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RMS SENTINEL

Editor : D. THEAGARAJAN

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OCTOBER 2011



YADU BABU PASSED AWAY

Our beloved Circle Secretary of Bihar Circle Sri Yadunandan Singh passed away on 5-10-2011 due to massive heart attack. His ultimately death has caused a thunder on us. I want to recall his friendship which I made since the year 1998.

While I was going to AIC, Patna where I was elected as General Secretary for the first time, I went to Patna via Gaya. At that time, Yadu Babu was the Divisional Secretary, RMS 'C' Dn., Gaya. Subsequently Yadu Babu became Circle Secretary, Bihar Circle succeeding Sri Sitaram Pandey through Secret ballot. Sri R.N. Singh contested for the post of Circle Secretary and he lost.

After the election, the first announcement of Yadu Babu was making Sri R.N. Singh as Asst. Secretary. 1. This shows his broad-mindedness and his democratic functions. When the CHQ made an offer of the post of Deputy General Secretary to Yadu Babu during the Kolkata AIC in the year 2008, he humbly declined the offer and he magnanimously proposed Sri R.K. Ambastha for the Deputy General Secretary post. It indicates that he never aspired for any post.

During last eight years, he protested me only one time. That is, when Tamilnadu Reception Committee was unable to provide proper accommodation for Bihar members in the AIC



held in Puducherry in March 2011. His way of protest was impressive. He paid maximum donation and delegates' fees compared to other Circles.

Any one in his position generally would not pay maximum donation and full delegates' fees.

This shows his sincerity and dedication towards NUR 'C'. On 3rd Oct. 2011, he called me over phone and expressed his regret over the reduction of membership in his Circle resulting in losing of number one position in the Circle by a margin of 14 members. I consoled him saying that the sister union has not genuinely improved their membership by winning the

hearts of employees but they got the number one position due to malafide activities *making more membership as dual). This shows his loyalty towards the organization.

I was in great shock when I heard the news of his sudden death. His untimely death has caused a great void to our CHQ in general and to Bihar Circle in particular. The NUR 'C' has lost one of the best commanders. The Bihar Circle has heavily lost its leader. I personally lost my good friend. The CHQ conveys its heart-felt condolences to his bereaved family. May his some rests in peace.

D. THEAGARAJAN, General Secretary

JOURNAL OF THE NATIONAL UNION OF RMS & MMS EMPLOYEES, GROUP 'C'
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ANNUAL SUBSCRIPTION RS. 30/-

INFORMATION UNDER RTI

No. 31-5/2011-D

Dated 3-10-2011

To

Sh. D. Theagarajan
Secretary General, FNPO
10/11, Nellai Appar Street
Bharathipuram, Chennai – 600 044.

SUB : INFORMATION UNDER RTI ACT 2005.

This has reference to your application dated 19th August 2011 received from BD & Marketing Directorate letter No. 26-50/2011-BD & MD dated 8th September 2011 on the subject mentioned above.

2. The requisite information with respect to Mail Business Division of Department of Posts is furnished as under (Point 1 to 7):

Point 1 : Whether the Pilot Project of Speed Post restructuring was placed in the Postal Board Meeting, if so what is the opinion of Postal Board members. Kindly furnish the opinion of each Postal Board Member.

Reply : The details of the Project were discussed during Heads of Circles Conference in April 2010 where all Board Members were also present. It has not been placed separately before the Postal Services Board. Opinion of each Member of the Board is not available.

Point 2 : Kindly furnish the details of Pilot Project on Speed Post re-structuring.

Reply : The details of optimization and consolidation of Speed Post operations is enclosed (Annexure-I).

Point 3 : What is the market share of First Class Mail/Speed Post mails of metro cities, such as Chennai, Mumbai, Delhi, Kolkata, Pune, Hyderabad and Bangalore?

Reply : The information relating to Speed Post will be provided by BD & Marketing Directorate. The information relating to market share of First Class Mail is not available.

Point 4 : What is the Departmental share of First class mail/Speed Post mail of Metro cities such as Chennai, Mumbai, Delhi, Kolkata, Pune, Hyderabad and Bangalore?

Reply : The information relating to volume of First Class mail handled in six metro cities is enclosed as Annexure II. The information relating to Speed Post will be provided by BD & Marketing Directorate.

Point 5 : Whether the recommendations of Mckinsey & Co. on Speed Post re-structuring was placed in the Postal Board Meeting, if so what is the opinion of Board members. Kindly furnish the opinion of each Postal Board Member.

Reply : Details of the network optimization of Speed Post were discussed during Heads of Circles conference in April 2010. All Board members also participated in the conference. Individual opinion of Board members is not available.

Point 6 : Kindly supply copy of Mckinsey report on Speed Post re-structuring and First Class Mail re-structuring.

Reply : The relevant information has been sent by e-mail on your e-mail address : theagarajannachi@hotmail.com

Point 7 : Whether the recommendation of Mckinsey & Co. on First Class mail re-structuring was placed in the Postal Board meeting if so what is the opinion of each Postal Board Members. Kindly furnish the same.

Reply : The recommendations of First Class mail restructuring was not placed in the meeting of the Postal Services Board. Opinion of the members of the Board is not available.

2. If you are not satisfied with this reply, you may submit an appeal before Ms. Kalpana Tewari, Sr. DDG & CGM (Mail Business), Department of Posts, Room NO. 403, Dak Bhavan, Sansad Marg, New Delhi 110 001.

(RISHIKESH), Director (Mail Management)

Copy to :

SO & CPIO, BD & MD : The information with respect to Point No. 3 & 4 regarding Market/Departmental share in respect of Speed Post mail may be provided to the applicant directly.

MAIL NETWORK OPTIMIZATION PROJECT

As part of the plan scheme of Department of Posts for "Setting up of Mail Business Centres", the Department has undertaken Mail Network Optimization Project to improve the quality of mail operations.

OBJECTIVE :

The project seeks to optimize the existing mail network of Department of Posts with a view to streamline core mail operations. It also seeks to bring in greater standardization and improvement in the operations processes relating to mail processing, transmission and delivery. As part of the project, it is also proposed to introduce a more effective performance management mechanism for mail operations.

PROJECT COVERAGE :

The project would cover Speed Post, International Mail, First class mail and second class mail. In the first phase, Speed Post and International mail would be covered and in subsequent phases, first and second class mail operations would also be covered. The project for Speed Post was first launched in the eight cities i.e., Delhi, Mumbai, Kolkata, Chennai, Bangalore, Hyderabad, Noida and Gurgaon. In the second phase, five more cities i.e., Pune, Mysore, Bhopal, Trivandrum and Howrah were covered. Gradually, it has been extended to the entire country.

PROJECT COMPONENTS :

The project seeks to improve the quality of mail operations with the emphasis on the following key operational areas :

- i. Optimization and consolidation of mail operation network across the country.
- ii. Standardization of processes followed in mail operations
- iii. Identification, evaluation and implementation of appropriate technology in mail processes.
- iv. Optimization of mail delivery processes
- v. Effective performance management mechanism through Key Performance Indicators

MONITORING MECHANISM :

As part of the project, a comprehensive system of Key performance Indicators (KPIs) has been put in place. These KPIs provide an effective tool of performance monitoring for Speed Post operations. The performance of the cities under the purview of the project is regularly monitored in terms of transit time for Speed Post articles and track and trace compliance between these cities. This tool provides a complete break-up of events in the movement of Speed Post articles from booking to delivery and helps in identifying the weak links in the entire chain.

