the issue of exemption of Income Tax on 70% TA element on Running Allowance. Cabinet Secretary directed the CBDT and Revenue Department to resolve the issue at earliest.

5.14 Secretary, Staff Side stated that they were opposed to NPS and demanded that the Old Pension Scheme be restored. He further stated that the Government should guarantee pension of 50% of last pay drawn to all employees recruited on or after 01.01.2004. He further demanded facility of GPF and Family Pension to all employees.

5.15 He further demanded for improvement in appointments on compassionate ground. It was mentioned that totally incapacitated staff of Defence (Civil) and Ordnance Factories are not given out of turn appointment on compassionate ground. This needs to be considered sympathetically, as is being done in case of Paramilitary Staff.

5.16 Many Central Government Departments have no channel of Departmental Council under JCM. The same needs to be constituted. Chairman asked Secretary, DoPT to look into the matter in a time bound manner.

5.17 Like Citizen's Charter, "Employee's Charter" be published on service matters of the employees, for timely redressal of their grievances, which will improve productivity of employees.

5.18 Technical employees of the Railways and Defence Ordnance Factories etc. are subjected to unwarranted tests at every stage of promotion. This should be reviewed for hassle free timely promotions.

5.19 Contract labourers are badly exploited by the contractors. Principal employers are not able to safeguard them. Their Wages, Weekly Rest, Medical Facilities, Social Securities and other benefits have to be streamlined.

5.20 After detailed deliberations, a D.O. letter was issued to all Departments in 2009 regarding discussion of issues like restructuring, outsourcing, offloading, handing over of perennial jobs to other agencies/private parties etc. with Organised Labour. However, respective Departments are ignoring Contract Labour (Regulation & Abolition) Act, 1970 in a big way without any consultation with Organised Labour. This needs to be checked immediately.

5.21 Long pending demand of computation of entire service rendered by Casual Labourers attaining Temporary Status for the purpose of pensionary benefits has been accepted by Hon'ble Courts in many cases. Chairman advised Secretaries to examine the issue comprehensively.

6 Thereafter, the 36 agenda items for meeting of the 47<sup>th</sup> National Council and Action Taken Statement on 9 agenda items of the 46<sup>th</sup> meeting of the National Council, JCM held in 2010, were taken up for discussion department-wise, which are summarized below:-

#### 6.1 M/o Health and Family Welfare

##### 6.1.1 Item No.04/10/NC-46 - Grant of Fixed Medical Allowance (FMA) in lieu of outdoor treatment facilities

Secretary, M/o H&FW stated that the matter for grant of Fixed Medical Allowance (FMA) in lieu of outdoor treatment facilities has been examined, and it has been found that acceding to this demand will put more financial burden on the elderly and retired, and that further, they will have to forego their entitlement to draw CGHS medicines, for which the FMA may not be sufficient. She requested that Staff Side should look at the demand from this perspective. Upon discussion, the Staff Side agreed that they would reconsider the demand in light of these observations, and to drop the demand.

##### 6.1.2 Item no.13/19/NC-47 - Reimbursement of expenses on indoor treatment to pensioners living in non-CGHS towns

Staff Side stated that there are many Central Government Pensioners who are living in towns/villages etc. not covered by CGHS. who have been granted Rs. 1000/- p.m. by way of FMA in lieu of outdoor treatment. There is no scheme for reimbursement of expenses on account of indoor treatment for critical diseases like heart ailments, etc. The demand for extending the CS(MA) Rules to pensioners has not been accepted. As such, many pensioners who got their indoor treatment in private Hospitals had to go to High Court/CAT and get the

expenses incurred by them reimbursed under Court orders. Some arrangement may be made to reimburse the expenditure on indoor treatment of pensioners residing in Non-CGHS Towns.

**Reply of the Official Side:**

Pensioners residing in non-CGHS areas have been provided the following options to avail medical facilities:-

- i) FMA @ Rs.1000/- per month.
- ii) Benefits of CGHS (OPD & IPD) by registering themselves in the nearest CGHS city after making the required subscription.
- iii) Option to avail FMA for OPD treatment, and CGHS for IPD treatments after making the required subscription as per CGHS guidelines.

6.1.3 Item No. 16/19/NC-47 - Grant of Medical Advance to the Central Govt. employees.

Staff Side stated that M/o H&FW vide OM No.S.11016/1/92-CGHS(P), dated 29.10.1992 have issued instructions for grant of Medical Advances, and vide OM No. S12015/3/93- CGHS(P) dated 30.12.1993, a clarification was issued thereafter on limit of advance. Even though 90% of the estimate can be given as advance, the amount is restricted to Rs.10,000/- only for those diseases which are not covered under packages (conservative treatments) and this ceiling limit fixed during 1992 with no revision thereafter may be revised to 90% of the estimated amount.

**Reply of the Official Side:**

The guidelines regarding grant of medical advance for Central Government Employees have been revised vide OM No. S.14025/18/2015-MS/EHSS, dated 17.10.2016. As per the said OM, serving CGHS and CS(MA) beneficiaries may be granted 90% medical advance of the approved CGHS package rates for all indoor treatment, irrespective of major or minor diseases. Chairman advised that a copy of relevant OM may be shared with Staff Side.

6.1.4 Item No. 17/19/NC-47 - Reimbursement of additional charges paid on account of overstay in the hospitals.

Staff Side stated that as per CGHS rules, no additional charge on account of extended period of stay shall be allowed, if that extension is due to infection consequent to surgical procedure or due to any improper procedure and is not justified. This decision of the Govt. is putting the employees to undue financial hardship, since the hospital authorities never take the responsibility for infection and consequences of the surgery etc. In case of extended period of stay in the hospital, the additional charges incurred may be reimbursed.

Staff side pointed that no hospital provides a certificate for overstay. The Hospital authorities state that the discharge of a patient is on the advice of the doctor who treats the patient. No hospital, the staff side added, to the best of their information, has been blacklisted for this undesirable practice. It is ultimately the beneficiary who suffers, they added.



**Reply of the Official Side:**

Additional charge on account of overstay is reimbursable, if the extended period of stay is justified and the hospital issues a certificate to this effect. Further, in case of overcharging by hospital which is not justified, there is provision for recovery from pending hospital bills and payment to the beneficiary. After discussions, the Chairman felt that in cases of deliberate overstay on account of hospitals, the patient ought to be fully reimbursed and appropriate action may be taken against the erring hospitals including blacklisting them. Accordingly, it was recommended that the matter may be reviewed by MoH&FW.

**6.1.5 Item No. 18/19/NC-47 - Reimbursement of Oxygen charges.**

Staff Side stated that as per the approved charges under CGHS Rules, oxygen charges in causality, ICU are mentioned as Rs. 30/-. While the hospital authorities are charging Rs.30/- per hour as oxygen charges, the accounts authorities under the Defence Ministry are restricting the charges to Rs.30/- per day, which is causing hardship to the employees and a clarification needs to be issued.

