

GBCPWDOSAAI

ग्रुप 'बी' सी.पी.डब्ल्यू.डी. ऑफिस स्टॉफ एसोसिएशन (ऑल इंडिया)
(भारत सरकार द्वारा मान्यता प्राप्त)

GROUP 'B' CPWD OFFICE STAFF ASSOCIATION (ALL INDIA)
(RECOGNISED BY GOVT. OF INDIA)

Central Office : 'A' Wing, Ground Floor, I.P. Bhawan, (Y-Shape Building), Ring Road Facing, New Delhi-110002

Website: www.gbcpwdosaai.in E-mail: groupbcpwd@gmail.com

Dated 05-07-2017

No. GBCPWDOSAAI/ 45

Reminder

Ajay Kumar N.P.
President
Mob. : 09891904580

Ravi Kumar Bhatnagar
Gen. Secretary
Mob. : 09313171008
0999908363 7

Dinesh Kumar
Vice President
Mob.: 09313738645

Yashveer Singh
Vice President
Mob. : 09811724008

Pankaj Sharma (WR)
Vice President
Mob. : 09970727887

Avdhesh Kumar
Joint Secretary
Mob. : 09868572286

Devender Ahuja
Joint Secretary
Mob.: 09891175364

B. Nagaraja (SR)
Joint Secretary
Mob.: 08977505313

Deepak Jain
Treasurer
Mob.: 9818561467

Harjeet Vashisth
Ladies representative
Mob. : 09911982511

T. S. Banga
Auditor
Mob. : 09968070488

Co-opted Member :
Bhaskar Saha (ER)
Mob.: 09089633723

Rajeev Sharma
Mob.: 0999717112

To

**The Director General,
C.P.W.D.
Nirman Bhawan, New Delhi-11**

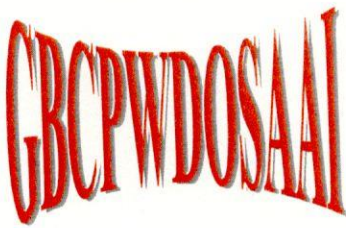
Sub: **Extending bunching benefits to Assistant Administrative Officers in CPWD on account of up-gradation of pre-revised pay scale from 6500-200-10500/- to 7450-225-11500/- as per 6th CPC recommendations- reg.**

Ref: Directorate OM No. 5/19/2017-ECIV(SC) dt. 12/06/2017.

Respected Sir,

With reference to the above cited subject, kindly refer this Association's letter of even No. 24 dated 29-03-2017. But the request of this association for extending bunching benefit to AAOs was turned down by the Directorate vide O.M. referred above. In this regard, it was brought to your kind notice vide this Association's letter of even No. 41 dated 14-06-2017 that it is true, the post of AAOs is not found mentioned under M/o Urban Development in Part C/Section -II of the Gazette Notification dated 29.08.2008 issued by Deptt. Of Expenditure, Ministry of Finance, but the Directorate while examining this case, deliberately/inadvertently did not take note of full contents of the letter, specially the reference of M/o Finance, Department of Expenditure, Implementation Cell, OM No.1/1/2008-IC dated 13/11/2009, wherein the pay scale of Rs.6500-10500 has been upgraded to next higher grade in the pay band PB-2 with Grade Pay Rs.4600/-corresponding to the pre-revised scale of Rs.7450-11500 and decided the issue in a hasty and casual manner and it is a glaring example of discrimination exhibited towards the ministerial cadre.

Contd.



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No. GBCPWDOSAAI/

Dated

Ajay Kumar N.P.
President

Mob. : 09891904580

Ravi Kumar Bhatnagar
Gen. Secretary

Mob. : 09313171008
0999908363 7

Dinesh Kumar
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Mob.: 09089633723

Rajeev Sharma

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Your kind attention is also invited towards the Part A Section-I of Gazette Notification dated 29.08.2008 wherein normal placement of scale have been mentioned and the pay scale S-12, 6500-10500 was place in PB-2 9300-34800 GP 4200, in this connection kindly refer M/O Finance, Department of Expenditure, Implementation Cell **OM No. 1/1/2008-IC dated 13th November, 2009 wherein** the pay scale of Rs.6500-10500 being upgraded to next higher grade in the pay band PB-2 with grade pay Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500. In case, a post already exists in the scale of Rs. 7450-11500, the post being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs.7450-11500.

