

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
ORDNANCE FACTORY BOARD
10A, SHAHEED KHUDIRAM BOSE ROAD
KOLKATA – 700 001

PROGRESS REPORT FOR THE 13TH ORDINARY MEETING
OF OFB JCM III LEVEL COUNCIL (11TH TERM)

TO BE HELD ON 07-06-2013 AT OFB HQrs., KOLKATA

1.XI.6.3 : Review of the Existing facilities and infrastructure of the OFILs.
18.12.2008

Director/HRD

- Combined Agenda of the Staff Side

DEMAND IN BRIEF & DECISION

Staff Side stated that present infrastructure and facilities provided to the trainees in OFILs are not up to the mark and the trainees and faculties are put to undue hardships. OFB's decision to make the all training programmes residential with 25% DA has also caused some problems because substandard and insufficient food is provided to the trainees. They demanded that all the facilities and training infrastructure of OFILs should be upgraded at par with NADP to remove the discrimination amongst officers and employees at least in the matter of training/learning.

It was intimated that decision regarding payment of 25% DA has now been superseded by the instruction dated 14-11-2008 after receipt of Govt. Orders on the basis of recommendation of 6th CPC. Now quality and quantity of the food would be ensured because the charges are reimbursable.

As regards up-gradation of infrastructure it was stated that it is a continuous process based on the availability of funds. Some steps have already been taken for up-gradation of facilities at Hostels in Khamaria, Kanpur, Avadi and Medak. Further, renowned in-house/outside faculties are being invited for various training modules, including specialized training on technical subjects, and the feedback of quality of training is very encouraging.

Based on the clarifications given by the Official Side it was decided to review the Agenda after six months.

The matter was reviewed accordingly and the following position was submitted in the 8th Meeting held on 02-09-09.

- Being an educational institution, OFILs are providing knowledge facility to the group – B & C' employees of OFs. In addition to the general courses, OFILs are providing different technical courses on current topics based on core competency area of each OFIL, and imparting need base training to the employees to enhance knowledge & improve the quality of human resource of OFs.
- Renowned internal & external Faculties are being invited for various specialized training courses in both technical & non-technical areas. O F Board is continuously monitoring the performance of the faculties, obtaining feedback from all participants on a 4 point scale.
- In addition to the above, on receipt of requirement from different OFs, courses on different topics are arranged.
- Regarding class room in OFILs, it is to mention that all the class rooms in different OFILs are well equipped with latest technical gadgets and majority of them are air conditioned. Hostel facilities at all the OFILs are being upgraded for which additional funds have been allocated; such as –
 - (i)(a) OFILDD hostel attach toilet & bathroom at 1st floor has been sanctioned – estimated cost Rs 72 lakhs.
 - (b) Repair of existing toilet & bathroom of 1st & 2nd Floor – estimated cost - Rs. 4.1 lakhs
 - ii) OFILKH has been sanctioned additional funds for hostel up-gradation.
 - iii)(a) OFILKN - Renovation of auditorium hall for Rs. 23.95 lakhs is awaiting clearance of Fin. Division.
 - (b) Proposal for conversion of 07 bigger rooms in to 12 double occupancy rooms with attached toilet & bath in main hostel building no. 1, ground & 1st floor is awaiting clearance.
 - iv) (a) A proposal for new hostel building is under financial concurrence at OFILMK.
 - (b) Provision of additional toilet at hostel block with renovation of flooring - 23.1 lakh.
 - v) OFIL Ishapore– Renovation of hostel accommodation, conversion of 6 dormitories into 4 bedded rooms with attached toilet & bathroom–8.15 lakhs.

- From the above it is clear that a considerable improvement in respect of OFIL infrastructure, including hostel facility has been done.

Shri C. Srikumar, Leader/Staff Side stated that at present there is neither any HR Policy nor any HR Planning for OFs. A comprehensive HR policy should be framed taking Federations into confidence and accordingly future HR Planning should be made.

Chairman observed that all HR policies at present are on ad hoc basis. Within two months OFB (HRD Division) would come out with clear comprehensive HR policy. The draft policy would be discussed with the Staff Side.

