

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

North Block, New Delhi
Dated the 21st April, 2011

OFFICE MEMORANDUM

Subject: Minutes of the Third Meeting of the National Anomaly Committee held on 15th February, 2011.

The undersigned is directed to forward a copy of the minutes of the Third Meeting of the National Anomaly Committee held on 15th February 2011 in Room No. 119, North Block, New Delhi under the Chairpersonship of Secretary (Personnel) for information and necessary action.


(Dinesh Kapila)
Director (JCA)
Tel: 2309 2589

To

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

Copy for information to:

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

Copy also to:

✓ NIC, DOPT with the request to upload the minutes on the website.

MINUTES OF THE THIRD MEETING OF NATIONAL ANOMALY COMMITTEE HELD ON 15TH FEBRUARY 2011

.....

The third meeting of the National Anomaly Committee (NAC) was held on 27th March 2010 in Conference Room No.119, North Block, New Delhi under the Chairpersonship of Secretary (Personnel). A list of participants is annexed.

2. The Chairperson welcomed the representatives of the Staff Side and Official Side. Referring to the healthy and fruitful discussions held during the earlier meetings of the NAC, she expected similar cooperation and mutual understanding so that the anomalies could be resolved to the satisfaction of all. She referred to the 46th Meeting of the National Council (JCM) and two meetings of the Joint Committee on Modified Assured Career Progression Scheme (MACPS) held in 2010 and stated that she expected the Staff Side to finalise the agenda of the Standing Committee of the National Council (JCM) as well so that a meeting of the same could also be convened early.

3. Thereafter, the Chairperson suggested that those agenda items may be taken up for discussion which had not yet been discussed in the earlier two meetings. She also referred to the special agenda item included on the directions of the Hon'ble High Court of Madras viz., pay of the drivers of the Department of Posts. The Chairperson informed that suitable action had already been taken with respect to agenda item No.31 relating to Child Care Leave. Regarding the MACPS, the Chairperson stated that most of the issues have been discussed with the Staff Side and clarifications issued thereon thereby resolving the same. She stated that as MACPS is only a fall back option in case of delay in promotions, all the cadre controlling authorities have also been directed to review the structure of the cadre in order to ensure timely promotions. She requested the Staff Side to forward a list of Frequently Asked Questions to the DoPT so that the misgivings/ misunderstandings regarding the recommendations of the 6th CPC could be further removed. She once again welcomed everyone and reiterated the resolve of the Government to remove all the anomalies in a fair and just manner.

4. Secretary of the Staff Side Shri Umraomal Purohit thanked the Chairperson and gave a brief background of the Scheme of Joint Consultative Machinery and Compulsory Arbitration. He referred to the delays in holding the meetings especially at the departmental level and requested the Official Side to monitor the same. Thereafter, he referred to the undue delays in issuing of important orders / instructions and requested that such delays should be minimised so that the concerned employees do not suffer. He agreed to the suggestion of the Chairperson, that agenda items which had not been discussed

at all may be taken up first. He urged the Official Side to devote more time and efforts to ensure that meetings of the National Council / Standing Committee and Anomaly Committee are held more frequently. He once again thanked the Chairperson and assured of full cooperation of the Staff Side in all matters.

5. Responding to the opening remarks of the Secretary, Staff Side, the Chairperson stated that comprehensive instructions have already been issued to all Ministries/ Departments to ensure meetings of the Departmental Council are held as per the mandate of the JCM Scheme. The Chairperson further assured the Staff Side that the matter would be looked into and requested the Staff Side to forward the names of the Departments where either the Councils were not functioning or timely meetings of the same are not being held. Regarding the meeting of the Standing Committee of the National Council, the Chairperson stated that the same would be convened as soon as the agenda gets finalised. She added that she would take up the issue of holding the next meeting of the National Council with the Cabinet Secretary once the agenda is finalised.

6. The anomalies were subsequently taken up for discussion as per the agenda as follows:-

Item No 11: Grant Revised Allowances with effect from 01.01.2006

The Staff Side stated that allowances formed part of wages. That being so allowances too should be revised with effect from the same date from which Revised Pay Scales have been implemented i.e. 01.01.2006. There seemed hardly any justification for granting revised allowances with effect from 1.9.2008 i.e. after a lapse of 32 months. The Official Side stated that the allowances, other than Dearness Allowance (DA), have been revised from 01.09.2008 on the basis of specific recommendation of the 6th CPC. It was reiterated that even after the 5th CPC similar practice was followed. Therefore, there was no anomaly as such. Staff Side contended that DA, also an allowance, has been implemented by the Government with effect from 1.1.2006 whereas the other allowances have been revised with effect from 1.9.2008 resulting in huge loss to the employees. The Official Side maintained that in view of the specific recommendation of the 6th CPC, this could not be construed as an anomaly. The Staff Side stated there are certain statutory allowances which need to be revised w.e.f. 01.01.2006.

