

No.3/4/2021-JCA
Government of India
Department of Personnel & Training
Establishment (JCA) Section

North Block, New Delhi-110001.
Dated: 14th July, 2021

To

Shri Shiva Gopal Mishra,
Secretary, Staff Side
13-C, National Council (JCM)
New Delhi.

Subject: Minutes of the 48th Meeting of the National Council (JCM) held on 26.06.2021

I am directed to enclose herewith a copy of the Minutes of the 48th meeting of the National Council (JCM) held on 26.06.2021, under the Chairmanship of Cabinet Secretary.

Encl. as above

Yours faithfully,



(S.P. Pant)
Deputy Secretary (JCA)

1. All the Members of the National Council (JCM)

Copy to:

2. Secretary, Staff Side, NC(JCM), 13-C, Ferozeshah Road, New Delhi.
3. General Secretary, AIRF, 4 State Entry Road, New Delhi
4. General Secretary, NFIR, 3, Chelmsford Road, New Delhi.

MINUTES OF THE 48TH MEETING OF THE NATIONAL COUNCIL (NC) OF THE JOINT CONSULTATIVE MACHINERY (JCM) HELD ON 26.06.2021.

The 48th Meeting of the NC, JCM was held on 26th June, 2021 under the chairmanship of Shri Rajiv Gauba, Cabinet Secretary.

List of participants is **Annexed**.

2. Welcoming the Chairman and the participants, Shri Deepak Khandekar, Secretary (P), stated that the foundation of the scheme of JCM is based on cooperation and harmonious relations between the two sides, and that the dialogue between the two sides is a continuous and ongoing process. He further stated that it was, for this reason that DoPT has issued directions to all Ministries/Departments to hold the meeting of the respective Departmental and the Office Councils once in every four months, and also to revive the Departmental or Office Councils wherever these are not functioning effectively. Secretary (P) also informed about the pro-active role DoPT is playing in ensuring the smooth functioning of the offices, while ensuring the safety and well-being of employees during the COVID-19 Pandemic. He elaborated the measures taken in this regard, such as waiver of biometric attendance, reduced attendance in offices, facility for employees to work from home, especially for Persons with Disabilities (PwDs) and pregnant women, etc.

3. Cabinet Secretary and Chairman, NC, JCM, extended a warm welcome to the representatives of the Staff Side as well as the Official Side. He stated that the JCM is an old & established platform in existence since 1966, for constructive dialogue between the two sides and for resolution of all issues between the Government and the employees. He observed that this meeting was scheduled to be held in May, 2021, but had to be postponed due to the upsurge in COVID-19 cases. The Chairman also noted that informal meetings to discuss various demands of the Staff Side have been continuing in the interval between the 47th and the 48th meeting of NC, JCM. A meeting of the Standing Council of JCM was chaired by Secretary (P) in February, 2021. He observed that the Covid 19 Pandemic is an unprecedented global crisis, and has caused suffering all over the world. The management of the Pandemic is a challenging task for every country in the world and India is no exception. He briefly mentioned the actions taken by the Government in mitigating the hardships faced by the citizens due to the Pandemic and expressed his deep appreciation of the role played by the government employees at all levels in the management of this situation. The Chairman expressed his deepest condolences at the demise of the government

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employees due to COVID-19, and mentioned that the Government was aware of the hardships being faced by the employees and their families. He referred to various welfare measures taken in this regard, such as full salary to those who could not attend duty due to lockdown or quarantine, free vaccination for all, facility to work from home and a host of other similar measures. On the subject of effective and smooth functioning of the JCM, he expressed his hope that the meetings of Departmental Councils & Office Councils under the JCM are held regularly, and that the issues are resolved harmoniously. He requested all the Secretaries to take personal interest to come up with solutions to the demands of the Staff Side, and hoped that the 48th meeting would be conducted in an exemplary manner, and in the right spirit of the JCM mechanism.

4. This was followed by opening remarks of Shri M. Raghavaiah, Leader, Staff Side, and Shri Shiv Gopal Mishra, Secretary, Staff Side.

4.1 Shri M. Raghavaiah, Leader, Staff Side extended his warm welcome to the Chairman, NC and other senior officers, present in the meeting. Thanking the Chairman for holding the 48th meeting of the NC, in spite of the COVID-19 Pandemic, he appreciated the continuous efforts of the Government in maintaining harmonious relationship between the two sides, and for the Government's efforts to deal with all the problems of the employees by holding dialogue. Thereafter, Leader, Staff Side made the following points: -

- (i) Over 2800 deaths of employees have occurred in the COVID-19 Pandemic, which is unfortunate.
- (ii) Chairman, Railway Board has held a detailed discussion with the Staff Side in June, 2021 at the meeting of the Departmental Council.
- (iii) Issue of the pending Arbitration Awards needs to be closed expeditiously, regarding which a letter dated 05.03.2021 has been written by the Secretary, Staff Side to the Chairman, NC.
- (iv) There should be greater efforts by the Ministries/Departments for filling up the vacancies based on the requirements, especially in the Ministry of Railways and Ministry of Defence.
- (v) The pre-2004 pension issues should be resolved early and the D/o P& PW OM in this regard should be relaxed to facilitate their requirements.
- (vi) The date of giving effect to the MACP Scheme may be revised with prospective effect.

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- (vii) The issue of releasing the freeze of DA/DR needs to be tackled on top most priority.
- (viii) The ceiling imposed on Night Duty Allowance should be removed urgently, especially in the case of railway employees.
- (ix) The decisions taken in the last NC, especially on the points which the Chairman had agreed, need to be implemented without further delay.

