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JCM MATTER/PRIORITY

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17151/ 15 Addl /12T/ MP-4 (Civ) (JCM)


27 Sep 2013

To

All Staff Side Members, 12th Term
AHQ JCM Level III Council

FORWARDING OF MINUTES OF SPECIAL JCM MEETING /12 TH TERM OF THE
ARMY HQ JCM LEVEL III COUNCIL HELD ON 29 AUG 2013

I. Minutes of the Special JCM Meeting of 12th Term of the Army HQ JCM Level III Council held on, 29 Aug 2013 duly approved by the Chairman are forwarded herewith for your information please.


(Ashok Kumar)
Dir (JCM & Adm)

Encl: As stated

Copy to:-

The General Secretaries of

AIDEF INDWF BPMS CDRA

The Chief Labour Commissioner,
Ministry of Laabour

MINUTES OF SPECIAL JCM MEETING HELD ON 29 AUG 2013

1. The special JCM Meeting of the 12 th Term of AHQ JCM Level III Council was held on 29 Aug 2013 under the chairmanship of the DDG (CP) in the Conference Hall Room No 546, A Wing Sena Bhawan New, Delhi-11.
2. At the outset, the Chairman welcomed all present in the Meeting and thanked Staff Side Members for their cooperation in maintaining healthy & cordial relations in various Army Estt. He appreciated the Official Side for the efforts made by them for resolving the issues raised by JCM Members/ Federations etc. He concluded by requesting both Staff Side and Official Side Members to make special efforts to resolve issues through mutual consultation, liaison and cooperation.
3. Thereafter, he requested the leader and the secretary, Staff Side to make their opening remarks.
4. Shri Anil Sharma, Offg Leader Staff Side welcomed all and stated that Govt. of India has constituted the JCM Machinery for Joint consultation on service matters both by the Official and Staff Side to resolve the issues for achieving productivity and also to maintain harmonious industrial relationship. He appreciated the Army HQ JCM council being one of the most effective and energetic JCM council where Meetings used to be held regularly. However, he expressed his dissatisfaction in delay in holding of JCM Main Meeting which has led to considerable delay in resolving the issues of employees. He thanked the chairman for convening this Special JCM Meeting. Thereafter, the Offg Leader Staff Side raised the following issues:-
 - (i) Army HQ and MoD have already issued instruction that proper courtesy should be extended to the JCM Members and the Leaders of Federations by the Officers while dealing with them when they come with problems of worker. He expressed his concern that many officers including DDG /MF/MT are not aware of the JCM and the role of Federations. It is further mentioned that general conduct of Officer of OS Dte is also not proper towards JCM Members. It is requested that AG Branch may issue a detailed instructions to all the Heads of Line Dtes regarding of functioning of the JCM and role of recognised Federations. Similarly, all the instructions/ circulars

on service matters issued by the Line Dtes may be endorsed to the Staff Side and Federations.

(ii) Based on a decision of the Cabinet Secretary Instructions were issued that Staff Side /Federations must be given an opportunity before orders are issued affecting the employees in general like downsizing /restructuring of the cadres etc. However, recently three decisions have been taken by the Army HQ arbitrarily without consulting the Federations, which has affected the service conditions of the Defence civilian Employees. Decision of closure of Military Farms by the Government, declaration of many workers as surplus in Station Workshop Colaba, Kolkata and in a few ABWs by DGEME and arbitrarily transfer of certain employees of vehicle depot, Panagarh to Assam in Eastern command are such decision wherein Federations have not been consulted. Therefore, it is demanded that all these actions should be kept in abeyance and a Meeting with the Federations may be organised to discuss and settle these issues.

(iii) Ministry of labour has issued notification classifying hospitals and educational institutions as "Industry" under ID Act 1947. AIDEF has represented to MoD that as per this Act the employees of Military hospitals and Training Establishments are eligible for Trade Union rights. It is demanded that this outstanding issue may be settled by granting Trade Union rights to the employees of MH, Training Establishments and SRO 176-E Areas.

(iv) In many Army Units the pension claims of the employees are not settled even after their retirement. In the Ordnance Factories pension papers are processed one year in advance and on the day of retirement the Head of Establishment hand over a decorated service certificate along with all the pension papers to the employee. It is requested that AG Branch may also issue instructions to adopt the same procedure in the other Army Units also.

(v) For the past many years promotion to the post of Master Craftsman in EME has not taken place and the senior employees are frustrated. It is therefore

requested that DGEME may kindly immediately arrange to release the promotion to the post of MCM.