The Staff Side was asked to forward such a list of statutory allowances for further examination of the Department of Expenditure.

Items No 12 & 13: Transport Allowance

The Staff Side raised the following issues with respect to the revision of the Transport Allowance (TA) :

- (i) Employees with higher pay who live near to offices have been given higher rates of TA in comparison to low paid employees who live at distant places.
- (ii) Multiplication factor used for revision of TA of employees in various pay bands has not been applied uniformly.
- (iii) CCA has now been subsumed in TA. Therefore, a portion of TA should be used as a component for the purpose of computing Overtime Allowance.
- (iv) There are employees who remain on long tour duties as in the Audit Department or field duties on survey sites during a prolonged field season of more than 4-5 months. Since the CCA, which was earlier admissible to them, has been subsumed in the Transport Allowance, they are not getting any Transport Allowance while on tour for more than a month/ several months during which the field season lasts and they are, therefore, losing even that part of Transport Allowance which represents CCA. The Staff side therefore demanded that the condition that TA is not permissible to those who are absent for more than a month, be dispensed with.

The Official Side stated that after the 6th CPC recommendations, the rate of TA for employees belonging to PB-I was further improved by the Government. The 6th CPC had recommended a uniform multiplication factor of 4 for revision of TA of all categories of employees. Thereafter, after consultation with the Staff Side, at the time of implementation of the recommendations of the 6th CPC, the Government increased the TA for employees in PB-I from Rs. 400 + DA to Rs 600 +DA for AI/A class cities and from Rs 300 + DA to Rs.400 +DA for other cities. Therefore, the multiplication factor used for revision of TA was actually skewed in favour of the low paid employees. Therefore, there was no justification for any further revision of the rates of TA and there was no anomaly in the matter. The Staff Side pointed out that in order to have a realistic picture, the multiplication factor in respect to the revised TA rates vis-a-vis the earlier TA rates plus CCA should be examined.

The Staff Side was asked to forward the required calculations to the Department of Expenditure for examination.

Regarding reckoning a portion of the TA for computation of the Overtime Allowance (OTA), the Official Side stated that the 6th CPC has in fact recommended for substitution of OTA with Performance Related Incentive Scheme (PRIS). Therefore, the whole issue was not relevant now.

The Staff Side was asked to forward specific details of the matter to the Department of Expenditure for examination.

With respect to employees losing the part of TA representing CCA while on tour for more than 15 days, the Official Side stated that 6th CPC has given a specific recommendation to merge the CCA with TA and therefore, this could not be construed as an anomaly.

Item No 14: Revision of Existing Allowances

The Staff Side stated that there are certain allowances which are to be withdrawn and replaced by new schemes like Risk Insurance for Risk Allowance & Hospital Patient Care Allowance. These schemes had so far not been formulated. When formulated, these will have to be discussed in the JCM before these are implemented. The Staff Side demanded that till such time the alternative schemes are operationalised, the existing rates of these allowances may be doubled.

The Official Side stated that Department of Personnel & Training has held a series of interdepartmental meetings with various Ministries / Departments and General Insurers' (Public Sector) Association of India (GIPSA). As per the advice of GIPSA, it was decided to have consultations with the LIC of India for providing health based insurance package identifiable as an insurance product by IRDA. The LIC of India has been contacted through the Department of Financial Services and the response from them is awaited. Therefore, the process is likely to take some more time. In case, the Government was not able to come up with an insurance product as recommended by the 6th CPC, the issue regarding doubling the existing rates could be taken up for examination.

The Staff Side further contended that it would not be easy to design an insurance product on the lines of the recommendations of the 6th CPC because of the variable nature of jobs being entrusted to the employees. For example, it may be possible that an employee who is working in a risk prone area may get transferred to some other area not involving risk and vice versa. Furthermore, the Staff Side felt that the amount of financial outgo involved in paying the premium to the insurance company would be much more than the additional expenditure on account of doubling the existing rate of risk allowance.

The Chairperson, while acknowledging the useful insight into the ground realities as presented by the Staff Side, also directed that there should be a clear cut time frame to finalize the Risk Insurance Scheme.

After discussion, it was decided that if the Official Side is not able to finalize an insurance scheme in consultation with the Staff Side within the

next six months, the question of doubling the rates of risk allowance would be examined.

