

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

North Block, New Delhi
Dated the 4th May, 2010

OFFICE MEMORANDUM

Subject: Minutes of the Second Meeting of the National Anomaly Committee held on 27th March, 2010.

The undersigned is directed to forward a copy of the minutes of the Second Meeting of the National Anomaly Committee held on 27th March, 2010 in Conference Hall (Room No. 119), North Block, New Delhi under the Chairmanship of Secretary (Personnel) for information and necessary action.



(Dinesh Kapila)
Deputy Secretary (JCA)
 2309 2589

To

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

Copy to :-

- 1) PPS to Secretary (P)
- 2) PS to JS (E)

Copy also to:-

✓ NIC, DoPT with the request to upload the minutes on the website

MINUTES OF THE SECOND MEETING OF NATIONAL ANOMALY COMMITTEE HELD ON 27TH MARCH 2010

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

2. At the outset, the Chairman welcomed the representatives of the Staff Side and Official Side. Referring to the interesting and fruitful discussions held during the first meeting of the NAC on 12th December 2009, the Chairman stated that some progress has been made and stated that action taken on the decisions taken in the first meeting shall be shared with the staff side. The Chairman then suggested that issues pertaining to pensions may be taken up first for discussions as the representatives of the Department of Pension & Pensioners' welfare had to attend another meeting, although that meeting had been postponed. The Chairman also informed that the 46th Meeting of the National Council (JCM) has been scheduled to be held on 15th May 2010 under the Chairmanship of Cabinet Secretary. The Chairman also reiterated the resolve of the Government to ensure early resolution of all the anomalies by holding meaningful discussions with the staff side. Thereafter, the Chairman invited the Leader and Secretary of Staff Side to make the opening remarks before moving to the agenda items.

3. Leader of the Staff Side Shri M. Raghaviah thanked the Chairman for convening the second meeting of the National Anomaly Committee. He further stated that employees are anxiously waiting for the NAC to produce results. Referring to the anomaly in the date of next increment, Shri Raghaviah stated that this anomaly should be removed without any further delay. He further stated that action taken on the minutes of the First meeting of NAC should be discussed. Thereafter, Shri Raghaviah drew the attention of the Committee towards the problems emanating from the modified ACP Scheme and requested for early rectification of the same.

4. Secretary of the Staff Side Shri Umraomal Purohit thanked the Chairman and stated that the report of the 6th Pay Commission is absolutely new and therefore, there are certain concerns which must be addressed suitably. Referring to the issue of change in the definition of anomaly which was raised during the first meeting of the NAC, he stated that the Terms of Reference for the NAC constituted after the 5th CPC were jointly agreed. He

further stated that this agreed definition of anomaly was changed after the 6th CPC and the Chairman had assured in the last meeting that this should not lead to any problems. However, another related problem anticipated by the staff side is that the present definition would form the basis for formulating the Terms of Reference of the NAC after the 7th CPC and this could lead to problems at that time. Therefore, while currently there may not be any problem due to deletion of the particular para from the definition of anomaly, but in future there could be some dispute regarding the agreed definition of anomaly as generally, the government works on the basis of precedents. He, therefore, requested that this aspect should be recorded in the minutes of the meeting so as to obviate problems / disputes in future. He then referred to the general recommendation of the 6th CPC that all such allowances, in respect of which there was no specific recommendation, should be doubled. He further stated about the recommendation of 6th CPC to discontinue certain allowances like the Patient Care Allowance and Risk Allowance and to introduce new schemes in lieu thereof in consultation with the staff side. He referred to a specific recommendation of the 6th CPC regarding introduction of the Risk Insurance Scheme to replace the Risk Allowance. He suggested that until the new schemes are formulated by the Government, in consultation with the staff side, such existing allowances should be continued and their rates must be doubled in view of the general recommendation of the 6th CPC. Regarding the suggestion the Chairman to first discuss the issues related to pensions, Shri Purohit stated that the staff side has no objection to the same. Regarding the anomalies in the MACP, Shri Purohit suggested that a Joint Committee comprising of members of the official and staff side may be constituted to thoroughly examine the anomalies in the MACP. The recommendations of the Joint Committee can be placed before the NAC for a final decision in the matter. Referring to the various agenda items before the NAC, Shri Purohit also stated that there is a need to work a little faster. Shri Purohit also drew the attention of the Committee to the fact that CCA has been abolished by the 6th CPC by merging it with the Transport Allowance. He stated that prior to this, CCA was treated as 'Pay' for all purposes, particularly for calculation of overtime in respect of industrial workers. He was of the view that these kinds of unintentional problems emanating from the 6th CPC report should not be overlooked. In the last, he once again thanked the Chairman and stated that he was sure that all the anomalies would be resolved under the leadership of Secretary (P).

