

MOST IMMEDIATE/MEETING NOTICE

No.3/1/2015-JCA
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
Establishment (JCA-I) Section
.....

North Block, New Delhi
Dated the 18th December, 2015

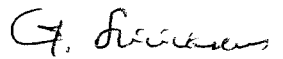
OFFICE MEMORANDUM

Subject:- Minutes of Meeting of Standing Committee of National Council (JCM) Staff Side held on Friday, the 9th October, 2015 under the Joint Chairmanship of JS(AV), DoP&T – regarding.
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The undersigned is directed to forward herewith a copy of the minutes of the Meeting of Standing Committee of National Council (JCM) Staff Side held on Friday, the 9th October, 2015 at 1500 hours in Room No. 190, Conference Room, North Block, New Delhi under the Chairmanship of Joint Secretary(AV) for information and necessary action.

Action taken report on the items pertaining to them may also be furnished to this Department at the earliest.

Encl: As above.


(G. Srinivasan)
Deputy Secretary (JCA)
Telefax No. 23093074

To

1. Smt. Annie George Mathew, JS(Pers.), Department of Expenditure, Ministry of Finance, North Block, New Delhi.
2. Shri Manish Kumar Gupta, Joint Secretary, Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi.
3. Member (Staff), Railway Board, Rail Bhawan, New Delhi.
4. Secretary, Department of Posts, Dak Bhawan, New Delhi.
5. Secretary, Ministry of Defence, South Block, New Delhi.
6. Secretary, Staff Side, National Council (JCM), 13, C Ferozshah Road, New Delhi

Copy to:

1. PS to JS(AV), DOP&T, New Delhi.

Minutes of the meeting of the Standing Committee of National Council (JCM) side under the Chairmanship of Joint Secretary(AV), DOP&T with the Staff side at 1500 hours on 09.10.2015

The list of participants who attended the meeting is at **Annexure**.

2. Welcoming the participants, Ms Archana Varma, Joint Secretary, DOP&T informed that as authorised by the Competent Authority, this meeting has been convened to take stock of the issues raised by the Staff Side in the Charter of Demands submitted by them in July 2015. The purpose of the meeting is to understand the issues in its proper perspective. This meeting would lay the ground work for holding the meeting of Standing Committee under the Chairmanship of Secretary (Personnel) and thereafter the meeting of the National Council.

3. Initially, the finalisation of meetings of National Anomaly Committee meetings held on 29th May 2015 and 9th June 2015 under the Chairmanship of JS(E) was taken up for discussion. It was noted that the draft minutes of 29th May and 9th June 2015 were drafted by the Official Side and sent to the Staff Side for their perusal and concurrence. The Staff Side had proposed certain suggestions/amendments in the NAC meeting minutes. On those suggestions/amendments, the views of Department of Expenditure, Ministry of Finance had been obtained and the minutes are now ready for finalisation. The Staff Side expressed their concern about delay that had taken place in finalisation of these minutes. They suggested that as per past practice, a meeting may be convened in DOP&T to discuss the draft circulated by the Official side and the suggestions/amendments made by the Staff Side. It was decided that a meeting would be convened by DS (JCA) shortly with the Staff side to finalise the minutes of meeting of NAC held on 29th May and 9th June 2015.

4. Various members of the Staff Side explained the background relating to constitution of the Joint Consultative Machinery (JCM). It was informed that JCM is the negotiating machinery to look into the grievances of the Central Government employees. They informed that the continuous dialogue in the form of JCM helps in avoiding confrontation between employees and the Government through resolution of various disputes that can be settled between them. It was noted that the meeting of National Council of JCM had not been convened for more than five years and therefore there is urgent need for convening the meeting of the National Council. Noting that the last meeting of the Standing Committee was held in February 2015 at the level of Secretary (Personnel), the Staff Side suggested that a meeting of the Standing Committee, at the level of Secretary (Personnel), should be convened at the earliest.

