

Shiva Gopal Mishra
Secretary

Ph.: 23382286
National Council (Staff Side)
Joint Consultative Machinery
for Central Government Employees
13-C, Ferozshah Road, New Delhi - 110001
E-Mail : nc.jcm.np@gmail.com

No.NC-JCM-2021/48th NC Meeting

July 30, 2021

To

All members of the National Council
Staff Side – JCM

Sub:- Gist of the discussion took place today (30/07/2021) in the meeting with the Secretary DOPT on the issues pending in the National Council - JCM

Dear Comrades,

A meeting was held under the Chairmanship of Secretary DOP&T today (30/07/2021) to discuss the left out items from the 48th meeting of National Council – JCM held on 26/06/2021 under the Chairmanship of Cabinet Secretary. The following Staff Side Members attended the meeting physically and 10 members attended through Video Conference:-

1. Shri Shiv Gopal Mishra (Secretary)
2. Shri Guman Singh, (Member)
3. Shri J.R. Bhosle, (Member)
4. Shri C.Srikumar, (Member)
5. Shri R.N.Parashar, (Member)

In the introductory remarks Secretary and Staff Side members raised the following issues:-

1. In the 48th meeting of the National Council – JCM issues pertaining to COVID-19 relief to Central Government employees was discussed. However no Government orders are issued in this regard especially with regard to grant of special casual leave / quarantine Leave to employees tested COVID-19 positive and those employees who were not able to attend duty due to non-availability of public transport because of curfew and Lockdown etc imposed by the State Government and also full reimbursement of COVID-19 medical treatment.
2. One time relaxation for Air travel in LTC -80 to the employees who have purchased Air Tickets from other than Authorized Agents is extended in the case of only in the case of J&K and NER states. The same benefit is not extended Andaman & Nicobar Island. A letter in this regard from the Secretary Staff Side is handed over to Secretary DOP&T

3. In the 48th National Council – JCM meeting Chairman assured that he will personally monitor the functioning of Departmental JCM Councils and that he would write to all the Secretaries to hold the meeting. The progress in this regard may be informed to the Staff Side since meetings are not taking place in many of the Departments.
4. One of the demand of the Staff Side is to grant out of turn Compassionate Appointment to the wards of employees who died due to covid -19 infection. While collecting the data it is understood that many state governments have not stated the reason for the death in the Death Certificate or stated reasons other than Covid positive. In this regard a letter from the Secretary /Staff Side was handed over to Secretary DOP&T.
5. One major issue of Defence Ministry is pending with DOPT. This is regarding the MACP case of the Master Crafts Man who were in the pre revised pay scale of Rs. 4500-7000 and subsequently up graded to Rs.5000-8000 w.e.f. 1/1/2006 based on 6th CPC recommendations. This needs to be settled.
6. Another important issue pending with DOPT is with regard to regularization of the Legal Strike in Industrial Establishment. In this regard a letter from the Secretary Staff Side was handed over to Secretary DOP&T

Copies of the following letters handed over to Secretary DOP&T in the meeting is enclosed with this letter

1. Extension of LTC-80 one time relaxation in the case of employees who availed LTC to A & N by purchasing Air Tickets from other than Authorized Agents.
2. Immediate out-of-turn Compassionate Appointment to the dependents of the employees who died of COVID-19 infection over and above the 5% ceiling limit
3. Regularization of the legal Strike period in the Industrial Establishments

Thereafter the following Agenda Points were taken up for discussion. The details of the discussion and the decision taken are given below against each item:-

1. J.C.M. Coverage

The Staff Side demanded that employees up to Level 8 in the pay matrix (Grade Pay Rs.4800) may be brought under the purview of JCM Scheme. Secretary DOP&T after discussion stated that the entire issue of JCM Coverage is under consideration and the proposal of the Staff Side would also be considered.

