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WE NEED A SELF-SACRIFICING LEADER

You are aware that our 21st AIC will be held shortly at Puri. Our future General Secretary is to be elected in the conference.It is a known fact that coming days are challengeable. Nowadays we are unable to settle issues in the circle. Most of the circle secretaries refer even a very simple issue to CHQ. General Secretaries are unable to discuss the matter with the Directorate.

Even if GS refers the matter to the Directorate, the administration directs us to take up the matter with the circle level. Moreover the directorate, in principle calls for the report from the respective circles Ultimately the only. result negative. The CHQ is unable to express the truth in this regard to circles. Officers in Directorate are frequently transferred or promoted.

Every time we have to tell case history to the particular officer. Periodical meetings are being held once in blue moon. Departmental is council meeting the opportunity for General Secretary to convince the Chairman on the subject. The policy of government is totally negative towards employees. Under these circumstances the new person to assume the post of General Secretary. needs extraordinary enthusiasm while dealing on the subjects. Our CHQ is unable to pay salary to the General Secretary. We can pay only for his basic needs which was paid to the earlier general secretary. In short, we need a self-sacrificing leader for our CHQ. I strongly believe that one of our young colleagues will come and lead the future.

JOURNAL OF THE NATIONAL UNION OF RMS & MMS EMPLOYEES, GROUP 'C' CH 17-1-18, ATUL GROVE ROAD, NEW DELHI-110001, PHONE: 23321378

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ITEMS OF AGENDA FOR NATIONAL ANOMALY COMMITTEE MEETING

ITEM NO 1:

ANOMALY IN COMPUTATION OF MINIMUM WAGE

In Para 1.29 of Chapter 1 of the 7th CPC report, the learned Chairman of the Commission Justice Shri AK Mathur has approvingly quoted the following observation their Lordship in the Supreme Court in the case of Bhupendranath Hazarika and Another Vs. State of Assam (SC 2013 (2) Sec.516)

".......It should always be borne in mind that legitimate aspirations of the employees are not guillotined and a situation is not created where hopes end in despair. Hope for everyone is gloriously precious and that a model employer should not convert it to be deceitful and treacherous by playing a game of chess with their seniority. A sense of calm sensibility and concerned sincerity should be reflected in every step. An atmosphere of trust has to prevail and when the employees are absolutely sure that their trust shall not be betraved and they shall be treated with dignified fairness then only the concept of good governance can be concretized. We say no more."

Naturally the recommendations of the 7th CPC ought to have been in consonance with the spirit of the observations made in Para 1.29, While determining the Minimum Pay (Chapter 4.2). The Commission is on record to state that it shall abide by the formula of Dr WR Aykroyd as amended by Supreme Court in the case of Workmen represented by Secretary Management of Reptakos Brett and Co. Ltd and Anr. on 31 October, 1991(Equivalent citations: 1992 AIR 504, 1991 SCR Supl. (2) 129). In its submissions made to the Govt, the Staff Side had pointed out the errors and omissions crept in the computation of Minimum wage and its consequential impact. The Commission's recommendations in this regard was clearly in violation of what has been stated in para 1.29 (quoted above). We annex for ready reference the extracts from our own submissions pertaining to this issue.

OUR SUBMISSION TO CABINET SECRETARY ON 7TH CPC:

"We are not in agreement with the methodology adopted by the 7th CPC in computing the minimum WAGE. We give hereunder briefly the reasons thereof.

- 1. The retail prices of the commodities quoted by the Labour bureau is irrational, imaginary and even absurd in respect of certain articles at certain places. The Staff Side had objected to the adoption of those rates in its meeting with the Commission on 9th June, 2015.
- 2. The adoption of 12 monthly average of the retail prices is contrary to Dr. Aykroyd formula. Same is the case with the reduction effected by the Commission on housing and social obligation factors. The house rent allowance is not a full compensation of the expenditure incurred by an employee for obtaining an accommodation. Therefore, no reduction on that count in arriving at the minimum wage is permissible. We may cite the minimum wage computation made by the 3rd CPC in this regard. The employees were in receipt of HRA even at that time. But still the 3rd CPC, and rightly, so, adopted the 7.5% as the factor for housing. In respect of the addition to be made for children education and social obligation as per the Supreme Court judgement, (25%) the Commission has reduced the percentage to 15% on the specious plea that the employees are separately given children education allowance. The Children education allowance is not a full reimbursement of the expenses one has to incur. After the liberalization of the Education Sector where private parties were allowed to set up universities and colleges, the expenses for education had increased heavily . No concession or allowance is granted to the employees for educating the children beyond the higher secondary levels. The earlier Pay Commission has only tried to compensate a little in the increasing cost of education and that too at the primary level, since even the Governmental institutions had started charging abnormal tuition and cp her fees.
- 3. The website maintained for the Agriculture Ministry depicts the retail prices of commodities which go into the basket of minimum wage computation. Even though the rates quoted by them vary from the real retail prices in the market, it provides a different

