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RMS SENTINEL

Editor : D. THEAGARAJAN

Vol. XXIV No. 12

DECEMBER 2016

NOTE FOR DISCUSSION TO IMPLEMENT THE NORMS IN CRC & NSH

After seeing our editorial of November 2016, many Divisional Secretaries called CHQ and requested to give details how to discuss the issue with SSRM/SRM/Manager. Our CHQ is very much happy to help our Divisional Secretaries in this regard.

The causes of non-implementation of CRC & SPEED POST norms:

- 1)The set goes beyond the prescribed working hours.
- 2)Tallying of receipt and dispatch of articles is slowly vanishing.
- 3) The very purpose of the abstract has almost vanished. H.S.A / Supervisors are not able to perform their regular duties of man-management, monitoring of set, making error report etc. Instead, they are forced to do Group 'C' and MTS duties
- 4).There is no proper accountability between Speed Net operational area and Mail Branch.
- 5)The dispatch Mail Agents are struggling to tally the bags with the Speed Net system.

6)Mail Agents are struggling to dispatch the bags through the prescribed schedule and not able to release the schedules in time which leads to misconnection of bags and delay in delivery.

The above points are few, it may differ from one Division to another. But the above problems are common in almost all the Division.

Division Secretaries are requested to take up local issues in addition to the above and discuss with your SRM/SSRM/Manager. If the local officers are not accepting our views, then the issue may be taken up in the bi-monthly and Four monthly meetings. There is a possibility that the CPMG/PMG may give the reply on the basis of MNOP, that we have to open all the bags on the day of receipt. If the CPMG/PMG gives such a reply, you kindly request the CPMG/PMG to record the same in the minutes as it is. The copy of the minutes may kindly be sent to CHQ for further action. In this regard, CHQ requests Division/Circle Secretaries to rise up to the occasion.

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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GOVERNMENT ORDERS

Clarification regarding effect of warning, censure etc on promotion.

F. No. 11012/12/2016-Estt.A-III

Government of India

Ministry of Personnel, Public Grievances
and Pensions

Department of Personnel & Training

Establishment A-III Desk

North Block, New Delhi,

Dated: 6th December, 2016

OFFICE MEMORANDUM

Subject: CCS (CCA) Rules, 1965 —
Clarification regarding effect of warning,
censure etc on promotion.

The undersigned is directed to refer to this Department's O.M. No. 11012/6/2008- Estt.(A) dated 7th July, 2008 on the above mentioned subject and to say that vide para 2(iii) of the said OM, it was instructed that where a departmental proceeding has been instituted, and it is considered that a Government servant deserves to be penalized for the offence/misconduct, one of the prescribed penalties may only be awarded and no warning, recordable or otherwise, should be issued to the Government servant. However, while considering cases for empanelment, the ACC has observed that in many cases, rather than exonerating the officer or imposing a penalty on him, administrative warning is issued even when disciplinary proceeding were drawn against him. Administrative warning is not recognized as a penalty.

2. In view of the above, the following position as contained in various instructions issued so far on warning/Censure etc. are reiterated for strict compliance:-

(i) As clarified in the Ministry of Home Affairs O.M. No. 39/21/56-Estt.(A) dated 13th December, 1956, warning is administered by any authority superior to a Government employee in the event of minor lapses like

negligence, carelessness, lack of thoroughness, delay etc. It is an administrative device in the hands of superior authorities for cautioning the Government employees with a view to toning up efficiency and maintaining discipline. There is, therefore, no objection to the continuance of this system. However, where a copy of the warning is also kept in the Confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representations against them.

(ii) Where a departmental proceeding has been instituted under the provisions of CCS(CC&A) Rules 1965, after the conclusion of disciplinary proceedings, the officer is either exonerated or where it is considered that some blame attaches to the officer, he should be awarded one of the recognized statutory penalties as given in Rule 11 of the CCS (CCA) Rules, 1965 i.e. at least 'Censure' should be imposed. In such a situation, a warning, recordable or otherwise, should not be issued.

(iii) Warning, letter of caution, reprimands or advisories administered to Government servants do not amount to a penalty and, therefore, will not constitute a bar for consideration of such Government servants for promotion.

3. All the disciplinary authorities in Ministries/Departments are, therefore, requested to keep in view the above guidelines while dealing with disciplinary case against the Government servants.