5. Thereafter, the agenda items which were listed in the Charter of Demands submitted by the Staff Side were taken up for discussion. The Agenda items discussed and the discussions held on those items are summarised in succeeding paragraphs:-

(a) Effect wage revision of Central Government employees from 1.1.2014

- (b) Ensure 5 year wage revision in future**
- (c) Grant interim relief and merger of 100% D.A.**
- (d) Ensure submission of 7th CPC report within the stipulated time frame of 18 months**

All these agenda items are linked to the recommendations of the 7th Central Pay Commission and were taken up together. The Staff Side noted that in the case of banks and public sector undertakings, the Government has been considering 5 year wage revision and similar facility should also be considered for the central government employees. It was informed by them that the 5th Pay Commission had fixed the tenure of pay revision as 10 years. However, as the dearness compensation crosses the 50% mark normally over a period of five years, the Government should consider pay revision over a periodicity of 5 years. The Staff Side further demanded that the effect of wage revision of central government employees be from 1.1.2014. It was further demanded that as the 7th CPC has been given extension of time to submit its report, the Government should consider granting interim relief and merger of 100% Dearness Allowance.

The Official Side informed that pay revision of Central Government employees based on the recommendations of Pay Commission has generally been made after a gap of 10 years. The last such revision is effective from 1.1.2006 based on the recommendations of the 6th Pay Commission. The Government set up the 7th Pay Commission in February 2014, ahead of the general 10 year interregnum. Therefore, as regards implementation of pay revision from 1.1.2014, the same seeks a much shorter interregnum and is not in keeping with the practice so far followed. The TOR of the 7th Pay Commission also require to it recommend the date of effect of its recommendations and, hence, the decision on the date of effect thereof would be taken after the recommendations of the Commission are received.

As regards the payment of interim relief, as the Government set up the Commission well in advance of the 10-year duration from the date of effect of the 6th pay Commission, the question of Interim relief does not arise.

As regards merger of DA with pay, the existing emoluments' structure is based on the recommendations of the 6th Pay Commission which made a specific recommendations against merger of DA. The Official Side, therefore, clarified that at this stage it will not be possible to examine any of the four demands listed in (a) to (d) above.

(e) Include Grameen Dak Sewaks within the ambit of 7th CPC

The Staff Side informed that the Grameen Dak Sewaks are the single largest source of postal services in the country and therefore there is need for including this category within the ambit of 7th CPC.

The representative of Department of Posts informed that there are about 1.75 lakh work force working as Grameen Dak Sewaks. Department of Posts had reportedly recommended bringing them under the ambit of 7th CPC. However, as these employees are not full time government employees, based on the advice of Department of Expenditure, Ministry of Finance, it has recently been decided to constitute a Single Member Expert Committee to suggest pay revision for these employees.

The Staff Side suggested that if a decision had already been taken to constitute a single member expert committee, instead of setting up a departmental head as the expert committee chief, the Government may consider roping in the services of the 7th CPC Chairman for rendering this service, as the 7th CPC is already aware of the working conditions and other relevant factors of central government employees and would be in a better position to decide the pay revision of Grameen Dak Sewaks. Department of Posts would be requested to examine this suggestion of the Staff Side.

(f) Settle all anomalies of the 6th CPC

The Staff Side informed that as a result of implementation of 6th Pay Commission recommendations, various anomalies have come to the notice of the Staff Side which are conveyed to the Government. Meetings of the joint committee to look into the anomalies have been held but the progress of resolution of anomalies is not satisfactory, as felt by the Staff Side. It was informed that there were more than 58 items of 6th CPC which were discussed by the Anomalies Committee and yet remain unresolved. The Staff Side suggested that the Government should take a view on settlement of all anomalies of 6th CPC expeditiously.

(g) No privatisation, PPP or FDI in Railways and Defence Establishments

The representative of Railways informed that discussions are held regularly with the Staff Side on the issue of PPP or FDI in Railways. Since no meetings with Staff Side are being held by Ministry of Defence, the Staff Side suggested that Ministry of Defence may be requested to hold dialogue with the Staff Side on such issues. DOP&T would accordingly take up the matter with Ministry of Defence.

(h) No corporatisation of postal services

The representative of Department of Posts informed that at present there is no proposal on corporatisation of postal services.

(i) No Ban on recruitment/creation of posts

The Staff Side informed that Department of Expenditure insist on the concept of matching savings for recruitment /creation of posts. In departments like Railways where new posts are to be created or employees are to be recruited for performing new functions like running new trains, maintaining newly created assets etc., this condition is not able to be met and therefore should not be insisted upon. The representative of Department of Expenditure clarified that in case of operational posts which are required for unavoidable operational and functional considerations, the need for not insisting on matching savings is considered on a case-to-case basis. However, as regards the suggestion of the Staff Side to issue a general circular on this issue, he clarified that this issue needs to be examined by the Department of Expenditure.

