

## Feedback on National Anomaly Committee meeting

Held on 27th March, 2010

Dated: 27th March, 2010.

The 2nd meeting of the National Anomaly Committee was held today under the Chairmanship of the Secretary Personnel. The Confederation was represented by Com.Vyas, President and Com. K.K.N. Kutty, Secretary General.

The Chairman in his initial opening remarks said that it would be the endeavour of the Government to finalise the issues of anomaly as fast as possible. Since there had been difference in perception on certain issues, they had to be gone into in detail and would take time more than expected. He said that the National Council meeting which was scheduled to take place last month had to be postponed for reasons beyond. He added that the same has now been scheduled to take place in May,15, 2010 and the notices have been issued. He expressed his happiness that the last meeting had been held in a very conducive atmosphere and hoped that all problems would be able to be settled through dialogue. Since the Official side representing the Pension department had to attend another meeting, he suggested to discuss the issues pertaining to Pensioners first before the other issues are taken up. The Staff Side agreed to this suggestion.

Com. Raghavaiah, Leader Staff Side while thanking the official side for convening the second meeting thanked the Chairman for the assurance of a speedy settlement of the issues. He hoped that the official side, having not circulated the Action Taken Statement on the issues discussed at the last meeting, would indicate of the progress registered on those issues. He then dealt with various problems emanating from the implementation of the MACP. While the MACP assures three financial up gradation for every employees, it has resulted in certain difficulties for the existing employees. The liberalization that is stated to have been done to the Assured progression scheme, he said, has resulted in the de-liberalization in the case of certain employees. H expressed the hope that the official side would be ale to appreciate these problems and resolve them.

Com. Purohit thanked the Chairman for his statement of finding settlement to all problems through discussions. He added that the JCM was in fact formulated for that purpose and it has worked very well, through there had been aberration in the past in the periodicity of meeting etc. He said that the 6th CPC has treaded a path different than those of all other earlier Pay Commission, as they have introduced a new concept in the Pay structure of Central Government employees. Initially the employees have only looked at the financial benefit but later they have realized that there had been certain basic changes effected. He then reiterated his statement made at the last meeting over the definition of the term anomaly. The understanding reached was to have the same definition for the term anomaly as was given at the time of setting up of the anomaly committee after the 5th CPC recommendation. That was on the basis of an agreement reached between the Staff Side and the Group of Ministers. Since the Government functions are mostly on the precedence, he was

afraid that the present definition would be quoted in future too. He, therefore wanted this fact to be properly recorded so that the present definition afforded to the term anomaly would not be a dilution of what it was earlier. He then pointed out that while all allowance in general had been doubled by the 6th CPC for which there had been a specific recommendation, in some cases, the Commission had recommended for replacement of such allowances by another scheme viz. insurance etc. The Insurance scheme has still not been introduced whereas the allowances were withdrawn. He was of the opinion that these allowances must be continued till such time the alternative scheme is ushered after consultation with the Staff side and the same should be appropriately doubled. He cited the issue pertaining to Patient care allowance and the risk allowance. He said that the insurance scheme envisaged would not be easy for being settled as many issues emanating there from will have to be discussed threadbare.

Regarding the issues emanating from the MACP scheme, he requested the Chairman, to set up a separately committee with a few from the official side and staff side where all issues could be discussed and then brought to the Committee for its final approval or rejection as the case may be He also referred to the issue of merger of CCA with transport allowance and the repercussion especially in the matter of overtime emoluments of industrial workers. He expressed the hope that the Committee would be able to address all issues and settle them in an amicable manner.

The Chairman, in reply to the initial remarks made by the Leader and Secretary said that:

(a) Joint Committee may be set up for discussing the MACP related issues;

(b) Reiterated his request that all problems and difficulties faced by the employees in implementation of the 6th CPC may be brought to the notice of the Department of Personnel and these could be addressed and placed on website of the Department, so that it could obviate reference to various nodal departments of the Government. The employees could be given the clarification on these issues.

Com. Vyas said that the proposed insurance scheme would not take care of the risk factor both of industrial workers and health workers, who are covered by the risk allowance and the patient care allowance. These allowances ought to have been doubled, whereas the risk allowance has been totally stopped without introducing the insurance scheme and PCA has been continued but at old rates. No assurance was forthcoming from the official side either on the continuation of the risk allowance or doubling the PCA, as the 6thCPC has suggested for the withdrawal of these allowances.

The following issues were discussed, thereafter.

(I) Pension related issues. Agenda Item No. 8. Item closed as having been settled in the last meeting.

(II) Item No. 9. Anomaly in pension for Govt. employees retired/died between 1.1.2006 and 1.9.2008. Having been permitted to opt which is beneficial i.e. last pay drawn or 10 months' average and full pension after 20 years, the matter stands settled.

(III) Item No. 10 dropped as per the minutes of the last meeting.

(IV) Item No. 15. The official side stated that this was not acceptable even though they had examined it on the basis of the detailed submission by the Staff Side.

(V) Item No. 16. (\*) and 21

The official side stated that it would not be possible for them to concede the demand of the staff side as orders have been issued strictly in accordance with the recommendation of the 6th CPC, which the staff side contested. They also did not agree to extend the benefit of last pay drawn and full pension after 20 years qualifying service in respect of pre 2006 retirees.

(VI) Item No. 17.(\*). The official side did not agree for the reasons they had stated against item No. 16.