picture. If one is to take the rates quoted by them for different cities and make an all India average of the prices as on 1.7.2015, it will work out to Rs. 10810. It will result in the computation of die minimum wage of Rs. 19880. Adding 25% for arriving at the MTS scale, it will rise to Rs. 24850. To convert the same as on 1.1.2016, 3% will be added as suggested by the 7th CPC. The final computation will be Rs. 25,596, when rounded off shall be Rs. 26000.

- 4. The Andhra Pradesh State Pay Commission in its report has taken the commodity prices at Rs. 9830.- as on 1.7.2013 which works out to a minimum wage of Rs. 18080. The wage of MTS will then be Rs. 22600 as on 1.7.2013, The Corresponding figure for 1.1.2016 shall be Rs. 26758, rounded off to Rs. 27000.
- 5. The Staff side had computed the minimum wage as on 1.1.2014 at Rs. 26,000, taking the commodity price at Rs. 11344. The rates were taken on the basis of the actual retail prices in the market as on 1.1.2014(average prices of 8 Cities in the country) substantiated by the documentary evidence of Cash bill obtained from the concerned vendors. As on 1.12016, the minimum wage work out to Rs. 29339, rounded off to Rs. 30,000.
- 6. The 5th CPC adopted the rate of growth in the economy (as reflected in the increase in the per capita net national produce at factor cost) over a period of ten years to arrive at the increase required to be made to arrive at the minimum wage. The per capita NNP at factor cost registered an increase of 65.28% over a period of ten years in 2013-14. If we apply the same percentage to the emoluments (Pay +DA) as on 1.1.2016 (assuming that DA will be 125% as on that date), the minimum wage as on 1.1.2016 for an MTS will have to be Rs. 26030, rounded off to Rs. 27000.
- 7. In para 4.2.9 of the report, the Commission has given a table depicting the, percentage increase provided by the successive Pay Commissions, according to which the 2 CPC had made a paltry increase of 14.2%. The 3rd CPC gave a rise of 20.6, 4th 27.6, 5th 31.0 and 6th CPC 54%. While the per centage increase had been in ascending order all along, the 7th CPC has sought to reverse that trend ostensibly for reasons unknown. It was the meager increase of 14% provided for by the 2nd CPC that triggered the volatile situation in the civil

service and led to all India strike encompassing all employees which lasted for 5 days in 1960.

- 8. In the case of Bank, Insurance and many other Public Sector Undertakings wage revision takes place once in 5 years. In the recently concluded agreement, Bank employees were provided more than 15% increase.
- 9. After the implementation of the Pay Commissions Report the AP State Employees have been given a wage structure based on a minimum wage far above the level of Central Government employees. In their case also wage revision does take place once in 5 years.

It could be seen from the above that the computation of minimum wage by the 7 CPC is prima facie wrong and computed on untenable premises and incorrect data. The minimum wage therefore requires re-computation and revision. Once the minimum wage gets revised, the fitment formula, the multiplication factor applied for determining the pay levels and the pay matrix itself will have to be consequently revised. "

It could be seen from the above extract that the Minimum Wage as on 1.1.2016 could riot have been computed at less than Rs 26000/- and consequently the multiplication factor ought to have been at 3.714. It is, therefore, demanded that the Minimum Wage and multiplication factor may be recomputed and Pay Level and Pay matrix changed in accordance with the revised minimum wage.