(j) Scrap PFRDA Act and re-introduce the defined benefit statutory pension scheme.

The Staff Side informed that the implementation of New Pension Scheme and its effect on employees appointed on and after 1.1.2004 is a serious issue which is agitating the minds of central government employees. He informed that they had discussions with Department of Financial Services in the past. However, there has been no progress in solving the issues raised by the Staff Side, especially on the issues relating to social security clauses for employees covered under New Pension Schemes. Reportedly, there is no guarantee of minimum pension or gratuity under the new pension scheme. It was informed that this issue would unite all the central government employees and the Staff Side may consider serious action, including Strike, on this issue.

The Staff Side insisted that the New Pension Scheme should be withdrawn and all those employees who are recruited after 01/01/2004 should be brought under the statutory Pension Scheme. Since the official representatives from the Department of Financial Services under whose purview the NPS falls were not present in the meeting, it was decided that the issue would be further discussed with Department of Financial Services.

(k) No outsourcing; contractorisation; privatisation of governmental functions; withdraw the proposed move to close down the Printing Presses, the publication, form store and stationery departments and medical stores depots.

The Staff Side informed that Ministry of Urban Development has fixed a meeting on the issues raised by them concerning that Ministry. The Staff Side was requested to discuss the issues concerning Ministry of Health & Family Welfare with them separately.

(m) Regularise the existing daily rated/casual and contract workers and absorption of trained apprentices; no labour reforms which are not in the interest of the workers

The representative of Ministry of Labour informed that they have been in constant touch with trade unions and other stakeholders on issues concerning the welfare of workers. However, the Staff Side pointed out that in addition to consultation with trade unions, the Government should involve the concerned Staff Side representatives before deciding labour reforms as there are a large number of industrial workers in various departments like Railways, Defence, CPWD etc. The Chairperson requested the officials from the Labour Ministry to examine the request of the Staff Side.

(n) Revive JCM functioning at all levels as an effective negotiating forum for settlement of demands of the Central Government employees

The Staff Side submitted that due to non holding of regular meetings at the Departmental Council levels, even smaller issues which can be sorted out through negotiations, are being taken up in various Courts, thereby resulting in a number of court cases to be defended by the departments/Ministries. They suggested that the institutional mechanism of Departmental Council meetings, Standing Committee meetings and National Council meeting may be revived so that there is continuous interaction between the Staff side and the government.

(o) Remove the arbitrary ceiling on compassionate appointments

The Staff Side gave detailed justification for removing the ceiling of 5% on compassionate appointments. After discussions, it was agreed by the Official Side that this issue would be examined by Establishment Division of DOP&T.

(p) Removing the bonus ceiling

The representative of Ministry of Labour informed that the issue of increase in the bonus ceiling is under consideration of the Government. However, the representative of Department of Expenditure clarified that payment of ad-hoc bonus and Productivity Linked Bonus (PLB) applicable to central government employees is not governed by the Payment of Bonus Act, on which certain changes are under consideration of the Government. The Staff Side however felt that any change in Bonus Act would be an indicator while deciding the payment of bonus to the central government employees. The representative of the Department of Expenditure stated that the issue of PLB and adhoc bonus to central Government employees is covered under the TOR of the 7th Pay Commission and, hence, a view in the mater may be taken based on the recommendations of the Commission.

The Staff Side stated that bonus for Central Government Employees was based on an agreement with the staffside and not based on the recommendations of any pay commission. Moreover, every time when the Bonus Act is amended raising the payment ceiling limit, it is extended to Central Government employees also.

Therefore the Staff Side suggested that as and when the Bonus Act is amended, the same benefit may be considered for extension to the Central Government employees also.

(p) Ensuring five promotions in the Service career

The Official Side noted that this issue is linked to the recommendations of the 7th Central Pay Commission. Therefore, this issue would be examined after receipt of the 7th CPC report.

The Staff Side from Defence Ministry stated that inspite of various instructions issued by DOP&T cadre restructuring of the various categories of Defence Civilian Employees are not taking place for more than 2 decades. They insisted that the cadre restructuring exercise may be completed before submission of the 7th CPC report.

The meeting ended with thanks to the Chair.
