

C.P.W.D. ENGINEERS BULLETIN



A Monthly House Journal of
Central P.W.D. Engineers Association

'B' Wing (Outside End), Ground Floor, I.P. Bhawan
New Delhi - 110002 | Telefax : 23379413



Vol. II / Issue No. 95

Sep. 2012

PRICE Rs. 8/- PER COPY

Editor :

Er. P.R. Charan Babu
Mob. : 9868543025

Associate Editor :

Er. A.K. Pandey
Mob. : 9910622044

Regional Offices :

Eastern :

Nizam Place
234/4,
Acharya J.C. Bose Road
Kolkata - 700020

Western :

29/983, CGS Colony
Sector - VII,
S.M. Plot, Antophill
Mumbai - 400037

Southern :

Shastri Bhawan
26, Haddows Road,
Chennai - 600006

&
Zones, Branches &
Unit all over
the Country

NEWS HIGHLIGHTS

- Association held meeting with DG, CPWD on 20/09/2012 and more than 25 cadre issues were discussed. Minutes being issued shortly.
- DPC for the promotion of AE (Electrical) to EE (Electrical & JE (E) to AE (E) for cadre review vacancies for the year 2011-12 likely to be held in Oct. 2012.
- DPC for the promotion of AE (civil) to EE (civil) for the year 2012-13 vacancies also likely to be held in Oct. 2012. Promotion of JE(CIVIL) to AE(CIVIL) delayed due to court stay order.
- DPC for grant of 3rd up-gradation in MACPS will be completed by Dec. 2012 as assured by DG, CPWD for all cases received by directorate.
- The proposal for restoration of ACPS with one time relaxation for opting MACPS as on 01/09/2008 is pending with Expenditure Department of Finance Ministry.
- New RRs for class-I service in CPWD are in advance stage of approval & likely to be notified in a month or so.

Election for Central Office Bearers has become due. All are requested to up-date the current year membership & send the list of members to central committee for inclusion of their names in voter list.

Visit us at www.cpwdea.in

E-mail : gs@cpwdea.in

Edited and Published by **Er. P.R. Charan Babu** on behalf of **CPWD Engineers Association**. Published from 'B' Wing (Outside End), Ground Floor, I.P. Bhawan, New Delhi - 110002 Printed from "Ashok Printing Press", Bawana Industrial Area, Delhi-39

**MINUTES OF MEETING OF APEX COMMITTEE OF
CPWD ENGINEERS ASSOCIATION HELD AT
GANGTOK ON 26TH & 27TH APRIL 2012.**

The Apex Committee Meeting has started with the opening lines by the Chairman of the committee Sh. Bhupendra Singh, President, Central Committee who invited all the members to make deliberations on the agenda items and decide the future course of action. He then requested Sh. P.R.Charan Babu, General Secretary to start the proceedings agenda wise.

1. **Grant of 3rd upgradation of ₹ 7600/- Grade pay under MACPS to all eligible AEs and adhoc EEs and approval of SCPS as recommended by UDM to grant equal benefits to all.**

The General Secretary stated that in Feb.2012 the 1st list of about 200 AEs in both Civil and Electrical wings have been granted ₹ 7600/- G.P. under MACPS. He stated that out of 5 APARs considered by the DPC the AEs having 3 gradings Very Good and 2 Good are found eligible by the DPC. He has stated that efforts are being made to get the same for all other eligible AEs and EEs at the earliest. The short comings in MACPS compared to the erstwhile ACPS were also explained in detail by him along with efforts made by Association to undo the damage. He informed that the proposal sent by MOUD for granting upgradations under MACPS after 12/24/30 years as per cadre hierarchy was not agreed to by the DoPT which in consultation with expenditure department has sent back the file in the month of March, 2012 stating that the proposal is a blend/amalgamation/mixture of both the schemes. They also stated that either ACPS or MACPS should be implemented in TOTO and both cannot run concurrently. He asked the committee to come out with the suggestions in this back ground so that the interest of both juniors and seniors can be protected.

The following views have come out during the deliberations:

Subrata Lahiri, Regional President (ER)

We should go for ACP Scheme only without other ifs and buts as decided by the General Body of Eastern Region earlier and conveyed to all.

R.P.Chatterjee, Regional Secretary(ER)

He stated that the GB of ER was called, in which it was stressed that the cadre is 80% juniors and 20% seniors. It was also decided by their GB that the resolution of Chandigarh Apex should be implemented. ER has opposed to the language of agenda item No. 1 due to the stress on implementation on MACP instead of restoration of ACP. He stated that ER wants restoration of old ACP Scheme and the central committee should stand by this demand, if MACPS is not approved as per hierarchy, without any other conditions. He stressed that Eastern Region wants only the restoration of old ACPS in view of latest reply from DoPT to the UDM's proposal of SCPS.