4.2. Shri Shiv Gopal Mishra, Secretary, Staff Side, in his remarks, made the following points:

- (i) The decision of the Government to corporatize the Ordnance Factories has caused great anguish in the employees and needs to be immediately rolled back.
- (ii) Having contributed more than Rs.40,000 Crore to the COVID-19 Pandemic effort by foregoing the DA/DR, Government employees are expecting considerate treatment from the Government in terms of getting arrears of the same.
- (iii) There is need to hold the meeting of the JCM Departmental and Office Councils regularly, especially in MoD, Posts, and many other organizations, for which due directions may be issued by the Chairman.
- (iv) The decision taken in the last meeting of NC to enhance the Deposit Linked Insurance Scheme in GPF, but for which no action has so far been taken, may be acted upon immediately.
- (v) Regularization of the legal time period in industrial establishments and factory of FR(J)(i) and Rule 48 of CCS Pension Rules, 1972, because it has been largely misused, to be expedited.
- (vi) D/o P&PW OM dated 19.07.2017 concerning the issue of family pension needs a review vis-à-vis the case of divorcee daughter after the death of father/mother with special consideration.
- (vii) The issue of relaxing the limit of 3 years for consideration for compassionate appointments may be considered.

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- (viii) The problem faced by employees appointed in 2003 exam but joined later in 2004 not being eligible for the Defined Pension Scheme may be solved.
- (ix) Decision given by Courts in important cases should be treated as *in rem* and not *in personam* to avoid litigation in Government.
- (x) Increase in manpower, particularly in Railways and Defence, in view of increased work may be considered.
- (xi) There is need for an Employee Charter to ensure timely disposal of grievances of the central Government employees.
- (xii) Over 1800 railway employees have died in the COVID-19 Pandemic and more than 1,56,000 got infected, but the railways have provided uninterrupted essential services during the Pandemic, in terms of supply of essential commodities, oxygen trains and similar critical activities, in light of which railway workers should be declared as Frontline Workers, and given due recognition.

4.3 Shri C. Srikumar, representative of MoD, Staff Side, also made certain observations regarding the decision of the Government to corporatize the ordnance factories. He stated that the 07 corporations created after the decision may not be viable, which will have an impact on national security as well as on the employees. He urged the Government to recognize the work put in by the ordnance factory employees during the fight against the COVID-19, in terms of PPE kits and necessary equipment etc. He requested the Government to reconsider this decision.

5. Thereafter, the agenda points were taken up. The discussion & decisions taken is summed up in the following paragraphs.

5.1. Item No. NC-47/13/19: Reimbursement of expenses in indoor treatment to pensioners living in Non-CGHS towns.

The demand in brief is that some arrangement may be made to reimburse expenditure on indoor treatment of pensioners living in Non-CGHS Towns.

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This issue was discussed at the last meeting of the NC. It was informed that pensioners residing in non-CGHS areas have been provided the following options to avail medical facilities: -

- FMA @Rs.1000/- p.m.
- Benefit of CGHS (OPD and IPD) by registering themselves in the nearest CGHS city after making the required subscription.
- Option to avail FMA for OPD treatment and CGHS for IPD treatments after making the required subscription as per CGHS guidelines. A copy of the relevant OM issued by MoHFW has been made available to Staff side.

Secretary (Health) reiterated the above provisions and further stated that since 2019, the CGHS network coverage has expanded significantly. Against the earlier 38 cities, CGHS has now been extended to 70 cities. Further, DoE has approved the proposal to set up 16 more dispensaries in cities like Panchkula, Itanagar etc., which will raise the number of cities with CGHS coverage to 86.

Shri K.K.N. Kutty, Member, Staff Side, stated that the present scheme is not sufficient, and either health insurance or a reimbursement scheme for pensioners in mofussil areas may be introduced.

Decision: Chairman stated that the MoHFW may continue with the expansion programme of CGHS network and directed that the Health Insurance Scheme and Reimbursement Scheme issues, as requested by the Staff Side, may be discussed with DoE to find a way forward at the earliest.

5.2 Item No. NC-47/16/19: Grant of Medical Advance to the Central Govt. Employees.

The demand in brief is that the ceiling for medical advance be enhanced from the existing Rs 10,000 to Rs.50,000. This item was discussed in the last meeting of the NC. A copy of the relevant OM No. S.14025/18/2015-MS/EHSS dated 17.10.2016 has since been made available to Staff Side. Secretary (Health) explained the provisions of the said OM & informed that now CGHS and CS(MA) beneficiaries may be granted 90% medical advance of the approved CGHS package rates for all indoor treatment without any ceiling for the amount. For OPD treatment, medical advance may be limited to 90% of the total estimated

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expenditure of the treatment, subject to the condition that the advance for OPD treatment may only be granted when the total estimate of expenditure for OPD treatment including tests/investigations is more than Rs. 10,000. In case of amount less than Rs.10000, immediately upon making the expenditure, the government servant can claim reimbursement from his office.

Shri C. Srikumar, Member, Staff Side stated that the guidelines are not being interpreted properly by the lower functionaries and treatment for diseases like jaundice, diarrhea etc. is not covered by these guidelines.

Decision: Chairman directed that a clarification maybe issued by MoHFW regarding cases of treatment for diseases other than those covered under the package rates and an advance @ 90% of the estimates may also be given, subject to CGHS rates. With this direction, the item to be treated as closed.

