Effectiveness of CPENGRAMS and Pension Adalats – Way Forward: Chapter 2 of 110th Report of Parliamentary Committee on Pensioner's Grievances

CHAPTER 2

EFFECTIVENESS OF CPENGRAMS AND PENSION ADALATS- WAY FORWARD

2.1 CPENGRAMS and Pension Adalats are two major avenues for the redressal of Pensioners' Grievances under the Department of Pension and Pensioners' Welfare. CPENGRAMS is a Centralized Web-enabled Pension Grievance Redress and Monitoring System whereas Pension Adalat is a platform to provide on-the- spot resolution of unresolved grievances in CPENGRAMS.

2.2 In addition, pension-related grievances can also be lodged in Centralized Public Grievance Redress and Monitoring System (CPGRAMS) portal of Department of Administrative Reforms and Public Grievances and Grievance Redressal portal of Central Pension Accounting Office (CPAO).

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2.3 The Committee held its first meeting on 9th December, 2020 and heard the Secretary, Department of Pensions and Pensioners' Welfare. During the meeting, the Committee deliberated on the effectiveness of CPENGRAMS and Pension Adalats in redressing pensioners' grievances. The observations and recommendations of the Committee in this regard are delineated in succeeding paragraphs.

2.10 The Committee is concerned to note that, on an average 20% of grievances are not being disposed of within the stipulated time limit of 60 days. The Committee recommends the Department to instruct the Ministries/Departments of Central Government to constitute social audit panels to identify core grievance prone areas and streamline their systems accordingly. The Committee further recommends DoPPW to take up the matter with higher authorities of the concerned Ministries/Departments and impress upon them to resolve the grievances within the prescribed time limit.

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2.11 The details of core grievance prone areas which account for a large number of grievances/complaints lodged with the Department of Pension and Pensioners' Welfare through CPENGRAMS and other modes are as follows:

a. Delay in initiation of pension
b. Incorrect sanction of pension
c. Delay in payment of other retirement benefits
d. Non-payment of arrears of pension
e. Non-Revision of pension payment order (PPO)
f. Non-payment of Dearness Relief & related issues
g. Non-payment of Fixed Medical Allowances (FMA)
h. Life Certificate related issues
i. Discontinuation of Pension
j. Change in pension disbursing Bank/Branch
k. Delay in initiation of disability Pension (applicable in case of Military/Para-military personnel).

2.12 The Committee notes the fact that the Department has identified core grievance prone areas which account for a large number of complaints lodged on CPENGRAMS portal. It appears to the Committee that majority of grievances lodged on CPENGRAMS portal are related to Delay or incorrect sanction of pension/family pension and other retirement benefits, Non-payment of arrears of pension, Revision of pension/family pension/pension payment Order, Issues related to medical facilities and Other service-related issues such as fixation of pay, MACP. The Committee recommends the Department to rope in Quality Council of India and enable the agencies involved in Pension authorization, sanctioning, processing and disbursement to streamline their systems so as to mitigate the volume of grievances and also to ensure citizen satisfaction.

2.13 There is a provision for submitting feedback in CPENGRAMS portal by the pensioners/citizens after their grievance is disposed of. This is optional and at the discretion of the pensioners/citizens. For the ease of senior citizens and those not very well conversant with information technology, any pensioner/citizen can also contact this Department through call centre at toll free number 1800111960 which has been operationalised we.f 20.6.2019 besides post and email expressing dissatisfaction on resolution provided by concerned organisation. Based on the request of the pensioners/citizens, the DoPPW re-registers the cases where the grievance lodged by the citizen vide CPENGRAMS are being summarily disposed of by the Ministries/Departments to their dissatisfaction and the quality of disposal is not appropriate. Such re- registered cases are forwarded to the concerned Ministry/Department/Organisation for re-examination and expeditious resolution as per rules in vogue. Such cases are also being taken up with the concerned organisation through portal, letters by senior officers, inter-ministerial meetings including Pension Adalats.

2.14 Year-wise number of re-registered grievances is as under:

Year	2017-2018	2018-2019	2019-2020	2020-2021
Number of re-registered cases	12	55	389	566* *as on 28.1.2021

2.15 The statistical details of the feedback (5 level grading from excellent to poor) submitted by pensioners/citizens available in the portal w.e.f Financial Year 2017-18 to 2020-2021(as on January 28, 2021) is as under:

Year	Rating (5 level grading from excellent to poor)					No of Grievances
	Excellent	Very Good	Good	Average	Poor	
2017-2018	3402 (44.30%)	453 (5.90%)	495 (6.45%)	574 (7.47%)	2756 (35.89%)	7680
2018-2019	3271 (43.10%)	472 (6.22%)	512 (6.75%)	585 (7.71%)	2749 (36.22%)	7589
2019-2020	2463 (41.42%)	357 (6.00%)	409 (6.88%)	465 (7.82%)	2253 (37.88%)	5947

2020-2021	2754 (45.48%)	332 (5.48%)	370 (6.11%)	399 (6.59%)	2201 (36.34%)	6056

2.16 The Committee notes that there is a steep increase in the number of re-registered grievances over the years. This, coupled with the feedback given by the aggrieved, drives home the point that the quality of grievance redressal is not satisfactory. The Department may put an accountability mechanism in place and explore the feasibility of holding the grievance redressal authorities concerned answerable for summarily disposing of grievances without appropriate qualitative action.