2. Litigation cases on service matters

The Staff Side brought to the notice of Secretary DOP&T that in the 47th National Council – JCM meeting Cabinet Secretary agreed that litigations in service matters should be reduced and for that judgments of the Hon'ble Supreme Court in General / common service matters should be considered for implementation for all similarly placed employees. However there are many such judgments which are not implemented to similarly placed employees. The staff side demanded that a policy decision in this regard may be taken by the Government. Secretary DOP&T stated that the demand has to be further studied.

3. Eradication of injustice to Casual, Contract and Outsourced workers: providing them the right to form a union in terms of Article 19.1(c) of the Constitution of India: Regularisation of all casual, contingent and outsourced workers.

The Staff side brought the following points for the consideration of Secretary DOP&T

- a) Regularization of the Services of the casual, Contract and Outsourced workers since they are the most exploited lot
- b) In accordance with Supreme Court Judgment all benefits at par with regular employees should be given to the contract, casual and outsourced workers
- c) Constitutional right to form union by these contract workers may be extended to them by recognising such unions.

After discussion Secretary DOP&T stated that the demand of the Staff Side would be considered in consultation with Labour Ministry

4. Fill up all vacant posts in all grades.

Staff side stated that lakhs of posts are lying vacant in Railways, Defence, Postal and other Central Government Departments. This affects the quality and speed of work and existing employees are

overloaded. Steps are not taken to fill up the vacant posts. Therefore directions may be given to all Ministries / Department to fill up the vacant posts. After discussion Secretary DOP&T stated that the issue would be discussed with the major Ministries / Departments to understand the reasons why steps are not taken to fill up the vacant posts.

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

6. Undertake cadre review of all Groups –B&C Cadres in every five years before the cadre review of Group A Cadres.

The Staff side argued that since MACP is not given in the promotional hierarchy there is no much benefit for the employees. Moreover in many Department/Ministries cadre restructuring has not taken place for more than 20 to 30 years. Therefore the employees are frustrated and demoralized. Hence either MACP should be given in the promotional hierarchy or five financial upgradations in service should be ensured. Periodical cadre restructuring should be made statutory for all cadres in all the Departments. After discussions Secretary DOPT stated that periodical cadre restructuring is the solution for addressing stagnation issue. He assured that in this regard he will hold discussions with all the Ministries / Departments to expedite cadre restructuring.

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

The Staff Side insisted that the following four proposals given by the staff Side may be consider favourably:-

a). The existing risk allowance for the approved 45 risk operations may be brought under the purview of risk and hardship matrix recommended by the 7th CPC and the allowance should be not less than what is being paid to the Fire Fighting Staff.

b). After the Cabinet approval of 45 risky operations, many new risky operations have come in to existence in the Defence Establishments. Therefore such operations may also be included in the risk and hardship matrix.

c). Many new establishments have come into existence after the issue of the Govt. order on risk allowance, where risky operations are involved. All these left out establishments may also be included for payment of Risk Allowance.

d). Many category of employees such as Store keepers, etc., are not being paid risk allowance, even though they are involved in various Risk Operations. These left out categories may also be included for payment of risk allowance.

Secretary DOP&T stated that a committee is already constituted in the Railways to look into the Risk Allowance aspects and to submit recommendations. The Ministry of Defence also would be advised to do similar exercise. The Staff Side insisted that the employees who are eligible for Risk Allowance should be brought under the purview of Risk and Hardship matrix. After discussion it was decided that the demand would be examined in consultation with Department of Expenditure.

8. Grant of Night Duty Allowance in 7th CPC Pay Scale without any pay ceiling limit.

Staff Side insisted that this issue should be settled in a timed bound manner since there is unrest amongst the employees deputed in Night Shift, since NDA is not paid to the employees whose basic pay is more than Rs.43600/- . Moreover during 6th CPC Supreme Court has ruled that NDA should be given to all employees deployed on Night Shift irrespective of any Basic Pay ceiling limit. Even Arbitration Award is also in favour of the employees. Therefore there is no Justification in imposing a ceiling limit for payment of NDA. Railway Ministry is in favour of payment of NDA without any Basic Pay ceiling limit. Therefore a general instructions is required to be issued in this regard to all the Ministries. Secretary assured to settle the matter at the earliest.

