

No.A-42011/41/2011-Ad.II
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' Wing,
Shastri Bhawan, New Delhi-110001
Dated the 10.2.2015

Office Memorandum

Sub: Proposal of Company Law Administration Employees Association (CLAEA) on recognition of Composite Association - regarding

The undersigned is directed to say that CLAEA has submitted a proposal to this Ministry whereby they have requested to recognize the Association comprising Group 'B' and Group 'C' employees working in offices of RD/ROC/OL. As per rules all group 'C' employees can enjoy the facility of Joint Consultative Machinery (JCM) Scheme for Group 'C' Employees Association only. However, if a composite Association is formed, Group 'C' employees of the Ministry will not get benefits available under JCM Facility. Frequently Asked Questions on JCM Facility which inter-alia provide facility available under JCM is enclosed. Before taking final call on the proposal of CLAEA to form Composite association of Group 'B' & Group 'C' employees, Ministry desires to know the aspirations of Group 'C' employee under this Ministry.

2. All Regional Directors are requested to apprise the benefit of Joint Consultative Machinery (JCM) Scheme available to Group 'C' employees working in the office of RD/ROC/OL under their administrative control by circulating it. It should be clearly specified that the facility of Joint Consultative Machinery (JCM) Scheme shall not be available under common association comprising of Group 'B' and Group 'C' employees. Objection, if any on the issue of Common Association be forwarded to this Ministry within one month of issue of this OM.

Encl: As Above

Rakesh Kumar

(Rakesh Kumar)

Under Secretary to the Govt. of India

Ph: 23383507

1. All RDs
2. E Governance cell :It is requested to post it in the Employee corner/ miscellaneous item

FREQUENTLY ASKED QUESTIONS (FAQs)

1. What is Joint Consultative Machinery?

The scheme of Joint Consultative Machinery is a platform for constructive dialogue between the representatives of the staff side and the official side for peaceful resolution of all disputes between the Government as employer and the employees. The scheme was introduced in 1966 with the objectives of promoting harmonious relations and securing the greatest measure of cooperation between the Central Government as the employer and the employees in matters of common concern and with the object of further increasing the efficiency of the public service combined with the well being of those employed. The scheme is a non statutory one mutually agreed upon between the staff side and the official side.

2. What is the applicability of the JCM Scheme?

The scheme covers all regular civil employees of the Central Government, except:

- (a) The Class -I services;
- (b) The Class-II services, other than the Central Secretariat Services and the other comparable services in the headquarters organisation of the Government;
- (c) Persons in industrial establishments employed mainly in managerial or administrative capacity, and those who being employed in supervisory capacity drawing salary going beyond grade pay of Rs.4200/- per month;
- (d) Employees of the Union Territories; and
- (e) Police personnel.

3. What is the structure of the Joint Councils under the JCM Scheme?

The scheme provides for setting up of Joint Councils at the National, Departmental and Regional / Office levels. The National Council, chaired by the Cabinet Secretary, is the apex body.

4. How are staff side members selected for various Joint Councils?

The representatives of the staff side for various Joint Councils are chosen / selected from members of the recognized service associations/ unions.

5. What is the time schedule for holding meetings of the National/Departmental Councils?

As per the JCM Scheme, ordinary meeting of the National Council/ Departmental Council may be held as often as necessary as but not less than once in four months.

6. How recognition is granted to the staff associations?

The Department of Personnel & Training being the nodal department for matters relating to Joint Consultative Machinery and Compulsory Arbitration, has notified Central Civil Services (Recognition of Associations) Rules, 1993 for the purpose of granting recognition to various service associations. Recognition is actually granted by the concerned Ministry/ Department in accordance with the CCS (RSA) Rules, 1993.

In case of any doubt or confusion, the matter is referred to the JCA Section of the Department of Personnel & Training for clarification/ advice.

7. What are the facilities available to recognised associations?

The recognized associations/ unions enjoy certain facilities like:

- (a) Negotiations with the employer;
- (b) Correspondence and meetings with the head of the administrative departments;

- (c) Provision of accommodation for the associations subject to availability;
- (d) Facility of special casual leave up to 20 days in a year to the office bearers of the associations.
- (e) Payment of T.A/ D.A for attending officially sponsored meetings; and
- (f) Facility of seeking transfer of Chief Executive of the Union / association to the Headquarters of the appropriate head of administration.

8. What will happen if there is no agreement between the staff and the official side?

If there is no agreement between the staff and the official side on an arbitrable issue, then the matter is to be referred to the Board of Arbitration if so desired by the staff side.

9. What are the issues on which arbitration is possible?

The arbitration is limited to the following issues:

- (a) Pay and allowances;
- (b) Weekly hours of work ; and
- (c) Leave

10. Is the award given by the Board of Arbitration binding on the parties?

The award given by the Board of Arbitration is binding on the Government as well as the staff side subject to the overriding authority of the Parliament. The award can be modified/ rejected only with the approval of the Parliament through a formal resolution on grounds affecting national economy or social justice.