(vi) Many of the Trades in OS Dte are not enjoying the benefit of fourth Grade Integrated Ratio sanctioned by Govt. A proposal has been forwarded by OS Dte such as viewer by MoD to classify all these Trades as skilled and allow HS-II, HS-I, MCM grade. It is requested that since the issue is pending since long, the same may be settled amicably.

(vii) As per 6th CPC recommendations the minimum qualification for future recruitments in Group-C posts with Grade Pay Rs 1800/- is either matriculation or ITI. In violation of this E-in-C has published RR for Mate, specifying the recruitment qualification as Matriculation and ITI. Therefore, it is requested that the RR may be amended as 'Matriculation or ITI'.

(viii) As per MoD instructions if more than 50% of the employees are members of the Trade Unions then there will be only one constituency system for election to the works Committee. However, COD Kanpur is not following this and AIDEF has submitted a representation in this regard. It is requested that Army HQ may issue a clarification/instructions to COD Kanpur in this regard.

(ix) As per Govt. instructions the maximum age limit for recruitment to any post in central Govt. is 27 years. However, COD Kandivli, Mumbai is not following this. The representation of AIDEF is pending with OS Directorate. It is requested that Army HQ may issue a clarification in this regard.

(x) AIDEF has demanded that the packers of ESDs under E-in-C may be granted parity in the matter of pay scale and promotional prospects at par with the packers of OS Directorate and E-in-C has agreed to consider this demand. However, the issue has not yet been resolved. It is therefore requested that an early and favourable action may be taken to resolve this issue.

(xi) The ADRP vacancies were not released by the E-in-C for two years. It is understood that the case is pending with MoD. It is requested that the same may be expedited.

(xii) All of a sudden ammunition Depots have been declared as WAR Estt. and civilians have become surplus. It is requested that this action may be kept in abeyance and the same has to be discussed with Federations.

(xiii) After direction of AHQ & AG's Branch, Comdt 506 Army Base workshop Jabalpur is not forming Sub Committee and Works committee and not granting 20 days special casual Leave for attending Federations' Meetings. It is requested that Army HQ may issue instructions to resolve the issue.

(5) Thereafter, Shri M. Jayachandran, Secretary Staff Side addressed the Meeting. First of all he expressed his sincere thanks to the ADG MP (P & P) and the DDG (CP) for convening this Special JCM Meeting and welcomed all present in that Meeting. He expressed his concern on sudden cancellation of proposed 15th Main Meeting. Further he said that due to delay in conduct of 15th Main Meeting as the last Main Meeting was held on 28 Nov 2011, the JCM points (Agenda points) to be projected by the Staff Side Members have increased considerably. Therefore, he on behalf of entire Staff Side members of Army HQrs JCM Council requested that necessary action may be taken to conduct the Main JCM Meeting as early as possible. Thereafter, he listed out the following important issues:-

(i) Govt. of India, Ministry of Defence issued order on 14-06-2010 for re-structuring of Cadre of Artisan Staffs of MoD w.e.f. 01-01-2006. The same has not been implemented (MCM promotion) in the EME Dte so far. In AOC some depots have implemented with lots of irregularities/ mistakes i.e. eligible employees and retired employees were denied. Affected individuals are approaching Court of Law. In MES 70% CWEs were implemented the same. Due to non grant of MCM promotion w.e.f. 01-01-2006 the chain linked promotions to be granted to the category of SK to HS-II, HS-II to HS-I and MCM to Chargeman are stranded. Therefore, it is requested that

necessary orders may be issued to implement the Govt. order as early as possible without any deviation.

(ii) Lots of JCM points have not been resolved in time and are still pending due to various reasons. Therefore, it is suggested that a permanent Sub Committee may be constituted under the chairmanship of DDG (CP) and all unresolved long pending JCM issues should be referred to that committee to resolve them amicably as it was done in the past.

(iii) The points regarding constitution of Civilian Sports Board for the civilian employees of Army Dte at par with the other Dte of MoD which was raised in the 1st Main Meeting of 12 th Term of Army HQrs JCM Council, has not been constituted so far. It is requested to expedite the same as early as possible.

(iv) The Labour Welfare Fund has not been constituted in any one of the SHQ's or Station cell of SD Dtes. Necessary instruction and Govt. orders have already been circulated in this regard by AG's Branch but no action seems to have been taken so far. It is requested that this matter may be looked into.

