

SIGNIFICANCE OF CONFEDERATION'S ONE DAY STRIKE ON 16-03-2017

WHY NJCA SHOULD REVIVE THE DEFERRED INDEFINITE STRIKE

An article by M. Krishnan, Secretary General, Confederation

“We had been patiently waiting for a meaningful discussion on the matter ever since then. Not only there had been any worthwhile or meaningful discussions thereafter, but no settlement was also brought about till today, though more than six months have been elapsed..... Incidentally we feel that it must be our responsibility to convey to you that the Central Government employees throughout the country are extremely critical of the fact that the Government had not found it possible to accept even a single issue taken up by the staff side JCM after the 7th Central Pay Commission submitted its recommendations to the Government”.

= Excerpts from the letter written by Com. Shiv Gopal Misra, Secretary, National Council, JCM Staff Side and Convenor NJCA to Shri. Rajnath Singh, Hon'ble Home Minister on 17-01-2017.

BJP-LED NDA GOVERNMENT SHOULD REMEMBER

You can fool some employees and pensioners for all times.

You can fool all employees and pensioners for some time.

But you cannot fool all employees and all pensioners for all times.

Employees and Pensioners are intelligent and they have the common sense to understand who is betraying them. History will not forgive those who are betraying the cause of 33 lakhs Central Govt. employees and 34 lakhs civilian pensioners.

1. **GOVT. MADE IT CLEAR THAT WITHDRAWAL OF NPS IS NOT WITHIN THE PURVIEW OF NPS COMMITTEE. YOUNGER GENERATION EMPLOYEES CHEATED:**

Withdrawal of NPS or exemption from NPS was one of the most important demand of the NJCA in the 11th July 2016 deferred indefinite strike. In the statement

issued by NJCA on 06-07-2016 after deferring the indefinite strike, it stated as follows:

“The NJCA particularly notes that the Government has set up a separate committee for reviewing the New Pension Scheme, which has been a matter of concern to all employees and workers who are recruited to Government service on or after 01-01-2004”.

It is true that Government has constituted an NPS Committee under the Chairmanship of Secretary (Pension). **This created a lot of hope among the younger generation employees as they have been made to believe that the committee will consider the demand of NJCA to scrap the NPS or at least exempt Central Government employees from NPS.** But to the dismay of all, in the agenda notified by NPS Committee for discussion with staff side (JCM) on 10-02-2017, the main issues such as (1) Scrapping of NPS (2) Guaranteed minimum pension to NPS subscribers ie; 50% of the last pay drawn should be guaranteed by Government as minimum pension, even if the returns from the annuity insurance scheme is less than 50% and (3) exemption of Central Government employees from the purview of NPS, are not included as agenda for discussion in the meeting. **During the discussion with staff side on 10-02-2017, Additional Secretary (Pension) informed the following:**

- (1) **Withdrawal of NPS is not within the purview of NPS Committee.**
- (2) There are three sub committees constituted on NPS (i) Committee chaired by Joint Secretary, Department of Financial Services to look into investment, benefit and taxation, (ii) Committee chaired by Joint Secretary (Expenditure), Finance Ministry, with regard to finalising the accounting, implementation procedure and grievance redressal. (iii) Committee chaired by Additional Secretary (Pension) to formulate Rules and Regulations with regard to various benefits from NPS.

Thus it is made clear without any ambiguity that NPS Committee is constituted by the Government for further strengthening NPS and not for scrapping NPS or exempting from NPS as demanded by NJCA. Everybody knows that whether it is pay commission or NPS Committee, it cannot and will not make recommendations on any issue which are not included in the terms of reference of the Commission/Committee, specifically by the Government. **Submitting memorandum to the NPS committee demanding scrapping of**

NPS or exemption from NPS may not serve any purpose, unless Government give clear mandate to the Committee to examine such a demand also. Thus, NDA Government has rejected the demand of NJCA either to scrap NPS or exempt from NPS. This is the real fact and there need not be any confusion in the mind of the employees. In order to compel the Government to accept the demand, there is no short-cut, other than reviving the indefinite strike.

Railway Federations demand also rejected:

Railway Federations have demanded exemption of Railway employees from the purview of NPS. Railway Ministers of UPA and NDA Government had forwarded the demand to the Government with their recommendations stating that Railways is second line of defence and as Military Personnel are already exempted from NPS, Railway employees should also be exempted from NPS. **Earlier in a letter dated 15th May 2015 addressed to Railway Board, the Ministry of Finance, Department of Financial Services has informed as follows:-**

“It may kindly be noted that, earlier a proposal to exempt paramilitary forces (ie. CRPF, BSF etc.) from the ambit of NPS was referred to a Group of Ministers (GoM) and was finally not approved by the Government..... You will agree that moving away from the earlier defined benefit based pension system was a conscious decision of the Government taken in view of the unsustainable pension liability of the Central Government..... In view of the above, request of the recognised Federations (AIRF & NFIR) for seeking exemption of the Railway Servants appointed on or after 01-01-2004 from the application of the NPS does not seem to be a feasible proposition.”