ITEM NO. 2

3 % INCREMENT AT ALL STAGES

In Para 5.1.21, the Commission has stated that it has constructed the Pay Matrix, which has two dimensions i.e. horizontal and vertical ranges. The vertical range is supposed to denote the pay progression with the level. The steps are to reflect the annual forward progression of three per cent in each level. More specifically under the Caption "Annual increment" in Para 5.1.38, the Commission has emphatically stated that the annual increment is being retained at 3 percent. In the forward to the report, the Chairman Justice Shri AK Mathur (Para 1.19) writes "the prevailing rate of increment is considered quite satisfactory and has been retained." This apart in para 4.1.17, the Commission states that the various stages within a level moves upward @ 3% p.a

Having stated categorically that a Govt servant must get his annual increment @3% of his pay, the recommendation that one's pay on award of annual increment must move to the next cell in the matrix would become tenable only if the difference between the two cells is more than 3% of the Pay of the Govt servant. From the chart annexed it could be seen that it is not so at many stages warranting a revision of the Pay Matrix at those levels, where the employee gets less than 3% as his annual increment when he moves on to the next higher stage in the matrix.

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Pay Level	SI. No. in the Pay Level rate %age	Basic Pay in the Revised (Cell)	Next above Basic Pay after Pay scale	Next above Basic Pay fixed adding 3%	Amount of loss to the as per increment	Actual increment employee pay matrix
1	12	24900	25647	25600	47	2.81
1	26	37600	38728	38700	28	2.92
3	9	27600	28428	28400	28	2.89
3	16	34000	35020	35000	20	2.94
4	11	34300	35329	35300	29	2.91
4	22	47500	48925	48900	25	2.94
5	10	38100	39243	39200	43	2.88
5	20	51100	52633	52600	33	2.93
6	6	41100	42333	42300	33	2.91
6	9	44900	46247	46200	47	2.89

ITEM 3:

REMOVAL OF CONDITION OF 3% STIPULATED TO GRANT BUNCHING BENEFIT:

One of the conditions stipulated for grant of Bunching increment is that the difference between the lower and higher pay should be atleast 3%.

It could be seen that at many levels of the Pay Matrix, the difference between one cell and another is less than 3% of the Basic Pay of the amount in the lower cell. However, the said lesser amount is still treated as one increment. In the circumstance to deny the government servant the Bunching increment on the ground that the difference is less than 3% is not reasonable. The said condition required to be removed. Given here under is the illustration which explains the issue.

(1) The pay as per the 7th CPC of MTS drawing pay of 7210 and 7430 in the pre-revised pay is bunched and fixed at Rs.19700. As per the bunching orders issued by Finance Ministry, the official drawing Rs.7430 in the pre-revised scale

will get additional increment and will be fixed at Rs.20300/- with effect from 01.01.2016.

But the MTS officials drawing Rs.7660/- in the pre-revised pay are also getting revised pay fixed at Rs.20300 with effect from 01.01.2016.

It is requested that to remove the anomaly, the MTS officials who are drawing Rs.7660/- in the pre-revised scale may also be made eligible to get additional increment.

ITEM NO 4

FIXATION OF PAY ON PROMOTION

The Fundamental Rule 22 (I) (a) (i) is reproduced here under;

"When a Government Servant promoted / appointed to a higher post which involves assumption of duties and responsibilities of greater importance than those attached to such permanent post, he will draw as initial pay the stage of the time scale next above his substantive pay in respect of the old post".

In the existing Pay Matrix the vertical stages are same in most of the Levels, such Level 2 & 3, 6 & 7, 7 & 8, and 6 & 8 etc. Because of this, if an employee is promoted under the regular promotion scheme or MACP his pay will be almost the same. This has happened only because Rule 13 of the revised Pay Rules, 2016 the fixation of pay on promotion is stipulated in the manner stated in para 1 above. In other words, the omission of the words at the stage next above the notional pay in FR was changed to a cell equal to the figure so arrived at.

The above stated stipulation imposes reduced/ or no financial benefit to an employee on promotion. In many cases the benefit has now become equivalent to one annual increment. The clause in the existing FR subject to a minimum has also been omitted in the revised pay rules.

In the existing pay matrix, the stages are same in most of the levels such Level 2 & 3, 6 & 7, 7 & 8, 6 & 8 etc. In this situation, if an employee is promoted/upgraded under MACPS from one level to another level, his pay will be almost same as he may draw even without promotion.