2.17 The Department in its written replies stated that CPENGRAMS has achieved its major objectives in terms of filing of grievance, its reaching the concerned Ministry/Department as well as resolution and feedback as well as monitoring of such grievances by nodal officers of different Ministries/Department, a seamless exercise. Without CPENGRAMS, such MIS reports as provided for betterment of grievance experience would not have been possible.

2.18. Some Pensioners' bodies have claimed that CPENGRAMS functions in a mechanical manner – just forwarding and passing back the feedback and there is no system of back reference or review by Higher Authority. They have added that a large number of cases are closed without speaking order.

2.19. Pensioners' Associations have also mentioned that the pensioners do get reply promptly but in cases where request made in CPENGRAMS is not acceded to by the addressee and no reason or rule/ Govt order rejecting the request is stated. They have added that Hon'ble Apex Court has repeatedly directed that whenever a request is rejected, there must be reasoned order.

2.20. The Department in its written reply has given following explanation:-

(i) CPENGRAMS has a facility to re-register those cases wherein the Pensioner is not satisfied with the resolution and a back reference is made to the concerned Ministry/Department.

(ii) DoPPW is separately monitoring such type of grievances with the concerned Ministries/Departments.

(iii) CPENGRAMS has a facility wherein the concerned Ministry/Department can upload a speaking order which can be viewed by the Petitioner in CPENGRAMS.

(iv) Provision for Appeal by Pensioner/Family pensioner would also be incorporated in the CPENGRAMS module.

(v) This department has already advised all Ministries/Departments to resolve the grievances within the stipulated time frame and in case the demand is rejected a speaking order should be passed and also posted in the portal.

2.21 The Committee acknowledges the consistent efforts being made by the Department to improve the effectiveness of grievance redressal machinery. The Committee in its 100th Report recommended the Department to strengthen the Grievance Redressal mechanism and make it more citizen friendly. The Committee desired that there should be a nodal authority in the department to whom complaints against the orders/decisions of individual Ministries/Departments can be made. The Committee hopes that the appellate mechanism

shall be operationalized at the earliest. The Department may apprise the Committee about the status of appellate mechanism in its Action Taken Replies.

Pension Adalat

2.22. With a view to strengthen the grievance redressal mechanism, DoPPW has started organizing Pension Adalats. The objective is to provide on-the-spot resolution of unresolved grievances in CPENGRAMS. In the Adalat, the concerned Ministry/Department, the PAO, the concerned Bank and representative of the Pensioner are called on a single platform for resolution of the grievances across the table. However, the decision/award of these Pension Adalats does not have any judicial/quasi-judicial sanctity, as it is a forum/platform where the pensioner or his representative can meet all the stakeholders and resolve the issue.

2.23 In 2017, Pension Adalat was started on experimental basis and Department of Pension & Pensioners Welfare held it on September 20, 2017. A total of 29 grievances, which were old or where the pensioners have expressed his/her dissatisfaction over the disposal by the concerned authorities, were selected from the unresolved grievances in CPENGRAMS. Out of the 29 selected cases, 26 cases were resolved in the Adalat itself and suitable instructions were given to the concerned Departments in the remaining cases.

2.24 The 2nd Pension Adalat was held on September 18, 2018, which was a Nationwide Pension Adalat. Department of Pension & Pensioner's Welfare took up 36 grievances (including 4 cases which could not be resolved in the last Pension Adalat) where the pensioners has expressed his/her dissatisfaction over the disposal by the concerned authorities, were selected from the unresolved grievances in CPENGRAMS. Out of these, 22 cases were settled on-the-spot in the Adalat. Suitable instructions/directions were given in the remaining cases to the concerned Departments/ PAO/ CPAO/ Banks to resolve the grievances. Ministries/ Departments/ Organisations were asked to hold their own Pension Adalats where all the stake-holders viz. the Heads of the Department, the PAO office and the concerned Bank, can come together on one table along with the pensioner or his representative and provide on-the-spot resolution within the extant rule. From the reports received from them, 13112 cases were taken up for redressal in these Pension Adalats. 9582 (73%) pending grievances relating to Central Govt. Ministries/Departments/Organisations wereresolved in one single day.

2.25 The 3rd Pension Adalat was held on August 23, 2019 which was Nationwide Pension Adalat. Department of Pension & Pensioner's Welfare took up 42 grievances (28 fresh unresolved grievances in CPENGRAMS along with 14 unresolved cases/grievances of the last Pension Adalat) were taken up in the Pension Adalat. Out of these, 29 cases were settled on-the-spot in the Adalat. Suitable instructions/directions were given in the remaining cases to the concerned Departments/PAO/CPAO/Banks to resolve the grievances. Ministries/Departments/Organisations also held their Pension Adalat. From the reports received from Ministries/Departments, 5277 cases were taken up for redressal in these Pension Adalats. 3573 (67.7%) pending grievances relating to Central Govt. Ministries/Departments/Organisations were resolved in one single day.