5.3. Item No. NC-47/17/19: Reimbursement of additional charges paid on account of overstay in the hospitals.

The demand in brief is that in case of extended period of stay in the hospital, the additional charges may be reimbursed. In the previous NC, it was informed by Official side that additional charges on overstay are reimbursable, if justified and the hospital issues a certificate to this effect. Chairman had then observed that in cases of deliberate overstay for reasons attributable to the hospitals, the patient be reimbursed and action against the hospital be taken, and that MoHFW may review the matter.

Secretary (Health) stated that the additional charge on account of overstay is reimbursable, if the extended period of stay is justified. He stated that the cases are examined by a Technical Committee. He further stated that there could be instances of delay at the level of Technical Committee, which would be examined, and also that in case of overcharging by hospital, which is not justified, there is a provision for recovery from the hospitals out of their bills, and to make payment to the beneficiary who has been overcharged. He also said that suggestions to further improve the system are welcome.

Shri C. Srikumar, Staff Side, informed that this facility is available only to CGHS beneficiaries, but not to those covered under the CSMA, where beneficiaries have to spend from their own pockets and, thereafter, get reimbursement. So, the demand is especially for the CSMA beneficiaries.

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Secretary (Health) stated that the benefit is available to both the CGHS and CSMA beneficiaries, and if such instances of aberration are brought to notice, it will be ensured that the amount is refunded. He also requested the Staff Side to make wide publicity of this provision.

Decision: - Chairman stated that the instances of payment of additional charges on account of over stay in the hospitals by CS (MA) beneficiaries may be brought to the notice of MoHFW for consideration by Staff Side. With this observation, the item to be treated as closed.

5.4. ITEM NO. NC-47/27/19: Hospital Patient Care Allowance (HPCA) for Central Government employees working in hospitals.

The demand in brief is that besides the existing staff covered, HPCA may also be given to junior physiotherapists, junior dieticians, Carpenters, painters, Tailors, Mazdoors, Mali, Chowkidars, LDC, UDC, Stenographers, Accountants and messengers etc. In the previous Meeting, it was informed by MoHFW that the matter is under examination in consultation with the DoE.

Secretary (Health) stated that in this regard, a preliminary exercise has already been done. As per this exercise, about 11,000 employees would be added for grant of HPCA, in case the demand is accepted. He further stated that this figure would be shared with DoE shortly.

Secretary, Staff Side requested that three further additional categories, i.e., AC Maintenance Staff, Electrician and Civil Engineering categories may be included for grant of HPCA.

Shri C. Srikumar, Member, Staff Side, stated that in spite of MoHFW instructions, Defence Paramedical Staff are not being paid HPCA. Shri R.S. Reddy, Member, Staff Side, informed that earlier decision of the concerned ministry used to be applicable to the respective categories of employees *suo-motu*. However, now the Accounts Division in MoD has asked for MoD orders in this regard.

Decision: Chairman asked MoD to address this issue of non-payment of HPCA to paramedical staff, and that MoHFW may resolve the issue regarding inclusion of additional categories of staff expeditiously.

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5.5. Grant of Recognition to all employee organizations fairly and transparently, restore function of the Departmental and Office Councils in terms of the JCM scheme.

Shri R.N. Parashar, Staff Side representative, D/o Posts informed that many Departmental Councils are not functioning, nor are meetings being held.

Additional Secretary (Estt), DoPT clarified that instructions have been issued, the latest being on 09.06.2021, to each Ministry/Department, from time to time, at the highest level, to activate Departmental and Office Councils, if not already done, and also to hold meetings as per the schedule prescribed in the instructions. Regarding recognition of Associations, DoPT has already issued broad guidelines in 1993. Based on these guidelines, recognition is granted by individual Ministry/Departments.

Decision: - Chairman asked Secretary (P) to monitor the issue. If required, he would write to all the Secretaries to ensure that Departmental Councils meetings are held regularly and recognition to Staff Associations is granted in time. The specific cases mentioned by Staff Side may be disposed of early by the concerned departments. With this direction, the item to be treated as closed.

5.6. Item No. NC-48/1/21: Settlement of the following COVID-19 related Items:

- (a) Item: To declare the Central Government Employees as frontline workers, and to ensure free COVID-19 vaccine to all the employees and their family members (MoHFW)**

Secretary (Health) stated that guidelines for free vaccination have already been issued, and are effective from 21.6.2021 for all citizens above the age of 18 years & that vaccination facility is available in all Government centres. However, those who have the capacity to pay can avail of this facility from private hospitals. This apart, as stated, letters were also written by the Secretary (Health) to all Ministries/Departments to organize vaccination camps in their respective offices/field offices.

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Secretary, Staff Side, thanked Secretary (Health) for this decision. He stated that during the pandemic, railway employees have been working round the clock, and that 1.56 lakh employees were infected by COVID-19, and 2800 staff have succumbed, while fearlessly performing their duties. Hence, he requested that the railway employees may be declared as Frontline Workers.

Decision: Chairman directed that in view of the detailed information shared by Secretary, D/o H&FW on measures taken by the Government to enhance Covid-19 vaccination coverage, the item be treated as closed.

(b) Item: Employees who are tested COVID-19 positive may be given quarantine leave till they are medically declared fit. (DoPT)

Secretary (P) stated that O.M. dated 07.06.2021, in this regard, has already been issued, covering all possible situations.

Shri C. Srikumar, member Staff Side, stated the following issues:

- (i) The provisions of the DoPT OM dated 07.06.2021 do not adequately cover the situation where employee himself is ill. Cases of Black Fungus not covered.
- (ii) There is a need to revive provision for Quarantine Leave in view of COVID-19 Pandemic.
- (iii) Where public transport is not available, Special Casual Leave may be granted until it is restored.
- (iv) The OM is not catering to cases where curfew is imposed.

