

RTI REQUEST DETAILS

Registration No. : DO1PP/R/X/21/00028

Date of Receipt : 21/10/2021

Transferred From : Department of Personnel & Training on 21/10/2021 With Reference Number : DOP&T/R/T/21/03126/3

Remarks : since, the subject matter of Non Functional Up-gradation is being dealt by DoPT, the RTI application is being forwarded to DoPT for providing information, if any, to the applicant directly.

Type of Receipt : Electronically Transferred from Other Public Authority

Language of Request : English

Name : Jagdish Kumar

Gender : Male

Address : 522 Pocket 1, Sector A 6 Narela, Delhi, Pin:110040

State : Delhi

Country : Details not provided

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Mobile No. : +91-9868087082

Email : jagdishkinsa@gmail.com

Status(Rural/Urban) : Urban

Education Status : Above Graduate

Letter No. : Details not provided

Letter Date : Details not provided

Is Requester Below Poverty Line ? : No

Citizenship Status : Indian

Amount Paid : 0 (RTI fee is received by Department of Expenditure (original recipient))

Mode of Payment : Payment Gateway

Does it concern the life or Liberty of a Person ? : No(Normal)

Request Pertains to : Dr. S.S. Gupta

Information Sought :

Transferred u/s 6 (3) to D/o Exp (nodal Deptt for NFS policy vide resolution dt 29.08.2009) and to administrative ministries concerned of the various autonomous bodies mention in point 1 of RTI Application to provide any material information available in their records. Case mentioned in point 4 of RTI relates to AIIMS/M/o H & FW/D/o Exp

Dear Sir

Original RTI Text :

You are requested to provide the information as requested in the attached RTI Application under RTI Act 2005.

With regards

Jagdish Kumar

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The Central Public Information Officer (CPIO)
Ministry of Finance (MoF)
Government of India
Department of Expenditure
North Block
New Delhi-110001

10 Sep. 21

Sub: Seeking information under RTI Act 2005

Sir / Madam,

The Ministry of Finance (MoF) vide its various OMs have categorically stated that Central Autonomous Bodies (CABs) are financially dependent on grant-in-aid from the Central Government for administrative and establishment expenditure and adoption of any provision in respect of pay and allowances etc. having budgetary implications warrants prior approval of the Central Government. It also states that any such internal and suo-moto decisions by the CABs / Administrative Ministries are contrary to the Delegation of Financial Powers and tantamount to unauthorized expenditure and recurrence of such unauthorized and improper decision will result in enforcement of personal accountability of the administrative and financial staff of the organization / Ministry and the Head of the organization thereof through disciplinary action and / or financial recoveries.

But, despite of the above, various CABs e.g. Indian Council of Agricultural Research (ICAR), Indian Institute of Foreign Trade (IIFT), Indira Gandhi National Open University (IGNOU), Council of Scientific & Industrial Research (CSIR), Association of Indian Universities (AIU), Central Pulp & Paper Research Institute (CPPRI), Employees Provident Fund Organization (EPFO), National Consumer Disputes Redressal Commission (NCDRC), Central Administrative Tribunals (CATs), All India Institute of Medical Sciences, New Delhi (AIIMS) etc. have adopted Non-Functional Scale (NFS) to Section Officers / Private Secretaries etc. from GP 4800 to GP 5400 after completion of 4 years regular service in the Grade subject to vigilance clearance as granted to SOs / PS of Central Secretariat Service (CSSS) and Central Secretariat Stenographers' Services (CSSS). While various other Central Autonomous Bodies (CABs) are still not granting NFS of GP 5400 to SOs / PS working in GP 4800 after completion of 4 years regular service due to lack of any uniform order / guidelines from Ministry of Finance (MoF) (as has been done recently for enhancement of NPS contribution from 10% to 14% in respect of employees of CABs) creating discrimination among staff working in the same Grade and same capacity.

With the above context, you are kindly requested to supply the following information under RTI Act 2005:

1. Please inform the guidelines / norms on the basis of which Ministry of Finance (MoF) has especially extended Non-functional Scale (NFS) to SOs / PS of the CABs referred above (namely CSIR, ICAR, AIU, AIIMS, NCDRC, IGNOU, IIFT, CPPRI, EPFO, CATs etc.) from GP 4800 to GP 5400 after completion of 4 years regular service in the Grade and deprived the SOs / PS working in other CABs causing discrimination among staff.
2. Please provide a copy of the approval of MoF for granting NFS to SOs / PS of the CABs referred above (namely CSIR, ICAR, AIU, AIIMS, NCDRC, IGNOU, IIFT, CPPRI, EPFO, CATs etc.) from GP 4800 to GP 5400 after completion of 4 years regular service in the Grade.

3. Hon'ble Courts in its various judgements have declared that the doctrine of equality cannot be replaced by the doctrine of classification. In the matter of granting NFS, some CABs are granting the same to its eligible employees while some are still depriving to the SOs / PS working in the GP 4800 (Level 8 as per 7th CPC). Please inform whether MoF is aware of such discrimination among employees of various CABs working in the same grade and same capacity. If so, please inform the action taken by MoF to eliminate such discrimination among similar cadre of staff in various CABs.
4. Some CABs have granted NFS to SOs / PS working in the GP 4800 to GP 5400 after intervention by Hon'ble CATs, Hon'ble High Courts and Hon'ble Supreme Court of India. In a recent judgement, the Hon Supreme Court in SLP No(s) 11574 / 2020 dated 06.01.2021(Union of India & Ors Vs Sudesh Kumar & Ors) have dismissed the SLP and stated that "pending applications, if any, stand disposed of accordingly." But, till date, MoF has not issued any order regarding implementation of NFS to the employees of CABs working in GP 4800 (Level 8) after completion of 4 years regular service in the Grade. Please inform whether MoF has decided that NFS shall be implemented to the employees of CABs only after filing cases by employees in competent Courts and thereafter challenging the decisions to Hon'ble High Courts and Hon'ble Supreme Court of India after economic and mental harassment to the staff working in other CABs . If so, please provide a copy thereof.
5. In case, the MoF has not granted any approval to the CABs referred above for granting NFS, please inform the action taken by MoF as stipulated in MoF OM No. F.No. 1 (3) / EV / 2020 dated 26 August 2021.

(Jagdish Kumar)

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Delhi-110040