From the above reply, it is clear that Government is not going to exempt Railway employees or other Central Government employees from the purview of NPS, unless NJCA revive the indefinite strike and compell the Government to negotiate and settle the demand.

2. OPTION - I FOR PRE-2016 PENSIONERS REJECTED:

In the meeting held on 30-06-2016, with Group of Ministers by JCM staff side, the Finance Minister had also clarified that Government has taken the decision to implement the recommendation of 7th CPC to bring about parity between past and present pensioners. (Vide NJCA Statement issued on 06-07-2016). **Finance Minister categorically assured the NJCA leaders on 30-06-2016 that the Government has accepted the recommendation in toto and Pension**

department has only been asked to sort out the difficulties in implementation of Option-I, if any.

NJCA wrote to Finance Minister on 16-07-2016, as follows:

“The issue of acceptance of Option-I and II was discussed with your goodself at the residence of Hon’ble Home Minister (Govt. of India) wherein Hon’ble Minister for Railways and Hon’ble MoS Railways were present. You had categorically agreed our demand that no dilution would be made in the options given to the Pensioners by the 7th CPC. It is unfortunate that a rider “subject to feasibility” has been imposed on Option-I. Sir, this is very unfair and we will appreciate, if you kindly get the sentence “subject to feasibility” removed from that order, to keep your promise also”.

But, Finance Minister had gone back from his assurance to JCM Staff side leaders and he refused to withdraw the condition “subject to feasibility”. In the letter dated 17-10-2016, addressed to Chairman of the “Pension Option-I Committee”, the Secretary, JCM staff side requested as follows:

“The attempt therefore must be to explore the ways and means of implementing the said recommendation which is beneficial to a large number of pensioners, especially those retired prior to 1996. In view of this, the staff side is of the firm view that the Government issue orders for implementation of Option-I as there is no room for stating that the recommendation is impossible to be implemented for those who are benefitted by the said option”.

Finally NJCA wrote a letter to Hon’ble Home Minister Shri. Rajnath Singh on 17-01-2017, requesting intervention. The letter reads as follows:

“The Central Government Pensioners numbering presently more than the working employees are aggrieved of the fact that the one and the only recommendation of the 7th CPC which was in their favour ie; Option-I have been recommended to be rejected by the Pension Department to the Government”.

Inspite of all these, the proposal is submitted to cabinet to reject Option-I. This underlines the fact that unless NJCA revive its deferred indefinite strike, the Government will not allow Option-I to pensioners, as assured by Finance Minister.

3. **ARREARS ON ALLOWANCES INCLUDING HRA AND TRANSPORT ALLOWANCE IS GOING TO BE REJECTED:**

Now it has become clear that the Government has constituted the Allowance Committee headed by Finance Secretary, mainly to delay the implementation of enhanced allowances and finally deny the arrears by implementing the revised allowance either from 01-01-2017 or from 01-04-2017. The four months time fixed for the Allowance Committee is already extended to six months upto 22-02-2017. Reserve Bank Governor, Dr. Urjit Patel had hinted to the media that the burden of payment of arrears during this financial year will not be there, meaning that Government may not give retrospective effect to the revised allowances. **The RBI Governor, Dr. Urjit Patel made the following observations, which is published in the RBI website.**

“The extension of two months given to the Ministry of Finance to receive the notification on higher allowances under the Pay Commission’s award could push its fuller effect into the next financial year rather than this financial year”.

Further, the Allowance Committee has not held any negotiation with the JCM Staff Side. It just heard the views of the staff side. The request of the JCM staff side to hold one more meeting with staff side NJCM was not favourably considered by the Finance Secretary, who is the Chairman of the Allowance Committee. **No indication is given as to whether the percentage of HRA recommended by 7th CPC will be enhanced to 30%, 20% and 10%. The fate of other allowances are also the same. Unless NJCA take a firm stand and negotiate with the Government by reviving the indefinite strike, the employees will be placed in a desperate and helpless situation, if Government is allowed to unilaterally declare the HRA and other allowances, without retrospective effect from 01-01-2016, and also without much modification, thereby denying crores of rupees as arrears.**

4. **REVISION OF MINIMUM PAY, FITMENT FORMULA - HIGH LEVEL COMMITTEE NOT YET CONSTITUTED:**

While deferring the indefinite strike from 11th July 2016, as per the assurance given by the Group of Ministers, the NJCA in its statement dated 06-07-2016, stated as follows:

“The committee set up to look into the matter of minimum wage and fitment formula is expected to submit their report to the Government in the given time frame of not more than four months”.