It is clearly mentioned in the para 3 of the above OM dated 13th November, 2009 that the matter has been considered and it has now been decided that the posts which were in the pre-revised scale of Rs. 6500-10500 as on 1.1.2006 and which were granted the normal replacement pay structure of grade pay of Rs. 4200 in the pay band PB-2, will be granted grade pay of Rs. 4600 in the pay band PB-2 corresponding to the pre-revised scale of Rs. 7450-11500 w.e.f. 1.1.2006. Further, in terms of the aforementioned provision of CCS(RP)Rules, 2008, in case a post already existed in the pre-revised scale of Rs. 7450-11500, the posts being upgraded from the scale of Rs. 6500-10500 should be merged with the post in the scale of Rs. 7450-11500. Further directions vide para 4 of OM dated 13.11.2009 that the pay will be fixed again in accordance with illustration 4A annexed to CCS(RP) Rules, 2008.

In this connection, we would like to refer letter dated 27-06-2017 received from Sh. Jai Narain Antil, Office Superintendent Grade-I (Retired) addressed to your good self with copy to Secretary, Urban Development and this Association, (Copy Enclosed) which is self explanatory and justified. We also agree with the view of Sh. J.N. Antil that the decision the Directorate may be re-considered keeping in view of the clarifications issued by the DoPT, failing which there are possibilities to cropping up so many un-necessary litigation in this issue. The 7th pay commission 10 years after the 6th pay commission implemented w.e.f.1.1.2016 and the recommendation of the 6th pay commission is delayed so long and the Ministerial Cadre of CPWD are suffering till date.

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Dated

No. GBCPWDOSAAI/

-3-

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Rajeev Sharma

In the light of the facts explained above, it is once again requested to examine the issue judiciously and issue the order for granting bunching and fixation of pay in respect of Superintendent Grade -I (Now AAOs) at the earliest. Even after clear instructions issued by the Ministry of Finance, the position is still not clear to the Department, the case may be referred to IFD, MoUD, DoPT or Ministry of Finance for clarification in the matter with copy to this Association for pursuance with concerned authorities to get the benefits of recommendations of the 6th CPC Report to Office Superintendent Grade-I (Now Assistant Administrative Officer) of CPWD

Thanking you, in anticipation,

Encl: As above.

Yours faithfully,


Ravi Kumar Bhatnagar
General Secretary

Copy to Sh. Jai Narain Antil, Office Superintendent Grade-I (Retired).

To

The Director General
Directorate General, C.P.W.D.,
 Nirman Bhawan, New Delhi - 110011.

[Kind Attention: DDG (HQ)]

Sub: Request for extending the benefits of Bunching of stages in pre-revised scale from Rs. 6500-200-10500/- to Rs. 7450-225-11500/- as per recommendations of 6th CPC to the category/post of Assistant Administrative Officers (Erstwhile Office Superintendents Grade-I) in C.P.W.D. as on 01-01-2006-Reg.

Ref.: The Directorate General, CPWD, Office Memorandum issued vide No. 5/19/2017-EC IV (SC) dated 12th June, 2017 received on 24-06-2017 in response to disposal of Appeal dated 14th June, 2017.

Respected Sir,

Kind attention is invited to the Directorate General, CPWD on captioned subject and reference, wherein it has communicated that the request of Group "B" CPWD Office Staff Association (All India) and various representations received in the Directorate for consideration of extending the benefits of bunching in the pre-revised scale on account of up-gradation of their pay scale, duly examined in the Directorate and the same cannot be extended to AAOs in line with Assistant Engineers working in CPWD as the post of AAOs is not found mentioned under Ministry of Urban Development in Part C/Section-II of the Gazette Notification dated 29-08-2008 issued by Deptt. Of Expenditure (Ministry of Finance).

Notwithstanding, I had already elaborated detailed scenario and matrix regarding grant of pay scale and up-gradation/creation of post of **Office Superintendent Grade-I [Group-B (Gazetted)]** in CPWD as per recommendations made vide **Para-89.25 by the 5th CPC** as well grant of pay scale of Rs. 6500-200-10500/- and subsequent up-gradation of this pay scale to Rs. 7450-225-11500/- **by the 6th CPC vide my representation dated 29th March, 2017.** Thus, there is no need to explain or repeat the same again. However, the same is reiterated in the succeeding paras, for ready reference and convenience to re-consider the case/matter by the Directorate.