S.K.Basedia, Regional Secretary (Western Region)

He stated that western Region wants all AEs should reach at least to the ₹ 6600 Grade Pay level by 24 years of total service by any means. He stated that any scheme which fulfills this objective is acceptable to them.

A. Suryanarayanan, Regional President (Southern Region)

He stated that SR wants MACP to be implemented in time bound manner and it should not be blocked for restoration of ACP as there is no confusion since everybody wants the benefits of minimum 2 upgradations in hierarchy. Apex has to take a decision how to achieve it.

S. Gopalakrishanan, Regional Secretary (SR)

He reiterated the views of Sh. Suryanarayanan and stated that the MACP implementation should not be stopped and should be released in time bound manner. SR is not against the demand of restoration of ACP Scheme, but they want that the 3rd up gradation in MACPS should be granted to all those who are due. Any proposal without affecting this benefit of MACPS is acceptable to them. He stated that we should fight for ₹ 5400 Grade Pay for AEs so that even under MACPS every AE will reach ₹ 6600/- Grade Pay. He also raised the issue of missing ACRs of many eligible AEs & EEs who were not considered for the upgradation by the DPCs and demanded that all ACRs should be made available in time.

P.V.Rama Rao, Zonal Secretary (Hyderabad)

At the outset he thanked the Eastern Region, Siliguri branch and the members at Gangtok for arranging the Apex Meeting. He stated that the Hyderabad Zone also has conducted a GB before coming to Apex, in which 48 members out of 62 working at the station were present. After prolonged debate, they voted for implementation of Old ACP as decided by Chandigarh Apex since the Govt. is now asking us to opt either for ACPS or MACPS. He stated that by losing on 2nd ACP upgradation the members will be denied huge financial benefits of more than ₹ 10000 per month. He stated that by opting for restoration of ACPS there is no possibility of spilt in the members as they all are in the favour of ₹ 6600 Grade Pay to all.

Dinesh Nikhanj, Zonal Secretary (Chandigarh).

He stated that the cadre comprises almost equal number of members who are benefitted by ACP and MACP Schemes. He stated that MACP is a default benefit from Old ACP Scheme but if we opt for either of the schemes there is a danger of spilt in the cadre. To avoid such possibility we should insist that MACPS should be as per hierarchy only which will be beneficial to all or any other proposal without adversely affecting either of the beneficiaries.

Sh. J.K.Gupta, Branch Secretary(Siliguri)

He started his views from the time scale of JEs after 1987 strike. He felt that such a scheme which is acceptable to all should be worked out so

that the cadre is not spilt. He asked the Apex to search for such scheme which will benefit all.

P.N.Pandey, Joint Secretary(Central Committee)

He stated that we cannot sacrifice the interest of senior members who are in favour of 3rd up gradation of ₹ 7600 G.P. He said the sacrifices made by the senior members during 1987 strike cannot be ignored as the seniors have no practical chance of getting EE's promotion and hence they should be allowed ₹ 7600/- G.P. The juniors demanding ₹ 6600/- G.P. as per Old ACPS have bright chance of their promotion as EE before 30 years of total service and they can still get 3rd up gradation after 30 years as per MACPS.

Sh. Virendra Singh, Organising Secretary(Central Committee)

He stated that this demand cannot be discussed in isolation as it is linked with junior engineers. Either ACPS or MACPS is for JE cadre at which direct recruitment is made. Considering this fact and other realities we should consider only restoration of ACPS in toto and do not dilute the demand.

D.Banerjee, Branch President(Siliguri)

He stated that the view of Siliguri Branch is to go for Old ACP Scheme for the sake of juniors as the seniors are ready to sacrifice their 3rd up gradation to ensure minimum 2 up gradations upto ₹ 6600/- G.P. to the future generations.

Soumitra Kumar, Joint Secretary(ER)

He feels that why the issue is being discussed again while the decision was already taken in Chandigarh Apex that when we are forced to opt for either ACP or MACP we should go for ACP only. He stressed that this should be pursued in view of recent DoPT comments.

