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RMS SENTINEL

Editor : D. THEAGARAJAN

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APRIL 2017

UNLAWFUL ACTIVITIES OF THE OFFICERS

Off late the officers of our Department are behaving unlawfully with our Divisional secretaries. When the Divisional secretaries are pointing out the orders of Directorate they simply say it is not possible sighting one reason or other and pointing their finger towards CPMG or PMG.

When our Circle secretaries met CPMG or PMG they are sighting video conferences of higher officers.

The above unlawful activities of the officers was discussed in length with DG(Addl) on 28/03/2017. DG called the concerned CPMG over phone and discussed the matter. The CPMG replied that no discussion took place between the official side and staff side on the unlawful activities as pointed out by the staff side at any point of time. Unfortunately, our circle secretary have no records, to avoid this our CHQ appeals the Circle secretaries to please record the irregularities of the officers in

writing, through four monthly meeting and Bi-monthly meeting subjects. To maintain cordial relationship with the officers our secretaries did not record the conflicts in proper way.

In this connection I once again appeal to all our Circle secretaries to please go through our RMS SENTINEL November, December 2016 & February 2017 editorial pages once again and act accordingly.

Our CHQ does not advocate the circle secretaries to confront with the officers, our advice is that officers should understand the genuine problems prevailing in RMS & MMS Divisions, that is why we want to record it in black & white by every circle in a proper way.

Our CHQ is always with you, and hope that you will raise up to the occasion.

Sincere thanks to our colleagues
who have organized strike
on 16/03/2017

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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RIGHT TO PROTEST IS A VALUABLE CONSTITUTIONAL RIGHT-SUPREME COURT

The Supreme Court refused on Friday to entertain a PIL that alleged that political organisations were resorting to hartals to hoodwink repeated judicial pronouncements banning strike and bandh calls, which paralysed normal life.

A bench of Chief Justice J S Khehar and Justice D Y Chandrachud said, "Hartals can never be unconstitutional. Right to protest is a valuable constitutional right. How can we say hartals are unconstitutional."

Having failed to convince the bench to entertain the PIL, the petitioner decided to withdraw the plea.

Courts have ruled on strike, bandh and hartal calls given by political outfits for two

decades now. The Kerala high court in Bharat Kumar case in 1997 had said, "When properly understood, the calling of a bandh entails the restriction of free movement of the citizen and his right to carry on his avocation and if the legislature does not make any law either prohibiting it or curtailing it or regulating it, we think that it is the duty of the court to step in to protect the rights of the citizen so as to ensure that the freedom." An SC bench headed by then Chief Justice J S Verma had upheld this order.

However, over the years, the courts have not clarified the difference between strike, bandh and hartal.

Souce : Times of India.

GOVERNMENT ORDER

CENTRAL CIVIL SERVICES (LEAVE) AMENDMENT RULES, 2017 WITH RESPECT TO SEXUAL HARASSMENT

DoPT Notification in connection with sexual harassment – Central Civil Services (Leave) Amendment Rules, 2017 – 90 days special leave can be granted to the aggrieved Female Govt Servant

Central Civil Services (Leave) Amendment Rules, 2017

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 15th March, 2017

G.S.R. 251(E).—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to the persons serving in the Indian Audit and Accounts

Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:-

1. (1) These rules may be called the Central Civil Services (Leave) Amendment Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Leave) Rules, 1972, for rule 48, the following rule shall be substituted, namely:-

" 48, Special Leave connected to inquiry of sexual harassment – Leave upto a period of 90 days may be granted to an aggrieved female Government Servant on the recommendation of the Internal Committee or the Local Committee, as the case may be, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government Servant under this rule shall not be debited against the leave account".

[F.No. 13026/2/2016-Estt. (L)]

**MINUTES OF THE MEETING OF THE COMMITTEE TO SUGGEST MEASURES
FOR STREAMLINING IMPLEMENTATION OF THE NATIONAL PENSION
SYSTEM (NPS) HELD ON 17.03.2017**

No. 57/1/2016-P&PW(B)
Government of India
Ministry of Personnel, PG and Pensions
Department of Pension and Pensioners
Welfare
3rd Flor, Lok Nayak Bhawan,
Khan Market, New Delhi

Dated the 23rd March, 2017

OFFICE MEMORANDUM

Subject: Minutes of the meeting of the Committee to suggest measures for streamlining implementation of the National Pension System (NPS) held on 17.03.2017 - reg.