**Reply of the Official Side:**

The CGHS rate list has since been revised in the year 2014. As per the revised CGHS rate list, the oxygen charges are specified as Rs. 50 per hour for non-NABH, and Rs.58 per hour for NABH Hospitals. Hence, the issue stands resolved. It was recommended that a copy of orders may be shared with Staff Side.

**6.1.6 Item No. 27/19/NC-47 - Hospital Patient Care Allowance for C.G. employees working in hospitals.**

Staff Side stated that at present, the Hospital Patient Care Allowance has been extended to the categories of cook, ward sahaika, safaiwala, barber and washermen. However, junior physiotherapists, junior dietician, carpenter, painter, tailor, mazdoor, mali and chowkidar (non-ministerial Staff) have been left out and are not being granted this allowance on the plea that the contact of these categories of employees with patients or their exposure to infected materials is of occasional nature. However, there are other categories of ministerial employees who are exposed to infection in hospitals. All employees ministerial or non-ministerial, working in hospitals, may be granted Hospital Patient Care Allowance.

**Reply of the Official Side:**

The matter is under examination in consultation with the Department of Expenditure.

6.1.7 Item No. 34/19/NC-47 - Fixing of CGHS rates applicable to the treatment and diagnostic procedure.

Staff Side stated that CGHS recognized hospitals at Chennai have given treatment/diagnostic procedure to the Central Government Employees and their dependents. However, the audit authorities are not allowing the medical claims for such treatment/diagnostic procedures on the plea that there is no CGHS rate available for the treatment and diagnostic procedures. It is therefore requested that the rates may be made available.

**Reply of the Official Side:**

The issue has since been resolved and the relevant orders have been placed in public domain, and copies of the orders would be made available to the Staff Side Secretariat for their record.

6.1.8 In conclusion of items of M/O H&W, Chairman observed that there were many demands for rationalization of the CGHS Scheme. He stated that besides the agenda items, there may be other issues as well which may require to be looked into by the Government. He suggested that the Staff Side may send all the points considered necessary for resolution to Secretary, MoHFW, who may take a meeting in a month's time.

**6.2 M/o Defence**

6.2.1 Item no. 18/10/NC-46 - Casual labourers (Grant of temporary status & regularization) Scheme – Non implementation of.

With reference to the discussion on the issue, MoD stated that DoPT had approved a number of cases for regularization. A few remaining cases are being examined, for which the department is gathering the requisite information.

The matter of granting permanent status to 62 Casual laborers of one of the Ordinance Factory (GSF Cossipore) who were granted temporary status due to court judgment, would be looked into expeditiously.

6.2.2 Item no. 19/10/NC-46 - Restricted Holidays for the employees working in the industrial establishments.

Staff Side stated that as per the existing instructions on the subject of holidays to be observed in Govt. Offices, the employees are entitled to avail any two holidays as Restricted Holidays in addition to the 14 compulsory holidays and three holidays decided by the Central Govt. Employees Coordination Committee in the State Capitals. However, the employees working in the Industrial Establishments are eligible for 16 holidays in a year including 3 National Holidays. The employees of Industrial Establishments are thus deprived of one holiday. Apart from this, various Ministries, are not allowing two days Restricted Holidays for the employees working in the Industrial Establishments, especially under the MoD. This is a clear discrimination, since the Govt. of India instructions on this subject do not prohibit RH for

the employees of the Industrial Establishments. In view of the above, it is demanded that the employees working in Industrial Establishment may also be given 17 holidays and 2 Restricted Holidays.

**Reply of the Official Side:**

It has not been found feasible to grant the facility of RH for employees working in the Industrial Establishment as their entitlements are different from Central Government Offices. It was informed that this view had been conveyed to General Secretary, AIDEF vide letter No. 6/6/2007/D(Civ-II) dated 14.01.2013.

6.2.3 Item no. 20/10/NC-46 - Applicability of CCS(RSA) Rules to the workers employed in Defence establishments

Staff Side demanded that they are only asking for implementing the CCS(RSA) Rules, 1993 to not recognize Service Associations formed by the category of "workers" employed in Defence Establishments.

Ministry of Defence stated that the issue is under examination. Chairman observed that some Associations had been granted recognition as a convention dating to many decades. He advised the Ministry of Defence to expedite the matter.

6.2.4 Item No. 30/19/47-NC - Consultation with UPSC under rule 9 of CCS(Pension) Rules, 1972 with regard to retired Defence Civilian employees

Staff Side stated that at present the Department of Defence Production is referring disciplinary cases of retired employees of ordnance factories for the advice of UPSC for imposing penalty etc. under Rule 9 of CCS (Pension) Rules, 1972. This process indefinitely delays the completion of disciplinary proceedings against retired defence civilian employees, especially non-gazetted employees and industrial employees, subjecting them to undue hardship. The procedure may be dispensed with.

**Reply of the Official Side:**

The provision is related to consultation with UPSC under Rule 9 of the CCS (Pension) Rules, with regard to retired defence civilian employees. Consultation with UPSC is a statutory requirement, wherever a cut in pension is proposed to be imposed on conclusion of disciplinary proceedings. It was explained to the Staff Side that this in fact provides a protection to the retired employees against the unabated use of discretionary power of the concerned authorities for cut in pension, and therefore, it need not be considered. Chairman stated that UPSC plays a very crucial independent role in such matters and this position should be appreciated by Staff Side. Staff Side agreed with his suggestion.

**This item may be treated as closed.**

6.2.5 Item No. 32/19/NC-47 - Revision of Fixed Medical Allowance (FMA) to the Defence Civilian employees posted in remote/border areas

Staff Side stated that a large number of Defence Civilian employees are posted in remote/border areas where no AMA /government hospital is available for medical treatment. These employees are being paid FMA @ Rs. 100 per month based on the 5th CPC. Ministry of Defence have sent a proposal to Ministry of Health to revise the FMA for Defence Civilian Employees to Rs. 300 per month w.e.f. 01.09.2008. They requested that necessary instructions to revise the FMA to the Defence Civilian Employees to Rs. 300 per month w.e.f. 01.09.2008 may be issued.

**Reply of the Official Side:**

M/o H&FW vide OM No. 14025/9/2013-MS dated 03.06.2015, has decided to stop the FMA being paid to the Central Government employees working in the interior/ remote areas. Henceforth, they shall be governed by the extant rules as laid down under CS(MA) Rules, 1944. Hence, the matter has been resolved. A copy of the said order shall be provided to the Staff Side.