Item No 20: Daily Allowance on Tour

The Staff Side stated that it is not practical to get bills/receipts for fares charged by the Autorikshaws or bills for tea/snacks/meals from dhabas/ small restaurants/ roadside eateries etc. The travelling employees (at least some of them) have arrangements to cook their meals etc while on tour and have the facility to stay in places other than hotels where obtaining receipts for stay, etc., is not called for. The Staff Side, therefore, demanded that a fixed Daily allowance rate for stay, local travel, food etc. may also be prescribed.

The Official Side stated that such a dispensation is already in place and the employees have the option to claim for the pre-revised rates of D.A. without submitting any bills / receipts. The Staff Side contended that the pre-revised rates of D.A. are too inadequate to take care of the boarding and lodging requirements. Therefore, they demanded that there was a need to double the pre-revised rates for D.A. for claiming the same without production of any bills / receipts.

The Official Side agreed to examine the matter although this is not an anomaly.

Item No 28: Grant of grade pay of Rs.5400 in PB-2 for Asstt. Accounts/Audit Officers.

The Chairperson stated that as the matter pertains to Group 'B' employees who are not covered under the JCM Scheme, this item does not fall within the purview of the NAC. **She, however, directed Joint Secretary (Pers.), Department of Expenditure and Joint Secretary (Estt.), Department of Personnel & Training to discuss this issue with the members of the Staff Side.**

ITEM FINALISED

Items No 29 & 30: Dearness Allowance

The Staff Side stated that at AICPI (IW) 1982= 100 base, the Government had sanctioned DA / DR at 74% of the 1.1.1996 level wages. (1.1.96 wages were on 306.33, average point). In the Government of India arrangement of DA / DR, decimal increases in percentage are not being considered. At 536 point the actual percentage is not 74% but more, namely 74.844 say 74.84 and at 74% the AICPI (IW) reaches 533.01 (306.33 X 0.74 = 533.01). Hence when 74% is included as salary on 31.12.2005, the start for the 1.1.2006 salary structure should be only 533.01 and not 536. This when converted to 2001 = 100 base by the factor 4.63

we get $533.01 / 4.63 = 115.1209$ say 115.12. It was therefore proposed that D.A. increases be computed on the basis of AICPI (IW) 115.12 and not 115.76.

The Official Side stated that as per the recommendations of the 6th CPC, the base should be 116. However, this was re-calculated by the Department of Expenditure and it was found that the base works out to be 115.76 on the basis of average index of 536. Therefore, there was no anomaly in the matter.

The Staff Side again stated that the average index of 536 corresponded to the 74.84 % of DA whereas the actual DA granted was only 74% as the decimal points are ignored. Therefore, if the base is taken as 536, then the decimal points ignored i.e. 0.84 % of DA is lost forever. However, the Official Side stated that the fraction which was ignored earlier was taken into account while calculating the next DA instalment. Further fixation of the base has been done in the manner followed after previous Pay Commissions and there was no anomaly. Therefore, there was no question of any loss to the employees because of this. **The Staff Side would give detailed calculations in the matter to the Department of Expenditure for examination.**

Item No 31: Child Care Leave

The Official Side stated that the matter had since been resolved. The condition regarding exhaustion of earned leaves before being eligible for CCL had since been removed vide DOP&T's OM dated 7th September 2010.

The Staff Side drew the attention of the Chairperson towards the fact that women industrial employees of the Ministry of Defence were still to be granted the benefit of CCL. Similarly, the benefit of half pay leave encashment was yet to be granted to the industrial employees of the Ministry of Defence. The Chairperson directed the representative of the Ministry of Defence to look into the matter urgently. The Staff Side further suggested that the discretionary powers given to the authorities to reject/ restrict the CCL may also be reviewed.

ITEM FINALISED

Item No 37: Waiver of recovery of higher DA / DR drawn during the period from 01.01.2006 to 31.08.2008

The Official Side stated that the arrears of pay from 01.01.2006 to 31.08.2008, consequent to the recommendations of the 6th CPC, had since been disbursed. Therefore, the issue was no longer relevant. Accordingly, it was decided to treat this item as closed.

ITEM FINALISED

Item No 38: Anomaly in fixation of Grade Pay

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

The Official Side stated that the 6th CPC itself recommended grade pay in excess of 40% of the maximum of the pre-revised pay scales in respect of certain employees. Further, in Para 2.2.21 the report of the 6th CPC, it has been clearly stated that in some cases, the amount of the grade pay has been adjusted so as to maintain a clear differential between successive grades pay. Thereafter, the government implemented the recommendations of the 6th CPC with certain conscious modifications in the Grade Pay in some cases. Moreover, the erstwhile Group D employees have also been granted grade pay exceeding 40% of the maximum of the pre-revised pay scales. Therefore, there is no anomaly in the matter.

