



भारतीय प्रतिरक्षा मजदूर संघ
Bharatiya Pratiraksha Mazdoor Sangh
(AN ALL INDIA FEDERATION OF DEFENCE WORKERS)
(AN INDUSTRIAL UNIT OF B.M.S.)

(RECOGNISED BY MINISTRY OF DEFENCE, GOVT. OF INDIA)

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REF: BPMS / MOD / Pay Fixation / 60 (7/3/L)

Dated: 20.07.2020

To,

The Secretary,

Govt of India, Min of Defence,

South Block, DHQ PO,

New Delhi – 110011

Subject: Notional pay fixation after currency of Minor penalty is over in case of ACP / MACP.

Sir,

With due regards, your attention is invited to the financial hardships being faced by the employees who are imposed with the minor penalty under CCS (RP) Rules, 1965 and during the currency of such penalty they become eligible for promotion or financial upgradation under ACP/MACP. As per present system, the said promotion/ACP/MACP is actually granted with effect from the date of expiry of penalty period.

For example, the penalty of reduction of pay by one stage from the present Basic Pay of Rs. 15320 (Pay in pay band 12520 + GP 2800) to Rs. 14870 (Pay in Pay Band 12070 + GP 2800) for a period of one year without cumulative effect w.e.f. 05.12.2015 was imposed on a employee of Small Arms Factory, Kanpur as disciplinary measure. It was further directed that he will earn increment of pay during the period of reduction and that on expiry of this period, the reduction will not have the effect of postponing his future increment of pay.

During the currency of penalty, he completed 10 yrs regular service in the same grade pay (GP 2800) on 01.01.2016. Hence, he became entitled for financial upgradation under MACP-III in the Grade Pay of Rs. 4200 but he could not be granted the MACP-III due to the currency of penalty. Meanwhile, consequent upon the acceptance of the recommendations of 7th CPC, the CCS (RP) Rules, 2016 was introduced and his pay was revised and fixed accordingly as Rs. 39200 in Level-5.

As per penalty order, he was granted his Annual Increment on 01.07.2016 and his reduced pay was re-stored on completion of the currency of the penalty of one year without cumulative effect. Thereafter, he was granted the benefit of MACP-III on 05.12.2016 in GP 4200 {Level-6 under CCS (RP) Rules, 2016} and his pay was fixed as Rs. 43600 in Level-6. After granting Annual Increment on 01.07.2017 his pay was fixed as Rs. 44900/-.

If he had not been awarded with the penalty of reduction of pay and MACP would have been granted then his pay would have been fixed Rs. 44900 w.e.f. 01.01.2016 and after granting Annual Increment on 01.07.2016 & 01.07.2017 his pay would have been fixed Rs. 46200 & 47600 respectively. Thus he is drawing less Basic Pay (46200 – 43600=

Rs. 2600 per month from 05.12.2016 to 30.06.2017, 47600 – 44900 = Rs. 2700 per month from 01.07.2017 to 30.06.2018 and so on).

This difference of basic pay will also adversely affect his Pension, Gratuity and Leave Encashment on his superannuation in the year 2025. This loss is of permanent nature whereas the imposed penalty was having the without cumulative effect. This causes financial hardships and discontentment.

This financial hardship is due to implementation of instructions contained in DoP&T O.M. No. 22034/5/2004-Estt.(D), Dated 15.12.2004 which states that since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a junior person to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay.

The above instruction also applies in case of granting of financial upgradation under ACP/MACP. Hence, the hardship may be mitigated if the following is inserted/amended in the above OM dated 15.12.2004:

“The officer undergoing minor penalty (withholding of increments or reduction of pay without cumulative effect) will not be granted financial upgradation under ACP/ MACP during the currency of penalty but after completion of penalty the MACP as well as pay fixation will be granted ‘notionally’ from the date of eligibility (during the currency of penalty) and the actual financial benefit of such MACP as well as pay fixation will be granted after completion of penalty.”

You are requested to take appropriate action so that DoP&T may amend and insert as said hereinabove in the referred O.M. Dated 15.12.2004.

Thanking you.

Sincerely yours

M. Singh

(MUKESH SINGH)

General Secretary/BPMS &
Member, JCM-II Level Council (MOD)

Copy to: The DDG/IR,
Ordnance Factory Board,
Kolkata - 700001

- (Kindly refer Point No. 5.14 of the minutes of the 26th Ordinary meeting of JCM-III Level Council (OFB) held on 22.02.2020 and circulated vide OFB letter No. 20/15/26(11)/Per/IR, dated 19.05.2020)