P.R.Charan Babu, General Secretary

He stated that it is a fact that in Chandigarh Apex it was decided that we will opt for ACP Scheme when we are forced to opt for one scheme i.e. either ACPS or MACPS. However the Government has not yet asked the Association for submitting the option, but DoPT only made some observations on the UDM's proposal of SCPS naming it as a blend of both the schemes. In view of their comments we may still think of some other schemes like time bound upgradation scheme after every 6 years or any other scheme in line with flexible complimentary scheme for scientists, research analysts etc. He stated that in view of the Chandigarh Apex decision and also considering the view of all Regions /Zones/ Branches etc., the best possible course of action should be to restore ACP scheme without sacrificing the granted benefits under MACPS to the seniors. He proposed that the resolution of this Apex on this agenda should be **"We demand restoration of erstwhile ACP Scheme with one time option to choose MACPS for all eligible and desiring**

members as on 01/09/08 cutoff date. He also stated that till that time, this demand is accepted we should keep stressing for implementation of MACPS benefits to all eligible members in a time bound manner". There was broad consensus on this resolution.

2. Removal of anomaly in Pay Scale of AEs and grant of similar benefits as per CSS/CSSS Cadre.

The General Secretary explained the status of this demand which was rejected outright by the department of expenditure which stated that this benefit was granted only to CSS/CSSS cadres by the cabinet which cannot be extended to other similarly placed cadres. He has stated that in view of this outright rejection of parity we should rethink on this demand and may go for demanding ₹ 5400/- G.P. for all AEs on the basis of the short comings in the recommendations of 6th CPC in Para 3.4.7 and 7.46.12. He stated that this proposal was also referred to the DoPT by the UDM but was again rejected on the basis of the wrong presumptions of the 6th CPC report in connection with degree qualification and direct recruitment element, both of which are not applicable to CPWD AEs. It was also felt that the Junior Engineers Association should be taken into confidence to demand ₹ 4600/- G.P. to JEs, if required by changing the RRs of JEs, so that both JEs and AEs can get higher scales as above.

After detailed discussion it was resolved that **we should demand ₹ 5400/- G.P. in PB-3 for all AEs by highlighting the discrepancies in Paras 3.4.7 and 7.46.12 and if this demand is rejected we should proceed through Court.**

3. Regularization of all ad-hoc AE, EE, SE.

The General Secretary has explained the efforts made by the Association in getting the ad-hoc members regularized and reasons for delay. The main reason being the pending court case in Delhi High Court which was dismissed in January 2012 but is likely to be restored again as the fault is on the part of the court. After taking the views of all participants it was summarized that we should pressurize the Department for regularization of all adhoc AEs immediately against their own quota after further ad-hoc promotion of JE to AE based on Cadre Review. As regards to regularization of EEs, it was decided to resolve the matter through court cases only as it was disposed off without any conclusion.

The apex had resolved that any out of court settlement has to be thought-off by the Association. The main aim should be to start regularization under the new 1996 rules if required by willing to sacrifice the old rule balance 74 and 6 posts which were earlier agreed to by the department as balance in the Court and against which ad-hoc promotions were made during review screening in the year of 2008 as per Delhi High Court revised orders in September 2007. These vacancies can be considered under new RRs post 28th October 1996 as we may get 37-posts each for Diploma

and Degree quotas which practically makes no difference if they are regularized under old or new rules.

4. Implementation of Cadre Review and proper distribution of newly created posts.

The Assn will take the measures after submission of proposed post cadre review setup by the department to the Ministry. After seeing the impact of project units and other developments, the Assn will pursue for posting of JEs in all project/maintenance units. The main principle of this cadre review is no creation of any new division or circle as approved by the DoPT. Only project units and planning units may be created in this cadre review implementation. However the General Secretary had requested that all Regions and Zones to submit their suggestions for placing/fixing of definite Zones/Circles along with justification for submission to the directorate.

5. Grant of 7500-12000/- scale to all eligible AEs as per Court orders.

After discussion of the developments and reluctance of the Govt to implement this scale in true spirit to all eligible AEs, the suggestion of Sh Virendra Singh to go to court in contempt by the petitioners who were denied the benefit despite their eligibility. The General Secretary has stated that the case filed by the Assn in Delhi High Court in this regard is still in the regular list and hence Assn can not file another case pending this CWP.

6. Settlement of disputes and issue of correct Seniority List of AE (C) & AE(E).

After going into the genesis of the case and the root causes in which one group of AEs are fighting against the other group, it was resolved that Association should not support any single group against the others as all are our members. Let the court of law decide the rival claims on merit and Assn will act to get the orders implemented as already decided in principle in such cases. Sh P.N.Pandey, expressed his grief on such a development in which members are fighting amongst themselves and felt that an effort should be made by the Assn to bring the rival contenders on one platform to thrash out the disputes. The Apex has authorized him to make such efforts and bring out consensus in this regard.