KPIS INCLUDE :

1. Transit Analysis (for both local and inter-city articles) to measure transit time between date of booking and delivery.
2. Scan Compliance : to measure scanning of articles at each prescribed stage.
3. Delivery status compliance : to measure delivery information update.
4. Use of PIN code on all articles.
5. Use of correct bag labels.
6. Instances of missorts : physical and electronic.

KPIs for first class mail including registered mail would also be developed.



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 Finance Secretary, NUR 'C'
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 New Delhi Air Mail Stg. Dn
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 Email : pawan_joshi_63@yahoo.com
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 Cell : 98714 26552 / 99992 45722

APPEAL AGAINST THE RTI INFORMATION GIVEN BY DIRECTOR MAIL MANAGEMENT

No. 31-03/2009-D

Dated 5-9-2011

Sub : Appeal against the reply of the Director (Mail Management) letter No. 31-03/2009-D Dated 3-8-2011.

This has reference to your appeal dated 16th August 2011 against the reply given by the Director, Mail Management vide this Division letter No. 31-03/2009-D dated 3rd August 2011 on the subject mentioned above.

2. The reply against to your appeal mentioned in Para 1 above is as under :

Point 1 : Whether Mail Network Optimization Project discussed with Postal Board Members, if so a copy of the Board Meeting minutes may kindly be supplied.

Reply : The reply is correct. Yes, the details of the Project were discussed with all members of Postal Services Board during HOC Conference in April 2010. But it was not placed separately before the Board.

Point 2 : Whether MNOP discussed with Heads of Circles, if so what their opinion is, opinion of each Circle may be supplied.

The reply given is correct. Mail Network Optimization Project was discussed with the Heads of Circles in HOC Conference held in April 2010. Another workshop with CPMGs was held in September 2010. The aspects relating to First Class Mail Network redesign was discussed during HOC Conference held in April & May 2011. All Circles agreed with the project. No individual opinion is available, nor has any HOC addressed the Directorate stating a contrary opinion.

Point 3 : Whether MNOP discussed with Minister of Communication and with Standing Committee members, a copy of their opinion may be supplied.

Reply : Mail Network Optimization Project is a part of "Setting up of Mail Business Centres" which is a plan scheme of Department of Posts in the 11th Plan. The Scheme stands approved by the then Minister of Communications & IT in January 2009. Hiring of the Consultant and implementation of the Project was approved as a part of the plan Scheme.

Point 4 : Whether re-structuring of Speed Post processing centre project was discussed with the Postal Board Members. If so a copy of the Board Meeting minutes may be supplied.

Reply " The reply given is correct. Details of the network optimization for Speed Post were discussed with Members of Postal Services Board in April 2010. It was not discussed in the Board meeting as a separate subject.

Point 5 : Whether re-structuring of Speed Post processing centre Project was discussed with the Heads of Circels, if so what is their opinion, opinion of each circle may be supplied.

Reply : The reply given is correct Details of the Speed Post network redesign was discussed during the Heads of Circles Conference in April 2010 and September 2010. All Circles agreed with the plan. No individual opinion is available.

Point 6 : What is the operations cost of each Speed Post article before re-structuring and what is the present operational cost of Speed Post articles. Details may be supplied.

Reply : The information has been provided by Costing & Rates Section. As far as project implementation without working out the cost not being fair, is an opinion expressed by the information seeker and is outside the purview of RTI Act.

Point 10: Supply details of profile in L1 & L2 offices.

Reply : Mail profile of mail offices is enclosed as Annexure – I.

Point 11 : What is the operations cost of 1st Class mail and Registered mail at present? What will be the future operational cost of the same?

Reply : The information has already been provided by Costing & Rates Section.

3. The appeal is disposed of. In case you are dissatisfied with the reply a further appeal lies with Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066.

(KALPANA TEWARI), Sr. DDG & CGM (MB)
& 1st Appellate Authority.

**BREAK-UP OF MAIL VOLUME IN TERMS OF LOCAL TD, INBOUND TD &
OUTBOUND NON-TD FOR FIRST CLASS MAIL**

Cities	% of local TD	% of out bound NTD	% of in bound TD				
				Bhopal	40%	25%	35%
				Bhubaneswar	38%	2%	60%
Agartala	40%	3%	57%	Bhuj	25%	40%	35%
Agra	30%	49%	21%	Bhusawal	13%	42%	46%
Ahmedabad	21%	31%	48%	Bijapur	32%	30%	30%
Ahmednagar	28%	32%	41%	Bikaner	20%	46%	34%
Ajmer	19%	49%	32%	Bilaspur	22%	16%	62%
Akola	5%	44%	51%	Birur	3%	52%	45%
Alappuzha	30%	42%	28%	Burdwan	15%	19%	67%
Aligarh	NA	NA	NA	Chandarpur	5%	46%	49%
Alipurduar	18%	29%	53%	Chandigarh	44%	27%	29%
Allahabad	43%	35%	22%	Changanacherry	30%	42%	28%
Aluva	63%	22%	14%	Chapra	40%	18%	42%
Alwar	41%	4%	55%	Chengalpattu	11%	20%	69%
Ambala	20%	14%	67%	Chennai	28%	44%	28%
Amraoti	6%	54%	40%	Chidambaram	9%	87%	4%
Amritsar	43%	21%	36%	Chittorgarh	0%	48%	52%
Anand	0%	53%	47%	Churu	19%	46%	35%
Ananthapur	4%	79%	17%	Coimbatore	40%	28%	32%
Ara	38%	18%	44%	Cuddapa	18%	53%	29%
Arakkonam	32%	43%	25%				
Ariyalur	18%	8%	74%	Cuttack	22%	29%	49%
Asansol	22%	46%	32%	Daltonganj	70%	10%	20%
Aurangabad	41%	32%	27%	Darbhanga	43%	21%	36%
Azamgarh	54%	39%	7%	Davangere	44%	24%	32%
B.S. City	62%	15%	23%	Dehradun	35%	63%	12%
Bagalkot	18%	33%	49%	Dehri	34%	19%	47%
Balangir	29%	32%	39%	Delhi	23%	41%	36%
Balasore	15%	12%	73%	Deoria	11%	62%	27%
Banda	10%	70%	20%	Dhanbad	41%	42%	17%
Bandikui	0%	58%	42%	Dharmapuri	12%	24%	64%
Bangalore	39%	19%	42%	Dharwad	36%	30%	35%
Bangarpet	6%	39%	56%	Dhenkanal	6%	7%	88%
Bankura	12%	50%	38%	Dhola	0%	41%	59%
Barabanki	21%	22%	58%	Dhule	22%	49%	29%
Barauni	33%	21%	46%	Dimapur	24%	20%	56%
Bareilly	28%	37%	35%	Dindigul	20%	27%	52%
Baripada	10%	31%	58%	Durg	30%	8%	62%
Basti	34%	39%	27%	Durgapur	59%	4%	37%
Bathinda	22%	42%	37%	Eluru	17%	32%	51%
Balgaum	29%	31%	40%	Ernakulam	10%	71%	19%
Bellary	29%	22%	49%	Erode	4%	3%	93%
Berhampore	21%	28%	50%	Etawah	0%	77%	23%
Berhampur	33%	41%	25%	Faizabad	34%	27%	39%
Bhadrak	14%	23%	63%	Falna	0%	44%	56%
Bhagalpur	35%	19%	46%	Faridabad	35%	25%	40%
Bharatpur	0%	38%	62%	Farrukhabad	0%	100%	0%
Bharuch	0%	22%	78%	Ferozepur	54%	25%	20%
Bhavnagar	32%	33%	35%	Gadag	22%	34%	44%
Bhilwar	0%	67%	33%	Gandhinagar	16%	34%	50%
Bhiwani	32%	28%	40%	Gaya	32%	22%	46%
				Ghaziabad	22%	49%	29%