Finance Ministry’s press statement issued on 06-07-2016 also stated as follows:

“The Ministers assured the Union leaders that the issues raised by them would be considered by a High Level Committee”.

After one month, the NJCA wrote letters on 28-07-2016 to Hon’ble Home Minister, Finance Minister, Railway Minister and Cabinet Secretary in which it conveyed the following:

“It is a matter of concern that, despite elapsing of a pretty long time, nothing has been heard in this regard from the Government of India, which is leading to serious resentment amongst the Central Government employees.”

Again after two months the JCM staff side, Secretary, wrote a letter on 12-08-2016, to Shri. Arun Jaitely, Finance Minister -

“We are expecting a quick action on the part of the Government to operationalise the assurance of setting up a High Level Committee to go into the Minimum Wage, Multiplication factor etc. However, we are disappointed that even after a lapse of more than a month, no orders have been issued by the Government in this regard we therefore appeal to you that the concerned authorities may be asked to expedite the issuance of orders setting up the committee and finalisation of the report within the available time of remaining three months.”

A group of Senior Officers invited the JCM staff side on 30-08-2016 to discuss the grievances arising out of the recommendations related to 7th CPC. No High Level Committee was constituted and no terms of reference was notified. The second meeting with Group of seniors was held on 24-10-2016.

Eventhough the group of senior officers held two round of discussion with JCM staff side, surprisingly they had not come prepared to discuss increase in minimum wage and fitment formula. They made a mockery of the meeting by disclosing in the first meeting that they are not fully aware of the details of the issues to be discussed and in the second meeting they told that they came for discussing allowances (though another committee under the chairmanship of Finance Secretary is constituted for allowances) and not

minimum wage and fitment formulas. The JCM staffside leaders felt humiliated.

After that meeting, the JCM staffside wrote the following letter on 26-10-2016, to Hon'ble Finance Minister.....

“We (staff side) interacted with the said committee headed by Shri. P. K. Das, Addl. Secretary (Expenditure) on 24-10-2016. It would be quite appropriate to bring to your kind notice that, we have felt, during the course of meeting, that the proceedings of the committee are extremely disappointing and are left with the impression that committee is dilly-dallying the issue.....

we are, therefore, left with no option, but to address this communication with the fervent hope that, your goodself will direct the said committee to interact with the staff side in a fruitful manner and arrive at a mutually agreeable proposal on the issue of minimum pay and fitment formula.... We have full trust and believe that, the Government would honour the decision taken in the meeting held on 30-06-2016 in your benign presence and suitable direction will be given to the committee to complete the assigned task within the stipulated time frame in a satisfactory manner.... It would be the most unfortunate development, we regret to state, if we are constrained to tread the path of struggle once again in the event of the committee not coming up with a satisfactory settlement.”

Inspite of all these, after that (ie after 24-10-2016) no meeting of the group of senior officers was held and no discussion on minimum wage and fitment formula took place. The four months time fixed for the High Level Committee (which is yet to constituted) expired on 30-10-2016. Government has gone back from the most important assurance given to the NJCA leaders on 30-06-2016 by the Group of Cabinet Ministers. **NJCA decided to defer the strike mainly because of this assurance of the Govt. that the Minimum pay and fitment formula will be enhanced. Now that Govt. has gone back and betrayed the entire Central Govt. employees and pensioners. NJCA has no other option but to revive the indefinite strike.**

5. **“VERY GOOD” BENCH MARK FOR MACP AND DENIAL OF PROMOTIONAL HEIRACHY**

Eversince, the MACP scheme was introduced in 2008, confederation and the JCM staff side has been demanding promotional hierarchy instead of grade pay hierarchy. Govt, instead of considering this genuine demand, suddenly issued

orders imposing “very good” bench mark condition for MACP. The JCM staffside was not even consulted. **JCM staff side, secretary wrote a letter to cabinet secretary on 28-07-2016 as follows:**

“The Govt. has accepted one of the adverse recommendations of 7th CPC without holding any consultation with the staff side. The recommendation of the 7th CPC regarding bench mark for performance appraisal for promotion and financial upgradation under MACPs, to be enhanced from “Good” to “very good”, has been accepted by the Govt. without considering the implication on the morale of the Central Government employees... We are of the firm opinion that Govt. should reconsider their decision on the above issues and we request you to kindly withdraw the same.”