Decision: Chairman asked Secretary (P) to examine the matter and issue another clarification, if required.

(c) Item: 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. (DoPT)

Secretary (P) stated that data in this regard is being collected from different departments and the matter would be examined thereafter.

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Decision: Cabinet Secretary asked Secretary (P) to examine the matter at the earliest.

(d) Item: Staff who could not attend duty due to lockdown or were forced to be in isolation, come in contact with COVID-19 positive person, should be treated 'on duty' on special CL. (DoPT)

Secretary (P) stated that DoPT O.M. dated 7.6.2021 has provided for such a situation.

Decision: Chairman directed that in view of this clarification, the item to be treated as closed.

(e) Item: Ex-gratia payment/compensation of Rs.50 lakh to the family of all those employees who died of COVID-19 infection. (DoE and D/o P&PW)

Shri R.N. Parashar, Member, Staff Side, stated that an amount of Rs.10 lakh was sanctioned as ex-gratia payment in Department of Posts, however, the proposal was later declined by DoE.

Secretary, Staff Side, also pressed for increasing the amount of ex-gratia payment to Rs.50 lakh per employee.

Decision: Chairman directed that the matter may be examined in D/o P&PW in consultation with DoE.

(f) Item: Full reimbursement of Medical treatment charges of COVID-19 infection (MoHFW)

Secretary (Health) stated that the rates for COVID-19 treatment in private hospitals are prescribed by concerned State Government under the Disaster Management Act, and CGHS has issued instructions in this regard. CGHS rates for treatment for COVID-19 have already been notified vide CGHS OM of 10.07.2020. Where hospital charges are more than CGHS rate, Technical committee in H&FW will look into such claims. He further stated that powers have also been delegated to the Addl. DG, CGHS to decide cases.

Shri C. Srikumar, Staff Side, stated that the charges for PPE kits/overalls, nutritious food provided to COVID-19 patients etc. are not being reimbursed, and

requested that the entire amount charged by the Hospital for COVID-19 treatment may be reimbursed.

Decision: Chairman directed Secretary (Health) to examine the matter in the light of difficulties narrated by the Staff Side.

(g) Item: Provide full wages to all workers who are engaged on daily-rated basis even for the day they could not attend office due to COVID related reasons. (DoE)

Additional Secretary, DoE stated that vide OMs, dated 20.5.2020 and 8.6.2021, the contractual, casual and outsourced staff of Ministries/Departments and other organizations of Central Government, who could not attend office due to lockdown/other COVID related reasons, have been granted full wages for the period (i) 23.3.2020 to 31.5.2020 and (ii) 1.4.2021 to 30.6.2021.

Decision: Information noted. Item may be treated as closed.

(h) Item: Declare all CGHS dispensaries/wellness centres, Railway Hospital and Dispensaries, Ordnance Factory Hospitals and Dispensaries etc., as vaccination centres where the Central Government will provide free vaccine. (MoHFW)

Secretary (Health) stated that States and UTs have been asked to utilize the CGHS Centres as Vaccination Centres. Addl. Directors, CGHS, in all the cities have been directed to coordinate with the State Governments in this regard. He informed that as per the COVID-19 Vaccination Operational Guidelines, all health facilities meeting the minimum requirements of Human Resources (including vaccinator), Infrastructure, Storage of Vaccines and management of Adverse Events Following Immunization (AEFIs) can be made functional as COVID-19 Vaccination Centre by the District Authorities. At present, 49 CGHS Wellness Centres located in Delhi and 6 outside Delhi are already being utilized as COVID Vaccination Centres (CVC).

Decision: Information noted. Item may be treated as closed.

5.7 Item No. NC-48/2/21: Evolve a Health Insurance Scheme for all employees and pensioners to cover all pensioners, who are outside the ambit of CGHS.

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Secretary (Health) stated that this issue is under examination with an inter-departmental Committee. It was referred to M/o Finance and certain concerns have been raised.

Decision: Chairman directed Secretary (Health) to examine and decide the matter as soon as possible in consultation with DoE.

5.8. Item No.NC-48/3/21: Take steps to revive all PSUs which are either closed down or privatized, which are capable of manufacturing vaccine in the background of the acute shortage of vaccine and oxygen units.

Secretary (Health) stated that no efforts have been spared for augmenting vaccine manufacturing. He listed out the various facilities working in this regard. In addition to PSUs under MoHFW, PSUs of other Ministry/Department like D/o Biotechnology, D/o Animal Husbandry & Dairying are also being revived for vaccine production.

Decision: Information noted. Item to be closed.

5.9. Item No. NC-47/5/19: GPF for those who have been recruited on or after 1.1.2004.

The issue raised in brief at the previous meeting is that the employees appointed on or after 1.1.2004 are covered by the New Pension Scheme (NPS). GPF is also not applicable. The contributions made under NPS are fully locked during service. There is no provision for withdrawal like in GPF which is necessary for meeting social obligations like marriages etc. Hence, employees may be allowed to contribute to GPF. In the previous meeting, the official side had agreed to examine whether the existing ceiling of withdrawal of 25% from NPS Tier-I could be further increased.

Addl. Secretary (Pers.), DoE, stated that DFS is administering the NPS, and if GPF was allowed, it would be deviation from the relevant Cabinet decision. Secretary, DFS, stated that an alternative to GPF is available in NPS as the Tier-II, which is administered through PFRDA, and that NPS beneficiaries (i.e. new recruits after 1.1.2004), have been given the option of opening Tier-II account under NPS in lieu of GPF which has no restriction on the withdrawals. Further, withdrawal up to 25% of the subscriber's contribution under NPS Tier-I is also

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allowed. He also informed that the rate of return in Tier -II has been around 10% over the last few years, as against the rate of interest of about 7% in GPF.