4. Hindi version will follow.

(Mukesh Chaturvedi)
Director (E)

Standard operating procedures regarding legal cases where the Central Vigilance

Commission has been made respondent along with the organizations concerned.

Circular No. 11/09/2016 016/Misc/Legal/005 05.10.2016

Subject: Standard operating procedure regarding legal cases where the Central Vigilance Commission has been made respondent along with the organizations concerned.

The Central Vigilance Commission, under the provisions contained in Section-8(1)(g) and Section-17(2) of the CVC Act, 2003 has the mandate to tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government, regarding the officers covered under its advisory jurisdiction as defined under Section 8(2) of the CVC Act, 2003. 2. The Central Vigilance Commission takes a considered view regarding the further course of action to be taken in respect of officers/cases as mentioned above, based on the records/evidence/material available with it and should advise either prosecution of the Suspected Public Servant or initiation of appropriate disciplinary proceedings or for imposition of appropriate penalty as the case should be, based on the irregularities noticed on their part. 3. The officers concerned, against whom action has been advised by the Central Vigilance Commission, sometimes feel aggrieved by the advice of the Central Vigilance Commission and approach either Central Administrative Tribunal or other Courts of Law with the prayer to get the advice tendered by Central Vigilance Commission and subsequent disciplinary action against them quashed. The Central Vigilance Commission and/or its officers, along with the organization concerned to whom the officer belongs and the Disciplinary Authority of the petitioner officer are made respondents by them. 4. In such cases, where the Central Vigilance Commission has been named as a respondent along with the organization concerned/other respondents, the authorities concerned in the

organization, immediately on receipt of a notice from the respective court or on receipt of an advance copy of the petition/application/plaint etc. should bring the same to the notice of the Chief Vigilance Officer of the organization. The Chief Vigilance Officer of the organization2/..... -2-

should inform the Central Vigilance Commission immediately about the court case. The Chief Vigilance Officer should also forward a self contained note containing a summary about the issues raised in the petition/application/plaint etc., indicating the paras where Central Vigilance Commission's actions have been described/questioned and also quoting the Central Vigilance Commission's references/correspondences exchanged with the organization concerned relating to the case mentioned before the Court/Central Administrative Tribunal etc., if any. 5. During the intervening period, when correspondence is being made by the Chief Vigilance Officer of the organization with the Central Vigilance Commission and prior to receipt of its specific advice/directions, the Chief Vigilance Officer of the organization concerned should ensure that the Central Vigilance Commission's and its officers' interest are duly protected before the Court, if the case comes up for hearing. The Chief Vigilance Officer and/or any other authority concerned of the organization, should suitably brief the counsel/advocate of the organization about Central Vigilance Commission's functions and powers and its advisory jurisdiction, as mandated under Section 8 and 17 of the CVC Act, 2003 to suitably apprise the court accordingly. Provisions contained under Section 15 of the CVC Act, 2003 stating that "No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act" should also be brought to the notice of respective Courts, through the organization's counsel/advocate in order to get the name of the Central Vigilance Commission or its officers deleted from the list of respondents. 6. Many a times, petitioners/applicants/plaintiffs approach

the Courts alleging corrupt/inappropriate activities against various Govt. organizations and/or by public servants and seek investigation about such inappropriate activities through Central Vigilance Commission. In case they had made complaint to the Central Vigilance Commission earlier regarding the issues mentioned before the court, they point out this fact in their petition/prayer and sometimes express dissatisfaction about the action taken by the Central Vigilance Commission on their complaints, as should have been intimated to them. In such cases also, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition/application/plaint etc., the authorities concerned in the organization should bring the same to the notice of the Chief Vigilance Officer of the organization immediately. The procedure as prescribed in paras (4) and (5) above should be followed in respect of such cases also. 7. Wherever a need arises to debate or argue, before the respective Courts, the merits of specific advice tendered by the Central Vigilance Commission in a particular case or action taken by it on an individual complaint or any other action of Central Vigilance Commission, the organization should seek specific comments and advice of Central Vigilance Commission before informing/apprising the Court through their counsel/advocate.

8. The Chief Vigilance Officers should suitably sensitise/ inform the officers of their organizations about the guidelines as given above.