9. Central Government Employees may be granted one more option to switch over to 7th CPC from a date subsequent to 25th of July 2016

The Staff Side pointed out that sufficient period was not given to the employees to switchover to 7th CPC pay scale especially since 7th CPC has given two dates of increments. Additional Secretary Expenditure stated that it will be very difficult to extend the option period. The Staff side insisted that one more option may be given to all Central Government Employees to switch over to the 7th CPC pay scale and the cut-off date may be fixed as

31/12/2017. Secretary DOP&T asked Additional Secretary Expenditure to consider the demand of the Staff Side.

10. Settle All 7th CPC Anomalies represented by the Staff Side

a) Removal of condition of 3% stipulated to grant bunching benefit

After discussion Additional Secretary Expenditure requested the staff Side to give specific cases with illustration for consideration. **(Please note:-** Staff Side Members are requested to forward example cases with illustration to the Staff Side Office for forwarding to Department of Expenditure)

b). Fixation of Pay on Promotion

The Staff Side argued that prior to 6th CPC while on promotion / ACP one increment in the lower stage and fixation benefit in the next higher stage is given. After 6th CPC while on promotion / MACP one increment in the pay band + Grade pay difference was given as fixation benefit. However on 7th CPC it is given as only one increment i. e 3% of the pay. This is a clear Anomaly and hence minimum two increments may be given as fixation benefits while on promotion / MACP. Secretary DOP&T advised Additional Secretary Expenditure to consider this demand.

c). Removal of Anomaly in Pay Matrix

d). Lesser Pay in higher Level of Pay Matrix

e). Bunching of steps in the Revised Pay structure

The staff side was requested to provide further inputs for consideration of the demand.

11. Parity in Pay Scales between Assistants/Stenographers in field /subordinate offices and Assistant Section Officer and Stenographers in CSS

Additional Secretary DOP&T stated that the issue is still under consideration. The staff side insisted that since this is a long pending demand a decision in favour of the concerned employees may be taken without further delay.

12. Grant of GP Rs.5400 to Senior Section Officer of Railways & AAOs of IA&AD and organized Accounts (Civil Accounts, Postal Accounts and Defence Accounts)

Secretary Staff Side said that, we are thankful for implementation of GP Rs.5400 for SOs/SSOs of Accounts Department. He further said that, we have also raised the issue of similar treatment to SSEs and similarly placed Sr. Subordinates where we have demanded that GP Rs.4600 should be replaced with GP Rs.4800, and after 04 years they should get GP Rs.5400. The Chairman(Cabinet Secretary) has given direction to the Chairman Railway Board to resolve this issue at an earliest in consultation with the Secretary(DoP&T) and Secretary(Deptt. of Exp.).

Staff Side insisted that a decision on this agenda may be taken since the request is a justified one. Secretary DOP&T advised to expedite the matter.

Concluding the deliberations Secretary DOP&T stated that the Department is studying the demand of Grant of Compassionate Appointment to the wards of the employees who died due to COVID-19 virus infection. However the point brought to his notice by the Staff Side with regard to non-mentioning of the reason for death in the death certificates would be also considered when the Government takes a decision for Grant of Compassionate Appointment as a special case in this regard.

Secretary Staff Side requested that a meeting of the standing committee may be convened at the earliest to discuss the pending issues. Secretary DOP&T agreed for the same.