Shri C. Srikumar, Leader/Staff Side expressed in the JCM III Meeting held on 14-10-2011 that the FTIs are ill equipped to handle modern training needs in the areas of PLC, hydraulic, pneumatic and combination systems relating to functioning of modern machinery. The OFILs are training only JWMs and Chargeman in the above field and the Industrial Employees who are actually maintaining the modern machines are not given training in the OFILs. This discrimination should be removed and IEs also should be trained in the OFILs in Specialized areas in the interest of the Organisation.

DGOF and Chairman directed that NADP be asked to call a meeting with OFILs to deliberate in detail the infrastructure and facilities required for appropriate training at different levels and formulate common guidelines and policy as to how best OFILs and FTIs can be strengthened to serve the training needs of the organization. The suggestions given by the Staff Side also would be discussed in the meeting.

POSITON

Based on the recommendations of the Committee headed by Sr. PD/NADP, instructions on the matter have been circulated to all factories vide Circular no.08/01/2012-A/HRD dated 31-01-2013.

2.XI.9.3: Issue of common Uniforms to all employees of OFs.
20-08-2010

Director/AW

- OFFICIAL SIDE

OFFICIAL SIDE PROPOSAL

Ordnance Factory Board in its meeting held on 29-04-2010, has resolved to recommend to DDP for issuing Uniform to all officers and employees working in all Units of OF Board. The Board has also resolved to decide the colour of the Uniform in consultation with staff side of JCM III.

Accordingly, the proposal has been placed for discussion in the JCM III Meeting.

Leader Staff Side proposed to constitute a Sub-Committee for taking a final view in the matter and Chairman agreed to the suggestion.

It was intimated by Addl DGOF/OEF Grp that OCF Avadi alone could not supply uniforms to all the Ordnance Factory employees. The load must be distributed to other factories as well.

Addl DGOF/OEFHQ shall take steps to work out solution to provide uniforms to all Ordnance Factory employees.

POSITION

As discussed in the last JCM Meeting, owing to practical difficulties, it was not found possible to get the uniforms stitched by the Clothing Group of Factories, a proposal has been sent to M of D on 16.01.2013 for revising the extant Orders suitably so that stitching of the uniforms can be accomplished by outsourcing.

3.XI.10.3 : **Establishment of Grievance Redressal Machinery in the**
14.10.2011 **Ordnance Factories.**

Director/IR

- OFFICIAL SIDE

DEMAND IN BRIEF & DECISION

OFB vide Instruction No.45/A/IR dated 30th December, 2010 has circulated the provisions of Industrial Dispute (Amendment) Act, 2010. One of the Salient features of the amendment of ID Act is for Establishment of Grievance Redressal Machinery in every industrial establishment employing twenty or more workmen for the resolution of disputes arising out of individual grievances. However, none of Ordnance Factories has established the grievance redressal machinery. It is understood that the OFB has not issued operative instructions for establishment of grievance redressal machinery. One of the provisions in Section 9 C (2) is that "the grievance redressal committee shall consist of equal number of members from the employer and the workmen". Section 9C(4) states that the total number of members of the grievance redressal committee shall not exceed more than 6. The factories are not clear about the implementation of the above. Therefore, the following is suggested for consideration.

- a) The workers representative may be distributed proportionately based on the secret ballot verified membership strength from amongst the recognized the Unions which fulfill the condition of recognition.
- b) Eligibility of the workers representative should be that for workers who are eligible to participate in works committee election.

- c) The periodicity of the meetings of redressal machinery may be once in a month.
- d) The management may provide all facilities for smooth functioning of the grievance redressal machinery.
- e) The chairman of the grievance redressal machinery may be authorized to invite any official who is concerned with the grievance as a special invitee to attend the meetings of the grievance redressal machinery.

Background of the Agenda Point raised by the Staff Side:

Substitution of new Chapter for Chapter – IIB in the I.D. Act of 1947.

Ministry of Labour and Employment D.O. No. S-11012/1/2007/IR(PL) (Vol.VIII) dated 01-10-2010 circulated under MOD No. 4(14)/07/D(B&C), dated 20-10-2010 for information and further necessary action. The Ministry of Labour D.O. letter indicates the areas in which I.D. Act has undergone change, citing the relevant Clauses and amendments and substitutions thereto. Out of the 6 amendments made in the I.D. Act, 1949 the Staff Side has proposed the following point for deliberation in the JCM III Council Meeting.