9. This issues with the approval of the Commission.

(Praveen Sinha) Additional Secretary

To:- All Chief Vigilance Officers of Ministries / Departments /CPSEs / Public Sector Banks / Insurance Companies /Autonomous organizations / Societies etc

Guidelines on treatment of effect of penalties on promotion — role of Departmental Promotion Committee

No.22011/4/2007-Estt.(D)

Government of India

Ministry of Personnel, Public and Training
(Department of Personnel and Training)
North Block, New Delhi — 110 011

November 21, 2016

OFFICE MEMORANDUM

Sub: Guidelines on treatment of effect of penalties on promotion — role of Departmental Promotion Committee

The Department of Personnel & Training vide its OM of even number dated 28.4.2014 issued instructions on the above subject. Paragraph 7(d), 7(f) and 7(g) of the said OM provides as follows:

7(d) If the official under consideration is covered under any of the three condition mentioned in paragraph 2 of OM dated 14.9.1992, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC including 'unfit' for promotion and the grading awarded are kept in a sealed cover. [Paragraph 2.1 of DoPT OM dated 14.9.1992]

7(f) If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he / she is found guilty in the criminal prosecution against him / her, the findings of the sealed cover / covers shall not be acted upon. His / her case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him / her [paragraph 3.1 of DoPT OM dated 14.9.1992].

7(g) In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over [paragraph 13 of DoPT OM dated 10.4.1989].

2. Questions have been raised by the Ministries and Departments asking whether this is applicable in the case of 'Censure' also. In this regard, it is reiterated that paragraphs 7(d), 7(f) and 7(g) cited above are applicable in all the recognized penalties under CCS (CCA) Rules including the minor penalty of Censure as well for which no currency has been prescribed, it would mean that as per para 7(g), if the DPC considers the officer fit for promotion notwithstanding the award of censure, he / she can be promoted without referring to the currency of penalty.

(G. Jayanthi)
Director

Instruction to Banks for Advance Salary to Central Government Employees.

Government of India
Department of Expenditure
Office of Controller General of Accounts
Mahalekha Niyantrak Bhawan
Block-E, G.P.O. Complex, I.N.A., New Delhi-110023
Ph:No.011-24665337-40/Fax No.011-24627678

No.S-11012/1(6)/Banks/2016-17/RBD/1815-47
Dated: 18.11.2016

To
Shri P.Vijaya Kumar,
Chief General Manager,
Reserve Bank of India
Department of Currency Management,
Central Office, 4th Floor, Amar Building,
Sr.P.M.Road, P.B.No.1379,
MUMBAI – 400001

Sir,

This is with reference to Ministry of Finance, Department of Expenditure OM No.25(30)/E.Coord/2016, dated 17th November 2016 regarding release of Part Salary in advance amounting to Rs.10000/- form the salary for the month of November 2016 in the form of Cash Pay-out to all Non Gazetted Employees of Central Government. Also refer your office letter dated 11.11.2016 which mentions that Government Departments may be allowed to draw cash beyond the stipulated limit of

Rs.10,000/- in exceptional cases only on production of evidence justifying their cash requirements in writing.

Necessary instructions may please be issued immediately to all the banks in view of the Ministry of Finance OM dated 17.11.2016 referred above to enable Govt. offices to release advance salary as per above mentioned OM.

Yours faithfully,
sd/-

(Dr.Shakuntla)
Joint Controller General of Accounts

Enhancement of bonus to Casual Labourers – Reply from Ministry of Labour & Employment

No.s-33027/3/2016-WB
Government of India
Ministry of Labour & Employment
(Wage Board Section)
Shram Shakti Bhawan, Rafi Marg,
New Delhi dated 11 November, 2016.

OFFICE MEMORANDUM

Subject : Enhancement of the rate of bonus payable to Casual labourers consequent on enhancement calculation ceiling of bonus for Central Government Employees from Rs.3500/- to Rs.7000/- regarding.

The undersigned is directed to forward herewith a copy of O.M. No. 49014/1/2016-Estt (C) Dated 2nd November 2016 along with the enclosure thereto on the subject mentioned above.