It was decided that the Staff Side would revisit the issue and revert on whether they wish to pursue the matter.

Item No 39: Anomaly due to not applying uniformly the multiplication factor of 1.86 in fixing the minimum pay in all the revised pay bands applying different.

It was noted that this item is similar to the agenda item number 38 i.e. anomaly in fixation of grade pay. It was decided that the Staff Side would revisit the issue and revert on the matter.

Special Agenda Item- Pay of the Drivers in the Department of Posts.

The backdrop of this agenda item was presented to the Committee. The associations representing drivers and artisans in the Department of Posts had approached the Hon'ble Central Administrative Tribunal at Madras contending that their cadre was placed at the minimum of the pay scale equivalent that of Postal Assistants in 1st CPC, 2nd CPC and 3rd CPC. Their argument was that in the 4th CPC they were given the minimum of Rs.950-1500 whereas the Postal Assistants cadre was given Rs.975-1660. While implementing the 5th Pay Commission recommendations, they were placed in the scale of Rs.3050-4590 whereas Postal Assistants were given the scale of Rs.4000-6000 and further stated that there was a genuine anomaly while fixing the scale of Drivers. They also represented that the Postman cadre, which was always kept below their pay scale, was given a jump and equated with their scale by the 5th Pay Commission recommendations. However, the Original Application was dismissed by

Hon'ble CAT observing that no sufficient material has been placed before them to record a specific finding as to whether there had been arbitrary, discriminatory and hostile discrimination made to the applicants in granting the pay scale. In no circumstances, the case of the Postal Assistants could be treated at par with Drivers.

Aggrieved by the CAT order, the Association further filed Writ Petition No.21367/2004 in the Hon'ble High Court at Madras. Hon'ble High Court, Madras disposed of the petition stating that, "we consider it appropriate to set aside the order under challenge and dispose of the writ petition with a direction to the respondents to refer the matter to the Anomaly Committee for its consideration and passing appropriate orders within a period of three months from the date of receipt of a copy of this order and if necessary, to afford an opportunity of hearing to the petitioners....."

Accordingly, as per the directions of the Hon'ble High Court, this matter has been included as one of the agenda items of NAC and has therefore been taken up for discussion in this meeting.

The Staff Side felt the NAC was not the appropriate forum to discuss the issue since as per the negotiation mechanism under NAC, the Committee was not mandated to pass orders on judgments pronounced by the Courts. The Official Side stated that Drivers belong to a common category of employees to whom pay scales were granted as per the recommendations of the 6th CPC. Accordingly, the Department of Posts was called upon to present the facts on these lines before the Hon'ble Court.

Item No 40: Grant of Notional Increment

The Official Side stated that retirement on a date immediately prior to the date of next increment was taking place even before 01.01.2006. There was no provision to grant a notional increment in such cases. As there was no change from the earlier position, this item could not be construed as an anomaly.

ITEM FINALISED

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

The Staff Side stated that there are certain feeder and promotion posts which carry the same grade pay and these have not been merged on functional considerations. The promotion of an employee from the feeder post to the promotion post is however not being treated as promotion and no pay fixation is being done. Therefore, the Staff Side proposed that in such cases also one increment in the feeder post may be allowed and the Grade pay of the next post may be granted.

The Official Side stated that as per the recommendations of the 6th CPC, some of the re-revised pay scales have been merged in order to de-layer certain levels in the Govt. Thus, posts in the pay scales of Rs.5000-8000/- and Rs.5500-9000/- have been merged and no promotions can take place between the pay

scales of Rs.5000-8000/- and Rs.5500-9000/- (pre-revised). Similarly, posts which were in the pay scales of Rs.6500-10,500/- (and have been given the grade pay of Rs.4600/-) and Rs.7450-11500/- stand merged and no promotions are permissible between these merged grades. The Official Side further stated that the question of grant of one increment in the lower (feeder) post could be considered if the concerned Department justifies it on functional requirement. However, in that case, it will be treated as promotion for the purpose of MACP.