With greetings,

Yours fraternally,


(Shiva Gopal Mishra)
Secretary

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National Council (Staff Side)
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for Central Government Employees
13-C, Ferozshah Road, New Delhi - 110001
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No.NC-JCM-2017/LTC

July 30, 2021

The Secretary,
Department of Personnel & Training,
North Block,
New Delhi

Sub:- Extension of LTC-80 one time relaxation in the case of employees who availed LTC to A & N by purchasing Air Tickets from other than Authorized Agents

Ref:- 1). DOP&T O.M. No. 31011/3/2014-Estt (IV) dated 26/09/2014
2). DOP&T O.M. No.43020/2/2016-Estt (A.IV) dated 19/02/2020

Dear Sir,

DOP&T vide O.M. referred at (1) above have issued Instructions permitting Government Employees to travel by Air to NER, J&K and Andaman & Nicobar Islands (A&N). Many employees due to ignorance and not properly advised by the concerned Administration have purchased Air Tickets from other than Authorized Agents and travelled and their final bills were also passed since they have genuinely travelled. However subsequently Audit Authorities raised objections and Audit directed the administration to recover the entire LTC-80 amount with penal/ interest etc. The issue was raised by the Staff Side in the Standing Committee of the National Council (JCM) meeting held on 09/03/2019 under the Chairmanship of Secretary DOPT. Considering the specific request made by the Staff Side to grant a onetime relaxation of such cases, the Chairman was kind enough to consider our request. Extract from the formula is given below for your kind perusal:-

"Staff side proposed that a) If the employee has actually travelled in Air India flight then the LTC-80 fare of the journey day may be paid to him irrespective of the fact that ticket was purchased from authorized Agent or not. Any excess amount over and above the LTC-80 fare can be recovered; b) No disciplinary action and stoppage of future LTC may be taken. c) A general instruction in this regard may be issued to all the Departments to regularize all the pending LTC-80 cases as above.

Chairman agreed to consider the demand of the staff side".

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Subsequently DOP&T vide OM refer at (2) above have issued instructions to grant one time relaxation to such Government employees who had availed LTC by air to visit J&K and NER during the period of January 2010 - June, 2014 and booked the tickets through travel agents other than 'M/s Balmer Lawrie & Company'. 'M/s Ashok Travels & Tours' and 'IRCTC' due to lack of awareness of rules.

Accordingly one time relaxation was give only in the case of J&K and NER. The same benefit was not extended to employees who availed LTC-80 to Andaman & Nicobar w.e.f. 26/09/2014. A large number of employees in different Departments / Ministries have availed LTC-80 facility to A&N by purchasing Air Tickets from other than Authorized Agents. They are now subjected to similar hardship. Therefore it is requested that as a onetime measure relaxation in the case of such Government Employees who had availed LTC by Air to A&N Island w.e.f. 26/09/2014 to 19/02/2020 i. e. up to the date of issue of DOP&T OM dated 19/02/2020 and booked Air Ticket through Travel Agents other than the recognized Agents may please be given under the same conditions as applicable to the one time relaxation cases of J&K and NER in accordance with the DOP&T OM dated 19/02/2020. This request of the Staff Side may please be considered favourably and necessary Government orders may please be issued so as to save the effected employees from such financial hardship.

Thanking you,

Yours faithfully,



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No.NC-JCM-2021/48th NC

July 30, 2021

The Secretary,
Department of Personnel & Training,
North Block,
New Delhi

Sub:- Immediate out-of-turn Compassionate Appointment to
the dependents of the employees who died of COVID-19
infection over and above the 5% ceiling limit

Ref:- Item No. NC-48/1/21 of the 48th meeting of the National
Council -JCM held on 26/06/2021

Dear Sir,

The Staff Side in the 48th meeting of the National Council - JCM held under the Chairmanship of Cabinet Secretary demanded that a large number of Central Government Employees succumbed to death due to COVID-19 virus infection and hence an out of turn Compassionate appointment over and above the normal 5% quota for grant of Compassionate Appointment may be considered favorably. Secretary DOP&T stated in the meeting that data in this regard is being collected from different departments and the matter would be examine thereafter. The office of the Staff Side are also taking efforts to collect the data in this regard from various Ministry and Departments.

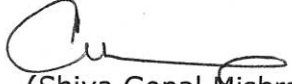
It has been brought to our notice that many of the state governments while issuing Death Certificate to the persons who died due to COVID-19 virus infection treatment and post COVID treatment etc, are not mentioning in the death certificate the reason for death. In some cases it is mentioned that the death was due to other reasons such as cardiac arrest, lungs failure, Internal Bleeding and Pneumonia etc. In very few cases only the reason for death is given as COVID-19 positive.