CHAPTER IIB (GRIEVANCE REDRESSAL MACHINERY)

Setting up of Grievance Redressal Machinery.

9C.(1) Every industrial establishment employing twenty or more workmen shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances.

(2) The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen.

(3) The Chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.

(4) The total number of members of the Grievance Redressal Committee shall not exceed more than six.

Provided that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members is more than two, the number of women members may be increased proportionately.

(5) Notwithstanding anything contained in this section, the setting up of Grievance Redressal Committee shall not affect the right of the workman to raise industrial dispute on the same matter under the provisions of this Act.

(6) The Grievance Redressal Committee may complete its proceedings within thirty days on receipt of a written application by or on behalf of the aggrieved party.

(7) The workman who is aggrieved of the decision of the Grievance Redressal Committee may prefer an appeal to the employer against the decision of Grievance Redressal Committee and the employer shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the workman concerned.

(8) Nothing contained in this section shall apply to the workmen for whom there is an established Grievance Redressal Mechanism in the establishment concerned.

The DGOF and Chairman decided that a JCM sub-committee would be constituted for studying the existing mechanism of grievance redressal in the factories and suggest various measures for improving the overall functioning of the grievance redressal machinery.

POSITION

A JCM Sub-committee has been constituted with DDG/Admin to look into the various aspects of the ID Act, provisions of the amendment and scope of its applicability to Ordnance Factories. The committee has not been able to schedule any meeting because a common available date with the General Secretaries of the three federations, who happen to be staff side members, could not be decided. Efforts are on for scheduling an early meeting.

**4.XI.10.4 :: Grant of Ex-gratia relief in case of death / serious
14.10.2011 injury of employees of Ordnance Factories.**

Director/Admin

- CS/AIDEF

DEMAND IN BRIEF & DECISION

OFB vide letter No.868/A/A and instruction No.1914/A/A dated 21-06-1999 has delegated the powers to the GMs for grant of ex-gratia relief in case of death/serious injury of OFs employees in accidents while on duty to the tune of Rs.20,000/- and Rs.5000/- respectively. However, factories are raising doubts about the definition of serious injury and many employees are denied this benefit because of this doubt. Generally the cases of employees who are involved in accident while on duty and admitted in the Hospitals as in-patient for more than 48 Hours are treated as major accidents. Therefore, it should be clearly construed that cases of the employees who meet with accidents while on duty and admitted to the Hospital for more than 48 Hrs have to be treated as serious injury accidents. OFB is requested to kindly arrange issuing necessary clarifications to the factories in this regard.

The DGOF and Chairman ordered that a committee be constituted to study the issue and suggest measures to evaluate the amount and procedure to be adopted for grant of ex-gratia.

POSITION

The matter under process at MOD at present. It is pointed out that MOD has sought proposal for delegation of power in favour of O.F. Board for payment of Ex-gratia lump sum compensation. The proposal has been submitted before MOD and MOD has duly processed the same and placed before the Defence/Finance. Defence/Finance had raised certain queries which are being replied by D(Estt./NG), M of D.

5.XI.11.3 : Exemption from appearing DGOF Electrical Supervisory Competency Examination for NAC & NCTVT holders of Electrician Trade who possess Electrical Supervisory License for Promotion to Chageman (T) Electrical.

JWM/AI & Director/COS

- RS/INDWF

DEMAND IN BRIEF & DECISION

Granting of exemption from appearing DGOF Electrical Supervisory Competency Test for NAC/NCTVT holders of Electrician (HS, MCM) trade who possess State Government Electrical Supervisory License for the purpose of Promotion to Chageman(T), Electrical was discussed as on Agenda item No. 3 in the 5th Ordinary meeting (11th Term) of JCM III Level council of OFB on 23.07.2008. After deliberation, it was agreed to grant exemption from appearing DGOF Electrical Supervisory competency test by accepting the State Government Electrical Supervisory License for the purpose of promotion from HS, MCM to Chageman/ Electrical. Accordingly, OFB issued under vide their letter No. 411/CEI/Comp/COS dated 18.08.2008 to Sr. GMs/GMs of all ordnance Factories to forward such cases to DDG/CEI & PX for examination of State Government Electrical Supervisory License/Certificates for issuing necessary recommendations to the concerned Factory.