7. Amendment of recruitment rules for EE's post as per GBM decision along with failing which clause.

The General Secretary has explained the latest position of this matter stating that the DoPT is hell bent upon making the minimum qualification of Degree in Engg for promotion of AE to the post of EE. The efforts made by the Assn to maintain the status quo with regards to the separate quotas for degree and diploma have not met with success due to the stand of the DoPT which stipulates this minimum qualification of Degree in all other departments. Then Assn tried to protect the interest of incumbent diploma AEs who should continue to get their quota vacancies as on the date of notification of new amended RRs. The DoPT and UD Ministry have agreed

to this in principle and we are hopeful of such protection, told by the Gene. Secy. Then the Apex resolved that Association should ensure that the protection should be available for all present AEs whether they are regular, adhoc or with any length of service.

8. Modification of Inter Regional transfer Policy as per Assn's suggestions.

After deliberations about the experience of the previous years, it was decided that the inter regional posting of AEs should be first by option and then by promotion from JE post. If the deficit is not covered by these, then only the IRTs should be resorted to. The overall vacancy position vis-à-vis the deficit of any particular region should also be kept in view while making such transfers. It is felt that by and large the deficit in the Eastern Region is at par with national average but the Western Region is still having some deficit. The readiness lists for return back AEs who served in other regions should also be prepared and they should be brought back in a time bound manner and these posts also should be kept in view while making IRTs in each year along with expected promotions from JE to AE from each region.

9. Re-designation of post of Assistant Engineer as Deputy Executive Engineer in line with other posts after cadre review.

The General Secretary has updated about the latest stand of DoPT which stated that any redesignation or re-nomenclature of any post in the CPWD can be done by the UD Ministry itself and DoPT's approval is not required. Accordingly the posts of ADG(Spl) has been redesignated as Special DG and similarly the post of PCE has been redesignated as ADG by the UD Ministry recently. In view of the above and the past rejection by the DoPT for redesignation of AE post as Deputy EE, it was resolved that the UD Ministry should be asked to revive the already approved redesignation by Sh Jaipal Reddy in the past.

10. Simplification of Manual procedures including enhanced delegated powers.

The latest circulars in this regard were discussed. The stand taken by the Assn in the meeting with Secretary, UD for grant of all delegated powers absolutely without any further conditions like in-principal approval of TS authority etc. was explained. All delegated powers should be made applicable for all agreements of any competency for better progress and decision making by the field officers. The procedure for extra/substituted/deviation items as per clause 12 should be amended to take into account the percentage above/below for each subhead or overall percentage of the tender to avoid tendency of the contractors to create such items for financial benefit which may trouble the officers at a later date. The condition regarding getting the work through spot quotations should also be relaxed and the next higher authority should be empowered to allow such works based on the justification to do so based on the urgency of the work and

circumstances. The present wording of extreme emergency/breakdown conditions and CE's approval etc are totally impractical and should be dispensed with in the interest of the work.

11. Amended Transfer policy for EEs and SEs and its implementation.

It was explained that due to the efforts of the Association, the final guidelines have been put up to the UDM who is yet to approve the same. We should pursue the same to its logical conclusion and the policy should be published, it was resolved.

12. Modification in the procedure of departmental Accounts examination for AEs and EEs for release of increments.

It was explained that the earlier proposal for one time relaxation to the old AEs was not yet agreed to by the Ministry. It was resolved that the alternative of introducing induction training on promotion as AE or EE in which the Accounts etc should also be included in the curriculum and those who successfully completed the training should be allowed to draw their increments regularly. Such training should be given within 2 years of their promotion so that their 2nd increment is not affected.

13. Grant of Design/Planning Allowance @ 20% of basic pay to AEs and EEs.

It was resolved to pursue with this demand to make the planning and design wings posting more attractive and to encourage in house planning/design instead of outsourcing.

14. Restoration of Open MHA passes to all AEs.

It was explained that the matter was discussed with the UDM during the meeting with him in March 2012 and he assured to look into the matter.

15. Membership drive and strengthening of Association from grassroots.

The General Secretary explained the latest position of the renewal of recognition and dispelled the rumours spread by the other Assn. He stated that a rigorous campaign is being made in Delhi and NR for 2012-13 membership and the response is very positive. He urged all present to make untiring efforts to complete the process at the earliest and get the letters of DDO issued as per check-off system to the central office. This is very much needed this year as the elections to the Central and various regional committees are also due and for preparation of voters lists also the confirmed membership is required. The regions/zones/branches/units of the Assn should send the same at the earliest and it was resolved to make earnest efforts.