**The item may be treated as closed.**

6.2.6 Item no. 33/19/NC-47 -Revision of Risk Allowance to the Defence Civilian employees

Staff Side stated that Defence Civilian Employees are working in hazardous jobs since majority of them are involved in handling explosives, chemicals, acids etc. After the 5<sup>th</sup> CPC, the Risk Allowance to the Defence Civilian Employees handling risky/ hazardous operations was revised. After the 6th CPC, DoPT vide OM No. 21012/01/2010-Estt(All.) dated 18.10.2012 further revised the Risk Allowance. However, the above rates have not yet been revised for the Defence Civilian employees. The proposal of MoD to double the above mentioned rates of Risk Allowance to the Defence Civilian Employees and to raise the Risk Allowance automatically by 25% every time DA on the revised pay structure goes up by 50% is still pending with DoPT and may be expedited.

**Reply of the Official Side:**

The request was not considered justified as the Defence Civilian Employees were drawing higher rates of Risk Allowance since 22.05.2002, and the revision of the rates of Risk Allowance in respect of other Central Government Employees w.e.f. 01.09.2008 has only brought parity between Defence Civilian Employees and other Central Government Employees. Moreover, the decision to double the rates that were in existence since 22.08.1988 was taken by the Cabinet and if the rates of Risk Allowance for Defence civilian employees are increased, it would amount to going beyond the scope of the decision so taken. Hence, the demand cannot be accepted.

**6.3 D/o Expenditure, M/o Finance**

6.3.1 Item No. 8/10/NC-46 - Sanction of Incentive Allowance to Central Government Employees working in Extremists Infested Areas.

**Reply of the Official Side:**

This is the 6th CPC demand, and after examination the 7<sup>th</sup> CPC, has not agreed to any such allowance.

**This item may be treated as closed.**

6.3.2 Item No.9/10/NC-46 - Declaration of Gandhinagar as Link-City of Ahmedabad.

Official Side stated that Gandhinagar (Notified Area/Outer Growth) is a part of the Ahmedabad Urban Agglomerate. HRA at Ahmedabad rates are admissible to Gandhinagar (NA/OG) w.e.f. 01.04.2015. Transport Allowance is also admissible to these employees at higher rate w.e.f. 1.4.2015, in terms of DoE OM 21(2)/2015-EII(B) dated 6.8.2015.

**This item may be treated as closed.**

6.3.3 Item No. 10/10/NC-46 - Upgradation of Jamnagar as B-2 Town with effect from 14.2.2006.

**Reply of the Official Side:**

Certain other cities have also been upgraded prospectively, on the lines similar to Jamnagar. Therefore, the demand of the Staff Side for upgradation from a retrospective date cannot be acceded to. It was also stated that upgradation is a continuous process and retrospective benefits in all such cases cannot be given.

**This item may be treated as closed.**

6.3.4 Item No. 11/10/NC-46 - A-1 Status to Bangalore City

**Reply of the Official Side:**

Certain other cities have also been upgraded prospectively similar to Bangalore. Therefore, the demand of the Staff Side for upgradation of Bangalore backdated w.e.f 16.1.2007 cannot be acceded to. .

**This item may be treated as closed.**

6.3.5 Item No.3/19/NC-47 - Benefit of proviso to rule 10 CCS(RP) Rules, 2008

Staff Side stated that benefit of Proviso to Rule 10 CCS (RP) Rules, 2008, to those who complete 1 year service at maximum has been sought. It has been stated that there are cases when employees drawing maximum of their Pay Scale complete one year after 01.01.2006 are denied the benefit of next increment in the revised pay structure. The pay may be fixed in the revised pay scale with effect from 01.01.2006 and one increment may be granted on 01.01.2006, and the next increment on 01.07.2006.

**Reply of the Official Side:**

As per Rule 10 of CCS(RP) Rules, 2008, in the 6th CPC regime, a uniform date of annual increment, viz 1<sup>st</sup> July of every year has been introduced, under which employees completing six months and above in the revised pay structure as on 1<sup>st</sup> July would be eligible for increment on 01.07.2006. OM dated 4.7.2014 has also stipulated that the increment on 01.01.2006 shall also be allowed to those who had reached the maximum of the applicable pre-revised pay scale more than one year before 01.01.2006, and were in receipt of stagnation increment(s), provided the revised pay was fixed on 01.01.2006.

Therefore, the proposal/demand is not in consonance with the 1<sup>st</sup> Proviso to Rule 10 and the benefit of increment on 01.01.2006 cannot be given in these cases.

**This item may be treated as closed.**

6.3.6 Item No. 11/19/NC-47 - Insisting on non-availability certificate from the Estate officer.

Staff Side stated that the order insisting on non-availability certificate for grant of HRA should be withdrawn, as it is causing hardship to house owning employees.

Staff Side also stated that the condition of "wherever feasible" may be dispensed with and an amendment in this regard may be issued by the Department of Expenditure.

**Reply of the Official Side:**

The condition for furnishing of "No Accommodation Certificate" by the Central Government employees to become eligible for HRA has been dispensed with for all places in respect of the GPRA controlled by Directorate of Estates, vide O.M. No. 2/5/2017-E-II(B) dated 05.03.2019. Other organizations which have their own pool of accommodation can issue similar orders.

6.3.7 Item No. 28/19/NC-47 – Moped Advance.

Staff Side stated that as per extant orders an advance of Rs. 20,000/- or anticipated price, whichever is less, is granted for the purchase of moped to Government servants having pay below Rs. 8560. If an employee purchases a motorcycle or any other two wheelers, the above advance is not available to him. This requirement that an employee should purchase only the moped is unreasonable and it may be lifted.

**Reply of the Official Side:**

All the interest bearing advances, except HBA have been withdrawn as per the recommendations of the 7<sup>th</sup> CPC.

**The item may be treated as closed.**

6.3.8 Item No.35/19/NC-47- Revision in the amount of advance given to the family of a Government Servant who dies while in Service.

Staff Side stated that the demand is for revision in the amount of advance given to the family of a government servant who dies while in service. The amount of this advance was revised to Rs. 8000/- or three months' salary, whichever is less. In the present circumstances, there is a need for revision in the amount of this advance to Rs. 25000/-.

**Reply of the Official Side:**

DoE, vide OM No. 12(1)/2016-EII(A) dated 20.6.2018, has amended the Compendium of Rules on Advances to the Government Servants, 2005. As per the amendment in Rule 80, the amount of advances to the family of Government Servant who dies while in service has been revised to Rs.25,000.