GM/OFPM forwarded the certificates issued by AP State Government Electricity Board in respect of 6 individuals to OF Board and the same were recommended and approved for promotion to Ch/man(T) Electrical. OFPM vide Factory Order Part II No. 159 dated 25.05.2009, O.O. 41 dt. 29.01.2009, 230-A dt 21.06.2010 and dated 11.05.2011 have promoted these 6 individuals to the post of Ch/man –Electrical from HS/MCM grade.

Subsequently, when 9 individuals obtained similar licence/certificate from AP State Electricity Board and submitted to GM, OFPM and the same were forwarded to OF Board by GM, OFPM vide their letter vide letter No. 07/085/LB dated 18.09.2010, 30.09.2010, dt 11.11.2010, 07.12.2010 & 13.01.2011 which were not considered by OF Board and subsequently OF Board vide their letter No. 411/CEI/Comp/COS dated 25.08.2011 dated 18.08.2010. in the modified letter it was mentioned that “ The Certificates will be considered for exemption for from

DGOF Electrical Competency Test provided those candidates passes the valied class of licence permit for supervising Electrical Installations having operating voltage range of minimum 33KV.”

Due to the revised order of OFB dated 25.08.2011, the applications forwarded by GM, OFPM were not considered and rejected and the individuals were denied the benefit of promotion to Chargeman/T Electrical which led to litigations.

Since the issue was a point in JCM III and based on the discussions, order was issued on 18.08.2008, further revision by OFB has not been discussed and a condition of 33 KV was fixed as minimum voltage rang eligibility. It is individuals are also having the similar certificate issued by AP State Electrical Board.

OFFICIAL SIDE VIEWS

Matter came up for discussion during the JCM III Meeting held on 14-10-2011, wherein it was intimated by Member/Personnel that “The instructions on the subject have already been issued by the office of CEI. The documents submitted are basically licenses for working in installations up to 650 volts. These licenses are renewable over 5 years and cannot be deemed equivalent to DGOF Supervisory Competency Test. As such the question of exemption does not arise.”

COMMENTS OF DIRECTOR/COS

Grant of exemption from appearing DGOF Electrical Supervisory Competency Test by accepting the State Govt. Electrical Supervisory License for the purpose of promotion fro HS/MCM to Chargeman (Electrical) was issued to all Sr. GMs/GMs vide OFB letter No.411/CEI/COMP/COS dt. 18-08-2008. But, in this letter the operating voltage was not mentioned which is the essential criteria for a Chargeman who has to supervise/work in electrical installations at higher voltage and also safety of human lives and costly electrical installations.

The same was brought to the notice of competent Authority. Accordingly, OFB had issued the letter No.411/CEI/COMP/COS dt. 25-08-2011 with due approval by the competent authority.

Vide OFPM letter No.OFMK/EM/2011, the individuals having lower class of license/permit from A.P. State Licensing Board may appear for higher class of license/permit through an ORAL Test within a span of 6 months. (Copy enclosed).

The individuals already promoted to Chargeman (Electrical) from HS/MCM having a lower class of license/permit were already intimated through GM/OFPM to produce the required class of license within a time period of one year from issue of OFB letter No.411/CEI/COMP/COS dt. 25-08-2011.(copy enclosed).

POSITION

The point has been raised afresh as a common Agenda point of the entire Staff Side. The point may therefore, be **closed**.

6.XI.11.5 : Revival of abolished posts in Fire-Fighting and Security Cadres **02.03.2012**

JWM/NI & SO/Admin

- VKD/IOFNSSA(CDRA)

DEMAND IN BRIEF & DECISION

Cadre Review Proposal in **Fire-Fighting Staff** is as under :

Percentage (%) of increased posts in the following Categories so that promotional scope may increase.