16. Any other point with the permission of the Chair.

The Siliguri branch has made a request to enhance their status as Zone due to the concentration of membership in their branch. It was resolved that the request will be considered in view of the Byelaws of the Assn. A proposal to allot an ID to each member so that all details about that member

such as membership subscription, inclusion in voters list for elections, bulletin, change of office and postal address for bulletin etc can be linked to that ID for easy access in line with PIMS Id by the department.

The agitation program was also discussed and it was resolved to keep the agitational program continued despite the odds. Accordingly a Mass Dharna on 6th June 2012 and another Mass Rally/ Demonstration during the strike dates preferably on 9th August should be held all over the country. Sh P.N.Pandey has felt that the time is ripe for calling the general strike to galvanise the cadre and to press for our demands. The Apex authorized him to coordinate with all concerned in this direction and chalk out a route map in that direction for reaching the goal of strike if demands are not met with.

The meeting ended with thanks to the chair.

(P.R.CHARAN BABU)
GENERAL SECRETARY

Minutes of Meeting of the National Anomaly committee held on 17th July 2012 (MACPs related discussions).

ANNEXURE-III

Summary Record of discussions of the meeting held on 27th July, 2012 with the Staff Side on the issues relating to Modified Assured Career Progression Scheme (MACPS)

In the meeting of the National Anomaly Committee, held on 17/07/2012, it was decided that Joint Secretary (E), DOPT will hold a separate meeting with the Leaders of Staff Side to discuss the issues relating to MACP Scheme which formed Agenda Item No 42 of the National Anomaly Committee. Accordingly a meeting was held on 27/07/2012 in Room No. 190 at North Block, New Delhi. The list of participants of this meeting is at Annexure-IV.

Joint Secretary (E) DoPT welcomed the participants and stated that the Joint Committee which was set up by the National Anomaly Committee to discuss the issues relating to Modified Assured Career Progression Scheme (MACPS) met thrice and based on the discussions in those meetings a Report of the Committee was prepared and was placed before the National Anomaly.

Committee in its meeting held on 5th January, 2012. However due to shortage of time this item could not be discussed fully. In the meeting of the National Anomaly Committee held on 17th July, 2012, the Chairman had desired that since the issues involved in MACP Scheme are complex, another round of consultation through a meeting with the Staff Side under Joint Secretary (E) DoPT may be held soon. This meeting was held in pursuance of that decision.

Thereafter the report of the Joint Committee was taken up for discussion.

1. Grant of MACP in the promotional hierarchy.

The Staff Side stated that under ACP Scheme, financial upgradation was granted in promotional hierarchy and therefore it had become part of service condition of the employees. Under the MACPS, financial upgradations is permitted in Grade Pay hierarchy only, thereby adversely affecting the service conditions. Therefore, under MACPS also the financial upgradations should be granted in promotional hierarchy. The Official Side stated that there was no such recommendation of the 6th CPC and in fact the Commission in its report, while discussing this issue, had mentioned that although the ACPS had, by and large, alleviated the problem of stagnation and also allowed higher rate of increments in the higher scale extended under it, it had, however, given rise to other problems. The financial upgradations in that scheme followed the then existing promotional hierarchy which gave rise to uneven benefit to employees falling in the same pay scale since several Organisations adopted different hierarchical pattern. Consequently, employees working in organizations having greater number of intermediate grades suffered because financial upgradation under ACPS placed them in a lower pay scale vis-a-vis similar] placed employees in another organization that had lesser intermediary grades.

The 6th CPC therefore, recommended a systemic change in the existing scheme of ACPS whereby all employees, irrespective of the hierarchical structure as prevalent in their organization/cadre, would get the same benefit under it.

This was accepted by the Govt with further modification to grant three financial upgradations under the MACPS at intervals of 10, 20 and 30 years of continuous regular service in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. In fact while accepting the recommendations of the 6th CPC on this issue there was no such demand by the Staff Side.

The Staff Side stated that the employees who were in service prior to 1.1.2006 had the right to retain first two financial upgradations in the promotional hierarchy and the Government cannot alter the existing service conditions adversely. The Official Side however stated that since MACPS is in supersession of earlier ACP scheme, this cannot be agreed to. The Staff Side insisted that at least option be given to individual employees in this regard to facilitate him/her to opt for either ACP or MACP for availing benefit of financial upgradation. The Staff Side was insistent that either MACPS should be in promotional hierarchy or individual options should be given to the employees.

The Official Side stated that it was not possible to agree to individual options and if they have any alternate suggestions, the Staff Side could come back with them.