**The item may be treated as closed.**

6.4 **DoPT**

6.4.1 Item No.16/10/NC-46 - Relaxation of Upper Age Limit for Departmental Candidates for Appointment to Group C Posts

**Reply of the Official Side:**

It has been stated that earlier, the age relaxation for departmental candidates for appearing in the examination for direct recruitment for Group "C" posts was 35 years. This was

subsequently liberalized vide OM dated 20<sup>th</sup> May, 1988 after an agreement in the National Council (JCM). It was decided that the departmental candidates could be allowed to compete along with candidates from open market up to the age of 40 years for Group "C" posts in the case of general candidates and 45 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. The relaxation was allowed in view of limited promotional avenues for Group D and Group C employees. This was also done with the intention that persons already in Government service should get chance to improve their lot by appearing in competitive examinations.

In view of the above, since the upper age limit is already on higher side, therefore, allowing further concession in upper age limit is not advisable.

6.4.2. Item No. 1/19/NC-47 –Stoppage of Direct Recruitment in Group-D Posts in Central Govt. Offices.

Staff Side stated that the 6th CPC's recommended stoppage of direct recruitment in Group-D posts. Duties of Group-D staff (Peons, Daftries etc.) mainly constitute storing and retrieving of files / records / documents, etc. Stoppage of direct recruitment in Group-D posts will shut the door to Govt. employment for lakhs of unemployed youth including those from families of SC/ST/OBC, who are less privileged and live Below Poverty Line and could not continue their studies beyond class- VIII standard due to poverty and other socio economic circumstances. The 6th CPC has argued for outsourcing of work and for contract labour which will lead to exploitation.

**Reply of the Official Side:**

Since all erstwhile Group D have been converted into Group -C and as such Group-D posts do not exist anymore in Central Govt. Hence, the matter may be closed.

6.4.3 Item No.2/19/NC-47 – Arbitration Awards.

Staff Side stated that 16 awards from the Board of Arbitration, pending for number of years, were discussed conclusively in the past. These awards may be discussed afresh and methods may be devised to implement them.

**Reply of the Official Side:**

The concerned departments, including DoPT, are of the view that the Awards are fairly old and the issues covered have lost relevance after the successive Pay Commissions. The Awards are at various stages of rejection and as such, the demand cannot be accepted. The Chairman advised that Additional Secretary, Department of Personnel & Training, may review the issue in a separate meeting with the Staff Side.



Staff Side stated that the JCM Scheme has been introduced on the pattern of Whitley Council but covers only Group "C" and erstwhile Group "D". Central Secretariat Group B Gazetted/ Non-gazetted are also covered. After the 6th CPC, many posts earlier classified as Group C have now been classified as Group B Gazetted, and have been taken out from JCM. If this continues, a time would come when none of the employees shall be in Group C, and therefore they too would be out of coverage of JCM.

All the posts which were Group C or Group D at the inception of JCM Scheme should be continued to be covered under JCM. The demand is that all posts covered by PB-1 and PB-2 may be deemed to be Group C posts for the purposes of JCM coverage.

The Staff side reiterated that their demand was to continue the eligible cadres to represent at the JCM as was conceived when the scheme was launched. They added that their demand was not for inclusion of any new cadre or grade in the JCM. The present order of the DOPT shuts out many non gazetted cadres and grades from the purview of JCM and consequently put them in a very disadvantageous position of not having able to seek redressal of their grievances. They requested for an expeditious decision in the matter.

**Reply of the Official Side:**

This item was discussed in the JCM Standing Committee under Secretary, DoPT. The stakeholder Departments with large number of employees, such as Railways, Defence, Posts, etc. are being consulted in this regard and a suitable decision shall be taken soon.

Staff Side stated that Board of Arbitration in CA reference No. 1 of 2004 had given the **Award** "The Government is directed to pay Washing Allowance to Central Government employees who are given uniforms at the rate of Rs. 30/- pm. with effect from 15.11.1995, and @ Rs.60/- pm with effect from 1.8.1997". Though the award was given on 28.04.2005 and its implementation with modifications was discussed, decision to implement it even prospectively from 2006 has not been taken so far.

**Reply of the Official Side:**

The demand of the Staff Side has been met to a considerable extent. The said Award is under submission to the Competent Authority for consideration.

6.4.6 Item No. 12/19/NC-47 - Stepping up of pay of Seniors with that of juniors under ACP and MACP.

Staff Side stated that the MACP has come into force on 01.09.2008. The earlier financial upgradation scheme (ACP or otherwise) were applied up to 31.08.2008. Seniors who got financial upgradation before 01.09.2008 are drawing lesser salary than their juniors who got financial upgradation under MACP. A provision may be made as a special case that seniors under old scheme(s) are granted stepping up of pay to the level of their juniors.

Staff Side raised the issue concerning the date of effect of MACP, though the agenda item did not pertain to it. They said in support of their statement, staff side that the Supreme Court has finally given the verdict on this issue through a judgment, which the Government has implemented in the case of Armed personnel, who had approached the Honorable Court. They pointed out that the National Litigation policy of the Government prohibits them to drag the people to the court on an issue on which finality has been reached. Despite the staff side writing to the Government thrice in the matter, the Government has not issued orders applying the decision of the Supreme Court to the similarly placed civilian employees of the Government of India.

**Reply of the Official Side:**

In terms of decision taken in the meeting held on 27.07.2012 with the Staff Side relating to instances of senior employees who got benefit under ACP Scheme prior to 1.1.2006, and were drawing less pay than their juniors who got benefits under ACP Scheme after 01.01.2006 (i.e. between 01.01.2006 to 31.08.2008), it was decided in consultation with the DoE to allow stepping up of pay in cases where the senior, but for the pay revision on account of the 6th CPC would have continued to draw higher pay subject to certain conditions [Departments OM No. 35034/1/97-Estt(D) dated 04.10.2012]. Barring this situation, no stepping up of pay was allowed in the ACP/MACP Schemes.

It was decided that the issue raised by the Staff Side should be re-examined.

6.4.7 Item No. 14/19/NC-47 – Increase in Residency Period for future Promotion.

Staff Side stated that the residency period has been increased for future promotions in certain categories like Admin Cadre, Storekeepers which has adversely affected the staff. For example, in the pre-revised pay scale, before the 6th CPC, 16 years was the time to reach gazetted posts now it has been increased to 23 years. The residency period for future promotion may be reduced to as it was before the 6th CPC implementation.

**Reply of the Official Side:**

The issue has been examined. However, no example could be found in which the residency period has been increased from 16 to 23 years. In case Staff Side finds any such example, they should come up with that so the issue can further be examined.

Staff Side agreed to bring specific instance, if any, to the notice of the Official Side.

