

रामदास आठवले
RAMDAS ATHAWALE



सत्यमेव जयते



सामाजिक न्याय और अधिकारिता राज्य मंत्री
भारत सरकार

MINISTER OF STATE FOR
SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

D.O. No. 4129/MOS (SJ&E)RA/2024
12th March, 2024

Dear Sh. Kishoreji,

I am enclosing herewith a copy of Memorandum of dated 06.03.2024 in respect of the Cadre of Assistant Engineers (Group 'B' Gazetted) & Executive Engineer (Group 'A' Departmental Promotees) of CPWD handed over by the representatives of Central PWD Engineers Association during my recent visit to Mumbai, Maharashtra i.e. on 6th March 2024 for your kind perusal.

I want to draw your kind attention to the fact that the members of the aforementioned association are aggrieved because of the unequitable and lower initial pay scale in the grade of Assistant Engineers of CPWD and mentioned that nothing has improved in spite of recommendations of High Powered Committee, which was constituted by the Ministry itself in the year 2018 to look into this matter.

Another issue, which requires your special attention pertains to 6 AEs of CPWD posted at Mumbai, some of which belong to SC & ST community, who have not been paid their monthly salary from November, 2019 to March 2021, in spite of withdrawal of the contempt case filed by the Association on their behalf. Subsequently, a Committee was also constituted by the CPWD to settle this issue; but the matter is still unresolved. A reference dated 07th Feb 2024 was also made from this office in this matter, even then CPWD has still not taken any action. It is leant that at least two Assistant Engineers have retired long back and have not even been paid their retirement benefits due to this delay in deciding this issue.

In the light of this, I shall be grateful, if you could kindly issue necessary directions to the concerned department to resolve the grievances of CPWD Engineers in order to avoid injustice with the applicants.

With Kind Regards,

Yours sincerely,

(Ramdas Athawale)

Shri Kaushal Kishore
Hon'ble Minister of State for Housing Urban Affairs
Govt. of India
Nirman Bhawan,
New Delhi-110 001

Tele No:011-23063071,E-mail:kishore.kaushal@sansad.nic.in

सबका साथ, सबका विकास

सबका विश्वास, सबका प्रयास



CENTRAL P.W.D. ENGINEERS ASSOCIATION

(Recognized by Government of India)
(REPRESENTING OVER 80% OF GAZETTED ENGINEERS)
WESTERN REGION, MUMBAI



WESTERN REGIONAL OFFICE
982, BLDG. NO 29, CGS COLONY,
SECTOR VII, ANTOPHILL,
MUMBAI-37



CENTRAL OFFICE
B-WING, GROUND FLOOR,
I.P. BHAWAN, NEW DELHI-2

No: CPWDEA/WR/F-4/2024/ 22

Date: 06-03-2024

CENTRAL OFFICE

President:

Er. MUKESH KR. SHARMA

M: 098102 87901

General Secretary

Er. SHISHPAL SINGH

M: 98696 49236

WESTERN REGION

President & Convenor

Er. D. KRISHNA KUMAR (DK)

M: 89030 10138

Vice President

Er. K R SINGH

M: 94249 04036

Secretary

Er. BABU O. V.

M: 98692 53803

Joint Secretaries

Er. SHASHIKANT A. MORE

M: 94231 93793

Er. MAHADEV L TODKAR

M: 87933 20398

Finance Secretary

Er. TAPAN K MANDAL

M: 77382 21965

Chairman, Action Committee

Er. M. RANGA RAO

M: 93237 93437

Vice Chairman, Action Committee

Er. RANJIT D BOTE

Organizing Secretary

Er. ARINDAM GANGULY

Coordinators:

Er. RAJU O DAKHODE

Er. SHAIK KHARIMULLAH

BRANCHES / UNITS, WR

Ahmedabad/Gandhi Nagar (GUJ)

Antop Hill (Mumbai, MH)

Bhopal (MP)

Churchgate (Mumbai, MH)

Goa (GOA)

Gwalior (MP)

Indore (MP)

Nagpur (MH)

Pune (MH)

Rajkot (GUJ)

Raipur (CG)

Vadodara (GJ)

To,

Hon'ble Shri Ramdas Athawale ji,

Union Minister for Social Welfare and Empowerment

New Delhi

Sub: Submission of Memorandum of Demands – Reg

Dear Sir,

A Memorandum of Demands of the Central P W D Engineers Association is enclosed herewith with a request to use your good offices to act early and positively on the same.