2. Date of effect of MACP Scheme.

The Staff Side stated that those employees who retired during the period between 1.1.2006 and 31.8.2008 could not get the benefit of MACPS and therefore the MACPS should be made effective from 1.1.2006. It was pointed out by the Official Side that during the 5th CPC also the ACPS was made effective from a later date. The Staff Side suggested that in respect of those who had retired/died prior to 1.9.2008, the MACP scheme could be made effective from 1.1.2006. It was pointed out that there is also the issue of some of the employees, who got the benefit of ACPS during this intervening period, may be adversely affected because of this demand. Thus the staff Side was advised to reconsider their demand for giving effect to the MACP Scheme w.e.f. 01.01.2006.

3. Counting of 50% of service rendered by Temporary Status.

Casual Labour for reckoning 10/20/30 years under MACP Scheme: It was reiterated by the Official Side that as per para 5 (v) of Appendix pertaining to Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 50% of the service rendered under temporary status is to be counted only for the purpose of retirement benefits after their regularization. Since under MACPS only continuous regular service is taken into account for allowing 1st, 2nd and 3rd financial upgradations on completion of 10, 20 & 30 years of continuous regular service respectively, the demand of the Staff Side cannot be accepted for MACPS. It was decided that this issue may be taken up by the Staff Side in National Council separately.

4. Treatment of employees selected under LDCE/GDCE Scheme.

It was decided that treatment of such cases would be on the lines as was under the ACP Scheme and Ministry of Railways would examine the matter accordingly

5. Promotion in the identical Grade Pay.

The Official Side stated that they will issue instructions for granting one increment for fixation of Pay in cases of promotion to the same Grade Pay if they were granted such a benefit post 5th CPC also. Such a dispensation would then apply while considering financial upgradation under MACPS.

6. Financial Upgradation under MACPs, in the case of staff who joined another unit/organisation on request.

The Staff Side pointed out that OM dated 01/11/2010 should be suitably amplified/amended covering the staff that was transferred on request on reversion to the Unit/Organisation so that the total service rendered in the previous Unit/Organisation, ignoring the past promotion, may be counted for MACPs. The Official Side agreed to issue necessary clarificatory

instructions in this regard. The Staff Side also pointed out that in certain offices the promotion in the original Unit/Organisation from which an employee got reverted/transferred to the lower post, was also being counted against MACPS which is not warranted. The Official Side agreed to look into this issue.

7. Extension of benefit of MACPS to an employee appointed in Grade where direct recruitment element is there while ignoring service and promotion rendered prior to his appointment in that post.

The Official Side reiterated that suitable clarifications bearing No. 5 in OM dated 09/09/2012 have already been issued and matter stands resolved.

8. Stepping up of Pay of incumbents at par with Junior incumbents as a consequence of ACP/MACPs.

It was stated by the Official Side that stepping up of pay in the pay band or grade pay with regard to junior getting more pay than the senior on account of pay fixation under the MACP Scheme can be considered as a special dispensation and suitable clarificatory instructions will be considered to deal with such situations. The Staff Side also raised the issue of injustice being meted out particularly in the Accounts Department of Indian Railways wherein the incumbents who cleared the Appendix examination are drawing less pay as compared to those who could not qualify the said examination and got the benefit of MACPs. The Staff Side stated that this led to demotivation among qualified staff and urged for rectifying such an anomaly. It was agreed to examine this separately and Ministry of Railways was advised to send the proposal in question.

9. Benchmark for MACP.

It was decided that suitable instructions will be issued to specifically clarify that wherever promotions are given on non-selection basis (ie seniority cum fitness), the prescribed benchmark, as mentioned in para 17 of Annexure I of MACPS dated 19.5.2009, will not be applicable and the benchmark for promotion will apply for the purpose of MACPS.

10. Grant of ACP benefit to Artisan Staff of Ministry of Defence.

The Staff Side insisted that based on Fast Track Committee recommendations, the then existing Highly Skilled grade (in the Pre revised pay scale of Rs 4000-6000) was split equally in the ratio of 50:50 and redesignated as Highly Skilled Grade II (GP 2400) and Highly Skilled Grade I (GP 2800) with effect from 1.1.2006. The Staff Side stated that such placement of employees in Highly Skilled Grade I (GP 2800) with effect from 1.1.2006 to 14.6.2010 cannot be treated as promotion for the purpose of grant of financial upgradation under MACP Scheme. The Official Side stated that on the issue of Artisan Staff of the Ministry of Defence, the matter has already

been examined on file and Ministry of Defence has been advised accordingly. The Staff Side insisted that this should be reconsidered so that placements in higher Grade may not be taken as promotion for the purpose of grant of financial upgradation under MACP. The Official Side stated that this has repercussions on the employees working in Railways and therefore it is not amenable to acceptance. The rest of the items of the Report of the Joint Committee, as indicated below, were closed as appropriate action had been taken with respect to the issues raised therein.