Godhara	0%	51%	49%	Katni	12%	44%	44%
Gomoh	75%	10%	15%	Kayamkulam	30%	42%	28%
Gonda	24%	30%	46%	Kazipet	15%	30%	45%
Gondia	5%	45%	50%	Kendrapara	14%	9%	77%
Gorakhpur	30%	59%	11%	Keonjhar	15%	12%	73%
Gulbarga	18%	37%	45%	Kesinga	10%	57%	33%
Guntakal	7%	47%	46%	Khammam	24%	24%	52%
Guntur	21%	48%	31%	Kharagpur	8%	50%	42%
Gurgaon	32%	28%	40%	Kheri	52%	36%	12%
Guwahati	38%	22%	40%	Khurda	14%	14%	72%
Gwailor	51%	18%	31%	Khurja	0%	83%	17%
Hajipur	37%	19%	44%	Kiul	38%	21%	41%
Hamirpur	36%	41%	23%	Kochi	33%	38%	29%
Haridwar	25%	34%	41%	Koderma	45%	26%	29%
Hassan	18%	23%	59%	Kolhapur	42%	46%	12%
Hazaribagh	33%	25%	42%	Kolkata	40%	32%	27%
Himatnagar	0%	46%	54%	Kollam	30%	42%	28%
Hisar	32%	28%	40%	Kota	11%	37%	51%
Hoshiarpur	26%	12%	62%	Kottayam	30%	42%	28%
Hospet	29%	30%	41%	Kozhikkode	20%	31%	49%
Howrah	18%	55%	27%	Kudal	13%	43%	44%
Hubli	28%	34%	39%	Kumbakonam	22%	32%	45%
Hyderabad	23%	40	38%	Kumta	16%	52%	32%
Indore	50%	32%	18%	Kurnool	30%	38%	32%
Irinjalakuda	59%	36%	5%	Kurukshetra	18%	23%	60%
Itarsi	50%	19%	31%	Latur	23%	33%	45%
Jabalpur	50%	28%	22%	Lucknow	44%	45%	11%
Jahanabad	37%	19%	44%	Ludhiana	36%	41%	23%
Jaipur	12%	28%	60%	Madgaon	12%	0%	88%
Jajpur	19%	25%	56%	Madikeri	20%	30%	50%
Jalandhar	26%	25%	48%	Madurai	37%	35%	27%
Jalgaon	22%	45%	33%	Mahbubnagar	15%	30%	55%
Jammu	36%	16%	48%	Malakpur	3%	46%	51%
Jamnagar	30%	39%	31%	Malda	9%	27%	63%
Jamshedpur	56%	22%	22%	Mancherial	15%	30%	55%
Jasidih	24%	38%	38%	Mandi	39%	29%	32%
Jaunpur	22%	25%	54%	Mandya	36%	27%	36%
Jeyapore	33%	37%	30%	Mangalore	13%	28%	59%
Jhansi	14%	61%	25%	Mathura	11%	31%	58%
Jharsuguda	15%	51%	34%	Mau	50%	20%	30%
Jhunjhunu	0%	47%	53%	Mayiladuthurai	9%	37%	54%
Jodhpur	25%	39%	36%	Meerut	44%	39%	70%
Jolarpettai	4%	55%	40%	Mehasana	7%	44%	50%
Jorhat	33%	17%	50%	Miraj	23%	38%	39%
Junagadh	25%	40%	35%	Mirzapur	51%	30%	205
Kalka	24%	27%	49%	Mokama	37%	12%	51%
Kannur	20%	20%	60%	Moradabad	5%	47%	47%
Kanpur0%	100%	0%		Mumbai	29%	29%	42%
Karaikudi	10%	40%	50%	Muzaffarnagar	40%	36%	24%
Karimnagar	15%	30%	55%	Muzaffarpur	38%	22%	40%
Karnal	7%	29%	64%	Mysore	67%	18%	16%
Karur	33%	12%	55%	N.K. Ganj	39%	18%	43%
Kasaragode	20%	29%	51%	Nadiad	0%	58%	42%
Kasganj	3%	54%	43%	Nagercoil	13%	31%	55%
Kathgodam	7%	59%	34%	Nagpur	17%	41%	42%
Katihar	56%	21%	22%	Najibabad	8%	38%	54%

Nalgonda	17%	33%	50%	Shahjahanpur	12	50	39
Nampally	15%	31%	54%	Shilong	32	20	48
Nanded	38%	31%	31%	Shimla	9	47	44
Nashik	40%	31%	29%	Shimoga	35	32	33
Nellore	15%	35%	15%	Shornur	20	24	56
New Bongaigaon	10%	20%	70%	Sikar	0	48	52
Nizamabad	14%	31%	55%	Silchar	24	20	56
Noida	24%	76%	0%	Siliguri	18	46	36
North Lakhimpur	35%	21%	44%	Solapur	32	26	43
Ongole	6%	15%	78%	Sonepat	22	3	75
Ottappalam	20%	39%	41%	Sriganganagar	16	55	29
Palakkad	22%	24%	54%	Srikakulam	9	31	60
Palanpur	0%	51%	49%	Srinagar	37	24	39
Panaji	17%	51%	32%	Sultanpur	11	30	60
Panipat	13%	31%	57%	Surat	13	41	25
Panskura	9%	55%	36%	Surendranagar	25	40	45
Paramakudi	18%	22%	61%	Tellicherry	15	15	71
Parbhani	35%	35%	30%	Tenkasi	0	100	0
Pathankot	21%	34%	45%	Tezpur	32	20	48
Patiala	23%	37%	40%	Thanjavur	9	38	53
Patna	40%	26%	34%	Thiruvalla	30	42	28
Pollachi	22%	39%	40%	Thodupuzha	35	35	30
Pudukottai	24%	16%	60%	Tindivanam	15	29	56
Pune	18%	16%	65%	Tinsukia	24	20	56
Puri	24%	6%	70%	Tirunelveli	37	27	35
Purulia	12%	50%	38%	Tirupapuliyur	21	50	29
Raebareli	55%	26%	19%	Tirupathi	14	35	50
Raichur	30%	33%	37%	Tirupur	40	34	26
Raigarh	14%	33%	53%	Tirur	19	20	60
Raipur	13%	22%	65%	Tiruvannamalai	21	32	47
Rajahmundry	18%	34%	48%	Tiruvarur	13	32	56
Rajkot	25%	40%	35%	Trichur	55	38	7
Rampur	54%	12%	34%	Trichy	31	47	22
Ranaghat	24%	13%	63%	Trivandrum	33	36	31
Ranchi	62%	19%	19%	Tumkur	12	36	52
Rangia	21%	20%	59%	Tuticorin	35	22	44
Ratlam	27%	27%	47%	Udagamandalam	12	27	61
Ratnagiri	9%	34%	58%	Udaipur	12	56	32
Rayagada	31%	34%	35%	Udupi	31	37	32
Rewari	32%	28%	40%	Ujjain	45	45	9
Rohtak	32	28	40	Una	33	36	31
Ropar	19	39	42	Vadakara	32	18	60
Rourkela	20	48	32	Vodadara	29	45	26
Sagar	50	20	30	Valsad	0	42	58
Saharanpur	10	47	43	Varanasi	52	28	20
Saharsa	36	18	45	Vellore	15	54	31
Sahibganj	28	31	41	Vijayawada	29	45	27
Sainthia	14	29	57	Villupuram	5	37	58
Salem	19	19	62	Virudhunagar	15	30	55
Samastipur	37	20	42	Visakhapatnam	7	48	45
Sambalpur	34	40	26	Vizianagaram	15	29	56
Satara	17	63	20	Vridhachalam	6	10	84
Satna	26	21	53	Wardha	6	50	45
Sawaimadhopur	0	58	42	Yeotmal	5	53	42
Sealdah	7	14	79				