For example, an employee (Senior Accountant) working in Level 6 (erstwhile GP 4200) and drawing pay of Rs 47600/- (Cell – II in Level 6) with effect from 01.07.2016 after annual increment, is granted MACPS to level 7 (erstwhile GP 4600) or promoted to the post of Asstt, Accounts Officer (AA D) to level 8 (erstwhile GP 4800) with effect from 01.04.2017, his pay will be fixed as under, as per Rule - 13 of CCS (RP) Rules 2016 —

Basic Pay in the revived pay structure (Level - 6) - 47600

On upgradation under MACPS to Level -7 - 49000

On promotion to higher level (AAO) Level - 8 - 49000

On drawing one increment (without promotion or MACPS) - 490u0 Level — 6

It can be seen that there is no improvement on promotion/upgradation, which can never be the intention

Necessary amendment in the Rule-13 that – "on promotion/upgradation of an employee, if the stage/cell on pay fixation is equal in the promoted/upgraded level, he shall be placed at the next higher cell/stage in the promoted scale (Level)" — may be made.

ITEM NO 5

REMOVAL OF ANOMALY IN PAY MATRIX

The Pay of officials drawing different Grade Pay is fixed in the same stage in different pay level of 7th CPC Pay Matrix.

Example

SI.	Pay	Grade Pay	Total	X 2.57	Level	Pay (in the Pay Matrix)
1	22900	5400	28300	72731	9	73400
2	22860	5400	28260	72628	9	73400
3	23660	4600	28260	72628	7	74300
4	23670	4800	28470	73168	8	74300
5	25010	6600	31600	81238	11	83300
6	24000	7600	31600	81212	12	83600
7	26800	4800	31600	81212	8	83600
8	27000	4600	31600	81212	7	8360
9	27400	4200	31600	81212	6	83600

The above table is depicting the pay fixation as per the Pay Matrix. The following anomalies may be noted.

- a) Revised Pay of an employee who has drawn 28300 (SL-1) higher basic pay in the pre-revised scale is fixed at the same stage (74300) than the employees who have drawn lower basic pay in the pre-revised scale (see SL-2, SL-3).
- b) Revised basic pay of an employee who had drawn 28470 (SL-4) higher basic pay in the prerevised scale is fixed at the same stage 74300 thanthe employees who have drawn basic pay in the pre-revised scale (see SL-1, 51-2, SL-3)
- c) Revised basic pay of an employee whose revised basic comes to 81238 (SL-5) in the revised scale is fixed at a stage (83300) equal to the employees who revised basic pay comes to 81212 (see SL-7.8.9)
- d) Revised basic pay of employees drawing GP of 4200, 4600, 4800, 7600 (SL-6,7,8,9) are fixed at the same stages from index Serial 9 to 20 (44900 to 62200) of level -6 (4200 GP), stages from index serial 1 to 12 (44900 to 62200) in Level -7 (4600 GP) and stages from index-2 to 10 (49000 to 62200) of Level —8 (GP-4800) are one and the same in the feeder cadre and promoted level. As a result officials who are promoted from Level 6 to 7 and from Level 7 to 8 are the losers as their pay on promotion will be fixed in the cell which would be equal to the amount in the lower level after addition of one increment.
- e) An employee who is drawing more pay in the pre-revised pay is being fixed less in the revise pay eg. Revised Basic Pay drawing 21320 with GP 5400 will he fixed at 69000 on 01.01.2016 (Level 10) where as basic pay of an employee drawing 21300 with GP 5400 will be fixed at 69200 on 01.01.2016 (Level 9).
- f) Similarly when an employee drawing 4600 GP (Level 7) is granted MACP to 4800 GP (level 8) there is no change in his revised basic pay as per Pay Matrix.

Construction of pay matrix is done in such a way that on promotion in most of the cases the fixation falls at the same stage (even though pay level is lower and higher) thus the benefit on promotion is only the annual increment. If minimum benefit of two increments is not ensured on promotion, that will act as disincentive to the employees for accepting promotion.

ITEM NO 6

ANOMALY DUE TO INDEX RATIONALIZATION

In para 5.1.19 the 7th CPC has stated that the existing entry pay at each level corresponding to

successive grade pay in each band from PB 2 onwards has been enhanced by an "Index of rationalisation "according to which for the pay levels in PB 2 where constructed with a factor of 2.62, in PB 3 with 2.67, PB 4 with 2.72 and HAG, HAG + apex level with 2.81 and for Cabinet Secretary with 2.78.