6.4.8 Item No. 15/19/NC-47 – Fixation of Pay in case of employees who seek transfer to a lower post under FR-15(a).

Staff Side stated that DoPT, vide F No.16/6/2001-Estt.Pay-1 dated, 14.02.2006, have issued instructions about the protection of pay to those employees who have been appointed/transferred to the lower posts at their own request under FR-15(a). However, DoPT in supersession of this clarification, have issued a revised OM F No. 13/9/2009-Estt.(Pay-1) dated 21/10/2009, which has taken away the benefit of pay protection up to the maximum of the pay scale of the lower post. This has put the employees to undue hardship. It is demanded that the pay of an employee (pay in the pay band + GP) may be protected on reversion to a lower post so as to avoid undue financial hardship.

Staff Side pointed out that the grade pay system has not introduced any new concept in so far as the determination of the levels in which the officials were functioning. Earlier it was the time scale of pay and after 6<sup>th</sup> CPC it was grade pay. The pay protection was available earlier and it has been withdrawn without any reasons. Earlier also, the employees were seeking reversion voluntarily and they were protected of their pay. As the 7<sup>th</sup> CPC has abolished the grade pay system, the Government must revert to its earlier order and withdraw the one cited in the agenda.

**Reply of the Official Side:**

The proposal may not be accepted as the post is identified on the basis of grade pay attached to it and the Government Servant himself opts for appointment on such a post, of his own volition.

**This item may be treated as closed.**

6.4.9 Item No. 19/19/NC-47 – LTC for Dependent parents to visit their son at his duty station and to go back to native place.

Staff Side stated that Government employee and his family are allowed LTC to go to their native place and go back to duty station 2 times in a block of 3 years. The parents of most of the govt. servants prefer to live at their native place, though dependent on the govt. servant. It is suggested that in the first year/next year, the serving employee and his family may be permitted to go on LTC to their native place to meet their parents. In the next or the first year, the parents, if dependant on the Government servant, may be permitted to go from native station to duty station of their son/ daughter on LTC and to return to their native place.

**Reply of the Official Side:**

DoPT has already issued an OM on 31.10.2017. Hence, the demand of Staff Side has been accepted.

**The item may be treated as closed.**

6.4.10 Item No. 20/19/NC-47 – Revised Scheme of Compassionate Appointment.

Staff Side stated that DoPT in their O.M. F. No. 14014/2/2009- Estt.(D) dated 11.12.2009, decided that persons applying for appointment on compassionate grounds, but not immediately meeting the educational qualification standards, may, in exceptional circumstances, be engaged as trainees who would be given regular pay bands and grade pay only on acquiring the minimum qualification prescribed under the Recruitment Rules. Emoluments of these trainees, during the period of their training, and before they are absorbed in the Government as employees, would be governed by the minimum of the -1S Pay Band Rs. 4400-7440, without any grade pay. Persons appointed on compassionate grounds not meeting the educational standards of matriculation, and during the period of training which should not be more than six months, may be granted -1S Pay Band Rs. 4400-7700, plus grade pay of Rs.1300. After completion of the six month training, they may be placed in Pay Band I Rs.5200-20200 with Grade Pay of Rs. 1800 with effect from the date of their initial appointment.

**Reply of the official Side:**

The 7th CPC has not provided any replacement scale for the 1S pay band of the 6th CPC, which is granted to trainees under compassionate appointment. After consultation with DoE, it has been decided vide OM No. 14014/2/2009-Estt.(D) dated 09.10.2017 that Level-1 of Pay Matrix introduced after the 7th CPC shall be the replacement for the pre-revised -1S scale. The instructions on compassionate appointments, inter-alia, provide for appointment of the candidates, not immediately meeting the educational standards, as trainees. The period of service spent as a trainee is not counted as service for any purpose. The regular service commences only on acquiring the minimum educational qualification provided in the applicable Recruitment Rules. Hence, the demand of the Staff Side has been partially accepted.

Staff Side also pointed out that while educational qualification is not insisted for widows for compassionate appointment, Educational qualification is insisted in the case of wife of Medically invalidated/boarded out employees. This anomaly may be rectified and the wife of employees who are medically invalidated should also be treated at par with the widows for granting compassionate appointment.

Chairman suggested that the issue may be sympathetically re-examined.

6.4.11 Item No.22/19/NC-47 – Creation of NFSG grade in cadre of UDC/Stenographers in all offices outside Secretariat.

Staff Side stated that DoPT vide O.M.No.20/49/2009-CSII(B) dated 22.06.2011 have created a grade called the NFSG for UDCs in the CSCS cadre and stenographers Gr. D in the CSSS. As UDCs and Stenographers Grade D are cadres common to all departments and the 6th CPC has recommended parity in pay structure up to the post of assistants, similar NFSG grades of UDCs and Stenographers Grade II may be created in all offices outside Central Secretariat, subject to the same conditions.

**Reply of the Official Side :**

The aforesaid proposal is being examined in DoPT with respect to the earlier Pay Commission recommendations and conditions of service in all offices outside the Central Secretariat.

6.4.12. Item No.23/19/NC-47 – Hostel Subsidy.

Staff Side stated that DoPT OM No. 12011/03/2008-Estt (Allowances) dated 02.09.2008, provides that the hostel subsidy will be reimbursed up to a maximum limit of Rs. 3000 per month per child subject to a maximum of two children and that both hostel subsidy and Children Education Allowance cannot be availed concurrently. However, in O.M dated 11.11.2008 it has been clarified that hostel subsidy means expenses incurred by the government servant if he has to keep his children in the hostel of a residential school away from the station at which he is posted/ or is residing. This restriction has neither been recommended nor was laid down by the government while accepting the relevant recommendation. Hostel subsidy should be granted to government servant who has kept his children in any hostel away from the station at which he is posted / or is residing. By way of another clarification in DoPT O.M. No. 12011/08/2011-Estt (AL) dated 30.12.2010 it has been clarified that for the purpose of hostel subsidy, station would be demarcated by the first three digit of the PIN Code of the area where the government servant is posted / residing which means the entire revenue district. This restriction may also be done away with so that government servant is allowed to reimburse hostel expenses on children living in hostel located away from the place where he is living / posted, may be in the same revenue district.

**Reply of the Official Side :**

Based on the recommendations of the 7th CPC, the amount of ceiling of hostel subsidy has been revised upwards to Rs.6750/- p.m. Further, the CEA and hostel subsidy can now be claimed concurrently. Further, vide DoPT OM dated 31/5/2012, the term "Hostel Subsidy"

would mean expenses incurred by the Government servant if he/she keeps his/her children in a hostel of a residential school/institution located beyond a distance of 50 kilometres from his/her residence. The PIN Code based reimbursement no longer exists. Hence, the demand of the Staff Side has been accepted.

**This item may be treated as closed.**

6.4.13 Item No.26/19/NC-47 – Revision in rates of Sewing Charges of Uniform.

Staff Side stated that the sewing charges of uniform were revised vide DoPT order No.14/3/2006-JCA dated 28.9.2006. There has been steep rise in the sewing charges during last 5 years. At present these rates have practically trebled. It is, therefore, proposed that sewing charges for uniforms may at least be doubled.