GOVT. ORDERS

ADMISSIBILITY OF FINANCIAL UPGRADATIONS UNDER ACP SCHEME OF AUGUST, 1999 TO THE CADRE OF WIREMAN OF POSTAL BUILDING MAINTENANCE STAFF OTHER THAN THAT OF CIVIL/ELECTRICAL WING.

The issue of financial upgradations admissible to the cadre of Wireman of Postal Building Maintenance Staff (Other than those of civil/electrical Wing) under ACP Scheme of Aug. 99 has been examined in this Directorate in the light of the clarifications given by the DOPT vide OM No. 35034/1/97-Estt (D) (Vol. IV) dated 10-2-2000 under Items No. 2 & 10 and in particular the availability of isolated post of Electrician in some Postal Circles of the Department in promotional hierarchy with no other further promotional avenue.

2. The issue has been considered and I am directed to clarify that the mobility under MACPS was prescribed to be allowed in the existing hierarchy & selection grade allowed to them, if any, which was not a part of the hierarchy was prescribed to be not counted as promotion for the purpose of ACPS. Since the selection grade was not a part of the defined hierarchy for them the pay scale not being part of hierarchy was required to be withdrawn and fall in pay resulting out of this was to be protected by granting personal pay in the aforesaid direct entry grade to be adjusted against future increments in the light of clarification on item No. 2 Thereby, at the time of allowing financial upgradation under ACP I of Aug. 99 Scheme, direct recruited Wireman was to be allowed the scale of pay of Rs. 4000-60000 (pre-revised scale of pay of isolated posts of Electrician in the promotional hierarchy within the Department) under ACP I. Further, a directly recruited Wireman was to be allowed pre-revised scale of pay of Rs. 4500-7000 (S-8) under ACP II (Taking into account no further promotional avenue) as per Annexure II to DOPT OM No. 35034/1/97-Estt (D) dated 9-8-1999.

3. This issues with the approval of competent authority. The contents of this letter may be brought to the notice of all concerned.

(DG(P) No. 2-13/2009-PCC dated 12-8-2011)

CLARIFICATION REGARDING RELEASE OF SEVERANCE AMOUNT IN RESPECT OF THE GDS EXPIRED BEFORE SUBSCRIBING UNDER SDBS-REG.

I am directed to refer to the Director of Accounts (Postal). Thiruvananthapuram, letter No. 138/1/DPF/SDBS/2011 dated 2-8-2011. On the subject cited above and to clarify that Admissible Severance Amount may be released to the heirs/nominees of such deceased Gramin Dak Sevaks, who have either not opted/not been enrolled under the Service Discharge Benefit Scheme and/or those who had been enrolled under the Scheme but in whose case(s) no subscription has so far been made under SDBS". As per the existing procedure without referring to the provisions contained in this Directorate OM of even No. dated 1st April 2011 and the Regulations enclosed herewith.

(DG(P) No. 6-111/2009-PE.II Dated 16-8-2011)

REVISION OF PENSION/FAMILY PENSION IN RESPECT OF THE PENSIONERS WHO WERE IN RECEIPT IF COMPULSORY RETIREMENT PENSION AND COMPASSIONATE ALLOWANCE UNDER RULES 40 AND 41 OF CCS (PENSION) RULES, 1972.

The undersigned is directed to say that in accordance with para 4.2 of this Department's OM No. 38/37/08-P & PW (A) dated 1-9-2008, the revised pension of pre-2006 pensioners shall, in no case, be lower than fifty percent of the minimum of the pay in the pay band plus the grade pay corresponding to the pre-revised pay scale from which the pensioner had retired. In the case of HAG+ and above scales, this will be fifty percent of the minimum of the revised pay scale.

2. Doubts have been raised in regard to the applicability of the above provision in the case of revision of pension/family pension in respect of the pensioners who were in receipt of compulsory retirement pension and compassionate allowance under Rules 40 and 41 of CCS (Pension) Rules 1972. The matter has been examined in the light of the instructions/orders issued after Fifth Central Pay Commission for revision of pension/family pension in such cases. It was clarified in this Department's OM NO. 45/86/97- P & PW(A) dated 25-3-2004 that the provisions of OM Dated 17-12-1998 relating to stepping up of pension to 50% of the minimum of the revised scale of pay as on 1-1-96 of the post held by the pensioner at the time of retirement shall not be applicable in case of

compulsory retirement pension and compassionate allowance.

3. It has now been decided that the benefit of para 4.2 of this Department's OM No. 38/37/08-P & PW(A) dated 1-9-2008 (as clarified vide OM No. 38/37/108-P & PW(A) (pt.I) dated 3-10-2008) will not be applicable in the case of revision of pension/family pension in respect of the pensioners who were in receipt of compulsory retirement pension and compassionate allowance under Rules 40 and 41 of CCS (Pension) Rules, 1972.

4. The issues with the concurrence of Ministry of Finance (Department of Expenditure) Vide their U.O. No. 152/EV/2011 dated 30-6-2011.

5. In so far as persons belonging to the Indian Audit & Accounts Departments, these orders issue after consultation with the Comptroller & Auditor General of India.

REVISION OF STITCHING CHARGES OF UNIFORM

I am directed to forward herewith a copy of OM No. 14/1/2010-JCA2 Dated the 18th April, 2011 issued by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) regarding revision of stitching charges of uniforms, supplied to common categories of employees for your information and necessary action.

Copy of Ministry of Personnel, Public Grievances and Pensions (Dept. of Personnel & Training) OM No. DG Posts No. 31-1/2011-UPE Dated 29-8-2011.

