

No.7/1/2006-JCA  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

.....

New Delhi, dated the 19<sup>th</sup> May, 2006.

**OFFICE MEMORANDUM**

Subject: Standing Committee Meeting of the National Council (JCM) held on 15.02.2006 -  
- Decision to discuss 16 pending Board of Arbitration Awards with the Staff Side  
before taking a final view -regarding

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The undersigned is directed to say that in the Meeting of the Standing Committee of the National Council (JCM) held on 15.02.2006, it was decided that the 16 pending Board Of Arbitration (BOA) Awards would be discussed with the Staff Side before taking a final view therein. Accordingly, all the Ministries/Departments administratively concerned with the 16 pending Awards are required to hold a meeting with the Staff Side, under the Chairmanship of respective Secretaries, with a view to ascertain the views of the Staff Side. Keeping in mind the views of the Staff Side, the Arbitration Awards may be reviewed, if necessary, and a final decision taken as per the prescribed procedure under the JCM Scheme, under intimation to this Department. A list of 16 pending BOA Awards is annexed.

2. It may, however, be noted that if any of these 16 pending Arbitration Awards have been considered and Resolution has already been moved and passed in either House of Parliament, then such Awards are outside the purview of these instructions and, consequently such cases will not be required to be discussed with the Staff Side. In such cases, action will need to be taken for moving Resolution in the other House of Parliament, to bring to completion the process of consideration of the Award under the JCM Scheme.

3. However, in case of any Award, if a communication has been made to the Parliament Secretariat, indicating the intention of moving a Resolution for amendment/ rejection, then in such case, action for moving the Resolution may be deferred till the discussion with Staff Side is completed. Based on the outcome of the discussion, further action will need to be determined.

4. Consequent to discussing an Award with the Staff Side:-

- (i) If the administrative Ministry feels that no change is warranted in the decision already taken, then the administrative Ministry may proceed ahead with the process of finalizing the Award as per the JCM Scheme.

(ii) (a) If on the other hand the Administrative Ministry feels that there is need to implement the Award, in full, as given by the Board of Arbitration, then it may process the case again to obtain approval of the COS and their Minister, after furnishing comprehensive justification for the change in stand.

(b) In case, approval for rejection of the Award and permission for moving a Resolution in Parliament for rejection of the Award, was earlier obtained from COS/Cabinet, then COS/Cabinet will need to be approached again for granting permission to implement the Award, in supersession of its earlier decision, after furnishing detailed justification for change in stand.

(iii) If after review, the Administrative Ministry desires to make any modification/ change in the Award, as given by the Board of Arbitration, then they may take action in terms of Para 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration (Appendix I) of the Brochure on the Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees.

5. It may be noted that as per the JCM Scheme, the power of carrying out any modification to an Award (including rejection of an Award) vests only with the Parliament.

6. Ministry of Finance should invariably be consulted in the process of review of the Arbitration Awards.

7. It is clarified that only the 16 BOA Awards mentioned in the Annexure to this OM are to be discussed with the Staff Side subject to the conditions stipulated above. All other Awards will continue to be processed as per the existing provisions of the JCM Scheme.

8. The Ministries/Departments administratively concerned with the 16 pending BOA Awards are requested to follow the above guidelines. This Department may be kept informed of the outcome of discussion with the Staff Side.

  
(VIDHU KASHYAP) ..  
DIRECTOR (JCA)

To,

1. Secretary, Ministry of Finance, Department of Expenditure, North Block, New Delhi.
2. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
3. Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
4. RGI of India, Office of RGI, Ministry of Home Affairs, Man Singh Road, New Delhi.
5. Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, Parliament Street, New Delhi.
6. Ministry of Personnel, P.G & Pensions, Department of Personnel & Training, North Block, New Delhi. ( Deputy Secretary (P&A).
7. Ministry of Personnel, P.G & Pensions, Department of Personnel & Training, North Block, New Delhi. ( Deputy Secretary (Pay).
8. Ministry of Personnel, P.G & Pensions, Department of Personnel & Training, North Block, New Delhi. ( US (JCA).

