

**GIST OF DECISION TAKEN DURING THE SECOND MEETING OF THE
JOINT COMMITTEE ON MACPS HELD ON 15.09.2010**

(Complied by K.V.Ramesh, Zonal Secretary/IRTSA, ICF unit)

s.n	Gist of Agenda	Decision made (original minutes given in Bracket)
1	MACPS benefits should be extended based on cadre hierarchy. Since the financial up-gradation is not happening in the cadre hierarchy MACPS is becoming disadvantageous to the old ACP	Not agreed – Option will be extended to the Organisations / Cadres to follow either ACP or MACPS, which ever is beneficial. <i>(After detailed discussions on the issues, it was decided that Para 13 of the MACPS shall be revised to the effect that Organisations / Cadres shall have the option to choose either the ACP Scheme or the MACP Scheme. Individual options, however, cannot be permitted. As ACP or MACP is only a fall back option for stagnating employees, It was also decided that all concerned shall be advised to complete the process of cadre restructuring in a time bound manner so that the stagnation problem could be resolved.)</i>
2	a. Date of effect from 1.1.2006. b. Financial up-gradation between 1.1.2006 and 31.8.2006.	a. Not agreed b. Clarification already issued. <i>(Item Nos. 2, 20, 7 & 48 were clubbed together. The matter was discussed and it was observed that even the ACP Scheme, which was implemented on the recommendations of the 5th CPC, was introduced with effect from 1999. Besides, it was also observed that while changing the date of effect from 1.9.2008 to 1.1.2006 may be beneficial for certain employees, such a change could also place certain other employees at a disadvantage thereby entailing huge recoveries from them. It was therefore decided that it may not be appropriate to change the date of effect of the MACPS.)</i> <i>(The Staff Side was informed that this aspect has since been clarified by this Department's O.M. dated 9th September, 2010.)</i>
3	Applicability of MACP Scheme to Group 'D' employees who have been placed in the grade Pay of Rs. 1800 in PB-1.	Agreed. <i>(The Staff Side was informed that this has been agreed to and necessary clarificatory instructions have been issued by DOPT vide O.M.No.35034/03/200 8-Estt. (D) dated 09.09.2010).</i>
4.	Counting 50% of service rendered by casual labour who attained temporary status for reckoning the 10, 20 and 30 years of service under MACP scheme.	Will be taken up separately. <i>(After detailed discussion in the matter, it was decided that the matter may be delinked from the agenda of the Joint Committee on MACPS and be examined separately on file.)</i>
5	Supervised staff placed in higher Grade Pay than that of the supervisor.	This Item stands transferred to the agenda of the National Anomaly Committee.
6	MACPS benefit to non functional posts. Denial of financial up-gradation in case of promotion in identical scale/grade pay	Ministry of Railways has to refer the pay fixation issue to Dept of expenditure. Specific cases will be examined separately. <i>(It was decided that the matter relating to not allowing one increment at the time of promotion or pay fixation under FR-22 needs to be examined first. It was decided that the Ministry of Railways would refer the matter to the Department of Expenditure on file. Regarding the nonfunctional promotions or promotions in the same grade pay (as in the case of running staff of railways) it was decided that if normal promotions are in the same grade pay, they cannot be ignored for the purpose of MACP. However, if there is</i>