2.26 The 4th Pension Adalat was held for the first time, outside Delhi, at Jammu on February 29, 2020. 342 cases, pertaining to Central government pensioners of various Departments and Ministries viz. Textiles, Defence, Forests, ASI, GSI, CGWB, CWC, C&AG, NSSO, DGDD, BSF, SSB, CISF, CRPF, ITBP, MIB and JKGAD were discussed. Out of which, 319 such cases were settled. In 23 cases the concerned Departments were advised to resolve the pending cases as per extant rules and send a report to DoP&PW.

2.27 As regards the 5th Pension Adalat, due to spread of Covid-19 Pandemic, Ministry/Department/Organization/Field formation were asked to conduct Nation-wide Pension

Adalat in the last week of December, 2020 and First week of January, 2021, leveraging digital technology to conduct the Adalat through Video Conferencing. While holding these Adalats, each Ministry was asked to ensure the presence of all concerned stake-holders viz. HoD, DDO, PAO and officials of concerned Banks, at the Pension Adalat from their respective locations on Video Conferencing. The objective of the Adalat was prompt resolution of pensioners' grievances (grievances relating to family pensioners and super senior citizens), within the framework of extant policy guidelines. Cases were taken up from 'Bhavishya Portal' where PPO was not issued in cases of Superannuation/VRS/Family Pension not granted after death of deceased employee and family pension cases of grievances from CPENGRAMS were also added.

2.28. Some Pensioners' Associations have remarked that the system of Pension Adalat has degenerated into a mere ritual and the name itself is misnomer as Pension Adalats do not have any judicial/quasi-judicial status. No pleaders and presenters are permitted. On the pretext of disposing of the cases at the Adalat, cases continue to be neglected. Besides, the Notification for Pension Adalat is not properly circulated nor are cases uploaded on Pensioners Portal.

2.29 The department in its written replies has submitted that most of the Associations in their letters have commended the efficacy of the system of Pension Adalats. Some have also confirmed participation. The department has added that the Adalats do not have any judicial/quasi-judicial powers for which already there are Courts and Central Administrative Tribunal. The Department has further added that since Pensioners had to spend years fighting cases in courts, this system was evolved to deliver speedy justice.

2.30. The Committee is pleased to note that Pension Adalat has emerged as an effective platform for the redressal of pension grievances. The Committee recommends the Department to harness video conferencing technology and hold Virtual All India Pension Adalats on a half-yearly basis so that the grievances which could not be resolved through CPENGRAMS during the six-month period and beyond can be redressed at once. The Committee urges the Department to ensure that pension Adalats cover all Ministries/Departments having long pending grievances on a rotational basis so that no Ministry/ Department is left out. Further, the Committee impresses upon individual Ministries/Departments to ensure that pension adalats should be presided over by officers of appropriate level and reasonable seniority having sufficient knowledge of current as well as past rules and procedures.

Alternative Dispute Resolution

2.31 DoPPW has informed that presently there are approximately 310 cases relating to pension matters which are pending in various Courts/Tribunals and which are being contested by the concerned Administrative Ministries/Departments as per the laid down guidelines. On being asked, the Department has apprised the Committee that no Guidelines/Instructions have been issued by DoPPW to Ministries/Departments of the Central Government to resolve the grievances of Pensioners' through Alternative Dispute Resolution methods such as conciliation at pre-litigation stage as of now.

2.32 The petitions on pension related grievances generally relate to non- payment/delayed/less payment of pension and other retirement benefits, non- revision of pension as per the orders issued in implementation of the recommendations of the Pay Commission, etc. It is primarily the responsibility of the Administrative Ministry/Department, where the employee last served, to contest the cases pertaining to the pensioners belonging to their Department, to keep a track of the progress of the case, to ensure timely action as per the Court directives and to adopt a unified stand in the Court on behalf of Government of India. However, in cases where the issue

raised in the petition involves rules/policy of DoPPW, necessary advice/inputs are provided by this Department to the concerned Ministry/Department for preparing their reply in the court case. If, in a case there are multiple petitioners belonging to more than one Ministry/Department and the issue raised in the petition involves rules/policy of this Department, such a case is contested in the Court/Tribunal by Department of Pension & Pensioners' Welfare. There are 6 such cases which are being contested by Department of Pension & Pensioners' Welfare.

2.33 The Committee believes that denial of timely justice amounts to denial of justice itself. The Committee is of the considered view that the elderly should not be forced to approach Courts to claim their rightful entitlements. The Committee accordingly recommends the Department to explore the feasibility of institutionalizing an alternative dispute resolution mechanism such as pre-litigation conciliation to resolve the grievances of pensioners at pre-litigation stage itself.