**Reply of the Official Side :**

It was decided to enhance the rates of sewing charges, with effect from 01.04.2011, thereby modifying the earlier instructions issued vide O.M. No. 14/3/2006-JCA dated 28.09.2006. Now, after the 7th CPC, the common categories of Group C and erstwhile Group D employees of various Ministries/departments, including attached/subordinate offices, who were supplied uniform earlier are now being paid Dress Allowance.

**This item may be treated as closed.**

6.4.14 Item No.29/19/NC-47 – Revision of Sports increment.

Staff Sided stated that in order to encourage sports activities, every department has been permitted to recruit sports personnel and maintain teams at the Government cost. However, presently practice of providing incentive to sports personnel varies from department to department as there are no uniform guidelines. It is necessary that some general guidelines must be issued in this regard.

**Reply of the Official Side :**

DoPT has issued guidelines from time to time on the issue of special increment in the form of personal pay to Central Government Servants for participation in sporting events and tournaments of national or international importance. Vide OM dated 11.06.2018, DoPT has revised the rates of these increments in the context of the 7th CPC applicable to all the Central Government Civilian Employees and posts.

**This item may be treated as closed.**

6.4.15 Item No.31/19/NC-47 – Litigation cases on service matters.

Staff Side stated that Secretary (Personnel) vide DO Letter No. 43019/11/2014-Estt.(D)dated17.06.2014 has advised all the administrative departments to address service matter grievances raised by the employees as indicated in the representations, the number of avoidable litigations would not only get reduced but also resulting considerable savings of governments resources, both manpower as well as financial.

Some issues represented by the Staff Side have not been settled due to which the employees are forced to approach CAT for redressal of their genuine grievances. Some of the judgments given in favour of the employees on policy matters are either implemented to the petitioner only or government has filed appeal etc.

Staff Side said that their demand was not to implement all court cases. They only wanted that those cases, on which finality has been reached, either by the acceptance of the judgment by the Government or having exhausted all avenues for appeal and where general principles covering all similarly placed personnel, the Government must issue general orders without dragging the employees to costly litigations.

**Reply of the Official Side :**

The demand from the Staff Side is to extend the benefits of court judgments to all similarly placed employees. Court judgments which are contrary to Govt. policy can be implemented only in consultation with DoPT or DoE as case may be. As such, the demand for extension of all court judgments to all the employees cannot be accepted.

Chairman observed that in order to avoid unnecessary litigation, in matters, where after due examination and after exhausting all legal remedies at the Government level, the core principle forming the basis of Court order is accepted by the Government, concerned Ministries/Departments may consider applying the same principle to similarly placed employees to the extent it is relevant and possible.

6.4.16 Item No. 8/19/NC-47 – Granting temporary status to all eligible casual laborers.

**Reply of the Official Side:**

As per the Scheme of 1993, those casual labourers who were on the rolls of the Ministry on the cut-off date and had completed 240 days (205 days in case of offices observing five day week), as on the cut-off date were eligible for grant of temporary status and subsequent regularization under the Scheme of 1993. Furthermore, as per DoPT's O.M. No. 40011/6/2002-

Estt(C) dated 06.06.2002 based on the Mohan Pal judgement, it was clarified that the 1993 Scheme for casual labours was a one-time measure. However, the Hon'ble Supreme Court also directed that those who have been erroneously given Temporary Status till the date of the judgement i.e. 29.04.2002, shall not be stripped of the same and will be deemed to have been covered under the Scheme of 1993. Nonetheless, the Scheme of 1993 issued by DoPT is not applicable to M/o Railways, D/o Telecommunications and D/o Posts since they have their own schemes similar to the above Scheme. Therefore, the cases of casual labourers working in the above Departments are not under the purview of DoPT.

Furthermore, the orders issued vide O.M. dated 11.12.2006 are not related to the Scheme of 1993 and should not be linked with each other in any case. These instructions which were issued subsequent to the judgement of the Constitution Bench in the Secretary, State of Karnataka Vs Uma Devi case are not limited to casual labourers. The operative part of the above judgement is 'the Union of India, the State Governments and their instrumentalities should take steps to regularize as a onetime measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed'.

It is also stated that in the O.M. dated 11.12.2006, all the above provisions are specified clearly leaving no space for any ambiguity. There is no mention of granting of any kind of temporary status in the above OM or any mention of any revised cut-off date. Since the above OM is quite clear, there seems to be no need to issue any clarifications.

**This item may be treated as closed.**

#### **6.5 D/o Pension & Pensioners Welfare & D/o Financial Services:**

6.5.1 Item No. 5/19/NC-47 – GPF for those who have been recruited on or after 1.1.2004.

Staff Side stated that employees who have been appointed on or after 01.01.2004 are covered by NPS, and while doing so, GPF deductions in respect of these employees have been abolished.

The contribution made under NPS is fully locked for the entire tenure of the service. During the service, employees may require advances or final payments to meet social obligations like marriages etc. It is, therefore, necessary that employees may be allowed to contribute to GPF.

Staff Side further said that their demand was for the re-introduction of GPF, where the Government has no liability except paying interest, and added that the same may be made optional unlike in earlier days. The benefit accrued from Tier II contribution under NPS and



GPF is not one and the same.

**Reply of the Official Side :**

All new recruits, after 01.01.2004, have been given the option of opening Tier II account under NPS in lieu of GPF and there is no restriction on the withdrawals from Tier-II. NPS provides complete flexibility with respect to contributions and withdrawal. PFRDA Regulations allow a partial withdrawal from NPS Tier-I upto 25% of the contributions made by the subscriber, at any time before exit from NPS. Such partial withdrawal from NPS is allowed if the subscriber has been in the NPS for at least three years and is allowed for maximum three times for certain specified purposes such as marriage of children, purchase of house, medical treatment etc. Pursuant to the recommendations of Committee to suggest measures for streamlining the implementation of the NPS, a number of steps have been taken. After discussions, the official side agreed to examine whether the existing ceiling of withdrawal of 25% from NPS Tier-I could be further increased.

6.5.2 Item No. 21/19/NC-47 – Eligibility of Unmarried/divorced/widowed and dependent real sister of Govt. servant/pensioners for Family Pension.

Staff Side stated that government have already included widowed/ divorced/ unmarried and dependent daughters, who have attained 25 years of age, in the definition of family for family pension. Dependent disabled siblings (i.e. real brothers/ sisters) are also now eligible for family pension. Unmarried/ divorced/ widowed dependent real sister of a Government servant / pensioner may also be made eligible for family pension.