The minutes of the meeting of the Committee to suggest measures for streamlining implementation of the National Pension System (NPS) held under the Chairmanship of Secretary (Pension) on 17.03.2017 at Sardar Patel Bhawan, New Delhi is hereby forwarded for information and further necessary action.

S/d,
(Harjit Singh)
Director

Encl. as above.

To,

1. Secretary, Department of Financial Services, Jeevan Deep Building, New Delhi
2. Secretary, Department of Personnel & Training, North Block, New Delhi.
3. Additional Secretary, Department of Pension & Pensioners' Welfare, Lok Nayak Bhawan, New Delhi.
4. Ms. Annie George Mathew, Joint Secretary (Pers), Department of Expenditure, North Block, New Delhi-110001
5. Shri G.S. Yadav, Joint Secretary and Legal Advisor, Department of Legal Affairs, Shastri Bhawan, New Delhi.

6. Shri B. S. Bhandari, Member, Pension Fund Regulatory & Development Authority, B-14/A, First Floor, Chhatrapati Shivaji Bhawan, Qutab Institutional Area, Katwaria Sarai, New Delhi- 110016.

7. Shri Shiva Gopal Mishra, Secretary, National Council (Staff side), JCM for Central Government Employees, 13 C, Firozshah Road, New Delhi- 110001.

Minutes of the Meeting of the Committee to suggest measures for streamlining implementation of the National Pension System (NPS) held on 17.03.2017 at Sardar Patel Bhawan, New Delhi

A meeting of the Committee to suggest measures for streamlining the implementation of the National Pension System was held under the Chairmanship of Shri C.Viswanath, Secretary (Pension) on 17.03.2017 at Sardar Patel Bhawan, New Delhi with JCM (Staff side). The following were present:

OFFICIAL SIDE

1. Ms. Vandana Sharma, Additional Secretary (Department of Pension & Pensioners' Welfare).
2. Shri Gyanendra Tripathi, Joint Secretary, Department of Personnel & Training (representing Secretary DoPT).
3. Shri G.S. Yadav, Joint Secretary and Legal Advisor, Department of Legal Affairs).
4. Shri Amar Nath Singh, Director, Department of Expenditure (representing JS (Pers), Deptt. Of Expenditure).
5. Dr. B. S. Bhandari, Member, Pension Fund Regulatory and Development Authority.
6. Shri Pravesh Kumar, DGM, PFRDA. JCM (Staff Side)

7. Shri Shiva Gopal Mishra, Secretary, Staff Side (JCM),

8. Shri M. Raghavaiah, Leader(JCM Staff Side) & General Secretary, NFIR

9. Shri Guman Singh, President, NFIR

10. Shri K.K. N. Kutty, President, Confederation of CG employees & Workers

11. Shri C. Srikumar, General Secretary/ AIDEF, Member National Council, JCM

12. Shri R. Srinivasan, General Secretary, INDWF, Member, National Council (JCM).

2. Additional Secretary (Pension) made a brief presentation on the recommendation of the 7th CPC and the decision of the Government on setting up of the Committee, composition of the Committee, formation of three Sub Committees and issues being considered by each of the Sub Committee. The presentation also brought out the issues raised and suggestion made by the employees' Associations and other stakeholders for streamlining the implementation of NPS.

3. Thereafter, JCM (Staff side) made following observations/ suggestion :

- NPS amounts to discrimination between employees appointed before and after 01.01.2004 and also between service personnel and civilian employees within Defence Department. Personnel retiring with less service period are getting very little pension with no revision linked to price index. Government employees should be excluded from the purview of NPS. In case, however, it minimum was not/ possible to exempt the Government employees from the NPS, a pension @ 50% of the last pay drawn with dearness relief may be ensured to all NPS employees on their retirement.

- In the Defence Department, the contributions of around 250 employees have

not been credited to their NPS accounts and are presumed to be lying in suspense account. The matter should be looked into.

- There is lot of confusion over NPS among employees due to deficiencies in communication of information. Employees are not getting any statement of their deductions /accumulated fund. The statement of transaction i.e. detailments of contribution made by employees, matching contribution from the Govern and the accumulated wealth as on date should be communicated to employees at regular intervals. This may be provided in the form of passbook to the employees in physical form.

- Employees should be made aware about the grievance mechanism available under NPS and the authorities whom they could approach for redressal of their grievances. Employees should be made aware of the procedure for correction of Name, address and contact details etc. in the NPS account.