(v) Govt. has already issued order for Re-designation of erstwhile Group-D employees as MTS which has not been implemented in any one of the Army Dtes yet particularly in SD Dte. Therefore, it is requested that necessary orders may be issued to redesignate the nomenclature of previous Group-D employees as MTS as early as possible.

(vi) The Ministry of Defence has already issued instruction that the Staff Side should be consulted in all matters before taking any decisions affecting the Staff. But many of Army Dtes are not following the same and are taking decisions against the Staff without consulting the Staff Side. Therefore, it is requested that, necessary instructions may be issued to the Line Dtes. to consult the Staff Side before amending /formulating RR or SOP, downsizing the Units, declaring surplus of Civilian employees.

(vii) In OS Dte, order has been issued to downsizing some depots and converting them into FOD's & FAD's which has resulted its certain categories of

employees becoming surplus and issued posting order to the fore flung areas. This decision has been taken without consulting the Staff Side. For example AD & VD Panagarh and AD Dehu Road. It is requested that necessary orders may please be issued to withhold the posting order and further direction may be issued to consult the matter with Staff Side.

(6) Thereafter, Shri CH Satyanarayana, Staff Side Member raised the following issues:-

(i) Recognition of Ordnance Depot Employees' Union Fort, Allahabad Affiliated to AIDEF: - Despite completion of all formalities and repeated direction of AG's Branch/AOC directorate, OD (Fort) Allahabad has not forwarded papers for recognition of their Union. This issue is pending with the Depot for last 2/3 years. Therefore, Army HQrs is requested to look into the matter for early resolution.

(ii) Violation of orders by OD Fort Allahabad: - As per Ministry of Labour, CLC letter No. 26(17)-2001-LW dt 05 June 2013, DLWC posted at OD Fort Allahabad is not legally authorized to file counter-affidavits in any court of law on behalf of COD as he does not form part of management. However, DLWC of the said depot have again filed counter affidavit in 2013 before CAT Allahabad in a case filed by some workers of OD fort Allahabad in the matter of illegal and arbitrary process of direct recruitment. It is requested that this illegal action of DLWC may be nullified.

(iii) Non-Holding of welfare committee meetings at MSA (Stn Cell) Mumbai & 53 ASC coy Mumbai: - No welfare committee has been held in the said Esst. for last more than 6 months. It is requested that Army HQrs may instruct the concerned to constitute the welfare committee.

7. Thereafter, Shri H. Chakraborty, Staff Side member raised the following issues:-

(i) Non-Conduct of JCM IVth Level meeting in CWE, Kirkee: - As per provision of CPRO 25/71 and policy matter on constitution of JCM forum forwarded by Army HQ to lower formations is not followed properly. The JCM IVth Level Meetings are

not conducted by CWE Kirkee, Pune as per the time schedule. It is requested that Army HQrs may take necessary initiative in this regard.

(ii) Compassionate Ground Appointment to the next of kin who dies while on duty:- The issue has been raised at Works Committee Level, JCM IVth level from their union and AIDEF with E-in-C's Branch & MoD but no proper orders/instructions have been issued by them. Lot of cases of this nature is pending and the poor family members of deceased Govt. Servant are facing financial and mental hardship. Therefore, it is requested that the matter may be looked into and necessary instructions may be issued to concerned line Dtes.

(iii) DPC for Industrial Staff:- DPC for Industrial Staff has not been ordered by CWE Kirkee, Pune since 2008 and other CWE's in Pune Area after 2010. MoD and the concerned Line Dte have instructed to held DPC after every six months but CWE Kirkee under Chief Engineer Pune Zone is not following the instructions properly. It is requested that the matter may be looked into.

(iv) Restructuring :- Restructuring of MES Industrial Staff in CWE Kirkee, Pune-03 and other CWE's in Pune Area has not been implemented. It is requested that necessary instructions may be issued to concerned Line Dtes that restructuring should be carried out only on basis of Seniority in the Cadre so that senior should get chance to promote first than his junior based on seniority.

(v) Conduct of Trade Test:- Last Trade Test was conducted by CWE Kirkee, Pune, on 10 Feb 2010 and other CWE's in Pune Area during 2011. Despite Govt. policy being issued time to time, neither the same being monitored properly nor check on lower formations i.e. CWE's in Pune Area has been kept. Therefore, it is requested that necessary action may be taken in this regard.