11. **Notional Classification for CGE1S consequent upon MACPs.**
12. **The Staff Side raised the following issues though they were not part of the MACP Joint Committee Report.**

Employees who got one promotion prior to 01/09/2008 and completed over two decades of service without benefit of promotion and are denied third ACP under MACPs:

The Staff Side raised this issue and insisted that in such cases, third MACP should be straight away given to staff from the date subsequent to the date of completion of two decades of service after promotion. After discussions, the Official Side while appreciating the position stated that this is a peculiar situation and agreed to consider this issue on the basis of a reference to be made by the Ministry of Railways in this regard. **Modification of recruitment rules particularly in Railways and upgradation granted by abolition of Pay Scale-Implementation of MACPs.**

Though this was not a part of the MACP Report, the Staff Side raised this issue in the meeting and explained that in the Railways, the lower pay scales were abolished and posts were upgraded to higher pay scales with revision of recruitment qualification and designation. In such cases the Staff Side insisted that entry Grade Pay as a result of upgradation consequent upon abolition of lower Pay Scales should be taken into consideration for reckoning 10/20/30 years of service for granting MACP. The Official Side decided that the Railway Board may send an appropriate proposal to the DoP&T in consultation with the Staff Side.

13. **The Official Side reiterated that MACP.**

Scheme is a fall-back option and the Ministries have to conduct Cadre Restructuring in right earnest for ensuring that promotional avenues are available to the staff within a reasonable time frame. It was agreed that Ministry of Finance would issue instructions to all Ministries/Departments/Cadre authorities to undertake Cadre restructuring of Group B & Group C formations in a time bound manner. The Staff Side pointed out that the Ministry of Railways is citing the instructions of Ministry of Finance issued

some years back that only one third of the Cadre could be disturbed, for revising the percentages for the purpose of Cadre restructuring, the Official Side stated that this would be examined and if required, necessary clarificatory instructions will be issued to the Ministry of Railways so that the Cadre Restructuring could be carried out.

From Serial No. 48 to 82 May read as diploma instead of degree in the promotion list of AE(C) to EE(C) published in the bulletin Aug. 2012.

Letter No CPWDEA/7/68 Dated 29.08.2012 written to Sh. S.K. Mittal, Director General, C.P.W.D., Nirman Bhawan, New Delhi with Copy to The Secretary, Ministry of UD, Nirman Bhawan, New Delhi.

Subject: Discrepancies in Seniority list of Assistant Engineers (Elect)

Ref: Your OM No. 8/19/2009-EC.III (Pt.) dt. 11.06.2012

Sir,

Kindly refer to the above cited OM vide which the final seniority list of Assistant Engineers (E) in CPWD has been issued by your directorate. In this contest on behalf of our Association, I am taking this opportunity to draw your kind attention towards the discrepancies and arbitrary fixation of seniority, which was already settled during the year 2002 as per the DoP&T guidelines and as per the settled practice in the department on the issue. The ostensible reason for issuing modified list now seems to be similar list in civil side which was also issued unilaterally by your directorate which has created much upheaval in the department and resulted in many court cases. It is learnt that this seniority list of electrical AEs is also stayed by CAT(PB) Delhi recently which also stayed the civil seniority list earlier with the direction to operate the 2002 seniority list for making adhoc promotions. The relative seniority of the AE (Elect), already settled in 2002 has been disturbed all of a sudden in 2012 without any cause of action or any direction from any court. The matter needs to be reviewed and reexamined.

The main discrepancies in the list are enclosed as Annexure-A separately for taking necessary action and restore the settled seniority list of the year 2002.

With due regards,

Encl: As above.