2. Action as deemed fit, may please be taken in this regard under intimation to all concerned.

3. This issues with the approval of Deputy Director General (c).

Encl: as above

Sd/-
(Samir Kumar Das)
Under Secretary to the Government of India

D.O. LETTER FROM SECRETARY & DDG

B.V. Sudhakar
Secretary

D.O. no. 116-11/2016SB Dated: 17-11-2016

At the outset, I convey my deep appreciation of the enduring efforts being made by the rank and the of our postal organizations in ensuring exchange of old notes in Post Offices as per recent instructions circulated in this regard.

Recently, the exchange limit has been raised to Rs. 4500/- and withdrawal from an account has been raised to Rs. 24000/- per week. (RBI Notification No. DCM(Plg) No. 1272/10-27.00/2016-17 dated 13-11-2016)

However, you are advised to go through circulars sent by FS Division closely, FS Division has also communicated certain important directions of the Government which I would like to summarize so that you can swiftly act on the same:

1. Applying indelible ink on the index finger of the right hand of every person who is coming for exchange of notes, to allow the exchange only once, as has been intimated. You may get in touch with the local Central Election Commission offices/RBI/IBA for supply of indelible ink in case you are not getting from market.

2. We are also working to develop a software patch which will restrict exchange of notes, only once, as per prescribed norms.

3. There have been reports stating that banks are not accepting cash collected and are not disbursing as is being sought. On this, you need to take two specific steps:

A. Ask every Divisional Supdt. To immediately send an email to Dte. In the format given at Annexure I. when cash is not supplied as per indents, so that we can immediately intervene and direct the bank to supply. This information has to be flashed to Directorate with a copy to RO/CO on hourly basis so that cash supply is ensured to all the post offices upto the BO level. We need to live up to the expectations of the nation

when it needs us the most and therefore this measure.

B. It was also reported that cash is not being collected by the banks. The same can be immediately sent to Directorate by the Division with a copy to CO/RD. The hourly reports will be acted upon in the Directorate so that area specific problems are sorted out immediately. (Annexure II)

iv. It is understood that in some post offices, deposits are accepted in the SB Accounts only which is not correct. These can be accepted in all saving accounts i.e. RD/TD/MIS and so on.

v. Regarding PLI, we will be communicating shortly

vi. A lot of cash is being stocked in post offices. You were advised to get in touch with the police authorities to provide security to the post offices and post office personnel. This needs to be given top priority.

vii. In post offices, due steps should be taken in order to help our staff as they have been asked to work upto 8.00 p.m. particularly the lady staff. Appropriate steps should be taken to alleviate their difficulties, if any, being faced by them.

viii. Cash counting/fake note detecting machine, wherever, possible, should be fully deployed. Tech Division has been working on this.

ix. For disbursement of cash/Exchange of notes, you need to deploy additional man power. It was advised to engage retired employees as per prevalent norms.

x. Lastly, I leave it to your ingenuity to rise up and see that entire exercise is completed smoothly so that the members of public are served the best way we can.

I am sure you will succeed with flying colours in this noble endeavour, when the nation is looking to you to do your best.

With warm regards,

Yours Sincerely,
(B.V. Sudhakar)

Manju P. Pillai
Deputy Director General (FS)
Dak Bhawan, New Delhi 110 001.

DO No. 116-11/2010-SB Dated 21-11-2016

Dear Sir/Madam,

It is seen that there are some problems faced by staff due to the current crisis due to exchange of currency notes at post offices. In this regard I am directed to inform you that at your level you may ensure that within the staff available additional staff is deployed to meet the exchange work in post offices where there is heavy quantity of cash transactions.

2. Adequate arrangements should be made for the welfare of the staff who are engaged in currency note exchange between the working hours of 08 a.m. to 8 pm and special care should be taken with regard to lady staff.

3. In case of late hours, cash movement from SO to HO, please ensure safety arrangements are taken while transferring cash.

4. In case of single handed sub post offices where there is heavy footfalls, as far as possible an additional hand may be provided so that the work of the office runs smoothly. However, keeping the sensitive nature of the work no outsiders are to be engaged.

5. For extra working hours on holidays and Sundays, kindly examine the possibility of providing some amount of honorarium/lunch and dinner allowances.

6. As has been stated earlier, if there are difficulties in case of SBI/other banks refusing to accept WOS Notes you may send the hour to hour report in the prescribed format to Control Room of the Directorate without fail.