5. The Chairman stated that the government also recognise the need for faster resolution of all anomalies. The Chairman agreed to the suggestion for creation of a Joint Committee to look into the anomalies related to MACP. The Chairman while acknowledging the new structure and approach of the report of the 6th CPC, re-iterated the suggestion given by him in the first meeting of

NAC that in case certain problems and difficulties are being faced due to insufficient understanding with regard to recommendations of the report of the 6th CPC, the same may be brought to the notice of the Department of Personnel & Training so that these could be appropriately addressed and clarifications/explanations may be issued / uploaded on the website of the Department in order to obviate the need for future references on such matters. With respect to change in the definition of the agreed definition of anomaly, the Chairman stated that this aspect had already been recorded in the minutes of the first meeting of the NAC and if needed, the same can again be recorded for posterity that the staff side had taken up this issue in the NAC and it was agreed that it would be the endeavour of the Government to ensure that this change does not lead to any problems now or in the future. Regarding the new schemes to replace some of the allowances like Patient care Allowance and Risk Allowance, the Chairman assured the staff side that it would be the endeavour of the Government to ensure that new schemes are introduced only after consulting the staff side. Regarding continuation of the risk allowance at old rates till the new Risk Insurance Scheme is finalised, the Chairman agreed that this matter will be examined.

6. Thereafter, the staff side raised the issue relating to the revision of the Fixed Medical Allowance (FMA). The representatives of the Department of Pensions and Pensioners' Welfare informed that a proposal to revise the FMA has been moved and presently the same is under consideration of the Committee of Secretaries. The Chairman stated the he will take up the matter with the cabinet secretary regarding an early decision on the matter.

7. Thereafter, the anomalies as per the agenda were taken up for discussion:

Item No 9: Anomaly in pension for government servants who retired/died in harness between 1.1.2006 and 1.9.2008

Director, Department of Pension informed that during the first meeting of the NAC, under this item, the issue of non release of second instalment of arrears to the pensioners was raised. It was agreed that Department of Pension will take necessary steps to sort out the problem. Director, Department of Pension informed that in this connection, Secretary (P) took up the matter with the Secretary, Department of Financial Services and the Department of Pension took up the matter with the concerned authorities and now the problem has been resolved. Regarding the issue of release of life time arrears to the family pensioners, Director, Department of Pension informed that suitable instructions in this connection already exist. The Chairman suggested that concerned instructions should be reiterated to

ensure speedy release of life time arrears to family pensioners. **The item was treated as closed.**

Item Nos. 15, 16, 17 & 21:- Parity/ modified parity in pension/revised pension/family pension of all pre-1996 retirees with those who retired on or after 01.01.2006.

The Official Side stated that the matter has been examined in detail on the basis of note given by the Staff Side. However, it has not been found feasible to agree to the demand of the Staff Side as revised pension has been fixed strictly in accordance with the principles enunciated by the 6th CPC for the same. Director, Department of Pension further informed that the matter was taken up with the Department of Expenditure and it has been decided that the modified parity adopted will stand as the same method was adopted after the implementation of the recommendations of the 5th CPC. However, even after a prolonged discussion in the matter, there was difference of opinion between the Official and the Staff Side. In view of this deadlock, the Chairman stated that the view point the staff side has been understood by the official side and that the official side will take a stand in the matter after taking into account the views expressed by the staff side. He then suggested moving on to the next agenda item.

Item No.18: Anomaly in Pension of those retiring within the first 9 months of the year 2006.

Director, Department of Pension and Pensioners' Welfare informed that suitable instructions have already been issued to allow the last pay drawn as the basis of pension calculation for those who retired on or after 1.1.2006. As the anomaly has already been resolved, **it was decided to treat the item as closed.**

Item No.19: Revision of pension of those who retired during the period 1.1.2006 to 1.9.2008.

Director, Department of Pension and Pensioners' Welfare informed that suitable instructions have already been issued to the effect that the benefit of full pension on retirement after 20 years of service has also been extended to employees who retired between 1.1.2006 to 1.9.2008. As the anomaly has already been resolved, **it was decided to treat the item as closed.**

Item No.22:- Revision of pension of those who are receiving two pensions.

Director, Department of Pension and Pensioners' Welfare informed that suitable instructions have already been issued vide O.M. dated 12th October 2009 to the effect that in respect of persons receiving two pensions, the floor

ceiling of basic pension of Rs.3500/- per month shall apply individually. Therefore, it was **decided to treat the item as closed.**

Item No.23:- Special provision for those who retired on or after 1.1.2006 but retained pre revised scale of pay.