Thanking you,

(BABU.O.V)
Secretary
CPWD EA – WR

(D. KRISHNA KUMAR)
President
CPWD EA - WR

Encl: Memorandum of Demands

MEMORANDUM of DEMANDS & GRIEVANCES

CADRE OF ASSISTANT ENGINEERS (GROUP B GAZETTED) & EXECUTIVE ENGINEER (GROUP A DEPARTMENTAL PROMOTEES) OF CPWD

Respected sir,

We take this opportunity to present our pending issue, grievances & legitimate Demands and request the Hon'ble Minister for consideration, perusal and forwarding the same to the competent authority for an action and early favorable solution ; the details are here as under:-

1) Improve Initial Pay Scale for the post of Assistant Engineer (Civil & Elect.) of CPWD from Rs 4600/- PB-II (level 7 of Pay Matrix) to at least at the grade pay of Rs 5400/- PB-II(Level 9 of Pay Matrix).

This is also requested & demanded that the recommendations of HLEC (High level Committee) constituted by Ministry of Housing & Urban Affairs be implemented.

2) Promotions, Career prospectus & Financial Up gradations

i) Ensure 'Promotional opportunities' with Minimum two promotions in service life.

ii) Request to consider all such Assistant Engineers (C&E) also as eligible for the promotions to the post of EE(C &E), who all have been selected/declared promoted in the LDCE 2015 for the promotion to the post of AE(C & E)' (this LDCE(Limited Departmental Competitive) was conducted after a gap of almost 13 years ; although LDCE notification in the series was issued in the year of 2004 onwards and many times , but this exam was not conducted) against the year wise vacancies of Assistant Engineers (C &E) for the year/period of 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12 and vacancies up to 17.10.2012(although has granted the 'legitimate seniority' against these annual vacancies occurred before the notification of Recruitment Rules – 2012 for the post of EE(C & E) (with enhanced qualification as only Degree in Engineering with protection to all the AEs in the Department as on dated 17.10.2012.

This is pertinent to mention here that LDCE for the promotions to the post of AE(C& E) was 1st notified in the year 2004, then in 2006 ... and so on... and finally the LDCE-2015 was conducted in the year 2016 for the vacancies of more than 13 years and result of LDCE 2015 was declared on 11.04.2017 for the year wise vacancies from 2002-03 onwards, also considering the evaluation of annual performance reports of the 'relevant & respective years & period' only and the abnormal delay, in conducting the LDCE for year wise regular vacancies of long 10 years was due to the administrative reason & wrong standing about eligibility of some of applicants not completed the mandatory service as JE in CPWD. (These have been described in details in the notification for LDCE – 2015 from Department

side itself); therefore, employees must not be made scapegoat or punished due to this extreme delay in conducting of LDCE for the LDCE Quota vacancies from 2002-03 onwards, sir, when these employees were always ready for these LDCE for the promotion to the post of AE(C & E). Hence Department must take a constructive, transparent & judicious stand for the eligibility of such Assistant Engineers (C & E) for the promotion to the post of EE(E), irrespective of their qualification as Degree in Engineering or Diploma in Engineering and should avoid ill effects (if any) due to the enhanced qualification as per new Recruitment Rules-2012 dated 17.10.2012 for the promotion to the post of Executive Engineers (C & E) and these changes of enhanced qualification made in the Recruitment Rules – 2012 should not adversely affect the promotional prospectus of these Assistant Engineers (C & E) in any manner with no fault from their side. Your kind intervention in the matter is therefore highly desirable for to resolve this dead lock. This is therefore once again requested to take immediate initiative and necessary corrective measures to this effect.

iii) Modification/relaxation in Recruitment Rule-2012 (with enhanced qualification) for the post of Executive Engineer (C & E) to the extent that 'existing' 'AEs' & 'JEs' of CPWD, on the date of notification (i.e. dated 17.10.2012), shall not lose their eligibility/available opportunities and the prospectus of promotions of the incumbents should not be diluted in any manner ; i.e. to the post of Executive Engineer (C& E) in the 2/3rd defined quota for Assistant Engineers (C & E); thus request to continue to maintain this 'Service Condition' for the promotions to the post of EE (C & E) for the existing JEs & AEs in the Department as on 17.10.2012 by inserting necessary further 'Protection Clause' in the amended 'Recruitment Rules – 2012' (with enhanced qualification) notified on 17.10.2012, for the promotion to the post of Executive Engineer (C & E).