Sl. No.	Name of post/Category	Grade Pay	Proposed Grade Pay	Proposed % of sanctioned post
1	Fireman	1900/-	1900/-	75%
2	LHF/LF	2000/-	2000/-	25%
3	Supervisor/OTS	2400/-	2400/-	20%

Cadre Review Proposal of **Security Staff** is as under :-

Percentage (%) of increased posts in the following Categories so that promotional scope may increase.

Sl. No.	Name of post/	Grade Pay	Proposed Grade Pay	Proposed % of sanctioned post
1	Durwan	1800/-	1800/-	66%
2	Jamadar Durwan	1800/-	1900/-	34%
3	Subedar Durwan	1800/-	1900/-	34%
4	Supervisor/OTS	2400/-	2400/-	20%

Comments

Demands being projected by the factories for manpower in the essential categories will be studied with reference to pre-ADRP sanctions and current needs of the factories, duly assessed by the controlling sections, such as offices of CSO and COS. An appropriate decision thereupon will be taken based on the same.

POSITION

The proposal for revising the sanctioned strength in Fire Fighting and Security Cadres to pre-ADRP levels has already been forwarded to MOD in May,

2012. MOD in turn had sought certain inputs which also have been provided. Matter is still under consideration of M of D.

7.XI.12.3 : **Acceptance of State Government Certificate for the purpose of promotion to Chargeman/Electrical.**
02-08-2013

Director/CEI

- Combined Agenda of the Staff Side

STAFF SIDE BRIEF

A decision was taken in the JCM III Level Council held on 23-07-2012 that Competency Certificate issued by the State Governments are also to be recognized for the purpose of promotion from Electrician/Wireman to the post of Chargeman (Electrical). OFB has not been approving Certificates issued by the State Governments under one pretext or the other. The case of a few employees of Ordnance Factory Medak, who have passed the AP State Government Competency Examination is pending with OFB for more than five months. Therefore, it is proposed that the OFB may approve the Certificates issued by the State Government in this regard and the pending cases of Ordnance Factory Medak may also be approved and the factory may be informed accordingly.

OFFICIAL SIDE BRIEF

The DGOF Electrical Supervisory Competency Test was being held for the last 25 years for promotion to Chargeman (Electrical/Tech) from HS/MCM (Electrician). In the 4th Steering Committee Meeting of OFB JCM III Level Council held on 11-09-2007, Staff Side proposed that NAC/NCTVT holders having State Govt. Supervisory License/Certificate should be exempted from DGOF Supervisory Competency Test for promotion to Chargeman Gr-II (Electrical) as the same was in conformity with note 6 of SRO 13E, which stated that passing of statutory qualification test is mandatory for the purpose of promotion to Chargeman Gr-II (Electrical).

The point was discussed as an Agenda item in the 5th Ordinary Meeting of OFB JCM III Level Council held on 23-07-2008. The proposal was examined by COS and it was intimated that "NAC/NCTVT holder Electricians having State Govt. Supervisory Competency Certificate may be considered for exemption from the DGOF Supervisory Competency Test subject to examination of such certificates by DDG/CEI & COS".

It was decided by the competent authority that NAC/NCTVT holders Electrician having State Govt. Supervisory Competency License/Certificate may be considered for exemption from the DGOF Supervisory Competency Test subject to examination of such License/Certificates by DDG/CEI & PX. Factories were asked to forward such cases to DDG/CEI & PX for examination of State Govt. Electrical Supervisory License/Certificates for issuing necessary recommendations thereupon. The Exemption Certificates were to be issued by the respective factories to the individuals concerned after getting recommendations from

DDG/CEI & PX. It was further decided that the DGOF Supervisory Competency Test would continue and the concerned employees would be required to produce any one of the Certificates for being considered for promotion.

The above decision was confirmed vide OFB letter No. 411/CEI/COMP/COS, dated 18th August, 2008.

