



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 / Litigations / 130 (7/5/L)

Dated: 05.05.2016

To,
The Secretary,
Govt of India, Min of Defence,
South Block, DHQ PO,
New Delhi – 110011

Subject: Request to resolve the issues considered by Expert Committee on reduction of litigations on service matters.

Reference: MOD ID No. 61/D(CMU)/2015, Dated 15.07.2015

Respected Sir,

With due regards, it is submitted that Hon'ble RM had constituted a Committee consisting of Lt. Gen Mukesh Sabharwal (Retd), Lt. Gen Richard Khare (Retd), Maj Gen T Prasad (Retd), Maj Navdeep Singh (Retd) & Maj D P Singh (Retd) to examine the cases relating to service matters that are pending in various Courts and Tribunals which may be resolved in pre-litigation stage.

This federation had got an opportunity to invite the attention of the expert committee to some of the following issues through its letter No. BPMS/MOD/Litigations/130(7/5/L), Dated 29.09.2015: -

- 1. Grant of ACP / MACP prior to application of Restructuring of Cadre of Artisan Staff in Defence Establishments in modification of recommendations of 6th CPC;**
- 2. Grant of MACP ignoring movement from Highly Skilled to HS-I : Implementation of Courts Judgements;**
- 3. Grant of ACP / MACP to Security Staff in OFB;**
- 4. Revision of Special Pay to Staff Nurse working in Operation Theatre;**
- 5. Nursing Allowance to all Nurses working in Dispensaries;**
- 6. Bunching benefit to Master Craftsmen (Excluding OFB);**
- 7. Grant of 3rd MACP in GP 4600/- to Skilled grade;**
- 8. Grant of 2nd ACP in GP 4200/- to erstwhile Labourers who have completed 24 yrs regular service upto 31.08.2008;**
- 9. Grant of Night Duty Allowance on the basis of actual salary**

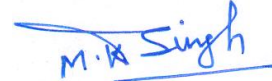
It is worth to mention here that the expert committee considered the above issues in correct perspective and recommended (kindly refer page no. 181, para 6.7) that within three months MoD should meticulously examine all such problems that have arisen due to anomalies perpetrated by implementation of ACP or MACP, especially with regard to restructuring of Artisan Staff, issues related to movement from Highly Skilled to HS-I, grant of ACP/MACP to security staff of OFB etc.. Further, it has recommend that the minor issue

related to Special Pay of Staff Nurses working in Operation Theatres must also be addressed with in a period of three months from the submission of this report.

Therefore, you are requested to take appropriate action so that all the above issues may be resolved without further delay. In this regard, kindly convene a meeting with reps of this federation, officials of D(Civ), D(Est/NG) & OFB as soon as possible so that the grievances of the employees may be resolved amicably.

Thanking you.

Sincerely yours

A handwritten signature in blue ink that reads "M. Singh". The signature is written in a cursive style and is positioned above a horizontal line.

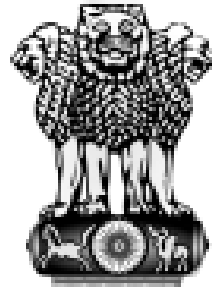
(MUKESH SINGH)

Secretary/BPMS &

Member, JCM-II Level Council (MOD)

MINISTRY OF DEFENCE

REPORT



सत्यमेव जयते

RAKSHA MANTRI'S COMMITTEE OF EXPERTS

REVIEW OF SERVICE AND PENSION MATTERS
INCLUDING POTENTIAL DISPUTES, MINIMIZING
LITIGATION AND STRENGTHENING INSTITUTIONAL
MECHANISMS RELATED TO REDRESSAL OF
GRIEVANCES

2015

6.7 ISSUES SPECIFICALLY RAISED WITH REGARDS TO ANOMALIES IN MACP AND ACP AND MINOR ISSUES WHICH ARE NEEDLESSLY LEADING TO HEARTBURN:

Many federations, including the *Bhartiya Pratiraksha Mazdoor Sangh*, have submitted their written requests for resolving various issues related to MACP and ACP concerning their employees. Much as we would like to address them, we are afraid that we would not be able to go into the merits of such subjects which involve deliberations by a host of agencies. We however fully feel the pain of the concerned employees and endorse that the interpretation of certain provisions of the ACP and MACP schemes and also the lack of harmonious implementation and lack of foresight in deliberating upon futuristic controversies that could have arisen when these schemes were implemented, have led to a host of anomalies. We are also pained to know that some very petty issues such as Special Pay to Staff Nurses etc which are even covered by the Gazette Notification issued in pursuance of implementation of the 6th Central Pay Commission Recommendations, are lying unresolved due to objections of junior staff of the MoD (Finance). This leads to unnecessary heartburn due to needless obduracy and needs to be checked at the highest level.

The Committee would therefore recommend that the Ministry, under the JCM or by way of any other consultative mechanism, by involving stakeholders, must, within a period of three months, undertake to meticulously examine all such problems that have arisen due to anomalies perpetrated by implementation of ACP or MACP, especially with regard to restructuring of Artisan staff, issues related to movement from Highly Skilled to HS-I, grant of ACP/MACP to security staff of OFB etc. We have been informed that the issue related to Highly Skilled and HS-I staff had been addressed by a decision of Kolkata Bench of the CAT but while two decisions were implemented, two were challenged before the High Court. If this is correct, it may be ensured that no such discrimination is caused to employees and the decisions if implemented and accepted for a section of employees must be implemented for other similarly placed employees also. The minor issue related to Special Pay of Staff Nurses working in Operation Theatres must also be addressed within a period of three months from the submission of this Report.