- Rules on entitlements to employees / family on death or disability of an employee covered under NPS may be framed. There may be no objection to option to the employee / family to get family pension / disability pension under the old pension scheme or the benefits under NPS, in the event of death / disability of the employee during service.

- Study on International practices on the pension should be done and functional difficulties in NPS may be sorted out. Best practices should be adopted after the study.

4. Secretary (Pension) assured that the concern raised by the JCM (Staff side) would be duly considered and addressed in the report of the Committee.

5.The meeting ended with a vote of thanks to the Chair.

Signed Copy

DEPARTMENTAL ORDERS

F.No. 35-15/2010-LI
Government of India
Ministry of Communications & It
Department of Posts
Directorate of Postal Life Insurance
Chanakyapuri, New Delhi 110 021.

Date 4-10-2012

All Heads of Circles
Addl. DGAPS
Director RAKNPA, Ghaziabad
All Regional PMGs
Directors PTCs
GM (Finance)/DA (P) of Circles

Subject : Payment of Renewal Incentive to PLI/
RPLI Direct Agents and F.O. (PLI) and RPLI Sales
Force

Reference is invited to PLI Directorate order No.
26-02/2009-LI Dated 18-9-2009.

2. Under the provisions of this Dte Order No. 26-02/
2009-L1 dated 18-9-2009, PLI Direct Agents/Pos
(PLI) are entitled for incentive @ 2% on renewal
premium. In case of RPLI, the Agents are entitled
for incentive @ 2.5% of renewal premium. The rate
of incentive was effective from 1-10-2009.
Provision for making payment of PLI/RPLI first
year incentive and RPLI renewal incentive to PLI
Direct Agents/P.O. (PLI)/RPLI Agents shall be paid
online from July, 2012 at Divisional level.
Clarification has been sought by Circles how the
incentive for the period prior to July, 2012 shall be
paid. Further, some of the Circles have made
incentive payment manually as well. Keeping this
in view and to avoid double or excess payment of
renewal incentive to PLI Director Agents/F.O. (PLI/
RPLI) Agents, in all the cases where due renewal
incentive remains unpaid for the period prior to
July, 2012, manual sanction will be issued after
having generated the business report as per old
pattern / system.

3. According to para (ii) and (iv) of letter dated 18-9-
2009 and para 6(i) and (ii) (b) of its Annexure,
incentive on renewal premium to PLI Direct Agents
and RPLI sales force is payable to them towards
the renewal premium collected by them. PLI/RPLI
policy holders deposit the premium towards their
policies at any Post Office in the county and can
also deposit the premia online through
www.e.postoffice.gov.in. At Post Offices or in the

software no record is maintained whether the
premia has been deposited by insurant himself or
agent. So information regarding deposit of premia
through agent can not be ascertained. Hence,
incentive shall be paid based on the receipt of
premia.

4. It is requested to circulate the above clarification
to all the officers, employees and agents.

* * *

No. 20-5/2016-SPB-II
Government of India
Ministry of Communications
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.

Dated 27th March, 2017

To
All Chief Postmaster(s) General,
All Postmaster(s) General,
Director, RAKNPA, Ghaziabad,
All Directors, Postal Training Centre

Sub : Representation from Government servant
on service matters – Regarding.

Sir/Madam,

I am directed to refer to this Department's letter of
even number dated 13-10-2016 wherein
instructions have been issued on direct
submission of representation by Government
servants for their service matters. In spite of these
instructions, it has been observed that
Government servants are still continuing to
represent directly to the Prime Minister, Hon'ble
Minister, Cabinet Secretariat and other higher
authorities of Department.

2. It is therefore, reiterated that as per the existing
instruction, wherever, in any matter connected
with his service rights or conditions, a Government
servant wishes to press a claim or to seek
redressal of a grievance, the proper course for him
is to address his immediate official superior, or
Head of his office, or such other authority at the
appropriate level who is competent to deal with the
matter in the organization.

3. Such submission of representation including
through email or public grievance portal directly to
other authorities by passing the prescribed

channel of communication has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions. This can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3(1)(iii) of the Central Civil Services (Conduct) Rules, 1964. Representation by relatives of Government servant is also treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt. (A) dated 19-9-1963. Such representations will invite action under the provision of Rule 20 of Central Civil Service (Conduct) Rule, 1964 prohibiting Govt. servant from bringing outside influence in his service matter.