This is done on the plea that the role and responsibility and accountability increases at each step in the hierarchy. It was for the same reason, the 5th and 6th CPCs assigned higher pay scales/pay bands to senior officers in the Govt.

No doubt, the role, responsibility and accountability increases when one move up from the lower level of hierarchy to higher levels. That was precisely the reason that the Pay, Perks, benefits and privileges provided to them are higher. If such differential multiplication factors are used for construction of Pay at the time of each CPC, it will result in serious disturbance to the vertical relativity. This apart, it may be noted that during period between 2006 and 2016, there had been no specific addition to the responsibilities warranting higher pay packets. In other words, the construction of Pay Level from PB2 onwards by varying multiplication factor disturbs the vertical relativity and if continued unabated will drastically alter the ratio between minimum and maximum salary in the Govt. As of date the ratio between minimum salary and maximum salary stands at 1:17.36 which was supposed to have been at a desirable level of 1:10.

In view of the fact that the minimum wage had not been constructed properly the staff side requests that the lower Pay Levels must also be constructed on the basis of the multiplication factor of 2.81, i.e. all the Pay Levels are to be computed by applying multiplication factor of 2.81 which will enable to raise the minimum wage to Rs 19670 and the ratio between minimum and maximum would be down to 1:15.8.

ITEM NO 7.

ANOMALY ARISING FROM THE DECISION TO REJECT OPTION NO. 1 IN PENSION FIXATION

The 7 CPC on considering various demands raised by the employees and Pensioners, while rejecting most of them at the instance or opinion tendered by the Department of Pension and Pensioners Welfare as also by the Defence Ministry in Para 10.1.67 recommended the following formulation for civilian employees including CAPF personnel who have retired prior to 01.01.2016.

The Govt in its resolution dated 4th August 2016 made its stand on the recommendation as under:

11. Revision of Pension of pre 7m CPC retirees

The Commission recommend the following pension formulation for civil employees including CAPF personnel who have retired before 0.1.0.1.20.16(i) All the Civilian personnel including CAPF who retired prior to 01.01.2016 (expected date of the Seventh implementation of recommendations) shall first be fixed in the Pay Matrix being recommended by this Commission, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the matrix. This amount shall be raised, to arrive at the notional pay of the retiree, by adding the number of increments he / she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension (ii) The second calculation to be carried out is as follows The pension, as had been fixed at the time of implementation of the VI CPC recommendations, shall be multiplied by 2.57 to arrive at an alternate value for the revised pension.(iii)Pensioners may be given the option of choosing whichever formulation is beneficial to them. It is recognized that the fixation of pension as per formulation in (i) above may take a little time since the records of each pensioner will have to be checked to ascertain the number of increments earned in the retiring

Both the options recommended by the7th Central Pay Commission as regards pension revision be accepted subject to feasibility of the implementation. Revision of pension using the second option based on fitment factor of 2.57 be implemented immediately. The first option may be made feasible after examination by the Committee comprising Secretary (Pension) as Chairman and Member (Staff). Railway Board, Member (Staff), Department of Posts, Additional Secretary Financial Adviser, Ministry of Home Affairs and Controller General of Accounts as Members

The doubt over the feasibility of implementation of the said recommendations had arisen due to the report tendered by the Secretary (Pension). It was no doubt an unprecedented step taken by Secretary (Pension).

The Govt., unfortunately and unethically too, set up a committee under the chairmanship of the same Secretary (Pension) to go into the very matter of feasibility, who had expressed that very doubt at the beginning and prior to the issuance of the resolution.

The Staff side was provided with an opportunity to represent before the Committee. They had pointed out that it was feasible to implement the recommendation with relevant official records that was supposed to have been kept alive by the

Government. The submissions made by the Staff side is annexed. On the specious plea that the Service Books were not available in respect of all pensioners, the committee came to the conclusion that the recommendation is not feasible to be implemented. In fact the committee made a random study on the availability of the records and came to the conclusion that of the 100 cases they had taken up, in the case of 86, the relevant records were available. In other words, the Committee itself found that only 14% of the cases the records, i.e. the Service Books will not be able to be traced. The very fact that there are other equally relevant official records from where the requisite information of the number of years of service the pensioner has put in a cadre/Grade/scale of pay etc at the time of retirement was available, was not considered by the Committee. The Committee thus erroneously came to the conclusion that the recommendation is not feasible to be implemented.