The Staff Side also raised the issue of pay of the running staff in the Ministry of Railways and stated that a special allowance of Rs 500/- plus DA has been granted to the running staff. However, other benefits like TA, HRA, pensionary benefits etc., are not admissible on this special allowance. The Staff Side demanded that whenever a person is promoted in the same grade pay but with higher responsibilities, grant of Rs 500/- plus DA is not adequate to compensate him/her for the higher responsibilities. Therefore, there is a need to treat the special allowance as pay for all purposes. The representative of the Department of Expenditure stated that this issue will be re-examined on receipt of certain information as called for from Ministry of Railways.

Item No 43: Before the 6th pay commission, there were 3 HAG scales of pay.

The Official Side informed that officers of the grade of Additional Secretary and equivalent (whether serving or retired) are not covered by JCM. Hence, the instant item was outside the ambit of the NAC and therefore not admitted for discussions. However, the Staff Side was informed that orders for replacing the pre-revised pay scale of Rs.22400-24500/- had already been issued.

ITEM NOT FOR NATIONAL ANOMALY COMMITTEE

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

The Official Side stated that through a specific and conscious recommendation of Sixth Pay Commission, the pay scales of Trained Graduate Teachers (TGTs) have been upgraded and placed in PB-II with grade pay of Rs.4600/-. In this context, the Pay Commission has also clarified that on account of conscious upgradation, no other cadre can demand or can be granted higher pay scales. Therefore, Library Information Assistants cannot claim parity with TGTs.

The Staff Side stated that the School Librarians have also been placed in PB-II with the grade pay of Rs.4600/- at par with the TGTs although there is no specific recommendation of the 6th CPC in this regard. The Library Information Assistants, who have the same qualifications as that of school librarians, have

however been placed in PB-II with grade pay of Rs.4200/-. Thus, there is an anomaly with respect to grade pay of the Library Information Assistants.

The Official Side stated that the factual position was not known to them and therefore the Staff Side was called upon to apprise the Official Side of such instances specifically.

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

The Official Side stated that this issue is somewhat related to the issue of granting one time increment to employees having their date of next increment between February 2006 to June 2006 under agenda item 5 (V). Accordingly, it was decided that the matter may be clubbed with agenda item 5(V) and the Staff Side was asked to confirm that their request for grant of an increment in the pre-revised scale would not have repercussions on any other category and not lead to any further demands.

Items No 46 & 49: Pay Scales of Stenographers Cadre

The Official Side stated that in para 3.1.14 of the 6th CPC's Report a specific recommendation for PS/Sr. PS in non-secretariat organizations has been made and the same has been accepted and notified by the Government. Further, posts that were existing in the pre-revised pay scale of Rs.6500-10500 before 1.1.2006, including that of PS in field offices, have been upgraded to the pre-revised scale of Rs.7450-11500 w.e.f. 1.1.2006 vide Department of Expenditure's O.M. No.1/1/2008-IC dated 13.11.2009. Therefore, suitable action has already been taken in the matter. The Staff Side while agreeing with the Official Side stated they would check the position and revert back to the Official Side in case they feel that there were still any problems / difficulties in the matter.

Item No 50: Pay Scales of Official Language Staff.

The representative of the Department of Expenditure stated that orders were issued in November, 2008 regarding parity in the pay scales of OL posts in field offices and CSOLS and the matter has already been clarified by them on various references received in this regard from several administrative Ministries / Departments.

The Staff Side requested that the reference forwarded in this matter by the Ministry of Railways may be examined by the Department of Expenditure on a priority basis. This was agreed to by the Official Side.

The Staff Side also mentioned that the parity in the pay scales in field and HQ is still to be granted in many offices including Ministry of Railways. The

Official Side requested the Staff Side to convey the names of such offices so that they could be called upon to take similar action in the matter.

Item No 51: Assigning higher grade pay of Rs.4600/- to Administrative Officer Gr.III and Private Secretary in subordinate offices.

The Official Side indicated that the matter has already been resolved as posts that were existing in the pre-revised pay scale of Rs.6500-10500 before 1.1.2006, including that of AOs and PSs in field offices, have been upgraded to the pre-revised scale of Rs.7450-11500 w.e.f. 1.1.2006 vide Department of expenditure's O.M. No.1/1/2008-IC dated 13.11.2009.

ITEM FINALISED

7. In the end, the Chairperson thanked the members of the Staff Side for their cooperation and for a healthy and constructive discussion. The Staff Side requested for early action to resolve the anomaly in respect of the increment of employees falling between February 2006 and June 2006. The Staff Side also suggested that the next meeting of the Joint Committee on MACPS may be held early which was agreed by the Official Side. **The Chairperson requested the Staff Side to prioritise the issues to be discussed in the next meeting.** The meeting ended with a vote of thanks to the Chair.
