ESTD. 1953

ALL INDIA DEFENCE EMPLOYEES' FEDERATION

'S. M. Joshi Bhavan', Survey No. 81, Dr. Babasaheb Ambedkar Road, Khadki, Pune - 411 003.

● E-mail : defempfed@gmail.com

PRESIDENT
S.N.Pathak

VICE PRESIDENT
Harbajan Singh Sidhu
Rajendra Jha
K. Balakrishnan
Chabilal Yadav
Gagan Singh

GENERAL SECRETARY
C. Srikumar

ADDL.GEN.SECRETARY
G.T.Gopal Rao

JOINT SECRETARY
Ravindra S.Reddy
R. K. Parashar
B.K.Sahoo

TREASURER
Mohan M. Hol

ORG. SECRETARY
Ajay Shelar
P.B.Panigrahi
K. Sivakumar
Debjyoti Basu
J. Kirubanandam
Swapan Mukherjee
Saurabh Chauhan
J.C.Chimwal
Arnab Das Gupta

SPECIAL CIRCULAR NO. 150

Date : 20th of September, 2023

To,

The Office Bearers, Executive Committee Members
And
All Affiliated Unions of AIDEF

Dear Comrades,

263 DAYS
&
150 AIDEF SPECIAL CIRCULARS IN 2023 !

Uninterrupted communication with affiliated Unions !
In the service of Defence Civilian Employees!

21st of September, 2023

= **All India Protest Day Demanding for scraping NPS and Restoring Old Pension Scheme!**

= **Observe effectively in all the Defence Establishments by holding protest programmes!**

Outcome of the issues discussed in the Standing Committee meeting of the National Council – JCM held on 20/09/2023 under the Chairpersonship of Secretary (P) DOPT

As already informed to you the meeting of the Standing Committee of National Council – JCM was held on 20/09/2023 under the Chairpersonship of Secretary (P) DOPT. AIDEF was represented by Comrade C. Srikumar in the meeting. At the outset after the introductory remarks made by the Chairperson and before taking up the agenda points Staff Side raised the following important issues:-

1) More than 20 lakh Central Government Employees are in NPS. A huge rally on the 10th of August 2023 was held at RamleelaMaidan New Delhi in which more than 3 lakhs of Central & State Government Employees participated demanding for Scrapping of the No Guarantee NPS and to restore the Defined and Guaranteed Old Pension Scheme. The Staff Side once again reiterates its demand that the NPS should be scrapped and the Old Pension Scheme should be restored at the earliest.

2) The office of the Staff Side is receiving innumerable representations on issues which can be sorted out at the Departmental Level itself. Since the Departmental Councils are not functioning and meetings are not taking place, all the issues are referred to our office and we are forced to bring all those issues to your notice. It is therefore essential that the Departmental Council – JCMs should meet regularly in accordance with the JCM scheme and regular meetings at the Departmental Level should be held with the Staff Side so that the National Council – JCM can concentrate on the common issues of Central Government employees. This is a serious matter and hence DOPT may take up the matter with all the Secretaries of the various Ministries and Departments to ensure that the JCM functions effectively in accordance with the spirit of the JCM Scheme.

3) The Meeting of the National Council – JCM is also overdue. The last meeting of the National Council – JCM was held through video conference during 21/06/2021. We request the Cabinet Secretary through you that he may convene the meeting of the National Council JCM at the earliest.

4) Despite High Court orders upheld by Supreme Court for grant of 3rd MACP in GP Rs 4600 to the Master craftsman of MOD who were given 2nd ACP in the Grade pay of Rs.4200, the DOPT have advised the MOD to withdraw the same. All the concerned employees have retired long back and as per DOPT instructions there cannot be any recovery and as per CCS Pension Rules, Pension once fixed cannot be revised downwards other than on penalties moreover the DOPT Instructions to Defence Ministry amounts to contempt of Court. Therefore DOPT may Direct MOD not to take any precipitative action in this regard. A copy of letter written by the AIDEF is this regard is being handed over to Secretary DOPT. The same may please be considered favorably.

5) Another matter of serious concerned is the non-implementation of the DOPT O M dated 02/03/2016 on the subject of recoveries of wrongful / excess payments by the employers impermissible in Law. According to this instruction any excess payment made to the employees due to the mistake of the administration and not because of any false claim by the employees the concerned department should process the case for waiver of recovery and get the approval of Department of expenditure. However in many field units / offices instead of following these guidelines recoveries of huge amount from the employees and retiring employees are being effected. Therefore DOPT may issue strict instructions to all the departments to follow the DOPT O M date 02/03/2016 and not to recover any amount from the employees and retiring employees in accordance with the DOPT OM.