The disposal in question reflects that this has been dealt in a casual manner and without linking the rules and orders issued by the Department of Expenditure (Ministry of Finance), M/o DOPT and M/o Urban Development etc. from time to time related to this effect. In other words, I have no hitch in mentioning here that if the Directorate considered this matter in right perspective and as per spirit and extant instructions regarding extending the benefits of bunching of stages in pre-revised scales, then unnecessary correspondence would have been avoided in addition to harassment to the applicant as well as other aspirants. The relevant rules

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and regulations not only to 7th CPC, even 6th CPC and prior to that , are very well available on the web-site of DOPT & Ministry of Finance.

In addition to above, it is also pointed out that the copy of judgement dated 28-02-2013 in various OAs viz. 141/2012, 143/2012 & 145/2012 delivered by Honourable Tribunal, Jaipur and dated 10-04-2015 in OA No. 040/00111/2015 delivered by Honourable Tribunal, Guwahati to this effect are very much available in the Directorate itself.

Even Note dated 02-05-2016 issued by Department of Expenditure (Ministry of Finance) in a matter related to granting bunching benefit to Master Craftsman that Rule 7(1) A (ii) would apply in this case if the initial pay in the revised scale was fixed in this case under Rule 7(1) A (i) and the condition of the proviso to Rule 7(1) A (ii) are fulfilled-is also available with the Directorate, as supplied to me in response to RTI application dated 20-03-2017.

This has also already explained that the Directorate vide Office Memorandum No. 8/52/2011-EC. III dated 10th March, 2017, by mentioning therein that Department of Expenditure's O.M. No. 1/1/2008 - IC dated 30th August, 2008 and Rule 7(1)(a)(i) & (ii) of CCS (RP) Rules, 2008 as well as in consultation with IFD, M/o UD **benefits of pay fixation and bunching of stages has extended to the category of Assistant Engineers (Civil & Electrical) in CPWD-whose scales were up-graded as per 6th CPC Report/Recommendations.**

It will not be out of place to mention here that prior to issue of these orders, the similar benefits were also extended to the Category of **Assistant Director (OL)** by the Directorate **[ECIV (SC)]** vide Office Memorandum No. 6/7/2010-EC IV (SC) **dated 06th May, 2010, as communicated to me in response to RTI application dated 20-03-2017.**

Thus, in view of explanations in the preceding paras and my representation dated 29th March, 2017, the afore-mentioned similar benefits should have to be extended/granted to the applicant along with other Superintendents Grade-I, who were in service as on 01-01-2006, on the analogy of equality and similarity. **But it appears that the benefits of bunching of stages in pre-revised scale could not be extended/granted to the applicant & other Superintendents Grade-I, as accorded to the category of Assistant Engineers (C & E) and Asstt. Directors (OL) in CPWD and Master Craftsman w.e.f. 01-01-2006, owing to improper feedback or other ill-motivated reasons best known to the Directorate.** The disposal in question also proves poor knowledge and sub-standard working of the Directorate, **specifically in respect of Section Officer, EC-IV (SC) and DDA concerned.** Further-more it is added that I have come to know from reliable sources that since the matter regarding grant of this benefits to other some similar categories in CPWD, is being considered favourably in the Directorate, itself. This also reflects and proves discrimination as well as step-motherly treatment with the category of Superintendent Grade-I now re-designated as Assistant Administrative Officers in CPWD.

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In addition to above, some other facts and circumstances related to this matter are being reiterated again for kind perusal and reconsideration as under:

(i) That CCS (Revised Pay) Rules, 2008 (**Recommendations of 6th CPC**) were notified vide G.S.R. No. 622 (E) dated 29th August, 2008, which were implemented to all cadres/posts in all departments of Government of India, retrospectively i.e. 1st January, 2006.

(ii) That in compliance to above mentioned Notification/GSR, Ministry of Finance (Deptt. Of Expdr.) (Implementation Cell) had further issued instructions regarding implementation of 6th CPC recommendations-fixation of pay and payment of arrears w.e.f. 01-01-2006 vide O.M. F. No. 1/1/2008-IC dated 30th August, 2008.

(iii) That as per recommendations contained in **Para-7.46.25 of 6th CPC, Pay Band (PB)-2 of Rs.9300-34800/- with Grade Pay of Rs.4200/-** corresponding to the existing pay scale of Rs. 6500-10500/- was recommended/approved for the erstwhile category of **Office Superintendents Grade-I & Grade-II in CPWD w.e.f. 01-01-2006** on the basis of improper justification/logic.