Director, Department of Pension and Pensioners' Welfare informed that although such a case has not come to the notice of that Department, however, the matter has been taken up with the Ministry of Finance and the same is under consideration. After detailed discussion, it was decided that the staff side will try to provide specific cases where problems are being faced due to retention of pre-revised pay scale. It was also decided to look into the modalities adopted in such cases after the implementation of the recommendations of the 5th CPC.

Item Nos.24,25 & 26:-Commutation of pension / additional pension

The staff side stated that the additional amount of pension commutation due to retrospective revision of pay of post 31st December 2005 retirees, should be done on the basis of the then existing (old) commutation table whereas the government has decided that this should be done on the basis of the New Commutation Table recommended by the 6th CPC. The staff side further stated that this dispensation is anomalous and the then existing table should only be used to calculate the amount of the additional commutation of pension becoming due on account of the revision of pay scales. The official side stated that the 6th CPC has recommended that if a pensioner opts for additional commutation of pension due to retrospective revision of pay, then the amount of additional pension commutation should be calculated on the basis of the New Commutation Table. It was further clarified by the official side that if the concerned pensioner did not opt for additional commutation, then the issue of using the new or old table would not come into being. Therefore, the alternative of not opting for the additional commutation is already available to the concerned pensioners if they feel that the revised commutation table is not favourable to them. Moreover, the official side also clarified that as per the scheme of things approved by the cabinet, the revised commutation table is to be used for calculating only the future commutation of pension and will not be applied to the past commutation. In respect of pensioner who has already commuted the pension, the revised commutation table shall be used only to compute the amount of pension that has become additionally commutable due to retrospective implementation of the revised pay scales. After detailed discussion on the matter, it was decided that as the new dispensation has been formulated strictly in accordance with the recommendations of the 6th CPC. However, there was no consensus on the item and it was decided to move to the next agenda item.

Item No 36; Income criteria in respect of parent and widowed/ divorced/ unmarried daughters.

The staff side demanded as everyone does not get Dearness Allowance (DA), the limit of Rs.3500/- plus DA should be converted into a fixed amount for deciding the income criteria in respect of parent and widowed/ divorced/ unmarried daughters. After detailed discussion, it was agreed that the official side will re-examine the issue.

Item No.48- Restoration of commutation of pension after 12 years instead of 15 years.

Director, Department of Pension and Pensioners' Welfare informed that after examining the matter in detail, the 6th CPC has recommended that the existing 15 years period for restoration of pension should be maintained. However, the staff side was of the opinion that the commuted portion of pension is actually recovered by the Government within 12 years and therefore there is a need to have a relook in the matter. The staff side also referred to their calculations in this regard and requested the Official Side to reconsider the matter. After detailed discussion, it was decided that Official Side will re-examine the calculation given by the Staff Side and also the calculations used by the 6th CPC.

Item Nos.54 to 59

The official Side informed that item nos. 54 to 59 relate to anomalies pertaining to Union Territory of Puducherry. It was further informed by the Official Side that the administration of Puducherry has constituted an Anomaly Committee at the local level. Therefore, **it was agreed that these items may be dropped from the agenda of the National Anomaly Committee.** However, the staff side also stated that the Anomaly Committee constituted by the Administration of Puducherry should be on the pattern of the departmental anomaly committees and staff side should also be given due representation in the same.

Item Nos.52 & 53

The Official Side informed that these two items relate to anomalies pertaining to the Union Territory of Andaman & Nicobar Islands and therefore suggested that the same may also be dropped from the agenda of NAC. The Staff Side agreed with the suggestion subject to the condition that some mechanism should be evolved at the local level to discuss these anomalies. The Official Side agreed to take up the matter with the Ministry of Home Affairs.

Agenda Item Nos. 1 to 4 & 5(iii)- Anomaly in Pay Fixation in case of merger of various Pay Scales.

The Staff Side reiterated their demand that since the pre-revised Pay Scales of Rs.5000-8000/-, Rs.5500-9000/- were merged with the pay scale of Rs.6500-10500, the pay of the incumbents holding the pay scales of Rs.5000-8000/- and Rs.5500-9000 should have been fixed with effect from 1.1.2006 by applying the multiplying factor of 1.86 at Rs.6500/-. The Official Side informed that incumbents in the pre revised pay scale of Rs.6500-10500 have been granted Grade Pay of Rs.4600/- and hence now, there is no justification for this demand. The staff side, however, stated that it would be incorrect to presume that the anomaly has been resolved by granting grade pay of Rs. 4600 to employees in the pre-revised scale of Rs. 6500-10500. The staff side stated that pre-revised pay scales of Rs 5000-8000/- and Rs 5500-9000/- have been merged with the pre-revised pay scale of Rs 6500-10500/- and therefore, employees in these pay scales should be given the minimum of Rs 6500/- multiplied by 1.86 as basic pay in the pay band.