Shri Shiv Gopal Mishra, Secretary, Staff Side representative stated that NPS is dependent on market, and that in the last meeting it was discussed that an option may be given for willing employees to join GPF.

Decision: Chairman directed that the proposal for giving option to the employees for joining GPF in lieu of NPS Tier-II may be examined by DFS and DoE.

5.10. Item No. NC-48/4/21: Introduction of Productivity Linked Bonus (PLB) in place of *ad hoc* Bonus: raising the minimum ceiling for the purpose of payment of Bonus to Rs.18000/- in accordance with 7th CPC.

The demand in brief is that the Bonus be increased to Rs.18000/-.

Addl. Secretary (Pers), DoE, stated that the Payment of Bonus Act, 1965, provides the eligibility ceiling/limit and calculation ceiling limit. The present eligibility monthly ceiling is Rs.21000 and the calculation monthly ceiling is Rs.7000. The remaining central government employees, not covered by any PLB Scheme, are being authorized ad-hoc Bonus (non-PLB) of Rs. 7000 per year, on the analogy of the relevant provisions of the said Act, wherein the limit is fixed by the M/o Labour and Employment.

Decision: The item may be closed for now.

5.11 Item No. NC-48/5/21: Revision of the Central Govt. Employees Group Insurance Scheme (CGEGIS)

Secretary, Staff Side stated that the CGEGIS subscription rates and the benefits have not been revised for more than the past 3 decades despite various requests. This issue was discussed, in detail, long back with DoPT, DoE and DFS, and that the Staff Side views had been provided, but nothing has been done so far. Secretary, DFS, stated that CGEGIS-80' was made exclusively for the central government employees, and that the subscription paid by the members bifurcated into Savings Fund (70%) and Insurance Fund (30%). Cabinet did not accept the recommendation of 7th CPC for a steep hike in monthly contribution and it was decided to formulate a Customized Group Insurance Scheme in

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consultation with all concerned stakeholders. A new proposal was sought from LIC to which the Staff Side objected, observing it to be on higher side and proposed a monthly subscription of Rs.1920 (480 + 1440), Rs.960 (240+720) and Rs. 640(160+640) with insurance and saving components for the sum assured of Rs.50 Lakh, 25 Lakh and 15 Lakh respectively. He also stated that the Scheme should be run by GoI.

Decision: Chairman directed that DFS may finalize the matter in consultation with DoE and DoPT.

5.12. Item No. NC-48/6/21: Withdrawal of orders of DA/DR freeze (DoE).

Leader, Staff Side, stated that the 32 lakh Central Government Employees and 50 lakh pensioners have been affected by this decision of the Government and there is a need to immediately release the next instalment of DA/DR and arrears from 01.01.2020. He said that it was a drastic decision to pause DA/DR for one and half year & that more than 80% of the serving employees as well as pensioners are low paid and are worst hit by this decision.

Shri Guman Singh, Member, Staff Side stated that while the Government has decided to freeze the DA/DR in a situation when the cost of living is increasing rapidly, causing increased hardship to the employees.

Shri Sadhoo Singh, Member, Staff Side, stated that the retired staff have been specially hit hard by the freeze of DA/DR.

Shri J.R. Bhosle, Member, Staff Side, also spoke regarding the need to roll back the Government's decision in this regard.

Secretary, Staff Side, mentioned that the Hon'ble MoS, Finance made a commitment to release the withheld three instalments of DA/DR (due from 01.01.2020, 01.07.2020 and 01.01.2021) on the floor of the Parliament which ought to be honoured.

Addl. Secretary (Pers.), DoE informed that the decision to withhold three instalments of DA/DR was taken with the approval of the Cabinet, as per which, arrears are not to be paid. Chairman stated that the decision was taken by the Government in view of difficult circumstances faced due to the Pandemic and extremely heavy burden on the exchequer to deal with the various requirements

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such as vaccination, development of infrastructure etc. He assured that the Government is fully sensitive to the difficulties being faced by the employees and the pensioners and that a decision in this regard would be taken by the competent authority in due course.

Decision: Chairman informed that the matter will be placed before the Competent Authority for an appropriate decision as early as possible.

5.13 Item No. NC-48/7/21: Central Government Employees may be granted one more option to switch over to 7th CPC, from a date subsequent to 25th July 2016

Leader, Staff Side stated that a new situation has already arisen as the entry pay scale to promotee has been given after a gap of 5 years and that the gap of 90 days period was also given during 4th, 5th and 6th Pay Commissions. Further that in the Ministry of Railways, 51,000 employees were promoted from September, 2016, and have been put to loss, as restriction date of 25.7.2016 has been made only in the 7th CPC.

Addl. Secretary (Pers), DoE stated that seeking the option cannot be an endless exercise, and it has to be completed by some specific date. She further stated that there seems to be some difference in perception, and expressed willingness to have a discussion with Staff Side very soon on the issue.

Decision: Cabinet Secretary directed Addl. Secy.(Pers), DoE to hold one more discussion with the Staff Side and to try to come up with the solution.

5.14 Item No. NC-48/8/21: Settle all 7th CPC Anomalies represented by the Staff.

Staff Side representatives raised issues such as 'Removal of Condition of 3% stipulated to grant Bunching benefits', 'Fixation of Pay on Promotion', 'Removal of anomaly in the Pay Matrix', 'Lesser pay in Higher Level of Pay Matrix', 'Bunching of steps in the revised pay structure', parity in pay scales between Assistants/Stenographers in field/Subordinate Offices and Assistant Section Officers and Stenographers in CSS'.