(iv) That in **Para-3.1.14 of 6th CPC** also made general recommendations for non-Secretariat Organizations i.e. the existing and revised structure in Field Organization will, therefore, be follows as mentioned therein, wherein the category of Office Superintendents, Superintendents and Assistant Admn. Officers along-with other so many categories of Field Organizations has also mentioned.

(v) That it is more important to mention here that the **post of Office Superintendent Grade-I was re-designated as Assistant Administrative Officer vide Directorate O.M. No. 48(1)/4/09/S&D/363 dated 13-06-2012**, which was subsequent kept in abeyance. Consequent upon the approval of Honourable UDM, re-designation of the post of Office Superintendent Grade-I in Subordinate Ministerial Cadre in CPWD as **Assistant Administrative Officer was revived with immediate effect by the Directorate as per order No. DG/CAD/161 issued vide No. 48(1)/4/2013/S&D/02 dated 02nd January, 2015.**

(vi) That thus, on the basis of gist of preceding paras, it is prima-facie proved that there was a mention of this category under Ministry of Urban Development in the Gazette Notification dated 29-08-2008 issued by the Deptt. Of Expenditure, Ministry of Finance. Hence, the communication endorsed by the Directorate [ECIV (SC)] to this effect, seems to be very improper as well as illogic that the post of AAOs is not found under the Ministry of Urban Development in Gazette Notification dated 29-08-2008. Not only this, it also reflects that the concerned staffs of the Directorate does not even try to link the contents/recommendations made by the 5th CPC & 6th CPC, rather disposed off the matter in haste and casual manner.

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(vii) That the Honourable 6th CPC was not aware of the facts and circumstances that the post of Office Superintendent Grade-I is a promotional post from the category of Office Superintendent Grade-II, which was created as per recommendations of Honourable 5th CPC vide Para-89.25, specifically in CPWD. Thus, owing to unawareness of this hierarchy and recommendations made by the Honourable 5th CPC as well as spirit of Arbitration Award-which was/is still in force specifically in CPWD for the category of Office Superintendents, **the Honourable 6th CPC had proposed and recommended the merger of scales of Rs. 5500-9000/- and Rs. 6500-10500/- vide Para-7.46.25.**

(viii) That consequent upon implementation of 6th CPC Report/Recommendations, ab-initio, the Association and applicant had made a lot of representations/correspondence with various authorities **regarding up-gradation of Grade Pay, specifically for this category, being Group-B (Gazetted)** and having equality with the category of Assistant Engineers/Asstt. Directors (H) in CPWD, Section Officers in Ministries and other categories in various departments/subordinate offices as well as on the basis of having/discharging higher duties & responsibilities **in addition to the existence of Compulsory Arbitration Award, specifically applicable to the category of Office Superintendents in CPWD since long back.**

(ix) That ultimately, after detailed correspondence and length deliberations with various fora and being the genuine grievance/issue, Ministry of Finance, **Department of Expenditure (Implementation Cell) accepted the proposal/references in general as elucidated in Office Memorandum issued vide F.No. 1/1/2008-IC dated 13th November, 2009.**

(x) That it has specifically mentioned in the **Para 3** of aforementioned O.M. dated 13th November, 2009 **that the matter proposing up-gradation of the posts which were in the pre-revised scale of Rs. 6500-10500/- as on 01-01-2006 by granting them Grade Pay of Rs. 4600/- in the pay band PB-2 has been considered and it has now been decided that the posts which were in the pre-revised scale of Rs. 6500-10500/- as on 1.1.2006 and which were granted the normal replacement pay structure of Grade Pay of Rs. 4200/- in the pay band PB-2, will be granted Grade Pay of Rs. 4600/- in the pay band PB-2 corresponding to the pre-revised scale of Rs. 7450-11500/- w.e.f. 1.1.2006.**

(xi) That further, in terms of the aforementioned provision of CCS (RP) Rules, 2008, it is decided that in case a post already existed in the pre-revised scale of Rs. 7450-11500/-, **the posts being upgraded from the scale of Rs. 6500-10500/- should be merged with the post in the scale of Rs. 7450-11500/- and also directed vide Para-4 that the pay will be fixed again in accordance with illustration 4A annexed to CCS(RP) Rules, 2008. This pay fixation formula under this rule to the category of Assistant Directors (OL) and Assistant Engineers as well as other similarly placed categories in CPWD was made applicable and effective w.e.f. 01-01-2006.**

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(xii) That the up-gradation was made effective from 1st January, 2006 and the contents of said O.M. are very much explicit in establishing complete parity with the posts already recommended for up-gradation, specifically for those posts - which were in the pre-revised pay scale of Rs. 6500-200-10500/- as on 1st January, 2006.