		<i>any specific case of anomalous nature, the same will be examined separately.)</i>
7	Railway employees selected under LDCE Scheme/GDCE Scheme, they should be treated as direct recruit.	Indirectly not agreed. <i>(It was decided that the provisions of the Old ACP Scheme shall be examined and further action shall be taken in consultation with the Department of Expenditure.)</i>
8	MACPS benefit for staff joined in other organization, service rendered in previous seniority unit, in case of unilateral transfer.	Indirectly not agreed. <i>(It was decided that the provisions of the Old ACP Scheme shall be examined and further action shall be taken in consultation with the Department of Expenditure.)</i>
9	Service and promotions rendered prior to fresh appointment in lower or higher grade	Agreed to consider as direct recruitment for the purpose of MACPS only in the case of appointment to higher grade. <i>(The matter was discussed and it was noted that only in case of appointment to higher grade either on absorption basis or when first on deputation basis and later on absorbed, the same shall be treated as direct recruitment and the past service /promotion shall not count for the purpose of MACPS. However, the period spent on deputation on higher grade prior to absorption would also be taken into account towards the qualifying service under MACPS. The staff side was informed that the matter has already been addressed under Clarification No.5 of O.M.dated 09.09.2010.)</i>
10	Whether the eservice rendered prior to reappointment (resignation or proper resignation) will be counted for MACPS.	Re-appointment after resignation will be considered as fresh appointment for the purpose of MACPS <i>(It was observed that any appointment after resignation is to be viewed afresh / 'Direct Recruitment' (including reappointment) in the Government. As per the MACPS, the financial upgradations are to be allowed after completion of 10/20/30 years of continuous regular service from the entry grade. However, in case of Technical Resignations, the past service shall be counted for the purpose of MACPS)</i>
11	Service rendered before removal/dismissal under DAR.	Competent authority has to decide on the basis of specific circumstances. <i>(Item Nos. 17 & 52 were clubbed together. It was noted that such matters will have to be decided by the competent / disciplinary authority in the light of the specific circumstances of the case. Such cases are required to be regulated under the provision of the CCS (CCA) Rules, 1965 and instructions issued there under. Therefore, it was decided that the matter may be delinked from the Joint Committee and may be examined separately in case the need arises.)</i>
12	Counting of service rendered in state Govt, PSU, etc	Not agreed <i>(It was noted that the MACPS is for the employees of the Central Government and therefore services rendered in a State Government / PSU cannot be reckoned for MACPS.)</i>
13	Probation and regulation of MACPS	Probation period will be counted for MACPS only if the period is counted for normal promotion. <i>(It was noted that where ever such periods are counted for the purpose of normal promotion, the same are also counted for the purpose of MACPS. However, in cases where the probation/training is in the nature of pre appointment, the same is not being counted for MACPS)</i>
	Counting of Training period for MACPS.	Not-agreed. Only training period which are counted as regular qualifying service for the purpose promotion will be considered for the purpose of MACPS.

		<i>(The matter was discussed and it was noted that all in service training periods are counted towards regular qualifying service for the purpose of Promotions, ACPS/ MACPS, retirement's benefits, etc. Therefore the period which is not reckoned for promotion purposes cannot be counted under the MACPS)</i>
14	Application of MACPS to the Surplus Staff	Agreed – Service rendered in the previous organization will be considered for the purpose of MACPS. <i>(It was observed that clarification given in para 23 of Annexure-I of MACPS dated 19.05.2009 is quite clear. The regular service rendered by the declared surplus staff in the previous organization shall be counted towards the regular service in his/her new organization for the purpose of MACPS).</i>
15	MACPS for medically de-categorised employees.	De-linked from the agenda <i>(After discussion on the matter, it was decided that the matter may be delinked from the agenda of the Joint Committee and doubts, if any, can be clarified on a specific reference from the Ministry of Railways.)</i>
16	Seniors are getting less pay than juniors. – Stepping up of seniors' pay	Not agreed <i>(It was noted that in terms of para 10 & 11 of MACPS dated 19.05.2009, no stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under the Scheme. Further, the differences in pay scales on account of grant of financial upgradation under the ACPS (of August, 1999) and the MACPS within the same cadre shall not be construed as an anomaly. Therefore, it was decided that these items may be delinked from the agenda of the Joint Committee.)</i>
17	Extending MACPS benefit to the accounts employees from the newly introduced grade (Rs.330-560) who were recruited in lower grade (Rs.260-400)	Matter will be dealt separately. <i>(It was observed that this is a specific proposal and not an anomaly. It was, therefore, decided that the matter may be delinked from the agenda of the Joint Committee and will be examined separately on file.)</i>
18	Benchmark for MACP should be liberal than the Benchmark for cadre promotion.	If the MACPS is given to a selection post prescribed benchmark will be applied, for non-selection post removal of benchmark will be examined separately. <i>(It was observed that the condition of fulfilment of promotional norms has been removed under the MACPS except the prescribed benchmark. Therefore, it was decided that wherever promotions are given on selection basis, the prescribed benchmark will be applicable in respect of MACPS also. However, in cases where the promotional post is to be filled on the basis of non selection, the need for removing the benchmark for the purpose of MACPS shall be examined separately.)</i>
19	Incentive payment based on the MACPS grade pay instead of based on designation. Entitlement of the privileges of financial up-gradation under MACP Scheme	Not agreed <i>(The MACPS contemplates merely placement on personal basis in the immediate higher grade pay/pay band and shall not amount to actual /functional promotion of the employees concerned. Therefore, there shall be no change in designation, classification or higher status).</i> Railway has to decide. <i>(It was observed that this is an internal matter of the Ministry of Railways and therefore, it was agreed that Ministry of Railways may examine & decide the matter).</i>
20	Extension of MACPS to staff car driver	De-linked from the agenda. <i>(It was noted that the MACPS has already been extended to the</i>