The Committee then went on to suggest an alternative proposal, which was identical to what the 5th CPC had recommended but not acted upon due to huge financial outflow by the then Government. The staff side appreciating the fact that the said recommendation of 5 CPC, if implemented even now will not only benefit the pensioners but also will be capable of removing certain anomalies that might arise if option No 1 is implemented in the case of a few pensioners, suggested that apart from the two options recommended by the 7 CPC, the Committee's suggestion could be considered as 3rd Option.

The rejection of the suggestion of the staff side and the recommendations of 7 cpc by the Govt regarding option No. 1 on the ground of " infeasibility " is untenable and creates a bad precedent in as much as a Govt Servant or a pensioner is made to suffer financially for the fault of the Govt of not maintaining the requisite official records for verification. For the fault of the Govt not having the records, the pensioners or the employees cannot be punished. The finding that the recommendation is not feasible for implementation is faulted as the committee itself has come to the conclusion that in 84% of the cases, the relevant records are available. The decision amounts to denial of benefit for a vast number of pensioners for the simple reason that in the case of small segment of pensioners the records are stated to be not available. The Committee's findings are also erroneous on the ground that it did not consider whether alternate documents other than Service Books are available from where the claim of the pensioner could be verified. Bal items will be published in next issue

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GENERAL SECRETARY'S LETTER

Reached Delhi on 02/010/2017.

CHQ ACCOUNTS: Our CHQ accounts were finalised till September 2017. Amount received upto 30th September is included. Those divisions which have not paid CHQ quota will not be permitted in the conference. Audited accounts will be available before or on 29/10/2017 in our website. if you find any discrepancy, please point out with documental evidence such as temporary receipt issued by General secretary while receiving the money or money order receipt or money transfer through bank to CHQ. Without the above evidence mere voicing will not be accepted.

BIENNIAL REPORT:- Biennial Report of the CHQ will be available on the web before 29/10/2017. Go through the report before coming to AIC. Draft copy will be supplied to all our delegates in the conference, please point out any mistakes in the report at the time of conference don't hesitate to debate the report.

MEETING WITH CPMG UP CIRCLE: On 05/10/2017 GS NUR-C met CPMG UP Circle along with the Circle Secretary NUR-C Yogendra Yadav and discussed the irregular transfer under Rule-37 of Circle President From KP Division Kanpur to SH Division Ghaziabad. We pointed out the rules on the subject to CPMG. After hearing our argument CPMG agreed to reconsider the issue with an open mind. Let us hope for the best.

MEETING WITH CHAIRMAN, POSTAL SERVICES

BOARD: On 06/10/2017 SG FNPO and

B.Sivakumar ASG FNPO met Secretary India

Post and discussed the following issues.

1) Implementation of positive recommendations of GDS Committee report.

Reply:- Except a few, all the other recommendations of the Kamala Chandra accepted by the Department, the file has been sent for mandatory approval. Approval awaited.

2) Implementation of cadre restructuring for left out categories, i.e RMS, MMS, PACO, Postmaster cadre and Postal Civil wing.

Reply: The file is still pending with the Ministry of Finance

3) Request to grant 7th CPC scale to Temporary Status Casual Labourers.

Reply: The matter will be referred to DOPT shortly.

The above matter was already published in our website on 06/10/2017.

21st AIC at PURI: I hope and trust by this time you would have received all the 3 circulars with regard to 21st AIC. If not it is printed in our RMS Sentinel September 2017 issue. You can view it in our website.

Once again, I reiterate to all our colleagues that without paying delegate fee, you will not get accommodation in the hotel, please pay the money and take all conference documents.

It is the duty of the Circle Secretary to collect donation amount from the Divisional Secretaries with donation book. Please mind that this is our conference and it is our duty to help the Reception Committee of the conference.

With conference, greetings,

Your fraternity D.THEGARAJAN, , General secretary

Please visit our website : www.fnpo.org for day-to-day news. E-mail : theagarajannachi@hotmail.com

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