Additional Secretary (Pers.), DoE stated that there seems to be difference of perception insofar as these points are concerned. Hence, a separate meeting of

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the Staff Side with the officers of D/o Expenditure is required to be held to arrive at some amicable solution.

As regards grant of Grade Pay of 5400 to Senior Section Officers of Railways, AAOs of IA&AD and Organised accounts (Civil Accounts, Postal Accounts and Defence Accounts), she stated that Orders in this regard have already been issued and the matter is resolved.

Decision: Chairman directed that a separate meeting of the Staff Side with the officers of DoE may be held to resolve these issues.

5.15 Item No.NC-48/9/21: Grant of Compassionate Allowance to the widows of Employees dismissed/removed from service. (D/o P&PW).

Explaining the issue, Secretary, D/o P&PW, explained that the CCS(Pension) Rules, 1972 provide for payment of Compassionate Allowance to employees dismissed or removed, if the case deserves special consideration. Cases in which the widows of employees, dismissed and removed, have applied for Compassionate Allowance which has not been considered on the ground that there is no such provision in Rule 41 of CCS(Pension) Rules, 1972. Compassionate Allowance may be sanctioned to widows of the dismissed and removed employees on humanitarian grounds, in cases where such an employee has rendered more than 10 years qualifying service before dismissal/removal. He also stated that an amendment in CCS (Pension) Rules is under consideration, wherein it is proposed that Disciplinary Authority may examine every case, and take decision regarding grant of Compassionate Allowance, within three months after the date of issue of the order imposing the penalty of dismissal or removal from service. A provision in the Rules to also consider past cases (which were not considered earlier) within a period of 3 months from the date of notification of the revised Rules is also under consideration.

Shri C. Srikumar, member, Staff Side, specifically mentioned the cases of those deceased employees, whose applications remain undecided, and whose widows may be considered for grant of Family Pension.

Decision: Chairman directed D/o P&PW to take a decision in the matter at the earliest, and then item may be treated as closed.

5.16 Item No. NC-48/10/21: Withdrawal of NPS and restoration of Defined Pension Scheme under the CCS(Pension) Rules, 1972 to the employees who are recruited on or after 1.1.2004 at par with the Armed Forces Personnel.

The demand in brief is to scrap NPS and restore the Old Pension Scheme.

Leader, Staff Side mentioned that the employees are not happy with the NPS. He also requested for a copy of the report of the group of Secretaries which recommended to guarantee 50% of Basic Pay as pension under all circumstances. He felt that such a measure in the scheme will satisfy all the employees.

Additional Secretary (Pers), DoE stated that rolling back to Defined Pension Scheme under the CCS (Pension) Rules, 1972 would be difficult.

Secretary, Staff Side, stated that if roll back is not possible, 50% of basic pay may be ensured as pension at the time of retirement. If required, a provision of a corpus can be considered make up the deficiency, if any. He gave examples of Brazil and some other countries where such a provision for pensioners has been made.

Cabinet Secretary stated that return to old pension scheme is not possible. However, efforts can be made to improve the returns of NPS.

Decision: Chairman directed Additional Secretary (Pers), DoE, to hold discussions with the Staff Side separately on measures to improve the returns of NPS.

5.17 Item No. NC-47/7/19: Exempt Transport/Running Allowance from Income-Tax.

The issue raised is that the present Income Tax exemption limit of the TA is Rs.800 pm but in view of rate increase, TA of Rs.3200 plus DA be exempted from Income Tax.

Joint Secretary, D/o Revenue stated that the current policy of the Government is to withdraw the individual allowance and allow a general deduction which would be available to all taxpayers.

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Secretary

Secretary, Staff Side apprised that Loco Pilot, Guard etc. work day and night and get running allowances. He further stated that this item was discussed in the 47th meeting of NC, JCM also but no solution has been found so far. He stated that the Running Allowance can be bifurcated into two parts viz. 70% as TA component and 30% as miscellaneous component (charges for food etc.). The 70% should be exempted from the Income Tax on the analogy that there is no Income Tax on Travelling Allowance. He suggested that there should be a meeting on this issue.

Leader, Staff Side stated that this issue has been pending with CBDT for more than 5 years and requested for expeditious clearance to Railway Ministry.

Decision: Cabinet Secretary directed the representative of D/o Revenue to apprise Revenue Secretary of the matter, and to have this resolved early in consultation with Chairman, CBDT and Chairman, Railway Board.

5.18 Item No. NC-47/36/19: Exemption from payment of Income Tax to Pensioners who have attained age of 80 years or more.

In the previous meeting, the Official Side had informed that it is not feasible to agree to this demand. However, Chairman had observed that the D/o Revenue may examine feasibility of exempting persons above 80 years from filing Income Tax Returns, by devising alternative safeguards.

JS, D/o Revenue informed that the exemption limit for the pensioners aged 80 and above is Rs. 5 lakh, & that very senior citizen pensioners are also entitled for standard deduction of Rs. 50,000 or the amount of pension, whichever is less; deduction of Rs. 50,000 under Section 80D of the IT Act for health insurance premium and/or medical expenditure; deduction of Rs. 1 lakh for medical expenditure in respect of certain critical illnesses under section 80DDB; & relaxation from filling of returns on fulfilment of certain conditions.