Agenda Item No.5- Revised Pay Rules

(i) Regarding finalisation of option to be given by the employees for the purpose of pay fixation, it was informed by the representatives of the Department of Expenditure that matter regarding delegation of powers to the administrative Ministries/ Departments to allow the revised option is under consideration.

(iv) Regarding anomaly in fixation of pay between direct recruits and promotees, the Staff Side reiterated that while applying Rule 8 of the CCS (RP) Rules, 2008, the pay of direct recruits and new entrants is fixed at a higher stage when compared to the existing employees who were promoted in the same grade. The Staff Side demanded that this anomaly should be rectified by incorporating a provision that in case after 1.1.2006, if a promotee's pay is getting fixed at a stage lower than that of a direct recruit as given in Section 2 of the First Schedule of the CCS (RP) Rules, then the pay of the promotee should be fixed at the same stage as that of a direct recruit/ new entrant so that the existing employees' pay is protected at par with the pay given to a new entrant. The Staff Side referred to the orders issued by the Ministry of Railways for stepping up of the pay of a senior employee who is after promoted after 1.1.2006 and if his / her pay is fixed at a stage less than that of a junior employee who is recruited after 1.1.2006 and requested that Department of Expenditure should issue similar order/ clarification in respect of employees of other Ministries/ Departments. The Official Side, however, was of the opinion that such orders should be issued only by the concerned Ministries/ Departments after seeking approval of the Department

of Expenditure. Representatives of the Department of Expenditure also informed that the order issued by the Ministry of Railways is not applicable to all the cases and also that the same is applicable only in certain cases subject to fulfilment of certain conditions. Therefore, Representatives of the Department of Expenditure were of the view that a general order in this regard might create more confusion and hence it would be prudent to deal with the issue on case to case basis. In response to the suggestion of the staff side to re-examine the matter, representatives of the Department of Expenditure stated that the matter has already been examined and in cases, where the conditions of stepping up are met, there is no difficulty. However, in cases, where certain conditions are not met, it may not be possible to accommodate the demand of the staff side with the broad principles envisaged by the 6th CPC in this regard. The staff side then stated that as per the relevant provisions of the Fundamental Rules, anybody who is promoted, his / her pay cannot be fixed at a stage lower than the minimum of the pay scale in which he /she has been promoted. The staff side further stated that any person, who is appointed afresh to a post, is normally appointed at the minimum of that pay scale. Therefore, whatever pay has been prescribed for a direct recruitee, has to be treated as the minimum of that particular post in the concerned pay band. On this basis, the staff side stated that pay of a promotee should not be fixed lower than that of a direct recruitee in a particular pay band. The representatives of the Department of Expenditure stated that as a general proposition, this is not in line with the scheme of things envisaged and implemented as result of the recommendations of the 6th CPC. Therefore, agreeing with the demand of the staff side would mean departing from the general recommendations of the 6th CPC and therefore additional information is required before taking any decision on this matter. In this regard the staff side contended that it is a question of relevant Fundamental Rules and not regarding the recommendations of the 6th CPC. The Staff Side insisted that provisions of the Fundamental Rules are statutory and therefore, they are above the recommendations of the 6th CPC and would prevail over them. Representatives of the Department of Expenditure stated that as per Rule 15 of the CCS (RP) Rules, 2008, the provisions of CCS (RP) Rules 2008 shall prevail in case there is any inconsistency between these rules and Fundamental Rules and therefore, the contention of the Staff Side regarding inconsistency with the Fundamental Rules and provisions regarding fixation of pay on promotion is not correct. After a prolonged discussion on the matter, it was decided that the Official Side will re-examine the matter.

(v) Regarding the anomaly relating to Rule 9 of the CCS (RP) Rules, 2008, concerning the date of next increment, the Staff Side reiterated their demand that employees whose date of next increment falls between 1st February to 1st June may be given an increment, as a onetime

measure, in the pre revised pay scales on 1.1.2006 as has already been done in respect of employees whose next date of increment was 1.1.2006. The representatives of the Department of Expenditure stated that it is important to first examine the repercussions of granting an increment w.e.f 1. 1. 2006 in the pre revised pay scale because such a decision may eventually lead to certain other anomalies. After a long discussion, it was agreed that the Official Side would re-examine the matter and either suitable clarification in this regard will be issued before the next meeting of the National Anomaly Committee or if there is a need, the Department of Expenditure shall discuss the matter again with the representatives of the Staff Side.