4. Further it is also clarified that the competent authority for redressal of grievance of all non-gazetted employees are in the respective Circle only. As such, the service matter of the all such employees must be settled in the concerned Circles only.

5. In view of the above, All Heads of the Circle are requested to bring the above instructions to the notice of all officers and staff and sensitize them to submit their representations to their immediate officers or the officer competent to dispose of the grievance.

Yours faithfully,
(G. Rajeev)
Director (SPN)

F.No. 141-141/2013-SPB-II
Government of India
Ministry of Communications
Department of Posts
Dak Bhawan, Sansad Marg,
New Delhi -110 001.

Dated : 28th March, 2017

To
All Chief Postmasters General,
All Staff Associations

Sub : Review of Transfer Policy circulated by
Directorate vide letter No. 141-141/2013-SPB-II
dated 31-1-2014 – Invitation of suggestion/
comments.

Sir/Madam,

I am directed to refer to the Directorate letter cited above and to convey that keeping in view a large number of requests being received for inter circle

transfer, the Directorate is considering review of various provision in the existing Transfer Policy to make it more employee friendly without compromising on organization functioning and objectives.

2. Following are some of the provisions, which the Directorate is proposing to review/amend/delete:

a. Only such of officials who have put in minimum service of five years in the case of DR and 3 years in the case of surplus qualified officials, whichever applicable would be eligible for transfer under rule 38. Any relaxation in this regard should be matter of rarest exception. Transfer of officials who have not yet cleared the probation period should be permitted in deserving cases only. (Para 2(i) (vii) of the instructions.

The Directorate is considering removal of this provision so that any official who is seeking transfer under rule 38 can straightway apply for the same without needing to either complete any specified period of service or even probation period.

b. Under Rule 38, an official will be allowed to seek transfer only twice during his entire service (Para 2(1) (x) of the instructions)

The Directorate is considering deletion of this provision so that there is no limit to the number of times an official can seek transfer during his entire service.

c. With respect to the provisions for inter-circle transfer in para 3 of the instruction, Directorate is considering amending the provisions so that such inter-circle transfers can be decided by the concerned CMPGs without seeking approval of the Directorate.

3. Therefore, all CPMGs and other stakeholders are requested to provide their suggestions with justifications not only on the charges proposed in para 2 above but also on any other existing provisions of the Policy which need to be amended/ deleted.

4. Suggestions/Comments may be provided to the Directorate within seven days of hosting of this letter on the DOP website.

Yours faithfully,
(G. Rajeev)
Directorate (SPN)

DEPARTMENT OF POSTS – INDIA

Office of the Senior Superintendent of Post office, Chennai City North Division, Chennai – 600 008.

Memo No. B2/MACP III/Digs/2016 dated at Chennai 600 008 the 22-3-2017

In pursuance of postmaster General, Chennai City Region, Chennai 600 002 letter No. STB II/13-9/2015/CCR dated 15-3-2017 in which the approval of the minutes of the Review Departmental Screening Committee held on 13-3-2017 by the competent authority has been conveyed, Shri D. Sivakumar, Retired SPM, Madras Medical College SO, Chennai 600 003 was granted financial upgradation under MACP III w.e.f. 1-9-2008. The circumstances leading to the grant of financial upgradation on implementation of Directorate/CO/RO orders etc is enumerated below to adhere to the directions in letter and spirit.

As per the provisions in Directorate OM No. 4-7(MACPS) 2009 PCC dated 18-9-2009, promotions earned in the post carrying same Grade pay in the promotional hierarchy as per the Recruitment Rules shall be counted for the purpose of MACP. The financial upgradation under MACP scheme was introduced to the officials who are not getting regular promotions during the span of 10/20/30 years. In this case the official earned promotions/financial upgradations within 30 years of his service as follows.

The official was appointed as Group D from 30-02-1973 and was promoted to Postman cadre from 22-9-1973. He was further promoted to cadre of Postal Assistants from 12-11-1977 through competitive exam (Offsets MACP-II). The official was granted TBOP on 15-11-1993 (offset MACP-II) and BCR on 1-1-2004 (Offsets MACP-III) by taking the Postman cadre as entry cadre. Hence his case was not considered for financial upgradation during that period.