**Reply of the Official Side :**

It was a considered decision of the government to grant family pension to dependent disabled brothers and sisters of Central Government Employees/ Pensioners. There are no fresh grounds to reconsider this decision and to extend family pension to all dependent siblings.

The Chairman desired that this may be re-examined.

6.5.3 Item No. 24/19/NC-47-Extension of constant attendant allowance to totally visually handicapped pensioners who retired under CCS(Pension) Rules, 1972.

Staff Side stated that government have extended Constant Attendant Allowance at the rate of Rs.3000 pm. to disabled pensioners in addition to disability pension, thus recognizing that such pensioners in their old age will have to engage someone as their constant attendant. Such pensioners (i.e. those who are visually impaired or with impaired legs or with children with special needs, of a pensioner entitled for family pension) may also be extended Constant

Attendant Allowance with increase of 25% every time the DA goes up by 50%.

**Reply of the Official Side :**

The benefits of Constant Attendant Allowance to handicapped pensioners (i.e. those who were visually handicapped or with impaired legs) and mentally handicapped children of a pensioner entitled for a family pension is not agreed to. Therefore, the demand of the Staff Side has been turned down.

**This item may be treated as closed.**

6.5.4 Item No.25/19/NC-47 - Arbitrary orders denying revision of pension and family pension in favour of the pensioners who were receipt of compulsory retirement pension and compassionate allowance under rule 40 and 41 of the Central Civil Services (Pension) Rules, 1972.

Staff Side stated that in terms of rule 40 & 41 of Central Civil Services (Pension) Rules, 1972, compulsory retirement pension and compassionate allowance are sanctioned and are revised at par with other pension. DoP&PW O.M. No. 38/37/08 – P&PW(A) dated 03.10.2008 has stated that there should not be any revision on the Compulsory Retirement Pension and Compassionate Allowance. This order will adversely affect the living standard of such retired employees.

Staff Side said that the order of the DOPT cited in the agenda amounts to imposition of further penalty on a person who has already been punished once. This apart, they said that in all the past revision of pensions effected by the successive Pay Commissions, such revisions had been granted to those compulsorily retired personnel. They added that it was for the Government to take a view in the matter whether the compulsorily retired personnel must be given the benefit of minimum pension revision or not.

**Reply of the Official Side :**

As per the orders issued after 5<sup>th</sup> and the 6th CPC, the pension of past pensioners was revised by consolidating the pre-revised pension, dearness pension, dearness relief, interim relief and fitment benefit. These orders further provided an alternate method according to which the revised pension will not be less than 50% of the minimum pay in the revised pay-scale.

Sanctity of the penalty of reduced pension in such cases would be lost if the benefit of modified parity was also extended to the pensioners drawing compulsory retirement pension/ compassionate allowance.

Hon'ble Kerala High Court, in its order dated 31.07.2015 in OP(CAT) No. 108/2016,

directed to grant pension based on the minimum pay in the revised pay- scale (modified parity). However, on the advice of the Department of Pensions, the Department of Posts filed SLP No. 6726/2017. After discussion on the issue, the Chairman asked the official side to re-look into the matter in the light of the submission of the Staff Side.

6.6 **CBDT/Department of Revenue**

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

Staff Side stated that transport allowance upto Rs. 800/- pm has been exempted from taxable income. The revised TA ranges to Rs. 3200/- plus DA thereon. As such, TA upto Rs. 3200/-pm + DA thereon may not be treated income and be exempted from Income Tax.

Staff Side said that transport allowance is in the nature of reimbursement of the expenses incurred by the officials. As Travelling allowance is not taxable, the transport allowance also could not be taxed. Standard deduction, the staff side pointed out, was not something new that was introduced in 2018 budget. It was in the statute earlier with much more benefit to the salaried tax payers. Those who are provided with transport vehicles, like staff cars etc., and consequently not in receipt of transport allowance have no tax liability. They added that treating transport allowance as taxable is discriminatory in character and asked the official side to reconsider the matter

**Reply of the Official Side :**

In Union Budget 2018, a standard deduction of Rs. 40,000/- in lieu of the present exemption in respect of transport allowance and reimbursement of miscellaneous medical expenses was introduced. So the present exemption in respect of TA (except in case of differently abled persons) has already been withdrawn vide notification dated 06.04.2018.

**This item may be treated as closed.**

6.6.2 item no. 10/19/NC-47 - Exempt the island special duty allowance, special duty allowance granted to employees in the north eastern region from the purview of income tax.

Staff Side stated that the Island Special Duty Allowance and Special Duty Allowance granted to employees in the North Eastern Region may be exempted from the purview of Income Tax.

Staff Side wanted the Government to appreciate that the NE special duty allowance and the Andaman Special duty allowances are in the nature of reimbursement of expenses and are clearly beyond the ambit of taxable income. They requested the Government to exempt these

allowances from taxation considering the fact that the officials are required to incur additional expenditure when posted to these places and the quantum of allowance would not even meet the expenses in full.

**Reply of the Official Side :**

With a view to improving the equity of the tax system, it has been the policy of the government to provide tax benefit for personal expenses only by periodically reviewing exemption available to the entire community of individual taxpayers. The current policy is to withdraw the individual allowance and allow a general deduction which would be available to all taxpayers. A standard deduction upto Rs. 40,000 or the amount of salary received per annum, whichever is less, is allowed. In view of this, the demand of the Staff Side is not feasible.

**This item may be treated as closed.**

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

Staff Side stated that at present very old pensioners are exempted, if their income is up to Rs 5 Lakh per annum. The Govt. has granted additional pension @20% of their basic pension on attainment of 80 years of age, 30% on 85 years, 40% on 90 years and 100% on attaining 100 years of age. However, the fixation of ceiling of Rs. 5 lakh for exemption from income tax would act to reduce their pension income which will affect them adversely. Staff Side, therefore, suggested that exemption from income tax to very senior pensioners aged 80 years or above be considered and granted by way of gift to these elders on the next Elders' day.

**Reply of the Official Side:**

Considering the specific needs of the senior citizens, the basic exemption limit for a senior citizen i.e. above 80 years, is fixed at Rs. 5 Lakh. Hence, the demand of Staff Side is not feasible.

Chairman observed that the Department of Revenue may examine the feasibility of exempting persons above 80 years of age from filing Income Tax Returns, by devising alternative safeguards.

6.6.4 Item no. 9/19/NC-47 - Denial of Parity in scales of pay to the workshop staff of Railway/Defence and Postal Department.

Staff Side stated that parity in scales of pay to the workshop staff of Department of Posts in the Artisan cadre, as is being done in Railways and Defence has been desired. Further, the benefit of the Fast Track Committee report may also be extended to Artisans of Department of Posts.

## Reply of the Official Side:

The proposal relating to cadre restructuring of Mail Motor Service (MMS) cadre is under consideration of the Department of Posts in Consultation with DoE.