iv) 'Financial up gradations' in the absence of 'Promotional opportunities' under ACP scheme of 1999 (Assured Career Progression scheme of 09.08.1999) and subsequent disadvantageous 'Financial up gradations' under MACPS (Modified Assured Career Progression Scheme of 2009) implemented for the Assistant Engineers & Junior Engineers of CPWD; Hon'ble Supreme Court in one of its judgment dated 05.03.2020 in the CIVIL APPEAL NO. 2016 OF 2020 (Arising out of SLP(C) No.21803 of 2014) in the matter of UNION OF INDIA AND OTHERS ...Appellants VERSUS M.V. MOHANAN NAIR ...Respondent with many other CIVIL APPEALS, made specific observation in Para 53 of Judgment, which read as under :

"However as pointed out earlier in Para Nos (47), (48) and (49), since certain anomalies on implementation of MACP Scheme have been brought to the notice of Joint Committee in various meetings of Joint committee , Union of India and DOP & T to consider the same as they deem it appropriate and take decision in accordance with law."

Therefore, the issue of anomalies & disadvantages are still alive for such effected cadres, particularly, where MACPS has caused disadvantageous position; Record note dated 11.08.2011 of the DoP&T for the meeting dated

28.07.2011 with the representatives of Ministry of UD in the matter of ACPS/MACPS for the Cadre of Junior Engineers and Assistant Engineers of CPWD need special attention once again ; Request to revive and take up the matter of disadvantageous MACPS once again with the DOP & T and Department of Expenditure (Ministry of Finance) for removing the disadvantageous position due to MACPS for the cadre of Junior Engineers and Assistant Engineers CPWD.

v) Modify/Amend by deleting the 'Provision of Probation of Two Years' from the schedule of Recruitment Rules – 2010 for the post of Assistant Engineer (C) and Recruitment Rules – 2010 for the post of Assistant Engineer (E).

3) **Demand for Cadre Review Proposal for Assistant Engineers (Group B Gazetted Cadre) and Executive Engineer (Group A Departmental Promotee Cadre)**

- i) Cadre Review proposal for Group 'A' Engineering cadres of CPWD and its ill effects on Group 'B' Engineering Cadre; request for protection to the number of 'Existing Sanctioned strength/posts'; i.e. 2/3 quota in the grade of Executive Engineer (C & E) available as per Recruitment Rules, for the promotion, from the posts of Assistant Engineer (C & E) to Executive Engineer (C & E) of CPWD and also considering long standing stagnation in the grade of Assistant Engineer (C & E)'.
ii) Cadre Review proposal for Group 'B' Engineering cadre of CPWD; Request for early constitution of committee to prepare the proposal in this regards with members in the committee from stake holders Associations also. Career Advancement in the Group-B Engineering Cadres; i.e. for the Junior Engineers and Assistant Engineers of CPWD.

4) **Transfer & Posting policy and related issues :**

i) (a) Frequent Inter Station Transfers, every 3 years from the Mega Cities & other Major stations in respect of Assistant Engineer (C & E); request to relook & review the 'tenure of a station' by detaching this (station tenure) from the 'tenure of seat' (Seat tenure of 3 years have been decided considering 'Probity Guidelines' issued from the CVC/CVO time to time). We request to consider 'tenure of a station' giving due weightage to the classification of cities decided after 7th CPC, as Class 'X', Class 'Y' and Class 'Z'; we request & demand to define and fix 3 tenures (3 years each) for Class 'X' Category cities, 2 Nos tenures (3 years each) for Class 'Y' Category cities and 1 No tenure (3 years each) for Class 'Z' Category cities.

(b) Inter Station Transfers / transfer orders should not be issued after 31st May of the year, unless it is requested by individual or required due administrative reason.

(c) Transfer Review Committee should be constituted in every region and these committees should dispose the received representations within a month time from the month representation is received.