(vii) The issue regarding temporary status casual labourers was discussed. The Staff Side stated that the temporary status casual labourers should be imparted the requisite training and granted grade pay of Rs.1800/- w.e.f. 1.1.2006. In this connection, the Official Side informed that the Department of Personnel & Training has already taken up the matter with all Ministries/ Departments and information has been called from all Ministries / Departments regarding the number of temporary status casual labourers and the proposals relating to three Ministries/ Departments have already been cleared. It was also informed that no proposal of any Ministry/ Department is pending with the Department of Personnel & Training. Therefore, the required action has already been initiated in this regard.

Agenda Item No.47: Date of Annual Increment in EOL cases

The Staff Side stated that after the implementation of the recommendations of the 6th CPC, the date of annual increment in respect of all the employees has been fixed as 1st July every year. In this regard, the Staff Side drew attention towards a clarification given by the Department of Personnel & Training to the Ministry of Defence that in case of qualifying service of less than six months has been rendered between 1st January and 30th June of every year on account of EOL, this will have the effect of postponing one's increment to 1st July of next year. The Staff Side stated that this is quite an anomalous situation and requested that this anomaly should be removed at the earliest. After a detailed discussion on this subject, it was agreed that if an employee has rendered minimum of six months of qualifying service during a particular year, he or she should be entitled to get the annual increment on 1st July. It was also agreed that Official Side would issue appropriate instructions in this regard at the earliest.

8. In the end, the chairman thanked the members of the staff side for their help and cooperation for a rigorous and fruitful discussion. The Chairman re-emphasised that the staff side should proactively share with the official side

the queries about the report of the 6th CPC so that explanatory notes / clarifications etc. could be prepared and uploaded on the website of the Department of Personnel and Training. The Chairman also requested the Staff Side to quickly forward the names of the representatives of the staff side to be nominated as members in the Joint Committee on MACP so that the order regarding constitution of the Joint Committee could be issued. The Chairman then suggested that the next meeting of the National Anomaly Committee could be convened in the last week of June 2010. The staff side agreed with this suggestion.

DEPARTMENT OF PERSONNEL & TRAINING

LIST OF PARTICIPANTS WHO ATTENDED THE SECOND MEETING OF THE NATIONAL ANOMALY COMMITTEE HELD ON 27TH MARCH, 2010 AT 10.30 AM IN ROOM NO. 119, NORTH BLOCK, NEW DELHI.

CHAIRMAN - SECRETARY (PERSONNEL)

OFFICIAL SIDE

STAFF SIDE

1	Shri P.K. Sharma, Addl. Member (Staff), Min. of Railways	1. Shri M.Raghavaiah, Leader
2	Shri C.B. Paliwal, Joint Secretary, DOPT	2. Shri U.M. Purohit, Secretary
3	Smt. Madhulika P. Sukul, JS (Pers), D/o Expenditure	3. Shri Rakhal Das Gupta, Member
4	Shri Ramesh Kumar, Joint Secretary & AFA, Min. of Defence	4. Shri R.P.Bhatnagar, Member
5	Shri D.M. Gautam, Ex. Dir. (Pay Commission-I), Ministry of Railways, (Railway Board)	5. Shri Guman Singh, Member
6	Smt. Anjali Goyal Ex. Director, Min. of Railways	6. Shri C.Srikumar, Member
7	Shri Hari Krishan, Director, Ministry of Railways	7. Shri S.K. Vyas, Member
8	Shri Raj Kumar, Director, Deptt. of Posts	8. Shri Ch.Sankara Rao, Member
9	Shri Surender Kumar, Asstt. Director General, Deptt. of Posts	9. Shri R.Srinivasan, Member
10	Shri Raj Singh, Director, Deptt. of Pensions	10. Shri K.K.N. Kutty, Member
11	Smt. Tripti P. Ghosh Director, D/o Pensions	11. Shri S.G. Mishra, Member
12	Shri Alok Saxena, Director (IC), Deptt. of Expenditure	

13	Smt. Simmi Nakra, Director (P&A), DOPT	
14	Smt. Rita Mathur, Director (Pay), DOPT	
15	Shri Dinesh Kapila, Deputy Secretary (JCA), DOPT and Member Secretary, National Anomaly Committee	
16	Shri Ravi Kant, Section Officer (SR), D/o Posts	