		<i>Staff Car Drivers (vide O.M. dated 30th July 2010) as a fall back option. The admissibility of this Scheme to Civilian Motor Drivers/MT Drivers/ Fire Engine Drivers, etc. in the Ministry of Railways as well as in the Ministry of Defence, where such posts exist can be examined subject to fulfilment of the conditions of the SCD Scheme viz. Grades/ Pay scales/Qualifying Service, etc. It was decided that the matter may be delinked from the agenda of the Joint Committee.)</i>
21	Pay fixation on promotion subsequent to grant of MACPS	Not agreed. (It was noted that benefits of Pay fixation can be allowed only once either at MACP stage or on promotion. Therefore, it was decided that there is no anomaly in the matter).
22	Employees granted financial Up-gradations under ACPS/MACPS in the grade pay of Rs.4200 and above may be notionally treated as Group "B" for the purpose of CGEIS contribution and insurance cover thereof.	Not agreed. (The MACPS contemplates merely placement on personal basis in the immediate higher Grade pay/grant of financial benefits only and shall not amount to actual functional promotion of the employees concerned. Since the contribution towards CGEIS is determined on the basis of post held on substantive basis, there is no justification for treating the Government employees notionally as Group 'B' for the purpose of CGEIS contribution, who are in the grade pay of Rs.4200 and above by virtue of grant of ACP/MACPS)
23	Certain issues of senior getting less pay than disqualified juniors in Accounts, trackmen, Station masters etc.	Concerned Ministry has to approach DOPT. (After detailed discussion, it was noted that such specific situations need detailed examination / analysis and therefore it was decided that the Staff Side will bring such specific aberrations through the concerned Ministry / Department on file for examination in the Department of Personnel & Training in consultation with the Department of Expenditure).
24	Protection of ACP granted to the Artisan Staff between 1.1.2006 and 31.8.2008 of Ministry of Defence Prior to 1.1.2006 the Cadre structure	Already clarified (The Staff Side informed that the matter has already been clarified and, therefore, may be treated as closed.)
25	Grant of ACP benefits to the Artisan Staff of Defence Establishment by ignoring the placement from HS Gde-II to HS Gde - I	Defence ministry has to approach DOPT (Shri C. Srikumar pointed out that Hon'ble Supreme Court and CAT, Hyderabad has decided in several cases that up-gradation of a Cadre as a result of restructuring or adjustment of existing staff will not be treated as promotion. Therefore, placement of HS-II to HS-I may be treated as an adjustment in the cadre and not as promotion. It was noted that the matter is under examination in the Ministry of Defence. It was decided that the matter will be examined separately by DOP&T in consultation with the Department of Expenditure in the light of the court judgement cited by the staff side.)