Through a further communication on the subject vide OFB letter No. 411/CEI/COMP/COS, dated 25th August, 2011, it was stipulated that serving Electricians of HS/MCM categories holding NAC/NCTVT Certificates will be considered for exemption from DGOF Electrical Supervisory Competency Test by CEI/OFB only when they happen to possess the valid class of license/permit for supervising electrical installations having operating voltage range of minimum 33 KV since Chageman (Electrical) have to supervise and also to work in all electrical installations at higher voltages. It was clarified in the said circular that the stipulations were made since safety of human lives and costly electrical installations were involved and the matter was to be given the seriousness due to it. As such the certificates submitted by certain candidates (650 volt licenses/permits renewable every 5 years) which are equivalent to Semi Skilled workmen of Electrical Trade working in Ordnance Factories fail to meet the requisite functional criteria for making promotions to Chageman (Electrical) and are therefore unacceptable.

The factory has already affected certain promotions based on 650 licenses/permits and there is a decision pending for final disposal based on judgement of Hon'ble CAT Hyderabad in which directive is there to promote the applicant pending acquirement of necessary Competency Certificates by him. Further to this certain facts explaining both merits as well as sensitivity of the case are as follows:

(i) DGOF Electrical Supervisory Competency Test is essentially a Departmental Examination equivalent to Diploma level qualification. Therefore, any Supervisory License cannot be treated as equivalent to DGOF Electrical Supervisory Competency Test. The DGOF Electrical Supervisory Competency Test ensures that those who pass have knowledge level equivalent to diploma and can be allowed for recruitment/ promotion to the post of Chageman (Electrical).

(ii) IEs who do not possess Diploma/Degree can get their knowledge evaluated through DGOF Electrical Supervisory Competency Test which is an in-house Diploma Level Examination, to become eligible for promotion to Chageman (Electrical). DGOF Electrical Supervisory Competency Test is therefore an opportunity available to IEs for career progression.

(iii) Various States strictly follow qualification requirements of minimum Diploma/ Degree or Diploma level Examination for Supervisory Competency Certification (e.g. Kerala, UP, AP and Delhi).

(iv) Recommendation of JCM III in 2007 does not specifically mention any equivalent level of license. This recommendation of JCM III needs to be revisited. Different States have different systems of license categories without any uniform reference to educational qualifications. To avoid confusion it is better to follow DGOF Electrical Supervisory Competency Test in all cases except cases of Diploma and Degree qualification.

(v) Diploma and Degree qualification all over the Country are treated at par in all the States. Similarly, DGOF Electrical Supervisory Competency Test as an alternate qualification process will ensure minimum Diploma Level knowledge in candidates to be eligible for further promotion to Chargeman in all Ordnance Factories.

(vi) Grant of exemption from DGOF Electrical Supervisory Competency Test for other than Diploma and Degree is in contravention to S.I. issued by DGOF Para 4.2.1 and 4.2.1.3.

(vii) OFB being a department under central Government is responsible for complying with Indian Electricity Act and rules with adequate infrastructure and competent persons. DGOF Electrical Supervisory Competency Test is in fulfillment of requirement of Rule-45 of Indian Electricity rule 1956. This system of Knowledge evaluation was in vogue for several years without any repercussions. To that extent the JCM III level Council decision on the matter was not in line with the statutory obligations imposed by the Indian Electricity Act and Standing Instructions issued by DGOF on the subject.

From the above it is apparent that CEI has not sought to overrule/dilute any decision of JCM through OFB letter dated 25th August, 2011. It has simply sought to set a benchmark of eligibility for being considered for promotion to the post of Chargeman (Electrical) in view of the technical and safety requirements of the Job. The said authority was vested in CEI through the JCM III Level Council decision in the meeting held on 23-07-2011, wherein it was decided that the certificates issued by the state governments for consideration of eligibility would be examined by CEI and based on recommendations of CEI, respective factories would issue the necessary exemption certificates.