OFFICE MEMORANDUM

REVISION OF STITCHING CHARGES

The undersigned is directed to say that based on a demand raised by the Staff side, in National Council (JCM), the question of revising the Stitching Charges of Uniforms, supplied to Common Categories of employees (Multi-tasking Staff-erstwhile Group D posts of Peon, Daftry, Jamadar, Junior Gestetner Operator, Frash, Chowkidar, Safaiwala, Mali etc. and Staff Car Drivers, Dispatch Riders etc.) in the Central Secretariat and its Attached and Subordinate Offices, has been examined in consultation with the Ministry of Finance, Consequently, it has been decided to enhance the rates of stitching charges, with effect from 1st April 2011 thereby modifying the earlier instructions issued vide this Ministry's OM No. 14/3/2008-JCA dated 28th Sept. 2006.

2. The revised rates of stitching charges, with effect from 1st April, 2011 will be as under:

WINTER

- | | |
|------------------------------------|---------|
| 1. Buttoned-up-coat and pant | Rs. 750 |
| 2. Over Coat for Staff Car Drivers | Rs. 600 |
| 3. Ladies half-coat | Rs. 600 |

SUMMER

- | | |
|----------------------------|---------|
| 4. Pant (Terricot) | Rs. 135 |
| 5. Bush Shirt (Polyvastra) | Rs. 60 |
| 6. Blouse | Rs. 45 |
| 7. Petticoat | Rs. 30 |
| 8. Salwar Kameez | Rs. 90 |

Protective clothing (for Malis/Bhisties)

- | | |
|-----------------------|--------|
| 9. Pyjama | Rs. 24 |
| 10. Short (Half-Pant) | Rs. 60 |
| 11. Shirt (Cotton) | Rs. 45 |

3. It may please be noted that the reimbursement of Stitching Charges at the prescribed rates should be done only after the stitched uniforms are produced and are duly stamped, with indelible ink, at an appropriate place on the wrong side of the stitched dress, for identification. A proper record and procedure should be evolved to ensure that the employees produce the stitched uniforms within a reasonable period (say one month) after the cloth is supplied to them.

4. This issues with the concurrence of Department of Expenditure vide ID No. 5(1)/E.11 (A)/2009 dated 8-4-2011.

No. 14/1/2010-JCA2 Dated the 18th April, 2011)
No. 32-01/2010-SB dated 10-8-2011)

ORGANIZING FREQUENT MEETINGS/MELAS ON HOLIDAYS AND SUNDAYS-DENIAL OF LEGITIMATE RIGHT TO THE EMPLOYEES TO AVAIL SUNDAYS ETC.

DG (Posts) No. 16/56/2011-SR Dated 8 July 2011

I am directed to state that the issue of organizing frequent meetings/meals on holidays and Sundays, thus depriving the employees of their legitimate right to avail the break was considered in a meeting taken by Secretary to discuss Charter of Demands served with the notice of indefinite strike w.e.f. 5-7-2011 by Postal Joint Council of Action.

2. While in certain circumstance it may be unavoidable/strategically beneficial for the Departments to hold meetings / melas etc. on holidays and Sundays it may be not be done so in a routine manner. Need-less to say the weekly

break and holidays etc. have their own significance and it may be kept in view while calling the officials for duty during the break.

3. This may be brought to the notice of all concerned.

SCHEME FOR ENGAGEMENT OF GDS ON COMPASSIONATE GROUNDS – MERIT POINTS AND PROCEDURE FOR SELECTION-REVISED PROVISIONS THEREOF

DG(Posts) No. 17-17/2010-GDS Dated 01 Aug 2011

Attention of all concerned is invited to this Directorate letter of even number dated 14 Dec. 2010 under which the scheme for engagement of GDS on compassionate grounds with merit points & procedure for selection was circulated and made effective for all the compassionate engagement ceases to be considered on or after 1-1-2011.

2. The Scheme has recently been reviewed in this Directorate and in partial modification the existing provisions contained in para 7 of the Scheme, the following revised provisions may be substituted:-

(a) The existing ceiling of 10% is removed, All requests for compassionate engagement would be considered by the Circle Relaxation Committee on application of the relative merit points prescribed in this Directorate letter dated 14-12-2010 in hard and deserving cases only subject to availability of the vacancy for the purpose and fulfillment of the terms and conditions of the GDS post. The term “hard and deserving cases” would mean cases over and above 50 merit points.

b) All cases that are more than 5 years old or in which there is/are earning member(s) in the joint families hitherto fore considered initially by the Circle Relaxation Committee and prescribed to be referred to this Directorate for approval would also be decided by the Circle Relaxation Committee concerned without further reference to this Directorate.

c) All other provisions contained in the Scheme dated 14-12-2010 shall continue to apply as already prescribed and all compassionate engagement shall be approved within the ambit of the prescribed Scheme only.

3. The revised provisions shall take effect from the date of application of the original Scheme. However, no past case decided in accordance with the original scheme prior to issue of this

order shall be reopened. All cases lying undecided for whatever reasons may be decided only by the Circle Relaxation Committee without any further reference to this Directorate.

GRANT OF LEAVE TO THE STAFF WORKING UNDER HSG I POSTMASTER

DG (Posts) No. 51-4/2011-SPB II Dated 1st August 2011

It is observed that HSG I, Postmaster is competent to grant only casual leave to the staff working under him/her. The applications for grant of other kind of leave to staff are forwarded by him/her to the Divisional Office for approval. It has been brought to the notice of the Directorate that at time the said procedure takes time and if such officials who do not have casual leave left in their accounts want to proceed on earned leave immediately due to some unforeseen circumstances, they face problems in proceeding on leave at short notice.

2. The matter has been looked into. It has been decided by the competent authority in the Directorate that in such pressing circumstances HSG I Postmasters while recommending earned leave may relieve the official of his duties in anticipation of grant of leave by the competent authority provided.

i. The earned leave applied by the individual is not for more than period of three days.

ii. No substitute is required in case the official proceeds on leave.

iii. The leave may be recommended by the HSG I Postmaster by recording that it is being recommended subject to the availability of leave in the credit of the applicant.

iv. The officials may be relieved after duly following the procedure of handing/taking over of the charge.

v. If later on the sanctioning authority finds that the official does not have the leave applied for to his credit he should obtain the revised application from the individual for the kind of leave he/she is entitled to at the earliest.

vi. If the official needs earned leave for more than three days or wants to extend the earned leave beyond three days he should apply for same well in advance so that it is sanctioned as per the existing procedure.

STUDY TO BE CARRIED OUT ON POSTMEN RELATED ISSUES

No. 25-20/2008-PE-I (Pt.) Dated 22nd July, 2011

The Joint Council of Action of Staff Federations including Postmen Staff submitted their Agenda of demands to the Department for their resolution. As ordered by the competent Authority, a separate Committee has been formed to look into the issues flagged by the Postmen Unions. A meeting of the said Committee held on 1-7-2011, wherein during the course of discussion, Staff side put forward certain issues on which they are facing difficulties while discharging their duties.

2. In this connection, therefore, the Competent Authority has decided that each Circle should carry out detailed study on following issues:-

i. Extraction of Data Entry Work from Postmen

ii. Irregular computation of working hours for Postmen in the field units-assess all areas of work being handled by Postmen.

iii. Assess the average Beat Length of Postmen for deciding the maximum Beat Length as in some Circles it stretched upto 40 kms or more.

iv. Postmen to carry all articles (first class, second class, speed post, Registered post, Money orders, EPP, etc.) in each Beat.