Consequent on the orders pronounced in the Hon'ble Tribunal in 1088/2011 vide order dated 14-3-2013 and upheld by the Order of the Supreme Court SLP No. 4848/2016 dated 16-8-2016 and in pursuance of orders of

Directorate conveyed vide Lr. No. 2-19/2015-PCC dated 1-3-2017 that the Department has decided to implement the orders of the Hon'ble CAT subject to the concurrence of the D/o. Expenditure, being the financial implications involved in this case, communicated vide Circle office Letter No. STA/2-111/ca 54/2015 dated 7-3-2017 has directed to follow the Directorate orders and also to implement the orders of the Court and confirmed by Postmaster General, Chennai City Region, vide Lr. No. STB/4-648/2011/CCR dated 9-3-2017 the case of Sri D. Sivakumar, Retired SPM, Madras Medical College SO is taken up for review and he is granted MACP III w.e.f. 1-9-2008. This is in accordance with approval of Directorate received through Circle office and is subject to concurrence of D/o. Expenditure.

Sr. Superintendent of POS,
Chennai City North Division, Chennai – 600 008.

DEFINITION OF ANOMALY

Anomaly will include the following cases:

- a) Where the official Side and Staff Side are of the opinion that any recommendation is in contravention of the principle or the policy enunciated by the Seventh Central Pay Commission itself without the Commission assigning any reason.
- b) Where the maximum of the Level in the Pay Matrix corresponding to the applicable Grade Pay in the Pay Band under pre-revised structure, as notified vide RS(RP) Rules, 2016, is less than the amount an employee is entitled to be fixed at, as per the formula for fixation of pay contained in the Said Rules;
- c) Where the Official Side and the Staff Side are of the opinion that the vertical and horizontal relatives have been disturbed as a result of the 7th Central Pay Commission to give rise to anomalous situation.

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GENERAL SECRETARY'S LETTER

Reached New Delhi on 17/03/2017.

GDS Sub committee: Department of Posts appointed sub-committee to implement GDS committee recommendations under the chairmanship of Member(P). Chief PMG Telangana, Chief PMG Gujarat Circle DDG(RB), DDG(Estt) and Director (T&C) are members of the sub- Committee. The committee met on 17/03/2017 and discussed the report. SG FNPO and Shri P.U. Muralidharan, General Secretary, NUGDS participated in the discussion and offered the views of FNPO.

It is learnt that the sub committee will recommend in implementing the major recommendations of Sri Kamalesh Chandra within a week. After the meeting, SG FNPO met the Chairman, Postal Services Board and discussed our suggestions in detail.

Chairman agreed with some of our suggestions Let us hope for the best.

Comparative study on IPPB and Japan Post Bank held at Visakhapatnam on 22.3.2017 to 23.3.2017 : FNPO and JPGU organised a seminar on IPPB and Japan Post and a comparative study at Palm Beach Hotel, Visakhapatnam, AP on 22nd and 23rd March 2017. The programme was inaugurated by DDG IPPB Sri Tanveer Ahmad. Sister Kankao Oshaki, UNI APRO Posts and Logistics Director welcomed the delegates. Bro Suma and Sister Seguchia from Japan Post explained about Japan Post Bank through a Power Point presentation. More details available on our website www.fnpo.org.

FNPO AFFILIATED UNIONS DHARNA PROGRAM POSTPONED

On 28/03/2017, the Directorate has called for a meeting to discuss long pending issues of FNPO affiliated unions viz NUPE, MTS & NUCW. The meeting was chaired by MS. Meena Datta, Director General (Addl) along with the Directors. She assured that The minutes of the meeting will be issued after the approval of Chairman (Postal Services Board). Based on the assurance, the agitation program of FNPO affiliated Unions is postponed for time being. More details available in our website www.fnpo.org.

21ST ALL INDIA CONFERENCE OF NATIONAL UNION OF RMS & MMS EMPLOYEES GROUP 'C' :

We propose to hold the conference at Utrakhand under the leadership of Sri N. k. Tyagi but he was suddenly affected by illness, therefore we plan to shift AIC to PURI or Tirupathi, however, an exact place is not decided till date. Please wait for further communication in this regard.

CONCLUSIVE MEETING OF THE COMMITTEE ON ALLOWANCES:

According to the secretary staff side, the Committee on Allowances was held on 6th April, 2017. The committee decided to submit the report during the 2nd week of April let us hope for the best.

Thanking you

Yours Fraternally,



(D, THEAGARAJAN), General Secretary

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

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