7. After detailed discussions on the agenda, the following important points were raised by Staff Side member of MoD:-

- i) MoD has taken a decision to declare 289 items being manufactured in the Ordnance Factories as non-Core and to outsource the same, thereby affecting drastically the workload of Ordnance Factories. Moreover, MoD has decided to close down many Defence Establishments, rendering more than 31,000 employees surplus. These decisions are taken without any discussion with the Staff Side, in spite of the fact that there is a clear direction from the Cabinet Secretary that before taking such decisions, the views of Staff Side should be kept in mind.
- ii) During the strike negotiations with recognized Federations, Department of Defence Production has agreed to consider the demand of Staff Side to allot salary expenditure separately to the Ordnance Factories and to de-link the same from the cost of OFB products. The issue is still remaining unsettled and Staff Side requested to settle the matter at the earliest.

Thereafter the following points were noted and summarized:

- i) Regular meeting of the National Council, Standing Committee as well as Departmental Councils of the JCM may be held in order to have speedy resolution of issues concerning the employees.
- ii) On the persistent demand raised by the Staff Side concerning unavailability of latest instructions/circulars issued by various Departments to the Staff Side, it was directed by the Chairman that steps should be taken by the Departments to ensure that copies of the latest OMs/Circulars are made available to the Staff Side on e-mail as well as by other means.
- iii) The Chairman also directed the Official Side to ensure that all matters which require further examination as discussed in today's meeting should be taken up for resolution.
- iv) The Chairman directed the official side to look into employee-specific grievances likely to arise due to implementation of decision of the Government to restructure the Printing and Stationery Department and Central Public Works Department.

8. This was followed by a briefing given by Shri Ajay Kumar, Secretary, Department of Defence Production about the work being done, including the important initiatives being taken,

by the Ordnance Factory Board. He mentioned the efforts being undertaken to modernize the Board. It was also informed that a meeting of the Departmental Council would be held to discuss the issues of the Ordnance Factory Board with the Staff Side.

9. The meeting concluded with a vote of thanks given by Smt. Sujata Chaturvedi, Additional Secretary (Estt.), DoPT

**LIST OF MEMBERS OF OFFICIAL SIDE/STAFF SIDE WHO ATTENDED  
THE 47<sup>TH</sup> MEETING OF THE NATIONAL COUNCIL (JCM) HELD ON 13<sup>TH</sup>  
APRIL, 2019 UNDER THE CHAIRMANSHIP OF SHRI P. K. SINHA,  
CABINET SECRETARY**

<b><u>S. NO</u></b>	<b><u>OFFICIAL SIDE</u></b>	<b><u>STAFF SIDE</u></b>
1.	Shri C. Chandramouli Secretary D/o Personnel and Training	Shri M. Raghavaiah Leader
2.	Shri S. N. Agrawal Member, Staff Railway Board	Shri Shiva Gopal Mishra Secretary
3.	Shri Girish C. Murmu Secretary (Expenditure) M/o Finance	Shri Rakhal Das Gupta Member
4.	Shri K.V. Eapen Secretary (Pension)	Shri N. Kannaiah Member
5.	Dr. Ajay Kumar Secretary (Defence Production) D/o Defence Production	Shri K.L Gupta Member
6.	Shri Rajeev Kumar Secretary (Financial Services) D/o Financial Services	Ch. Sankara Rao Member
7.	Ms. Preeti Sudan Secretary (M/o Health & FW)	Shri Venu P. Nair Member
8.	Shri Saurabh Kumar Chairman (Ordinance Factory Board) M/o Defence	Shri. S.K. Bandhopadhyaya Member
9.	Shri Vivek Joshi Registrar General of India M/o Home Affairs	Shri R.D. Yadav Member
10.	Shri S. Dashora DDG(SR&Legal) D/o Post	Shri Mukesh Galav Member
11.	Shri P. K. Bisoi Member Personal (D/o Post)	Shri Mukesh Mathur Member
12.	Ms. Sujata Chaturvedi Additional Secretary (Estt.) D/o Personnel & Training	Shri Goutam Mukherjee Member

13.	Ms. Anuradha Prasad Additional Secretary (Ministry of Labour & Employment)	Shri J R Bhosle Member
14.	Ms. A.G. Mathew Additional Secretary(Personal) D/o Expenditure	Shri Guman Singh Member
15.	Shri Sanjeeva Kumar Additional Secretary (M/o Health & FW)	Shri R. P. Bhatnagar Member
16.	Shri Amandeep Garg Joint Secretary (Cabinet Secretariat)	Shri K. S. Murty Member
17.	Shri Ritvik Ranjanam Pandey Joint Secretary (D/o Revenue)	Shri Binod Sharma Member
18.	Shri N. Subbarayan Joint Secretary (E) M/o Defence	Shri B.C. Sharma Member
19.	Shri Ashok Chakyon OSD(P) M/o Defence	Shri P.S. Suryaprakasam Member
20.	Shri S.N. Mathur Joint Secretary D/o Pension & PW	Shri R.P. Singh Member
21.	Ms. Smriti Sharn DDG(Establishment) (D/o Post)	Shri Ashok Sharma Member
22.	Ms. Manju Pandey Joint Secretary M/o Environment Forest & Climate Change	Shri V. Bhattacharje Member
23.	Shri Gyanendra Dev Tripathi Joint Secretary (Estt.) D/o Personnel & Training	Shri K K N Kutty Member
24.	Shri Sanjay Kumar Joint Secretary (M/o Housing & UA)	Shri M. S. Raja Member
25.	Shri Shantanu Joint Secretary D/o Defence Production	Shri R. Srinivasan Member
26.	Ms. Jayanthi. G Joint Secretary D/o Personnel & Training	Shri C. Srikumar Member



27.	Shri V. M. Rao DDG(Coordination) OFS& DO M/o Defence	Shri Ravindra S. Reddy Member
28.	Dr. D.C. Joshi Advisor (CGHS) (M/o Health & FW)	Shri Rajinder Singh Member
29.	Shri Alok Kumar EDE (IR) M/o Railways	Shri Sadhu Singh Member
30.	Shri Harjit Singh Director D/o Pension & PW	Shri Tapas Bose Member
31.	Shri Juglal Singh Deputy Secretary D/o Personnel & Training	Shri K. Balakrishanan Member
32.	Shri Ashok Kumar Jain Deputy Secretary (Pay) D/o Personnel & Training	Shri R. N. Parashar Member
33.	Shri Sandeep Saxena Under Secretary (L&A) D/o Personnel & Training	Shri D. Kishen Rao Member
34.	Shri V S Venkatanathan Asstt. C&AG O/o C&AG	
35.	Shri S. N. Jha Under Secretary (Estt.) D/o Personnel & Training	-