3. It is requested to complete the Study on above points and send the report alongwith the comments of CIFA to this office by 19th August, 2011 positively so that further suitable action could be taken.

4. It may please be accorded Top Priority.

This issues with the approval of the Competent Authority.

MINUTES OF THE MEETING HELD ON POSTMEN RELATED ISSUES

DG (Posts) No. 28-13/2010-D

11-7-2011

Draft Minutes of the meeting held on 1-7-2010 in the office of CGM (MB) in Dak Bhavan, New Delhi to discuss various issues relating to Postmen are enclosed for appropriate action.

MINUTES OF THE MEETING HELD ON 1-7-11 WITH THE STAFF SIDE TO DISCUSS ISSUES RELATING TO POSTMAN

A meeting was held on 1-7-2011 in the office of CGM(MB) in Dak Bhavan New Delhi to discuss various issues relating to postmen. The following officers/ Union representative were present.

2. During the discussions, the following issues were discussed.

a) It was agreed that the designation of sorting postmen, which was done away with the recent orders issued by the Establishment Division of the Directorate, may be restored. The post of Sorting Postmen, which might have been directed, redeployed or abolished by the Circles in the wake of the said orders may also be restored. It was also agreed that based on the quantum of mail, the need to complete beat sorting activity at least an hour before departure of the postmen for their respective beats and existing norms, concerned Divisional Head/ Postmaster may decide the number of sorting postmen/postmen required for the purpose of beat sorting. Further, all postmen may be involved in beat sorting by rotation. Establishment Division may issue necessary clarifications in this regard. (Order issued)

b) Regarding extraction of data entry work from postmen, it was agreed to assess the work currently being taken from postmen by calling a report from the Circles and consideration a study for this purpose.

Establishment Division may call for the requisite report from the Circle.

c) Regarding irregular computation of working hours for postmen in the field units, the staff side was informed that the work study report will be once again studied by Establishment and Mails Divisions to assess if all areas of work were covered and if deviations were in the recommendations by Study unit and orders of revised norms issued by Establishment Division. Any further action will be taken after good through the work study report and orders of Establishment Division.

d) On renewal of minimum cyclable distance for grant of cycle maintenance allowance to postmen, it was informed that the matter has been taken up with Ministry of Finance.

e) Regarding payment of incentive to postmen for delivery of Speed Post, it was agreed that the work load may be assessed in order to further understand the issue.

f) It was agreed to assess the average beat length of postmen for the purpose of deciding the maximum beat length after calling for the details of existing beat length as the staff side informed that in some Circles the beat length stretched upto 40 Kms or more. It was also agreed by staff side that postmen will carry all articles in each beat (first class, second class, Speed post, registered post, money order etc.) After receipt of information from the Circles, the need for a revised work study can be assessed. Establishment Division may take necessary action in this regard. (Report called for from circle head).

g) The staff side also raised the issue of combination of beats/double duty in case postmen staff goes on leave. Establishment Division may issue suitable instructions to the Circles in this regard.

IMPORTANT JUDGEMENTS

(DG(P) No. 113-07/2010 SB dated 22-08-2011

FILLING OF SLP AGAINST THE HC OF KARNATAKA, BANGALORE IN WP NO. 7593/2003 ORDERED DATED 18-11-2010 FILLED BY THE DOP AGAINST THE ORDER OF HON'BLE CAT IN OA NO. 296/2002 FILED BY SHRI S. MOHAN KUMAR, (COUNTING OF SPECIAL PAY FOR FIXATION OF PAY IN TBOP).

I am directed to refer, the order of the CAT Bangalore Bench OA No. 296/2002, regarding filling of SLP against the Hon'ble HC of Karnataka, Bangalore in WP No. 7593/2003. Brief history of the case is enclosed for reference.

2. The matter for filing of SLP in Hon'ble Supreme Court of India is being examined in this Directorate, for which details of such cases, if any, in your circle is required for the purpose.

3. It is therefore requested to furnish the required details by return post. In case no case is pending a 'Nil' report may please be sent.

BRIEF HISTORY OF THE CASE :

Shri S. Mohan Kumar, applicant working as Accountant, Office of SSRM, BG Stg. Dn. Bangalore since 1-11-94. The Accountant's Post carries a special pay of Rs. 90/- The applicant was drawing a special pay upto 31-7-97 in accordance with office memorandum received from the Ministry of personnel, Public Grievances and Pensions, Department of Personnel and Training. New Delhi dated 22-4-08, and the special pay was converted into special allowance w.e.f. 1-8-97. The applicant has been working as a Time Scale Accountant and the scales along with periods are as mentioned below:

Pay Scale	Periods
Rs. 975-1661+90/- special pay	1-11-1994 to 31-12-1995
Rs. 4000-100-6000+Rs. 90 Spl. Pay	1-11-1996 to 31-07-1997
Rs. 4000-100-6000+Rs. 180/- Spl. Allowance	1-08-1997 to 4-11-1997

2. The applicant has been promoted to the TBOP grade in the pay scale of Rs. 4500-125-7000 w.e.f.

7-11-1997. According to GIO 28 a(iii) appendix 8 of FRSR General Rules, if the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post will be fixed under normal rules, treating the special pay as part of basic pay. The applicant had drawn special pay w.e.f. 1-11-94 to 31-7-97. As the applicant had drawn special pay for a period of less than three years, the special pay drawn by the applicant could not be taken for fixation of pay in the promoted post. On promotion of the applicant in the TBOP grade, his pay was wrongly fixed by taking into account special allowance. This wrong fixation was pointed out by the departmental mechanism of Internal Check Inspection. On rectifying the wrong fixation, Rs. 9544/- was found to be excess paid for which recovery has been ordered. Now, the applicant has come up with an OA before this Hon'ble Tribunal in the following grounds:-

- i. To stay the refixation of pay on promotion and
- ii. To stay the recovery of overpayments.

3. The Hon'ble CAT has allowed the OA and directed the Dept. not to refix the salary of the applicant and not to make any recovery. The orders of the Hon'ble CAT was challenged in the Hon'ble High Court by filing W.P.

4. The Hon'ble High Court has dismissed the W.P. on merit. In view of this, the direction CAT becomes operative.

5. The CGSC in the High Court has opined that it is not fit case to file any appeal.

6. The departmental wants to challenge the impugned order on the following grounds.

According to the Memorandum of Ministry of Personnel & Training dtd. 22-4-98, special pay having been converted into special allowance w.e.f. 1-8-97, the applicant had received special pay only till 31-7-97 and therefore, he having not received special pay for three years continuously in terms of GIO 28(II) Appendix 8 of FRSR General

Rules, the special pay could not have been reckoned for fixation of his pay on TBOB promotion and that by the impugned order, the respondent department has rightly rectified the wrong fixation of pay of the applicant. The payment of the special pay was completely stopped on the recommendation of the fifth central pay commission and what the applicant had received special pay continuously for a period of three years and, therefore, the impugned order, directing the recovery of the payments of the special pay made to the applicant is perfectly in order. In fact, whatever the recommendations that were made by the fifth central pay commission were to be enforced with effect from 1-1-96. The recommendation of the 5th Central Pay Commission were to be enforced with effect from 1-1-96 but some time in 1997. Still those recommendations were implemented retrospectively w.e.f. 1-1-96. Similarly as per the recommendations of the 5th Central Pay Commission, the special pay was treated as special allowance w.e.f. 1-8-97 retrospectively, as per other recommendations of 5th Central Pay commission, having been implemented retrospectively. On the other hand, the Hon'ble CAT has allowed the application

In Contrn. P.No. 14

on completion of 24 years as regular service under the ACP Scheme. In case two prior promotions on regular. Basis have been already been received by an employee, no benefit under ACP Scheme shall accrue to him".