(VII) Item No. 18. (\*) This anomaly has been removed by allowing the last pay drawn as the basis of pension computation for those retired on and after 1.1.2006.

(VIII) Item No. 19 (\*) The anomaly has been removed in the case of all those retired between 1.1.2006 and 1.9.2008 but did not agree to remove the anomaly in the case of persons retired prior to 1.1.2006.

(IX) Item No. 22.(\*). The issue stands settled by O.M. NO. 38/37/08-P& P W (A) Pt.I dated 3rd October, 2008. clarification at Para 5.1.

(X) Item No. 23.(\*). The matter is under examination. The Staff Side will submit a specific case for illustration of the issue. Relevant orders in similar matter after the 5th CPC recommendations were implemented will also be examined.

(XI) Item No. 24(\*) and 25 & 26. ( same issues) Not agreed. But clarificatory orders issued stating that no retrospective deduction should be made in respect of additional commuted value of pension. The reduction in pension must start from the date of payment of additional commuted value of pension.

(XII) Item No.36. After some detailed discussion, it was decided that the Office side would examine this issue further. However, they have pointed out that the amount of Rs. 3500 fixed by them would automatically undergo change as when Dearness relief is granted the parents/dependents. The Staff Side pointed out that every dependent or parent need not necessarily be a pensioner or a worker in the Govt. establishment or other institutions which pays periodical DA.

(XIII) Item No. 40(\*) not agreed.

(XIV) Item No. 45(\*) The issue is under Examination.

(XV) Item No. 48. Restoration of commutation after 15 years. After some discussions, it was agreed that the calculation made by the Staff Side would be examined and decision taken thereafter.

(XVI) Item Nos. 54 to 59 have been transferred to the Committee, which has been set up by the Government of Puducherry and therefore stand deleted from the list of National Anomaly Committee. The committee so set up ( as per the order given to the Staff side at the meeting) has only official side members. The representatives of the Association have only been permitted to present their case before the said committee. We are of the opinion that it should be a joint committee consisting of official side and staff side on the pattern on National Anomaly Committee.

(XVII) Discussion on Action taken on items already subjected to discussion in the last meeting of the National Anomaly Committee.

(i) Item No. 1 to 4 and 5(iii) The Department of Expenditure after having looked into this matter as per the suggestion of the Chairman, in the last meeting, have stated that it was not possible to agree to the staff side demand.

(ii) Item No. 5(i) Option. This is stated to be still under examination for delegation of power to the administering Ministry to allow the second option.

(iii) Item No. 5(iv) The Staff Side pointed out the statement made by the JS(Per) which is incorporated in the minutes (as under):

"in case where a promotee and post 1.1.2006 direct recruits are borne on the same seniority list and the senior is drawing less basic pay, than the junior, the pay of the senior can be stepped up." The Staff Side pointed out that orders have been issued only in respect of Railways in this regard. The Staff Side therefore, requested for issuance of an order by the Department of Expenditure to cover the employees of other Ministries/Department. The Official Side however, insisted that such orders should only be issued by the concerned departments after obtaining necessary consent from the Department of Expenditure. It was pointed out by the Staff Side that the nodal department for issuance of such orders being the Department of Expenditure, the stand taken by the official side in the matter was not in order. After some discussion it was agreed that the Department of Expenditure will examine this issue further and if orders are to be issued by them, they would do so before the next meeting or else would report their stand in the matter to the next meeting.

The issue per se i.e. A person who is promoted cannot be fixed on pay less than the minimum of the pay scale was raised by the Staff Side further. Normally a directly recruited person to a post is given the minimum of the pay scale or pay band to

which he is appointed. The 6thCPC has recommended the minimum to which every directly recruited person was to be fixed. That being so, a promotee under the extant fundamental rules cannot be fixed less than such prescribed minimum. The Official side argued that the CCS(RSP) 2008 has modified the above provisions of FR for all time to come. The Staff side stated that no rule can be amended unilaterally which would adversely affect the service conditions. It cannot therefore, be unilaterally implemented. It will be further discussed in the next meeting.

(iv)Item No. 5(v) Rule 9 Date of next increment. The pre-ponement of increment in the case of those employees whose increment dates falls between 1.2.2006 to 1.6.2006 to 1.1.2006 in the pre- revised scale of pay as has been done in the case of persons whose increment date was on 1st January, 2006 would be considered further and decision taken before next meeting as a one time measure.

(v)The Department of personnel has asked all administering Ministries to take up with them the matter of fixation of Grade pay at Rs. 1800 in the case of Temporary Status employees. They have also informed that wherever such reference has been received the same has been disposed of. The organizations are, therefore, requested to take up the issue with the Heads of departments and ensure that a reference is made to the Department of Personnel so that the temporary status employees are imparted training and granted Rs. 1800 Grade pay with effect from 1.1.2006

(vi)Item No. 47(\*) This issue was discussed at length. The problem of postponement of increment by one year in respect of persons availing extra ordinary leave on private affairs even for a day between 1st January and 30th June was highlighted by the Staff Side. The Official side explained that the clarification issued by them to the Ministry of Defence was on the basis of the extant instructions in the matter .After some discussion, the staff side proposed that if an employees has completed six months service during a particular year, he should be entitled to get his increment on 1st July. The Official side has agreed to consider this proposal and after such consideration they will issue appropriate orders before next meeting.

The next meeting of the Anomaly Committee would be in the month of June, 2010.

*Courtesy: CONFEDERATION OF CENTRAL GOVERNMENT EMPLOYEES*