



NATIONAL FEDERATION OF CIVIL ACCOUNTS ASSOCIATIONS

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Represented By

All India Civil Accounts Employees Association

(RECOGNISED BY GOVT. OF INDIA)

CENTRAL HEADQUARTERS: NEW DELHI

All India Civil Accounts Employees Association Category -II

CENTRAL HEADQUARTERS: MUMBAI

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No. NFCAA/HQ/A-2/2020/ Corr-15

Dated: 08.09.2020

To,

1. The Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi-110004
2. The Secretary,
Department of Personnel & Training,
Government of India,
North Block,
New Delhi- 110001.
3. Controller General of Accounts,
Department of Expenditure,
Ministry of Finance,
4th Floor, GPOA, Block-E, INA,
New Delhi - 110023

Subject : forwarding of Resolution adopted in the Federal Executive meeting on 4th September 2020 urging upon the Government of India to discuss the employees Organisations before implementing FR 56(J)/ (I) and Rule 48 of the CCS (Pension) Rules, 1972.

Sir/Madam,

I have been directed to forward herewith a self-contained Resolution on the above mentioned subject adopted in the Federal Executive meeting of this federation held online through video conferencing on 4th September 2020 for your kind consideration and favorable decision.

Thanking you,

Yours Sincerely,

(V. Bhattacharjee)
Secretary General

Encl: as stated above

Copy to:

1. Secretary, Staff side, JCM(INC), New Delhi
2. Secretary, General, NFCGA-EWO, New Delhi.

RESOLUTION

Urging upon the Government of India to discuss the employees Organisations before implementing FR 56(J)/ (I) and Rule 48 of the CCS (Pension) Rules, 1972.

This online Federal Executive meeting of the National Federation of Civil Accounts Associations (NFCAA), which represents the All India Civil Accounts Employees Association and the All India Civil Accounts Employees Association Category-II held today the 4th September 2020 deliberated on the OM. No. 25013/03/2019-Estt.A IV dated 28th August 2020 issued by the DOP&T with the direction of application of Fundamental Rule (FR) 56(J)/ (I) and Rule 48 of the CCS (Pension) Rules, 1972.

According to FR and CCS (Pension) Rules, 1972 the appropriate authority has the absolute right to retire Government Servant prematurely under the provisions of FR 56 (J), 56(I) and Rule 48(1) (b) of CCS(pension) Rules in public interest. All Government Group 'A & B' officers covered by CCS (Pension) Rules who entered service before 35 years of age and have attained 50 years of age and for others who have attained 55 years of age can be retired prematurely if it is necessary to do so in public interest. A Government servant in Group "C" post, who is not governed by any Pension Rules, can also be retired under FR 56(I) after he has completed 30 years of service.

This meeting is of the firm view that the rules are undemocratic, unilateral and anti-employee. There is a very scant chance of using the rules fairly and impartially and not arbitrarily. The term "Government Servant" instead of "Government Employee" being used by the British colonial Rulers in respect of Indian employees in pre-independent India still exists in the rules. The procedure itself is harsh on the part of employees and bias cannot be denied on the part of administration to victimise those having difference of opinion on many matters, procedure of work. When there is availability of penal clauses to justify the ends compulsorily retiring Government employees on the pretext of review at the age of 50/55 no doubt brings humiliation with it. A reasoned outcome of committee reports when not intimidated/shown to the affected employees do not ensure impartiality enshrined in the spirit of law. "Public interest" and "Ineffectiveness" are loose terms and have various meanings due to the unquantifiable nature of work of government servants in a welfare state in which profitability is less important. It is very difficult to ensure that employees recommended for compulsory retirement under FR56 (j) or 56 (I) or the Rule 48 of the CCS (Pension) Rules, 1972 brought justice to government exchequer. It might lead to avoiding the path of punishing offenders and retiring them with pride.

This meeting is of the firm opinion that the Summary procedure itself for processing the provisions under FR56 (j) or 56 (I) or the Rule 48 of the CCS (Pension) Rules, 1972 is faulty and undemocratic and bringing disrepute to Government Employees working fearlessly for the welfare of society. Government has the absolute right to retire its employees, prosecute for losses as an employer but due procedure must be followed and constitutional validity of very old rules framed with the pre-independence era mind-set are to be reviewed.

This meeting therefore, resolved to urges upon the Government of India to kindly consider the grave concern of the Central Government Employees with regard to provisions under FR56 (j) or 56 (I) or the Rule 48 of the CCS (Pension) Rules, 1972 and in order to ensure justice to the Central Government employees, discuss with the staff side JCM (NC) and the National Federation of Central Government & Allied Employees & Workers Organisations (NFCGA-EWO) and keep the implementation of the DOP&T OM dated 28th August 2020 in abeyance till the discussions take place.

The meeting further resolves to forward this Resolution to the Cabinet, Secretary to the Government of India, Secretary, DOP&T and the Controller General of Accounts, Department of Expenditure, Ministry of Finance, with endorsement of its copies to the Secretary, Staff side, JCM (NC) and the Secretary General, NFCGA-EWO.



(Amol Sule)
President