Discussion in the meeting

The official side brief was read by Director/IR. The staff side representatives took strong exception to the OFB decision. It was argued by the staff side leader Shri C. Srikumar that the matter was brought in the JCM III in the year 2007. The matter was discussed in three different JCM III meetings. Various inputs were taken. The office of CEI examined the case according to powers vested in it and only after it had suggested acceptability of the staff side proposal that it was implemented. The argument therefore that the JCM III forum took this decision in ignorance of rules is objectionable. Also arbitrary withdrawal of the instructions which were issued based on a JCM III decision, without bringing it to the notice of JCM III, the highest consultative body of the organization, is incorrect. Rule 45 of the Electricity Act has not been elaborated, nor any brief provided for information thereupon. The JCM decision was for NCVT employees only, meaning that he is well versed in theory as

well as practical side of electrical installations, and is conversant with all the voltages available in the factory he is working. He passes all practicals, but falters in theory, as he is not exposed to it. Rule 45 should be studied with regard to whether it exempts diploma holders or not for such promotions/direct recruitments. The matter should be studied thoroughly and then a decision may be arrived at after discussion on the matter. The last but not the least, it is unethical for OFB to consider that its electricians would pass a diploma level examination without adequate training and guidance. As regards merit of the case, it is not known whether persons having Diploma in Electrical and even Electronics stream being inducted as Chargeman (Electrical) are having requisite exposure or not, or how Rule 45 of the Industrial Electricity Act fits in their case. These are the issues OFB would have done better to discuss and consult staff side and a solution would have been reached had the issue been brought to the notice of staff side. Arbitrary decisions of this kind need to be avoided as they put employees to unnecessary hardships. Further to this even the DGOF Supervisory Competency Test results for OFMK are lying pending with CEI and results are not being declared for past several months.

Secretary staff side Shri R. Srinivasan informed the house that there is a four tier structure in the state of Andhra Pradesh, which starts with 650 volts and is upgraded every 5 years. The employees cannot be kept waiting that long. It is the responsibility of the factory to find out the systems prevailing in the state and educate its employees so that they prepare themselves and get the statutory qualifications in advance. Further to this, already certain employees have been promoted based on 650 volt certificates. Others who are not being promoted have gone to court. There are employees who have got the benefit with 650 volt certificates, and there are those who with identical certificates will not get the benefit. There are also certain cases where even the 33 KV certificates have been kept pending for decision. Further to this, results have been published in respect of all factories for the DGOF supervisory competency test, with sole exception of OFMK. If there is a lacuna in any of the erstwhile decisions taken by the forum, it should be brought back to the forum for discussion and decision thereupon. There is a method for reviewing decisions. Since the federations have not been consulted, their representative nature is being questioned, which could have been easily avoided. Above all, there are employees who keeping swinging between hope and despair, and having faced the hardships, have approached courts seeking necessary remedy. The department should not force its own employees to seek legal recourse till such time it is totally unavoidable. Therefore status quo should be maintained as regards eligibility, promotions should be made and in between discussions should be held for deciding the future course of action.

Staff side representatives Shri BR Naresh Kumar and Shri M. Mallesham, both of whom come from OFMK informed the house that certain employees are being made to suffer for no fault of theirs and they should be given the same benefits certain other employees have already been given.

DGOF & Chairman stated that since the mandate for clearing the certificates was given by the house itself to the CEI, and since he has acted within this mandate, it

does not appear that his intention was to defy or confront JCM. The authority to examine the certificates was given to CEI by the house. In exercise of the authority given, if CEI has reached certain conclusions, irrespective of merits of the conclusion, he appears to have well within the mandate given to him. Also objection has been raised regarding the question of language, which may be a little pinching, but the real issue is Rule 45 of the Indian Electricity Rules, regarding which a brief should have been made available. While taking a decision, the same would be required to be studied properly to reach a conclusion.

According to the brief, it seems that to function in the supervisory capacity in Electrical Stream, it is necessary to be a diploma or degree holder as per rules. It also come up, in the course of discussions that essential qualification for recruitment as Chargeman (Electrical) is Diploma/Degree in Electrical or Electronics stream. Thus all those performing supervisory functions in the ordnance factories were required to be holding either a degree or a diploma certificate. It does appear that, ordnance factories there were many employees in the Electrical stream were not holding a degree or diploma certificate and therefore were not eligible to function in supervisory capacity. Therefore the system of DGOF Supervisory Competency Test might have been introduced to benefit such employees. The knowledge of degree or diploma would have been kept keeping in view functional requirements of the job, hence the toughness of the examination, which has come up for deliberations in course of the discussions.