I request you to kindly take measures mentioned above to alleviate the problems faced by staff.

With regards,

Yours Sincerely,
(Manju P. Pillai)



PROGRAM OF THE PROTEST WEEK

To

All Circle/Division/Branch Secretaries of
FNPO affiliates.

Dear colleagues,

FNPO affiliated unions decided to observe
protest week from 12th to 19th December
2016 on the 16 points Charter of Demands.

Program of the Protest week

13/12/2016 - Demonstration at Divisional
office.

15/12/2016- To submit a letter to the Prime
Minister through the State Governors by the
Circle Secretaries.

16/12/2016 Lunch hour Demonstration at
Circle/Regional offices

19/12/2016 Lunch hour Demonstration at
Directorate & submission of letter to the Prime
Minister.

Our Circle/Division/Branch Secretaries of
FNPO affiliated unions are requested to
observe the above program in their
respective places in an energetic manner.

With regards,
SG FNPO.

RETIREMENT

Siri. K. Vijayakumar, S.A.,
Trivandrum RMS retired
from service on 30-11-2016
after a prolonged service
of 36 years in the
department. He was an
active member of our
union. He worked as TV
Divisional president, circle Org. secretary
and circle Auditor. His service to NUR-C
Kerala circle was commendable. RMS
TV Division arranged a grand farewell
party to him in the Trivandrum District
Congress Party Office. Many trade union
and political leaders attended the
farewell meeting. CHQ wishes him a
happy and peaceful retired life.



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GENERAL SECRETARY'S LETTER

Reached Delhi on 03/11/2016 :

ALLOWANCE COMMITTEE MEETING

You are aware that 7th CPC abolished all the allowances. After prolonged discussions by the NJCA leader, Government appointed a committee to discuss the allowances department wise. Accordingly, the Ministry of Finance called a meeting to discuss the Postal Departmental allowances on 03/11/2016. During the meeting, the following allowances were recommended by the Department to retain.

- . Fixed Monetary Compensation to Postman.
- . Special Allowance to PO & RMS Accountants.
- . Cycle allowance to Postman.
- . Cash handling and Treasury allowance.
- . Headquarter allowance
- . Fixed Medical allowance.
- . Overtime Allowance

The issue of overtime allowance discussed by the Finance Secretary for a long time. PJCA leaders convinced the Finance Secretary for retaining overtime allowance in RMS. Let us hope that Finance Ministry will accept our views and issue necessary permission to retain and revision of OTA rate according to the present condition.

PJCA MEETING: on 16/11/2016 PJCA meeting was held and discussed Non-settlement of long pending demand in this regard, a detailed circular was released and the same was published in Federal Sentinel of November 2016.

UP NUR-C CWC MEETING: On 17.11.2016, UP Circle NUR-C CWC meeting was held at Allahabad under

Chairmanship of Shri Yogendra Singh. GS NUR-C, Chief Advisor Shri Deepak Mukherjee, and Dy General Secretary Shri N.K. Tyagi addressed the CWC. CWC elected Shri Yogendra Yadav as Circle Secretary in the place of Shri R.K. Tripathi, who resigned the C.S post on his health condition. CHQ wishes the new Circle Secretary in his endeavors. After the meeting, GS NUR-C met PMG and DPS Allahabad region along with the newly elected Circle Secretary and Dy General Secretary Shri N.K. Tyagi. Shri Avinash Kumar, Circle Secretary of Bihar participated in the CWC as an observer.

MEETING WITH CHAIRMAN, POSTAL BOARD & GDS COMMITTEE CHAIRMAN: SG FNPO&NUGDS General secretary met the Chairman, Postal board & the GDS Committee chairman on 18/11/2016 and discussed various issues. The outcome of the meeting already published on our web.

Observance of Protest week from 12th to 19th December 2016. Federal Secretariat of FNPO decided to conduct protest week from 12th to 19th December 2016. Details of the programme, model letters to Governor & Prime minister are published in the Federal Sentinel which was sent to all the Divisional Secretaries. Please go through the circulars in this regard and make the programme a grand success.

GDS COMMITTEE REPORT: GDS Committee Chairman submitted his report to the Chairman, Postal Board on 24/11/2016. The copy of the report not supplied to Federations/unions till this date.

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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