You are aware that the Government of India has notified that the COVID-19 virus spread is a National Pandemic. It is also declared as a notified disaster so as to provide relief from the State Disaster Response Fund (SDRF). Persons infected due to COVID-19 virus died due to various reasons such as non-availability of beds in the hospitals waiting in long queues inside the Ambulance, no supply or short supply of oxygen, non-availability of ventilators, non-availability of life saving medicine and in many cases due to delay in testing the patients etc. Apart from this many patients died after becoming COVID-19 negative due to post COVID-19 treatment complications.

In view of the above situations to avoid any ambiguity it will be prudent to treat the death of the employees between 14th March 2020 and the date of issue of Government orders in this regard to as deemed to be due to the cause of COVID-19 pandemic and Compassionate Appointment may be granted to the dependents as a part of relief under the National Disaster Management Act. This relief should be over and above the 5% ceiling fixed for Compassionate Appointment to the regular death cases.

Thanking you,

Yours faithfully,


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July 30, 2021

The Secretary,
Department of Personnel & Training,
North Block,
New Delhi

Sub:- Regularization of the legal Strike period in the Industrial Establishments

Dear Sir,

The Undersigned has forwarded 26 items for discussion in the National Council – JCM meeting vide our letter No.NC-JCM-2021/NC Meeting dated 16/03/2021. However out of the 26 items only 9 items were taken up for discussion in the 48th National Council – JCM meeting held on 26/06/2021. The remaining 17 items are not yet discussed with the Staff Side for settlement. One of the important left out agenda points was the above subject matter. The staff side brief on this agenda is given below for your kind ready reference:-

In accordance with the provisions of Industrial Dispute Act 1947 and the recognition rules of the Trade Unions in Defence, the Trade Unions of Defence civilian employees follow all the laid down procedures and observe strike in support of their genuine demands. However the Industrial establishments under the Ministry of Defence in violation of the provisions of FR 17 –A impose “dies – non” for regularizing the strike period. This is an illegal action since FR17-A can be invoked only when the strike is declared as illegal. When the strike is legal the absence from duty due to participation in a strike cannot be construed as unauthorized absence. The Head of the Establishments does not have the power to declare the strike period as Dies Non . Once the employees have followed all the due procedures by giving a strike notice fourteen days prior to the date of strike as prescribed under Sec.22(1)(c) of the Industrial Dispute Act, then the authorities cannot evoke the provision of FR 17-A . Due to this illegal decision of the authorities, the employees are subjected to undue hardship such as postponement of increment, promotion, MACP, etc., It is pertinent to mention here that in the case of CGHS employees the Delhi High Court (All India Central Government Health Scheme Employees Association(Delhi Branch) Vs union of India & others (ILR (2009) V Delhi 771) has ordered that dies – non cannot be imposed on the employees for the strike period. This has been implemented by the Ministry of Health also.

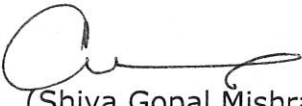
Sir, in accordance with FR 17-A strike period can be treated as dies-non only if the strike is declared as illegal. In so far as Ministry of Defence is concerned all the strikes were legal and no Labour Court has declare the strike illegal. Therefore it is automatic that the strike

period has to be treated as "No Work No Pay" and by counting the legal strike days as qualifying service for all purpose. Since the Defence Civilian employees are being subjected to undue hardship due to illegal imposition of dies-non by the Administration of Defence Industrial Establishments, DOP&T may intervene and kindly arrange to issue instructions in this regard to the Ministry of Defence. A copy of your instruction may please be endorsed to this office.

This issue was also raised by the Staff Side in the Standing Committee meeting held on 26/02/2021 (Ref speech point No.3.15 of the minutes of the meeting)

Thanking you,

Yours faithfully,



(Shiva Gopal Mishra)
Secretary