Shri J.R. Bhosle, Staff Side, requested to exempt all senior citizen pensioners of 80 years and above, from the payment of Income Tax. Chairman stated that at the time of preparation of Budget, all the aspects are taken into consideration, in order to balance the revenue and expenditure considerations and appropriate decisions taken by the Ministry of Finance.

Decision: Item to be closed.

5.19 Item No. SC/1/21: Policy formulation for direct appointment of Trained Trade Apprentices of Central Government Industrial Establishments like Railways, Defence etc. as per the amended provisions of Section 22 of The Apprentices Act, 1961.

It was discussed at the meeting of the SC, JCM chaired by Secretary(P) in February, 2021 that Railways have already formulated the policy for direct appointment of Trained Trade Apprentices in 2016 by reserving 20% of posts at level - I, & accordingly, provision has now been incorporated in the open-market recruitments for Level-1 posts, by providing preferential consideration for Course Completed Act Apprentices (CCAAs) trained in Railway establishment up to 20% of notified vacancies, which is already implemented. In case of MoD, the necessary guidelines have been issued on 09.01.2020.

Secretary, Staff Side mentioned that the act apprentices are well qualified and pass through nine examination since their recruitment as apprentice till they pass out NCVT examination to get ITI certificate. Also, Railways is taking them in the Grade Pay of Rs.1800 instead of the grade pay of Rs. 1900 meant for Technicians. So, there is no need of another examination and PET. If administration wants, they can take trade test. He further explained that earlier Railways absorbed CCAA's by paper scrutiny. Chairman, Railway Board stated that the matter of absorption of CCAA's is under active consideration in consultation with recognized federations.

D/o Defence Production stated 5% grace marks are given to those who have undergone apprenticeship in Defence Establishments.

Shri C. Srikumar, Staff Side, informed that in MoD, there are different policies for different organization and there is no uniformity. In Navy, 60% of the vacancies in direct recruitment are for those who underwent apprenticeship, and there is a need to apply the formula uniformly to all. Additional Secretary, MoD stated that each Directorate formulates its own regulations and incorporates the same in their Rules.

Decision: Chairman directed MoD to hold discussions with representatives of Staff Side to resolve the issue.

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Secretary (HR)

5.20 Item No. NC-48/11/2: Withdraw the decision to corporatize the Railway Production Units and Ordnance Factories

Leader, Staff Side stated that the corporatization of ordnance factories is causing resentment among the staff as corporatization is likely to bring privatization, which is not in national interest. He mentioned that the railway production units are doing outstanding work for which the employees need to be encouraged.

Secretary, Staff Side, stated that there are reservations about the corporatization. He stated that a letter has been written in this regard to Government with the request to resolve the issue in a transparent manner. He also mentioned that Railways are producing the cheapest and the best quality rolling stocks, may be locos, coaches and wagons. There is talk of corporatization which is not better.

Shri C. Srikumar, Staff Side, stated that three federations of the defence employees has sent a detailed representation to the Raksha Mantri, Secretary, Defence Production as also to Cabinet Secretary and Secretary (P). He also stated that the issue needs to be negotiated for settlement.

In response to Staff Side remarks, Chairman, Railway Board, stated that the steps taken by the Railways to corporatize their units were not causing hardships to the employees and that adequate measures are in place to safeguard the employees' interest. Therefore, employees need not worry on this issue.

In his remarks on the subject, Chairman stated that while there is no doubt about the contribution of the employees in the production units of Railways and ordnance factories, decisions on policy matters like this lie in the domain of elected Government and they can be discussed in Parliament. Secretary, Staff Side requested that there should be separate meeting with Ministry of Railways and Ministry of Defence to resolve the issue amicably.

Decision:- Chairman stated that this item is not in the purview of the JCM.

5.21 Item No. NC-48/12/21: Grant of Gazetted Status to Senior Section Engineers (SSEs) of Ministry of Railways.

Chairman, Railway Board, informed that Railway management is keen to resolve the issue. The number of employees involved in the decision is about 70000, for whom the 7th CPC did not recommend the gazetted status. A Committee of

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Secretaries also examined this issue, but it could not be resolved. He stated that the element of direct recruitment in the SSE grade is from highly qualified candidates, but they currently stagnate at a low level without appropriate status.

Leader, Staff Side, in his remarks, mentioned that the representation given to the 7th CPC by the Railways was erroneous, which has resulted into this injustice. The SSEs function 24 hours and have no proper career progression. The Direct Recruit SSEs appointed in Rs.4600 GP only get MACP and no promotion, which is unfair. Secretary, Staff Side, also stated that SSEs are highly qualified and occupy a critical role, but the treatment given to them has always been unfair. He further said that when SSO's in Audit/Accounts and Railways have been given GP of 5400, it should not be denied to the SSE's and the similarly placed supervisors in Railways. He also informed that earlier SSE's and Chief Controllers were getting grade of 840-1200 which has been down-graded.

Decision:- Chairman asked Chairman, Railway Board and DoE to resolve the issue expeditiously.

5.22 Item No. NC-48/19/21: Grant of Night Duty Allowance (NDA) in 7th CPC Pay scale without any basic pay ceiling limit.

Secretary, Staff Side, stated that the issue of NDA was an important issue and, as such, directions are requested from the Cabinet Secretary. He stated that the imposition of limit of Rs.43600 has hurt the employees badly.

Shri Srikumar, Member, Staff Side, said that in MoD, the case has been heard up to the Supreme Court level and the Supreme Court has ruled that if employees are deployed for night duty, they have to be given NDA without any ceiling of basic pay.