In the clarification, dated 20-7-1000, it was clarified that if the regular promotion is refused, he had to wait for his chance for promotion, but he did not actually avail of regular promotion, in such an event the ACP would still be allowable to such employee.

In the present case, the promotion to Stenographer, Gr. II was refused by him on personal grounds and hence he cannot be debarred from getting financial upgradation under ACP Scheme. In that connection, it was held:

Held :-"This right cannot be frustrated on the ground that there was a subsequent clarification, dated 18-7-2001 to the effect that refusal to regular promotion would debar a Government employee from claiming benefits under ACP Scheme in question. Similarly, the clarification issued by way of administrative instruction on 18-7-2001 cannot

on the ground that by fixation of pay on 5-11-97, the applicant has a vested right to get pay on that basis and the vested right cannot be divested with retrospective effect by an executive order. There is no direction also to reopen the cases of pay fixation already made before the issue of annexure A-9 letter. If the amount granted is taken as an yardstick, none of the recommendation of 5th Central Pay Commission could have been implemented subsequently and not prior to 1-1-96, though the said recommendations were to take effect from 1-1-96.

7. The case has been referred to the Ministry of Law & Justice, Dept. of Legal Affairs, seeking opinion regarding filing of SLP against the orders of CAT.

8. The Ministry of Law and Justice has opined that this case is not a fit case to file appeal by way of SLP before the Apex Court. Further, they advised the Dept. to contact Central Agency Section of the Ministry at Supreme Court compound, New Delhi for valuable opinion of learned Law Officer for further action regarding feasibility of filing an SLP before the Hon'ble Supreme Court.

retrospectively take away the right which had already accrued to the Applicants on 9-8-1999. It is the settled position of law that administrative instructions do not apply retrospectively."

The above-said position had already been vividly dealt with in the case of V.R. Patil (Supra) arising out of decision in OA No. 129 of 2003, it was held that unless promotion was actually conferred on an employee, he cannot be disentitled to the benefits of ACP Scheme. Elaborating the above, the High Court dealt with the case in the writ petition.

In view of what is stated above, the OA is liable to be allowed and hence allowed. The respondents were directed to restore the first financial upgradation and ordered to refund any money recovered from the Applicants on account of excess payment due to upgradation. The above direction is to be complied within 3 months of the receipt of the order.

(Arvind Vishwanath Pawar and other v. Secretary, Ministry of Science and Technology and others, 7/ 2011, Swamynews 67 (Bombay) dated of judgment 25-8-2010).

CAT JUDGEMENT ON ACP

FIRST FINANCIAL UPGRADATION GRANTED UNDER ASSURED CAREER PROGRESSION SCHEME (ACP) ON 9-8-1999 CANNOT BE WITHDRAWN IF PROMOTED REGULARLY AFTER THAT DATE, AND REFUSED PROMOTION BY THE LETTER OF CLARIFICATION ISSUED UNDER THE ADMINISTRATIVE INSTRUCTION, DATED 18-7-2001 TO WITHDRAWN THE FINANCIAL UPGRADATION.

Facts: There are five Applicants in the OA who are Stenographers, Grades II and III in the Office of Deputy Director-General of Meteorology Department in Pune. Their plea in this OA is to restore the first financial upgradation granted to them under ACP Scheme of 9-8-1999 after 12 years of regular service under the clarification issued vide Order, dated 18-7-2001 as they obtained further promotion after 9-8-1999.

The Stenographers herein were appointed in the office of the third Respondent as Stenographer, grade III during the period 1983-1989. As per Fifth Central Pay Commission, the Applicants who were not promoted earlier were given the first financial upgradation on 9-8-1999. However, by Order in 2001 the financial upgradation granted to them were withdrawn from a retrospective date by the impugned Order, dated 31-1-2002, 19-2-2002 and 3-5-2002 recovering the amount paid to them. They rely on the order of this Tribunal in OA No. 129 of 2003, V.R. Patil and others to state that ACP Scheme has to be given to an employee, if regular promotion has not been availed and the excess amount paid cannot be recovered. The High Court at Bombay also dismissed the appeal filed against that order in writ petition No. 2949 of 2004 on 18-8-2006. They never misrepresented their case and at no time they were informed that the financial upgradation will be withdrawn at a later stage with the recovery of excess payment. They also rely on the orders of co-ordinate bench in their favour at Jabalpur in OA No. 968 of 2004 Guru Datt Mishra and 5 others v, Union of India and others, which upheld the orders of the Tribunal.

The respondents recalled the contents of the First and Second financial upgradations after 12 and 24 years of service. To ensure proper implementation of ACP Scheme, a clarification, dated

18-7-2001 was issued by DOP &T. Under the clarification of doubt raised under the Serial No. 38, it was clarified that these employees opted to remain the existing grade on their own volition refusing promotion, the financial upgradation granted to them already under ACP Scheme will be withdrawn and excess payment will be recovered.

This present OA was heard earlier and decided by Order, dated 3-8-2007. The operative portion of the judgment states that when a person refuses a vacancy promotion offered to him prior to his becoming eligible for financial upgradation under the ACP Scheme on personal grounds, he cannot be said to be stagnation.

The clarification, dated 18-7-2001 stated that if an employee before grant of financial upgradation refuses his regular promotion and opted to remain in the existing grade on his own volition, then there is no case for him to grant ACP financial upgradation. Hence in the present OA earlier was dismissed. One review petition to review the order passed already, the Tribunal felt that a mistake has been committed in view of the order of Bombay Bench of the High Court in W.P. No. 2949 of 2004 dated 18-8-2006 arising out of the decision in OA No. 129 of 2003. In view of the above development, the ACP Scheme, dated 9-8-2009 along with its clarifications and the relied upon judgments of the parties is now reconsidered. The terms and condition annexed to the ACP Scheme was considered. Para 5.1 of the annexed statement is important. This para reads as below:-

“5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in situ promotion and fast-track promotion availed through Limited Departmental Competitive Examination) availed from the grade in which an employee was appointed as a direct recruit. This shall, mean that two financial upgradation under the ACP Scheme shall be available only, if no regular promotions during the prescribed period (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only

Contd. P.No. 13

Uncommunicated adverse remarks, which are below the bench-mark prescribed for promotion, should be ignored

JUDGMENT BY PRINCIPAL CAT DELHI

Uncommunicated adverse remarks, which are below the bench-mark prescribed for promotion, should be ignored while considering the case of an employees for promotion. In such a cases, ACRs of preceding years are to be considered as per OM No. 22011/7/98-Estt. (D)., dated 6-10-2000 read with OM No. 22011/5/66-Estt. (D), dated 20-6-1986 of DoP & T.