Copy for information to:

Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

  
(VIDHU KASHYAP)  
DIRECTOR (JCA)

## STATEMENT CONTAINING 16 PENDING BOARD OF ARBITRATION AWARDS

### Awards of Board of Arbitration Pending with the Government

| S.No. | Subject  |
|-------|--|
| 1.    | <p>C.A.Ref.No.6/95- Weightage for night duty for employees drawing pay more than Rs.2200/- and night duty weightage allowance to Nurses.</p> <p>DOP&amp;T – DS (P&amp;A)<br/>( File No.7/5/95-JCA).</p>                |
| 2.    | <p>C.A.Ref.No.2/2002- Notional pay for computation of HRA/CCA for the period from 1.1.96 to 31.7.97.</p> <p>Deptt.of Exp.<br/>(F.No.7/5/2002)</p>  |
| 3.    | <p>C.A.Ref.No.3/2001- Allotment of proper revised scale to categories of Sr. Auditors, Sr. Accountants, Head Clerks &amp; Account Asstts. in Ministries/Departments.</p> <p>Deptt. of Exp.<br/>(F.No.7/1/2000-JCA)</p> |
| 4.    | <p>CA Ref.No.1/2004 – Revision of Washing Allowance</p> <p>DOP&amp;T - JCA<br/>(F.No.7/8/2004-JCA)</p>   |
| 5.    | <p>CA Ref.No.6/2004 – Regarding payment of Night Duty Allowance in revised pay scales from 1.1.1996.</p> <p>DOP&amp;T – DS(P&amp;A)<br/>(F.No.7/4/2004-JCA)</p>  |
| 6.    | <p>CA Ref.No.2/2004 – Revision of rates of Over Time Allowance.</p> <p>DOP&amp;T – DS (P&amp;A)<br/>(F.No.7/5/2004-JCA)</p>  |
| 7.    | <p>CA Ref.No.5/2004 – Regarding treating the advance increments granted to Stenographers for the speed test as pay for all purposes.</p> <p>DOP&amp;T- DS (Pay)<br/>F.No.7/1/2004-JCA</p>                              |
| 8.    | <p>CA Ref.No.3/2004 – Revision of rates of Transport Allowance</p> <p>Deptt. of Exp.<br/>F.No.7/2/2004-JCA</p>   |

### AWARDS PENDING IN PARLIAMENT

| S.No. | Subject   |
|-------|---|
| 1.    | <b>CA.Ref.No:3/86</b> - Encashment of earned leave while in service.<br><br><p style="text-align: right;"><b>DOPT - DS (Pay)</b><br/>(F.No.7/3/86-JCA)</p>  |
| 2.    | <b>CA No: 1/88</b> - Grant of Conveyance Allowance to non-gazetted Central Government employees at the rate of Rs.30/- per month.<br><br><p style="text-align: right;"><b>Deptt. of Expenditure</b><br/>(F.No.7/8/87-JCA)</p>   |
| 3.    | <b>CA Ref.No.8/93</b> - Regarding fixation of pay of Inspectors of Income Tax on upward revision of their pay scale under FR-22-C.<br><br><p style="text-align: right;"><b>Department of Revenue</b><br/>(File No.7/9/93-JCA)</p>   |
| 4.    | <b>CA No.9/93</b> - Regarding grant of Special Pay to Inspectors in the office of the Commissioner of Income-Tax. (Central Circle).<br><br><p style="text-align: right;"><b>Department of Revenue</b><br/>(File No.7/12/93-JCA)</p>   |
| 5.    | <b>CA No.1/98</b> - Regarding revision of pay scale of Computers in the office of RGI.<br><br><p style="text-align: right;"><b>Office of RGI</b><br/>(File No.7/5/97-JCA)</p>   |
| 6.    | <b>CA No.7/93</b> - Reg. grant of FR 22(c)(now FR 22(1)9(a)(l) benefit to Watchmen, Farash, Mali etc. on their promotion as Gr. D' Peon w.e.f. 1.8.1999.<br><br><p style="text-align: right;"><b>Department of Revenue</b><br/>(F.No.7/8/93-JCA)</p>                                  |
| 7.    | <b>CA.Ref.No.5/93</b> - Reg. cash allowance to staff handling cash as a regular measure and grant of cash allowance to Postal staff who are engaged for salary bills/ pension disbursement.<br><br><p style="text-align: right;"><b>Department of Posts</b><br/>(F.No.7/5/93-JCA)</p> |
| 8.    | <b>C.A.Ref. No.1/92</b> - Reg. revision of pay scale of Artist and Photographer in Botanical Survey of India.<br><br><p style="text-align: right;"><b>Min. of Environment &amp; Forests.</b><br/>(F.No.7/1/92-JCA)</p>  |