(vi) DPC for Peon, Chawkidars & Safaiwala:- This issue has been raised at JCM IVth Level by Area Union time to time and CWE's Pune Area has already implemented this in 2013 but CWE Kirkee has not implemented this so far. This has resulted its the peons, Chawkidars and Safaiwalas to be deprived of their promotion as

Mate (SS) in CWE Kirkee Area. It is requested that necessary action may be taken to implement this in CWE Kirkee Area.

(vii) Grant of 1st / IInd ACP even after completion of 12 years of service in some categories: - Details mentioned in this point are self explanatory which should be looked into. It is requested that necessary instruction may be issued to all Line Dtes. in this regard.

(viii) Misuse of Govt. money by cashier for GE Central, Kirkee, Pune :- Details mentioned in the issue given by Staff Side Secretary, JCM IVth Level, CWE Kirkee are Self explanatory. The administration of GE (Central) Kirkee is very poor. It is brought in notice that not only cashier is responsible for this misuse but some other personnel are also connected to this. It is requested to go through the issue and strict instructions may be issued to Line Dte concerned for early enquiry of matter through proper investigation as the case is pending for long.

(ix) Non preparation of Seniority list at CWE Kirkee:- The Seniority lists prepared by CWE in Pune Area (CWE wise) for Industrial personnel is older than 10 years and the same is not being corrected and updated. It is requested that necessary instructions may be issued to concerned Line Dte to issue orders to Lower Formations to prepare and circulate updated seniority list of Industrial personnel.

(8) Thereafter, Shri Bijoy Kumar Kar, Staff Side Member raised following issues:-

(i) Provide financial assistance due to inordinate delay in finalization of pension benefit to the retired employees of Stn HQ Bengdubi under HQ 111 sub area.

(ii) Non- materialization of other grievances of the employees of Stn HQ, Bengdubi under HQ 111 sub area as follows:-

(a) Monthly payment for the month of June has not been paid.

(b) Liveries are not being issued to the conservancy Staff including Ladies.

(c) As per Govt. instructions of one time increment the same hasn't yet been implemented and as a result employees are deprived of their legitimate claims.

(d) Washing soaps are also not being issued to conservancy Staff.

(e) Children education Allowance hasn't yet been paid to affected individuals since last year.

(f) MACP to those employees who have already completed 20 years of service has not been granted yet.

(g) Welfare committee should be formed as per Govt instructions.

(iii) Non-cooperation attitude taken by Audit authority on adjustment of surplus staff of EME:- As per the recommendation of ASEC and adoption of revised PE, a large number of employees of EME Directorate has been declared surplus. Now EME Directorate and AG's Branch (MP-4) Civ are engaging to adjust the surplus staffs with the constraints which take time as the effected Units/Estt are situated far from HQrs and correspondence is being made only by post. Some of local audit authority have raised observation on the issue of surplus staff without considering the reality. This has created pandemonium and badly affected the productivity of the organization. Therefore it is requested to refrain the Audit authority from such observation, for the betterment and smooth functioning of the organisation.

(iv) Permission to fill up vacant post in EME:- Due to adoption of revised PE, some of ABWs & Stn Wksp has declared some Trades/Posts surplus. Now the surplus Staffs are being adjusted as per the provision in AO. But for the smooth functioning of day to day work of Units/Estt and to achieve targeted output for operational readiness of Army, filling of existing vacancy is urgently required. Therefore, it is requested that necessary permission to fill up the vacant post may be granted for better functioning of organisation.

(v) Following employees were deprived from rotation day off/leave even after repeatedly asking with their respective office of Command Hospital, Kolkata. Despite

having leave is balance deduction of pay is unbecoming. It is requested to issue necessary direction for payment of absent period.

- (a) Supriya Ganguly - Ward Sahaika -13/12/2006to 14/12/2006 & 04/02/2007
- (b) Piyasha Das - Ward Sahaika - 19/10/2007 to 21/10/2007
- (c) Shila Sarkar- Ward Sahaika - 08/10/2012 to 09/10/2012 & 29/09/2012 to 30/09/2012
- (d) Mala Roy- Ward Sahaika -27/12/2013

9. Thereafter, Shri Ved Pal Yadav, Staff Side member raised the following issues and requested that Army HQ may issue necessary order/instruction to resolve this:-

(i) Ammunition Depots Under OS Dte have been converted as FAD's

(a) It is submitted that as decision of the OS Dte, Ammunition Depots have been converted to FAD's without consultation of the Staff Side /Staff Assn/CDRA etc. Service conditions fo employees are involved in this conversion. Reduction of Staff authorization is taking place as a result of this conversion. As per view of Staff Side, there will be no improvement in functional requirement and only expenditure will increase. There are no examples available in dedication in duties performed by the Defence Civilians in the Ammunition Depots.