Subsequently the case was discussed in the JCM standing committee meeting also on 25-10-2016, as an agenda item given by staff side. In spite of all these, the Government is not ready to withdraw or modify the orders.

This shows the attitude of the BJP led NDA Govt. towards JCM staff side and Central Govt. employees.

6. **NATIONAL ANOMALY COMMITTEE**

The National Anomaly Committee was constituted on 09-09-2016. Two meetings are held to discuss the anomaly regarding calculation of Disability Pension for Defence force personnel. As per the definition of anomaly notified by the Government no genuine “anomaly” can be termed as “anomaly”. Hence the JCM staff side has demanded to modify the definition of anomaly, as defined in earlier National Anomaly Committees constituted by Govt. at the time of previous pay commissions. But till this day, Govt. has not conceded the request of the staff side.

7. **OTHER ISSUES RAISED IN THE CHARTER OF DEMANDS SUCH AS GDS ISSUES, CASUAL-CONTRACT LABOUR’S ISSUES, UPGRADATION OF LDC PAY SCALE, PARITY WITH CENTRAL SECRETARIAT SERVICES, AUTONOMOUS BODY PENSIONER’S CASE, EQUAL PAY FOR EQUAL WORK, REDUCTION OF CCL, RESTORATION OF ADVANCES ETC.**

None of the above demands are discussed with the JCM staff side.

WHY INDEFINITE STRIKE SHOULD BE REVIVED BY NJCA

From the above it is clear that the Government has gone back from all the assurances and is not ready to take the JCM staffside seriously. All the

employees and pensioners are totally disappointed and are voicing their anger and protest through various forums including social media.

It is in this background the much awaited meeting of NJCA was held on 17-01-2017. Unfortunately, no consensus decision for revival of the deferred indefinite strike could be taken in the NJCA meeting. As stated above, the revival of the indefinite strike is the only option left before the NJCA.

SIGNIFICANCE OF 16th MARCH 2017, ONE DAY STRIKE OF CONFEDERATION

_____The 25th National Conference of the Confederation of Central Govt. employees & Workers, held at Chennai had taken a decision to request all constituents of NJCA to revive the deferred indefinite strike, if the Government is not ready to honour its commitment before 30th October 2016, ie; before the four months timeline fixed for fulfilling the assurances given to the NJCA leaders on 30-06-2016 by none other than the senior cabinet Ministers, Shri. Rajnath Singh, Shri. Arun Jaitley and Shri. Suresh Prabhu.

The AIC further decided that, in case NJCA is not ready to revive the deferred indefinite strike, the confederation should organise independent trade union action including strike. **Confederation strongly feels that, now that almost eight months are over after the “sacred” assurances given by Honourable Ministers, there is no meaning in going on waiting indefinitely. Further Govt. has already conveyed its decision that Option-I for Pensioners is rejected and withdrawal of NPS is not within the purview of NPS committee. Govt. had unilaterally imposed “adverse” conditions for grant of MACP. Allowances are already delayed for 14 months (from the date of effect of 7th CPC) and the arrears are likely to be denied. The so called “High Level Committee” is yet to be constituted.**

As no consensus decision for revival of indefinite strike could be taken in the NJCA, confederation has decided to organise one day nationwide protest strike on 16th March, 2017. Response from employees & participation in the countrywide demonstrations, Mass Dharnas and 15th December 2016 Parliament March was unprecedented and magnificent. About more than 13 lakhs Central Government employees will participate in the strike. After reviewing the participation, confederation will decide future course of action including indefinite strike, if situation warrants.

The National Secretariat of the Confederation calls upon all Central Government employees to make the one day strike a grand success by ensuring your participation in the strike.

AWAKE, ARISE, UNITE COMRADES!

RALLY ROUND CONFEDERATION!!

“UNITY FOR STRUGGLE AND STRUGGLE FOR UNITY”

“An iron-like determination is the guarantee for success of every movement, this should not be forgotten even for a moment. However ruthless may be the ruling class, they cannot change the tide of the history. It is the masses that alone can bring real change through their indomitable strength and courage. It is not the question of appealing to the sense of injustices of the Government, but the relative strength of the organised movements and the forces combating it, that is going to decide the course of history”.

= Late Com. K. G. Bose, the spark that revolutionised the Central Govt. employees movement with the message of “unity for struggle and struggle for unity”.



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