Leader, Staff Side, stated that the 7th CPC never recommended any pay limit. Hence, the limit of Rs.43600 is unjustified. A Technician in the grade pay of Rs.2400 has become ineligible for NDA due to the imposition of the limit of Rs.43600. He said that the Railways have sent a proposal to DoPT for removal of the ceiling limit but nothing has been done so far. If any additional justification was required, they were willing to give the same. Secretary, Staff Side stated that NDA is an outcome of the award given by Justice Miya Bhai Commission and, therefore, cannot be denied. Moreover, it should be left to the Ministries concerned because working conditions in different Ministries are different.

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S. P. PANT
Secretary (RR)

Chairman, Railway Board expressed the view that for the same functionality, there should not be two different sets of rules governing similarly placed employees. He informed that Railways have already held discussions on the issue with the Unions.

Decision: Chairman asked Secretary (P) and Secretary (Exp.) to resolve the issue expeditiously.

6. Thereafter, due to paucity of time, it was agreed with the permission of the Chair, that 07 agenda items, which mostly pertain to DoPT, would be discussed in a separate meeting by the Secretary (P) with Staff Side, as per mutual convenience, in the coming fortnight.

The items are as follows:

- 1) Item no. NC-47/4/19 - JCM Coverage,
- 2) Item No. NC-47/31/19 - Litigation cases on service matters,
- 3) Item No. NC-48/13/21 -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,
- 4) Item No. NC-48/15/21-Fill up all vacant posts in all grades,
- 5) Item No. NC-48/16/21 - Grant of 5 (five) effective upgradations to all Group B & C employees in entire service life,
- 6) Item No. NC-48/17/21 - Undertake cadre review of all Groups – B&C Cadres in every five years before the cadre review of Group A Cadres (DoPT and DoE),
- 7) Item No. NC-48/18/21- Grant of Risk Allowance to the Employees involved in permanent and perennial recognized Risk Operations (DoPT, DoE and M/o Railways).

The meeting ended with a vote of thanks to all the participants.

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14.6.2021

**LIST OF PARTICIPANTS FOR THE 48TH MEETING OF NC (JCM)
HELD ON 26.6.2021 FROM 10.30 AM ONWARDS**

OFFICIAL SIDE

S.No.	Name of the Department	Officer who will attend the meeting	Place from where attending
1.	Cabinet Secretary, Chairman		From his office
2.	D/o Personnel and Training	Secretary	North Block, Delhi
3.	M/o Health and Family Welfare	Secretary	From his office
4.	D/o Defence Production	Secretary	From his office
5.	D/o Pensions and Pensioners' Welfare	Secretary	From his office
6.	D/o Financial Services	Secretary	From his office
7.	M/o Information & Broadcasting	Secretary	From his office
8.	M/o Civil Aviation	Secretary	From his office
9.	D/o Posts	Secretary	From his office
10.	M/o Railways	Chairman, Railway Board	From his office
11.	D/o Personnel & Training	Addl. Secy. (Estt.)	North Block, Delhi
12.	D/o Expenditure	Addl. Secy.(Pers)	North Block, Delhi
13.	D/o Revenue	JS(Tax Policy-1)	From his office
14.	D/o Personnel & Training	DS (JCA) and Member Secretary	North Block, Delhi

STAFF SIDE

S.No.	Name of the participant	Designation	Place from where attending
1.	Shri M.Raghavaiah	Leader	North Block, Delhi
2.	Shri Shiv Gopal Mishra	Secretary	North Block, Delhi
3.	Shri Guman Singh	Member	North Block, Delhi
4.	Shri J.R. Bhosle	Member	North Block, Delhi
5.	Shri C. Srikumar	Member	North Block, Delhi
6.	Shri R.N. Parashar	Member	North Block, Delhi
7.	Shri N. Kanniah	Member	Chennai
8.	Shri Ch. Sankara Rao	Member	Secunderabad
9.	Shri Venu P. Nair	Member	Mumbai
10.	Shri Mukesh Galav	Member	Kota

11.	Shri Mukesh Mathur	Member	Jaipur
12.	Shri R.P. B hatnagar	Member	Mumbai
13.	B.C. Sharma	Member	New Delhi
14.	Shri K.K.N Kutty	Member	Kerala
15.	Shri R. Srinivasan	Member	Chennai
16.	Shri Ravindra s. Reddy	Member	Pune
17.	Shri Sadhoo Singh	Member	Kanpur
18.	Shri B. Shivakumar	Member	Delhi
19.	Shri V. Bhattacharjee	Member	Delhi
20.	Shri Ajay	Member	Telangana
21.	Shri K.L. Gupta	Member	Gorakhpur
22.	Shri S.K. Bandyopadhyaya	Member	Hugli (WB)
23.	Shri R.D. Yadav	Member	Allahabad
24.	Shri A.M. D'cruz	Member	Karnataka
25.	Shri Goutam Mukherjee	Member	West Bengal
26.	Shri P.K. Patsahani	Member	Patna
27.	Shri K.S. Murty	Member	Vishakhapatnam
28.	Shri Munindra Saikia	Member	Guwahati
29.	Shri Binod Sharma	Member	Howrah (WB)
30.	Shri P.S. Suryaprakasam	Member	Chennai
31.	Shri R.P. Singh	Member	Allahabad
32.	Shri Ashok Kumar Sharma	Member	Bhopal
33.	Shri K. Balakrishnan	Member	Kerala
34.	Shri P.U. Khadse	Member	New Delhi
35.	Shri Tapas Bose	Member	Kolkata
36.	Shri Jai Dev	Member	New Delhi
37.	Shri S.N.P. Srivastava	Member	Patna