(d) Any relieving on transfer or otherwise, by other (offices or officers) than the Controlling office or officer must be supported by proper administrative order and must be issued as proper relieving order duly signed by not less than the officer of the rank of Chief Engineer himself with recorded reasons with proper endorsements and such orders must be published on CPWD Web; unless this is not published on CPWD Web, this relieving should not be considered as valid or effective. In such cases proper directions must be issued for 'Handing Over of office charges' to avoid any future implications & harassment to the concerned.

(e) Co-Ordination Unit in NR, under SDG PRCH, is working from Chandigarh at present; this unit; i.e. Co-Ordination Unit (NR) be shifted to Delhi under SDG Central Vista Project Region/SDG (HQ).

5) Long Pending final decision on 'Fixation of Pay' as per CCS(RP) Rule 2008 in case of Assistant Engineer (C & E) of CPWD as per illustration 4 A and including bunching benefits/affects for all eligible Assistant Engineers as well as all eligible junior Engineers, who have been granted 1st Financial up gradation in promotional hierarchy under the ACP Scheme of 09.08.1999; members are facing avoidable complications recoveries due to delay in fair evaluation of statutory rule; Incomplete presentation from Department side in the matter in recent past.

6) Reporting of Junior Engineer (C & E) directly to Executive Engineer (C & E) in Maintenance Divisions in some corners of the Department by surpassing Assistant Engineers (C & E) of Sub Division, needs 'Pragmatic Evaluation & Review' for implementation of ' Experienced Working System' considering useful delivery by the officials in future also for the Department.

7) **Other Misc:**

i. Grant 'Continuation of Recognition' of CPWD Engineers Association for the period, from the year 2009 to Jan 2021 in view of our timely submissions of all relevant details , documents , audited accounts details , membership details etc. in the past.

ii. Regularization of Service and Payment of unpaid salary of Sh.Bhupendra Singh EE/C (Retd) (then President, CPWD Engineers Association) and Sh. P.R.Charanbabu EE/C (Retd) (then General Secretary, CPWD Engineers association).

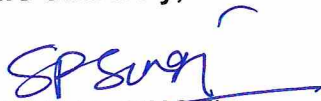
✓ iii. Settle the issue of 6 AEs of Mumbai, Western Region, who were relieved provisionally and erratically after mid-session Inter Station Transfers in Oct 2019 and they reported back for duty/resumed duty in view of Interim Order dated

08.11.2019 of Hon'ble CAT, Mumbai Bench; decision on their joining back was kept pending for many months/year and later even withdrawn the 'OA' as well as 'Contempt Petition' in March 2021, after due discussion by the representatives of CPWD Engineers Association with the then respected DG CPWD and also with SDG WR and with all positive assurances from 'Department side' and with all good will and for good gestures for healthy working in the Department; but still issue is unresolved and even salary of many months is not yet paid and one AE/E and one AE (C) have already got retired in March 2022 and Dec 2023 respectively also ; still their retirement benefits are not paid ; Earnest request to look in to the matter for early resolution and to issue necessary directions for its final solution.

- iv. Issue of passing of 'Accounts Examination', which is linked to grant of annual increment; i.e. grant of 2nd increment onwards; this needs a purposeful & practical review on incentive based lines. This is requested that the 'provision of Exemption' available earlier on attaining the age of 57 years may please be restored, considering the useful & dedicated services rendered by the officials in the past.
- v. Permanent Imprest : Increase the Monetary limit of Permanent Imprest from Rs 10,000/- to Rs 25000/-
- vi. Facilities to Govt. Officials including Engineers on posting to International Border Lines (IPB, ICB, IBB, etc) and to allow retention of Government allotted accommodation at their previous station.
- vii. Allow Reimbursement of 'News Paper bills' to Assistant Engineers (C & E) of CPWD and declare the post of Assistant Engineer (Group B Gazetted Post) of CPWD equivalent to Section Officer (Group B Gazetted) of CSS Cadre, for this purpose.

Thanks & Regards.

Yours Sincerely,


(SHISHPAL SINGH)
General Secretary

Central PWD Engineers Association
New Delhi -2

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To

Hon'ble Sh. Ramdas B Athawale
Hon'ble Minister of State for
Social Justice & Empowerment
Government Of India
New Delhi