6) Department of Pension & Pensioners Welfare have issue orders on 03/03/2023 for conversion of NPS employees to Old Pension Scheme if they were recruited on or after 01/01/2004 on the basis of the notification / Advertisement issued before 22/12/2003. Due to a confusion with regard to Notification and Advertisement the benefit of Old Pension Scheme is not being extended to the concerned employees. This needs to be clarified by the Department of Pension or DOPT. It is proposed that the Notification letter issued by the concerned Ministry / Department / Field Units for recruitment of certain number of vacancies in different categories should be taken as the date of Notification since in many cases the advertisement by the DAVP in the employment News etc are delayed by months together. Moreover there are many issues which needs to be clarified since the field units are not implementing the Department of Pension order dated 03/03/2023. A separate meeting with the Staff Side may please be convened in this regard.

7) The Staff Side is repeatedly representing for releasing the 18 months frozen DA / DR arrears to the Central Government employees & Pensioners. However till date a favorable decision is not taken by the Government. It is therefore requested that Government may reconsider the decision & released DA/ DR Arrears due for 18 months as a Diwali gift.

8) Posts lying vacant in all the Central Government Departments should be filled up to stop outsourcing and contract etc.

Thereafter the following Agenda Points were taken up for discussion. Decision take on each of the agenda points is given below:-

1) Extension of CGHS facilities to the Civilian Employees of left out Industrial Establishment under Western Command of Navy Mumbai.

Decision

After discussion representative / senior officer from NHQ stated that the NHQ fully agree with the demand of the Staff Side and stated they

have already recommended the case to Ministry of Health& Family Welfare. Additional Secretary Assured that Health Ministry will consider the demand of the Staff Side and the recommendations of NHQ will issue necessary instructions in consultation with Department of Expenditure if required.

2. Empanelment of Private Day Care Therapy Centers for Ayurveda, Yoga & Naturopathy under CGHS in all the CGHS governed cities / towns.

Decision

Ministry of Health have already taken a decision to empanel private Health Care Organization of Ayurveda, Yoga and Naturopathy etc under CGHS if they apply for the same. Moreover Private day care therapy centers under Ayush is established at Delhi on a trial basis. After 6 months Ministry of Health will review the position and there after decision will be taken for extending the benefits for other cities / towns

3. To retain the status of more than 70,000 Defence Civilian Employees who are on deemed deputation with the newly created 7 Ordnance Factory Corporations as Central Government Employees / Defence Civilian Employees till their Superannuation.

Decision

The Staff Side informed about the harassment being faced by the employees of Ordnance Factories Post Corporatization. In violation of the Cabinet decision and the commitment given by the Government before the Hon'ble High Court, the 7 Corporations are tinkering with the service conditions of the employees like changing the working hours, implementing incentive scheme by replacing piece work system, not implementing he settlement reached between AIDEF and DDP in the presence of CLC on the formation of IR Machineries in the Corporations, Non Grant of Compassionate Appointments, and the DDPs apathy towards the employees, not holding of the meetings with the Federation etc. Moreover now the Government have decided to merge Corporations and reduce to 4 Corporations. This has further created fear and apprehensions in the minds of the employees. We have decided to issue contempt of Court Notice to the Government and the Corporations for violation of the assurance given in the High Court. We demanded that the Government instead of extending the deemed deputation should issue a notification for retaining the status of employees as Central Government Employees / Defence Civilian employees till their retirement.

Responding to the views expressed by the Staff Side JS (LS) from DDP informed that the corporations are making the HR Policies and option will be asked from the employees whether they would like to join the Corporations or they would like to remain as Government Employees. Secretary DOPT directed JS (LS) DDP that the concerns expressed by the

staff Side are serious and the same should be communicated to the Defence Secretary and meetings should be held with the Staff Side to settle the issues represented by them.

4) Provision to book two rooms through e-Sampada Portal in CPWD Guest Houses / Holiday Homes

Decision

The demand will be examined by Ministry of Housing and Urban Affairs.