(b) There are instructions of Cabinet Secretary & DOP&T, that Staff Side should be consulted when there is reduction in strength of employees/ workers and workload. In view of the above, It is requested that before conversion/implementation, reps of concerned Staff Assns/CDRA etc may be consulted at the level of AG Level, so that more can be submitted to concerned Authorities. All India Assns of Storekeeping Staff of the AOC have already requested to grant a meeting at the level of DGOS.

(ii) Posting have been issued of Staff/Employees of VD Panagarh (WB) to Assam Area.

It is submitted that Staff Assns/ Staff Side are regularly representing to increase the workload of VD Panagarh so that strength of the establishment may not be decrease. Here, there are posting Order of employees of VD Panagarh have been issues to Assam Area, causing too much hardships to low paid employees. This important Organisation of Indian Army requires serious consideration by the competent authorities & on this Staff Side may be consulted as per orders exists. Till that it is requested that posting Order may please be stayed.

(iii) Pension Adalats for Defence Retired Employees/Workers

(a) It is submitted that Defence Pensioners used to face the difficulties in resolving their grievances through various correspondence made by them. In the old age they are unable to visit frequently to concerned authorities & even they do not get the reply after their repeated requested.

(b) Some departments have constituted pension Adalats for their employees. It is requested that Pension Adalats for Defence Retired Civilians may please be constituted. Point may be processed accordingly.

(iv) Process and Implementation of Cadre Reviews of all Categoires Functioning under AG's Branch.

(a) DOP&T /MoD have issued the instructions to process the Cadre Reviews of all the categories and implement the same in a time bound manner. As per instructions, all Staff Assns are to be consulted by the Cadre controlling authorities. After implementation of 6 th CPC, Cadre Reviews are to be implemented in a fixed time, but it was found that nearly 7 years have passed & Cadre Reviews are pending at the level of Cadre controlling authorities. In some cases reps of Staff Assns have not been consulted, even there are instructions.

(b) Kindly review this point & take a strong action so that Cadre Reviews of all the categories under AG's Br can be processed immediately.

(v) Consultation and Processing on RR's After implementation of 6th CPC, RR's of every category are to be revised. Instructions were issued by the DOP&T/MOD to consult the reps of concerned Staff Assn on framing the Draft RR. Most of the Organisations have not consulted on Draft RR, hence, it is requested that suitable instructions may please be issued to final the Draft RR in consultation with concerned Staff Assn.

(vi) Delay in Membership Verification of Staff Assns under Check-Off-System and there After Submission of Report to MoD.

(a) Yearly membership verification under Check-Off-System is to be carried out by the controlling Unit/Organisation. After that reports are to be sent by the Unit to controlling Organisation. It was found that too much delay is taking place in membership verification of the Staff Assns. This membership verification requires a time schedule so that Continuation of Recognition of Staff Assns can be finalised before expiry date of Recognition.

(b) In view of the above, kindly consider the same & suitable instructions may please be issued to all the line Dtes, so that membership verification can be carried out in time.

(vii) Regular Meeting of Main Meeting of AHQrs JCM-III Level Council are not Taking place.

(a) It is submitted that presently meetings of the Main Meeting of the Army HQrs JCM-III Level Council are not being held regularly, due to which grievances/problems of Staff Side are raising and increasing. In the past, Meeting of the Main Meeting were held regularly and Staff side used to raised their grievances regularly.

(b) In view of the above, kindly consult the AG, Chairman of the AHQrs JCM-III Level Council and decide to arrange the Main Meeting at the earliest & schedule of such Meeting may please be finalised.

(viii) Confederation of Defence Recognised Associations (CDRA) Suggestions may be included in the report of the National Training Committee.

(a) National HQrs CDRA made some suggestions on the report submitted by the Training Committee, constituted by the AG's Br. Our suggestions to include the reps of Staff Side in that Committee was not agreed to. Even after that some fruitful suggestions were submitted for consideration of the said Committee.

(b) In view of the above, kindly finalise the same, after going through the suggestions made by the National HQrs CDRA. Progress on the same please be conveyed to Staff Side.

10. The Meeting concluded with the vote of thanks to the Chair.