Yours sincerely
(P. R. Charanbabu)
General Secretary

ANNEXURE-A

Discrepancies in Seniority list of Assistant Engineers (Elect)

The office of the Director General, C.P.W.D. issued a final seniority list (in short Seniority List 2012) of AEs (Elect) vide above mentioned office letter dt. 11.06.2012 re-fixing the relative seniority which was already settled in respect of AEs (Elect) (in short Seniority List 2002). A considerable number of AE (elect) have been disturbed in the array of the seniority in utter violation to the guidelines and instructions of DoP&T on the issue of fixation of seniority including interpolation of vacancies between Promotee AEs and Limited Departmental Competitive Examination (in short LDCE) promoted AEs. The facts are as under:

1. The DoP&T had issued detailed guidelines and instructions vide their O.M. dt. 03.07.1986 to fix the seniority between promotee and direct recruits by interpolating the two recruits as P1, D1, P2, D2etc.
2. The AEs who got promoted by virtue of their seniority-cum-fitness and by virtue of being declared as qualified by LDCE were being given respective seniority as per above mentioned DoP&T guidelines, even though both are promotee AEs from the JE cadre.
3. The practice continued since 1998 when the department issued a seniority list in respect of AE (Elect) in Dec 1998. In this seniority list all the AE (Elect) whether promoted by seniority or LDCE were placed suitably as per DoP&T guidelines dt. 03.07.1986. The department continued to promote AEs by seniority-cum-fitness quota regularly but did not bother to conduct LDCE every year.
4. The department could not conduct LDCE for the vacancies which fell vacant from the period 1992-93 to 1998-99 but the slots were kept vacant in the seniority list of 1998 for the LDCE AEs. The department has issued a notification to conduct LDCE in 1998. The exam was held in Feb 1999.
5. A number of court cases were filed in Hon'ble CAT to issue directions to the department to declare result for year wise vacancy.
6. The department issued results of LDCE in 2001 & 2002 for year wise vacancy. Accordingly all the AEs promoted by virtue of being declared qualified were given respective seniority as per the Hon'ble CAT directions in the matter of Sh. Sudama Prasad Sharma (OA No. 2526/1998) and Sh. Kamal Kishore Joshi (OANo. 2239/1998).
7. A seniority list was issued in 2002 in respect of AE (Elect) fixing the seniority of AEs promoted through seniority and LDCE. The said seniority list was challenged in Hon'ble CAT, Jodhpur Bench in the matter of Sh. Ram Niwas Meena in O.A. No. 209/2003.
8. The department issued a revised seniority list on 26th July 2005 in compliance to Hon'ble CAT, Jodhpur Bench in O.A. No. 209/2003.
9. After revising the seniority on 26th July 2005, the department started to promote AE (Elect) to the post of EE (Elect) after April 2006 only. The department had already promoted 241 Nos. (Including 55 Nos. AEs from LDCE-1999) AE (Elect) to the post of EE (Elect) till date.

10. Some of the AEs (C) promoted through LDCE-1999 demanded benefits of pay and eligibility for promotion to the post of EE on notional basis. The case filed in Hon'ble CAT PB, New Delhi was allowed but Hon'ble High Court overruled the Hon'ble CAT orders in W.P. (C) No. 1188-90/ 2005 vide its order dt. 29th Nov 2010.
11. While overruling Hon'ble CAT PB order, Hon'ble High Court did not deal with the issue of seniority saying that seniority was never in dispute but only issue was back wages and acquiring eligibility for further promotion to the post of EE.
12. While overruling Hon'ble CAT PB order, Hon'ble High Court did not deal with the issue of seniority saying that seniority was never in dispute but only issue was back wages and acquiring eligibility for further promotion to the post of EE.
13. The DoP&T issued an O.M. dt. 3.3.2008 which expressly provides that:
"4. Cases of seniority already decided with reference to any other interpretation of the term 'available' as contained in O.M. dt. 3.7.1986 need not be re-opened."
14. The seniority list issued in 2002 and as amended in 2005 in compliance to Hon'ble CAT Jodhpur Bench had never been challenged/ disputed by any individual till date and had become final & binding as per the DoP&T guidelines and instructions issued vide O.M. dt. 3.7.1986 and 3.3.2008.
15. To create confusion and disputes between AEs and the seniority matter was reopened deliberately by the department and a reference was made to the DoP&T to advice in the matter as part of a well hatched conspiracy to divide the cadre.
16. Based on the half truths submitted by the department and without verifying the judgement of Hon'ble High Court dated 29/11/2010 in the above cases, the DoP&T has also become a party to the conspiracy of the department and advised revision of seniority list stating that the High Court has kept the issue of seniority open which is not at all a fact.
17. The reopening of seniority prior to 3.3.2008 is in violation to the DoP&T guidelines and detrimental to the service prospects of the affected AEs.

Under the facts and circumstances, it is requested that:

1. The seniority list 2012 be recalled and reviewed
2. The seniority already settled in seniority list 2002 as amended in July 2005 need not be disturbed.
3. In case, due to administrative reasons it is necessary to promote AE to EE post, the same may please be done on the basis of 2002 seniority list as has been done in the case of civil AEs.

(P. R. Charanbabu)
General Secretary