As regards State Supervisory Competency Tests, it has been informed by the speakers that, in other states, it is either 33 KV or nothing, but in case of state of AP, it is graded. Some persons with 650 volt certificates have been promoted. Then the office of CEI intervenes, and debar any further promotions of employees with 650 volt certificates. There are at least three questions which are pertinent to the situation:

1. If prima facie, the promotions for employees with 650 volts certificates are wrong, are they required to be reverted.
2. Should others with 650 volts certificates also be promoted.
3. Above all, why those employees who have already acquired 33KV certificates, are being held back.

Even apart from these, the point has been noted as to how the department is enabling its employees to pass the DGOF Competency Test. If the department does not prepare its employees appropriately, their career is blocked. As same kind of statutory limitations are not there for other cadres, it is certainly required to be addressed, and quickly too.

Decision

DGOF and Chairman stated that one of the options is to refer the matter to a committee. It does however appear that there are enough inputs on the subject not to warrant it. The matter will be put to scrutiny, and would be discussed further if need be. It is however pertinent to mention that no authority would want to take a

decision which is violative of the rule. And here it is a question of electricity where one fault can take a life. Supervisory skills are entirely different from human skills and need not be confused as substitutes for each other. Equally important is to take a decision which is consistent with the rules.

POSITION

The point may be treated as **closed**.

8.XI.12.4 : **A post-symbol/star may be given while promoting the Fireman to Leading Fireman post.**
02-08-2013

CSO

- **APSB/BPMS**

STAFF SIDE BRIEF

Fire Fighting Staff of OFs are uniform holders. Hence, there should be some post-symbol/star on the uniforms while promoting the Fireman to Leading Fireman like other uniform holder posts under M of D.

OFFICIAL SIDE BRIEF

The matter may be deliberated in the 12th Ordinary Meeting of OFB JCM III Level Council on 02-08-2012.

Discussion in the meeting

Director/IR requested Chief Security Officer, Col. HS Jha to inform the forum various issues involved in the matter and to elaborate upon whether the staff side demand can be accepted.

Col. HS Jha told the house that since the point pertained to putting stars on the shoulder, the authorisation and rank are required to be checked. In Army, a person putting a single star is a Nayab Subedar. Equivalent in the civil set up is an ASI, who also puts a single star. Two and three stars are put by SI and Inspector ranks respectively. Officers in Army and Police are also putting stars. But the differentiating factor is that in Army, JCOs are putting a small stripe below their stars and in Police, Group A officers put IPS.

Here it is seen that the rank in question is LHF. An LHF is in the GP of Rs 1900. A Sipahi in Army gets an initial GP of Rs 2000, and to become Nayab Subedar he undergoes four promotions and five examinations, that is to earn his first star. A Sipahi becomes a Lance-Nayak after 8 to 10 years of service. To earn that distinction, of putting a stripe on his shoulder, he undergoes one written and a very tough physical examination. Even after that, he has to face a Board of officers to be declared fit for promotion to Lance-Nayak. No Sipahi would become the scale of a Hawaldar because he would retire much before that. But giving a star to an LHF would be illegal, being against the government instructions on the subject. But if it is only with the intention to differentiate him from the rest that he is one rank senior, then he can be given a colour of helmet (an essential for all fire-fighting categories)

different than others. This is also in appropriateness of things since the work content in the two categories is essentially the same. But a providing a star is simply not worth consideration.

DGOF & Chairman stated that while a little stripe on the shoulder may indicate the status, a still better way would be to provide LHF in brass, as the same would not be violative of any rules.

Shri APS Baghel stated that this issue has been raised after listening to a lot of fire-fighting staff and their urge to get recognised.

Col. Jha proposed that if the lower rank is already having a stripe, another can be added for the higher rank.

Decision

COS may put up a proposal in view of the discussion above.

POSITION

The position was elaborately deliberated in the last JCM Meeting and was decided to be **closed**.

(S.K.Singh)
Director/IR &
Secretary/Official Side
OFB JCM III Level Council

No. 20/15/13(11)/A/IR

Dated, the June, 2013.

Distribution

The Chairman, OFB JCM III Level Council

All Members of OFB JCM III Level Council
(including Special Invitees)

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