(xiii) That in compliance with afore-mentioned directions/instructions, **Grade Pay of Rs. 4600/-** in Pay Band (PB-2) of Rs. 9300-34800/- was granted and accordingly re-fixed the pay of **the applicant from 1st January, 2006 by the office of Superintending Engineer, Coord. Circle (Civil), CPWD, New Delhi** vide Office Order No. 9(4)/2009-Coord. Cir. (C) /EC/ 3819 dated 09-12-2009. Similarly, benefits in this category/post together Assistant Administrative Officers (Erstwhile Office Superintendents Grade-I) in CPWD as on 01-01-2006 were also granted to them, being their legitimate rights.

(xiv) That Honourable 6th CPC (Para-II of Section-II of Part-C of Chapter-4) had also made recommendations for up-gradation of pay scales **specifically for the category/post of Assistant Engineers/Asstt. Directors (H)/ Technical Officers in Engineering Wing of CPWD** (under Ministry of Urban Development) from pre-revised pay scale of Rs. 6500-200-10500/- to Rs. 7450-225-11500/- effective from 1st January, 2006.

(xv) That by way of implementation of directions/decisions elaborated in foregoing paras and as per spirit of the 6th CPC Report/Recommendations, the category/post of Assistant Administrative Officers (Erstwhile Office Superintendents Grade-I), Assistant Director (OL), Assistant Engineers (Civil & Electrical), Assistant Directors (H) and Technical Officers in CPWD **had come at par/equal for the purpose of classification, pay fixation & payment of arrears/allowances in the Grade Pay of Rs. 4600/- in PB-2 since 01-01-2006.**

(xvi) That it will be out of place to mention here that in terms of recommendations of 6th CPC Report (Section-II of Part-C) **Directorate General, CPWD vide O.M. No. 6/7/2010-EC IV(SC) dated 06-05-2010 and O.M. No. 8/52/2011-EC.III dated 10/03/2017 have extended the minimum benefits of fixation of pay in the pre-revised pay scale of Rs. 7450-11500 (Multiplication of $7450 \times 1.86 = 13860$) along-with benefits of bunching w.e.f. 1-1-2006 to the category of Assistant Directors (OL) and Assistant Engineers (Civil & Electrical) respectively** by ignoring the other similarly placed categories/cadres including the category/post of Assistant Administrative Officers (**Erstwhile Office Superintendents Grade-I**) in CPWD, who were/are supposed not to be influential. This explicitly reflects and proves mal-functioning, harassment, discrimination, step-motherly treatment as well as deprivation of their legitimate rights, **specifically to the retirees in your good self Sir's regime.**

In the last but not least, keeping in view of the facts and circumstances explained in the foregoing paras, it is again requested and strongly demanded that necessary & appropriate orders for granting/extending bunching benefits and fixation of pay on the extant pattern of Master Craftsman, Assistant Directors (OL)

and Assistant Engineers (Civil/Electrical) to the **category/post of Assistant Administrative Officers (Erstwhile Office Superintendents Grade-I) along-with undersigned w.e.f. 01-01-2006 may kindly be got finalized at the earliest**, so that the under-signed along with other retirees/officials may get their legitimate rights/benefits as per recommendations made in the 6th CPC Report/Recommendations and subsequent amendments/decisions taken by the Government of India (Ministry of Finance) from time to time, **failing which there are possibilities to cropping up so many un-necessary litigations.**

An early action in the matter is highly solicited.

Thanking you in anticipation.

Yours Sincerely,

Dated: 27th June, 2017 (JAI NARAIN ANTIL)

Superintendent Grade-I/A.A.O. (Retired)

Address for Correspondence:

H. No. 120/29, Vikas Nagar
(Near Back Gate of Vivekananda Public School),
Kakroi Road, Sonapat (Haryana)-131001
Tel. No. 09996507555 (M) & 0130-2222792 (R)
E-Mail Address: jainarain.antil@gmail.com

Copy forwarded to:

(1) The Secretary (GOI), Ministry of Urban Development, Nirman Bhawan, New Delhi for information and with a request to intervene in the matter please.

(2) Shri Ravi Kumar Bhatnagar, General Secretary, Group 'B' CPWD Office Staff Association (All India), I.P. Bhawan, I.P. Estate, New Delhi for information and necessary action please.

(JAI NARAIN ANTIL)

Superintendent Grade-I/A.A.O. (Retired)