Facts : The Applicant, an officer of Indian Revenue Service (IRS) OF 1977 batch, is aggrieved as she was found unfit for promotion to the post of Chief Commissioner of Income Tax by the Departmental Promotion Committee. She was graded as 'Good' in some of the confidential reports considered for promotion whereas the bench-mark for promotion in this case is 'Very Good' in all the five ACRs considered by DPC. The Applicant submits that below bench-mark gradings were not communicated to her and hence bench marks are to be ignored. She submits that the cases reported in case of Dev Dutt v. Union of India and others (2008(8) SCC 725), and other two cases namely, Abhijit Ghosh Dastidar and A.K. Aneja supports her contentions. However, the Respondents pray for keeping this case pending sine die in view of similar pending cases with the Tribunal.

The Tribunal considered the arguments of Respondents. The issue raised by the Respondents had already been dealt with by a larger Bench of the Tribunal in the case of R.K. Kurmi v. Secretary, Ministry of Defence and others (OA No. 847 of 2008), decided on 14-5-2010. In that judgment, after considering all the cases reported to be pending by Respondents held:

Held : "The reference is thus answered by holding that grading below the prescribed bench-mark in the ACR should be ignored or communicated, depending on the facts of the case and the extant rules and directions in this regard. Should it be a case where a ACR of a particular year has to be ignored, in the light of the instructions contained in OM No. 22011/7/90-Estd. (D) dated 12-10-90 read with OM No. 22011/7/98-Estd. (D) dated 6-10-2010 and OM No. 22011/5/86-Estd. (D), dated 20-6-1989 that equal number of ACRs in respect of all employees considered for promotion should be taken into account (source-Swamy's Complete

Manual on Establishment and Administration, Tenth Edition-2006, Page 852-854)."

As regards the pending review petition in a similar case of V.K. Singal v. Union of India and others (OA No. 3524 of 2009), it is stated that the same had been dismissed by Order, dated 17-5-2010 in R.A. number No. 90 of 2010 in that OA.

The stay given by Hon. Delhi High Court in Writ Petition No. 13585 of 2009, in the case of Sanjay Kumar v. Union of India and others, wherein the Tribunal ordered for ignoring the adverse remark would not also preclude the Tribunal from deciding this case.

Thereafter the facts of the case was considered. The ACRs reveal that in the years 2002-2003 and 1-4-2004 to 31-4-2005, the Applicant was graded good and in the other three years considered for her promotion the grading was 'very good' and 'outstanding'.

The Office Memorandum No. 22011/3/88-Estt. (D), dated 11-5-1990 of DoP & T provides that "where the uncommunicated adverse remarks pertain to a period earlier than the above or where the remarks are not considered of sufficient gravity to influence the assessment of the officer concerned, the DPC may ignore the remarks while making the assessment.

(Source : Swamy's Complete Manual on Establishment and Administration, Tenth Edition-2006, Page 283-284)".

In the light of the above, the Respondents were directed to ignore the uncommunicated adverse remarks of the years 2002-2003 (if considered by DPC), 2003-2004 and 2004-2005 and hold a review DPC to consider the Applicant for promotion by considering the ACRs of the preceding years as provided in the OM No. 22011/7/98-Estt. (D), dated 6-10-2000 read with OM No. 22011/5/66-Estt. (D) dated 20-6-1986 of DoP & T. The DPC shall complete the consideration in three months' time from the date of receipt of this order.

(Chitra Srinivasan v. Secretary, Ministry of Finance and others, 6/2011, (Principal Bench), date of judgment 31-5-2010.)

Courtesy : Swamynews-June 2011

GENERAL SECRETARY'S LETTER

Reached Delhi on 26-9-2011.

P III A.P. CIRCLE CONFERENCE :

P III A.P. Circle Conference was held in Anantapur from 11-9-2011 to 13-9-2011. The SG FNPO attended the Conference. Sri K. Manohar has been re-elected as Circle Secretary. The GS R III visited Anantapur RMS and addressed a meeting.

K.R. BIRTH CENTENARY :

A.P. Circle celebrated the Birth Centenary of K.R. in a grand manner in Anantapur on 13-9-2011. The General Secretaries of FNPO affiliated unions and Sri V.V. Rathneshwar Rao attended and addressed the celebration. The details were published in Federal Sentinel.

R III CIRCLE CONFERENCE OF WB CIRCLE

R III Circle Conference of WB Circle was held in Kolkata from 22 to 24 Sept. 2011. The GS R III addressed the open session on 22-9-2011. S/Sri Subarato Choudhry, President – NUR 'C', Sri Rajat Das, B.M. Ghosh, Sandeep Bose addressed the conference. The Conference was inaugurated by the West Bengal Agriculture Minister.

During subject committee meeting on 23-9-2011, the delegates critically analysed MACP and MMS problems for more than 3 hours. The GS explained the role of NUR 'C' in MACP and MMS Problems. The GS visited Kolkata MMS with Sri Amal Sarkar and Sri Deepak Mukherjee on 24-7-2011 and addressed the meeting in MMS.

Sri P.G. Dutta Banik and Sri Deepak Mukherjee was elected as Circle Secretary and President respectively.

MNOP MEETING

Secretary-Generals of FNPO and NFPE attend the MNOP Meeting on 27-9-2011. The meeting was chaired by Ms. Manjula Parasher, the Member (O). The minutes of the meeting are published elsewhere. The next meeting will be held on 10-10-2011.

CADRE RE-STRUCTURING MEETING :

Cadre Re-structuring meeting was held on 28 Sept. 2011. The meeting was presided by Dr. Salim Huq, DDG (P). From our side, the GSP III, GSR III, GSP IV, attended the meeting. The Chairman explained broad out-lines on the subject. We have some apprehensions. However, this is not the time to reveal our views openly. The next meeting will be held on 12-10-2011.

MEETING WITH OFFICERS

The GS RIII, GSP III and GSP IV met Member (P) on 27-9-2011 and discussed issues relating to U.P. and Punjab Circles.

MEETING AT NFPE OFFICE

A meeting was held in NFPE office on 27 September 2011. Sri M. Krishnan, SG NFPE presided the meeting. The following RMS General Secretaries were present S/Sri Giriraj Singh, D. Theagarajan, P. Suresh and A.H. Siddiqui. Meeting decided to submit dissenting note on MNOP to the Department.

APPEAL TO ALL DIVISIONAL SECRETARIES

The Finance Secretary, Sri Pawan Kumar has informed that he is not receiving quota from Divisions for the last six months. This is a very sorry state of affair.

According to decision taken in the last AIC, the CHQ is publishing 16 page RMS Sentinel for the last three months regularly. The expenditure of the CHQ is increasing day by day due to price-rise. We are not engaging any clerk or any Assistant for day to day work in the CHQ. The General Secretary is paid by the CHQ only Rs. 5000/- per month to meet all his expenditure in connection with Union activities. Being Secretary-General, he is not paid even one rupee from the Federation. I don't want to express in this regard. My Humble request to all my Divisional Secretaries is kindly to send due quota as soon as you got the subscription from the DDO.

Diwali Greetings.

Yours fraternally,
(D. THEAGARAJAN) , General Secretary

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