5) Restoration of historic Pay-Parity between Income Tax Inspector and analogous posts in Department of Revenue and Inspector of CBI/ ACIO Gr.-I of IB:

Decision

After discussion Secretary (P) desired that Department of Revenue should hold separate meeting with the Staff Side and explore the possibility of resolving the issue.

6) Revision of Deposit linked Insurance Scheme under the GPF for Central Government Employees

Decision

We objected and protested against the decision taken by the Department of Expenditure to reject the demand. After discussion it was decided that the Department of Expenditure would reconsider its decision and the proposal of DOP&PW to increase the Deposit Linked Insurance from GPF to Rs. 5 Lakh

7) Revision of calculation Ceiling Limit of PLB and Ad hoc Bonus for the Central Government Employees

Decision

Bonus ceiling will be revised only if the Bonus Act is amended by the Labour Ministry. After discussion it was decided that a reference will be made to the Labour Ministry in this regard.

8) Restoration of festival advance to the Central Government Employees

Decision

After discussion Special Secretary Department of Expenditure stated the Government may consider for granting Rs 20,000 as festival advance to be recovered in 10 installments. The staff Side demanded the amount may be increased to Rs. 50,000. The Department of Expenditure will take a final decision in this regard.

9) Stepping up of pay of seniors promoted prior to 31.12.2015 getting lesser basic pay than the juniors promoted after 01.01.2016

Decision

The Staff Side stated that since the Department of Expenditure have approved stepping up of pay on the above circumstances to the Armed Forces personnel there is no justification on the part of the Government to deny the same benefits to the Civilian Central Government employees. After discussion Special Secretary Department of Expenditure agreed to consider the demand.

10) Extending the benefit of option to Central Government Employees to switch over to the 7th CPC Pay Scale from a date! beneficial to the employees and also for extending revised option for the employees who were given entry pay benefit on promotion in the 6th CPC Pay Scale to switch over to 6th CPC Pay Scale w.e.f. 01.01.2006.

Decision

After discussion Special Secretary Department of Expenditure agreed to consider the option period for switching over to 7th CPC up to 25th July 2017 from the date of promotion / MACP etc. As regards issuing a general Government order for extending option to the entry pay beneficiaries on promotion to switch over to 6th CPC w.e.f. 01/01/2006 would be considered in consultation with the Government Department.

11) Subversion of JCM norms with misuse of CCS(RSA) Rules, 1993

Decision

The Staff Side demanded that the withdrawal of the recognition granted to the NFPE and AIPEU (Gr. C) should be reconsider and the recognition should be granted back. When the official side stated that the matter is sub-judice then the Staff Side is ready to withdraw the Court case if the Government agrees to restore the recognition. As regards the position in ISRO not recognizing the majority Association and dissolving of the JCM would be referred to ISRO to find out the position and thereafter the matter will be further discussed.

12) Necessary clarification to ensure that the service Associations which are governed by the CCS (RSA) Rule 1993, are kept out of the purview of Rule 15 (1) (c).

Decision

The Staff Side insisted the DOPT should issue clarification that the DOPT instructions that no Government employee should hold elected office for more than 2 terms / 5 years is not applicable to service associations recognized under RSA Rules 1993 and to the cooperative societies which are register under the Government of India Cooperative

Societies Act or under the respective State Government Cooperative Society Act. We also stated that employees are being illegally issued Show Cause Notices for initiating disciplinary action in the Navy on the above pretext. Therefore the matter may be treated urgently and necessary clarification should be issued to avoid punitive actions against the office bearers of the Associations and elected Directors of the Cooperative Societies. Secretary DOPT assured that the entire matter would be reconsidered and necessary instructions would be issued.

13) Extension of LTC-80 one time relaxation in the case of employees who availed LTC to Andaman & Nicobar Island (A&N) by purchasing air tickets from other than authorized agents

Decision

After discussion Secretary DOPT agreed to reconsider the demand of the Staff Side and assured a decision would be taken at the earliest.

While concluding the meeting the Staff Side requested Special Secretary Expenditure to issue Government orders for grant of Notional Increment to the employees retiring / retired on 30th of June and 31st of December. Special Secretary informed that the matter is under serious consideration and a decision would be taken soon.

As regards the Action Taken Reports on the Agenda Points of the previous meetings and the Arbitration Awards a separate meeting would be held with the Staff Side after 10th of October 2023

With Greetings,

Yours Comradely,

(C.SRIKUMAR)
General Secretary