

Confidential

COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

SIXTH REPORT

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LOK SABHA SECRETARIAT
NEW DELHI

January, 2005/Magha, 1926 (Saka)

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(FOURTEENTH LOK SABHA)

(Presented to Lok Sabha on 21.3.2005)

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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh - Chairman

Members

2. Shri Raj Babbar
3. Shri Nandkumar Singh Chauhan
4. Shri N.S.V. Chitthan
5. Dr. M. Jagannath
6. Shri Jitin Prasad
7. Shri Baliram Kashyap
8. Shri Suresh Kurup
9. Ms. Nivedita Mane
10. Mohd. Muqueem
11. Shri Dharmendra Pradhan
12. Shri Jyotiraditya Madhavrao Scindia
13. Shri Damodar Barku Shingada
14. Shri Mansukhbhai D. Vasava
15. Shri Vijay Krishna

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri R.C. Ahuja - Joint Secretary
3. Shri Brahm Dutt - Director
4. Shri R.K. Bajaj - Under Secretary

**SIXTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Sixth Report of the Committee to the House on the following matters:-

- (i) Representation regarding anomalies in pay scales of the employees of Cash & Pay Wing in Accounts Department of Indian Railways.
- (ii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Fortieth Report on representation requesting for regular appointment in New Delhi Municipal Council (NDMC)
- (iii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Forty-First Report on the petition requesting for removal of hurdles in completion of the Composite Cemetery in Mulund, East Mumbai.

2. The Committee considered and adopted the draft Sixth Report at their sitting held on 25th January, 2005.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

4. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;

**PRABHUNATH SINGH
Chairman,
Committee on Petitions.**

**26th February, 2005
7 Phalgun, 1926 (Saka)**

CHAPTER-I

REPRESENTATION REGARDING ANOMALIES IN PAY SCALES OF THE EMPLOYEES OF CASH AND PAY WING IN ACCOUNTS DEPARTMENT OF INDIAN RAILWAYS

1.1 Shri Basudeb Acharia, M.P. forwarded a representation signed by Shri Arun Chatterjee, Senior Cashier, Cash & Pay Wing, Accounts Department, Eastern Railway, Asansol and others regarding anomalies in pay scales of the employees of Cash & Pay Wing in Accounts Department of Indian Railways.

1.2 In the representation, the petitioners *inter-alia* submitted as follows:-

- (i) the contract system of managing the work of Cash & Pay Department was abolished on 1st November, 1948 and consequently the work is managed by accounts Department with its Cash & Pay Wing, headed by Dy. F.A. & C.A.O., under the control of F.A. & C.A.O.s in the zonal railways. But 56 long years since departmentalisation could not change the views of the Accounts Department, towards Cash & Pay Wing. The appointing and Administrative Authority of Cash & Pay Wing is with the Accounts Department, but they remained always deprived to get the benefits of Accounts Department;
- (ii) the employees of Cash & Pay Department are even though deal with bills and vouchers raised and/or passed by them, yet they are remaining deprived of the benefits of being a Staff of Accounts Department. Unlike the Cashiers of nationalized banks, Government treasury and Cash & Pay Section of big mercantile houses, who perform their duties within the four walls, the Railway Cashiers are under obligation to move along the Railway lines, to the remotest corners of the nation, ignoring all the dangers of forests, hills etc.;

- (iii) none of the five Pay Commissions have studied in depth the importance of this category. A Cashier's work is multifold. He has to carry the Government keys all along his service tenure, which no cashier expect manager is carrying in case of nationalized banks. Even the railway cashier is not in same status of the other employees of his own department. A Divisional Cashier is managing all the aspects of disbursement and earning procedure of railway, but he is not getting the benefits of a Section Officer of Accounts Department; and
- (iv) the required qualification for entering in Accounts Department, including Cashiers, is graduate. Therefore, Accounts Department is exploiting the Intelligencia of the graduates as a whole. But the employees of Accounts Department, other than Cash & Pay Section, are enjoying separate pay scale benefit and separate promotional benefit. The Cash & Pay Staff are not eligible to appear in Appendix II and Appendix III (IREM) examination, like other staff of Accounts Department. Even the typists and computer operators of Accounts Department are considered to appear the Appendix II and Appendix III (IREM) examination.

1.3 The petitioners, therefore, pleaded that (i) the employees of Indian Railway Cash & Pay Wing may be awarded revised pay scales at par with other staff of Accounts Department; and (ii) they may be made eligible to appear in Appendix-II and Appendix-III (IREM) examination like other staff of Accounts Department.

1.4 The representation was forwarded to the Ministry of Railways (Railway Board) on 19th July, 2004 for furnishing their comments on the points raised therein. The Committee also took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 16th September, 2004 in order to have their considered views on the subject.

1.5 In response, the Ministry of Railways (Railway Board) vide their communication dated 24th August, 2004 furnished the following comments:-

“The pay scales as recommended by the V Pay Commission have been allotted to the staff of Cash Department vide Ministry of Railways letter dated 16.10.1997. V CPC followed a general principle to grant pay scale of Rs. 1400-2300 (revised scale Rs. 4500-7000) to the categories where there is an element of direct recruitment of graduates. As there is no element of graduate entry in the case of Cashiers unlike in the case of Accounts Staff at the level of Junior Accounts Assistants, grant of the grades at par with Accounts Staff as demanded would be violative of the guiding principles laid down by V Pay Commission. Further it is stated that the Cashiers due to the nature of their work (cash handling) get honorarium for regular day-to-day work depending upon the amount of cash handled. Inclusive of honorarium, they get emoluments which are higher than any comparable category in Accounts Department.

Appendix-II and Appendix-III (IREM) Examinations are qualifying examinations designed to adjudge suitability of personnel working in mainstream of Accounts Department for further promotions in the cadre. A dispensation has been given to the typists and stenographers working in accounts department to appear in these examinations having regard to their close association with day to day working and functioning of Accounts Offices which gives them adequate exposure and knowledge to be considered eligible for these examinations and considered for induction in Accounts cadre. Cash and Pay Office on other hand is a different set up with separate Avenue of Channel of Promotions (AVC). The working of the said department is different from that of the Accounts cadre and thus demand has no merit.”

1.6 The qualification profile of the Cashiers in the Railways is as under:-

Designation	Sanctioned Strength	On-roll Strength	Number of Graduate Cashiers
Cashiers	1408	1326	503

1.7 When asked about the educational qualifications prescribed for recruitment of the employees in the Cash and Pay Wing and also in the Accounts Wing, the Ministry in a written note submitted as under:-

“As the feeder grade in Cash & Pay Wing is a lateral changeover from different groups of staff, no formal entry qualification has been laid down. However, contributing groups to feeder grade broadly comprise of ones with Matriculation qualification.

In the Accounts Wing, however, while Matriculation is the direct recruitment entry qualification at Accounts Clerk level; at the next level of Junior Accounts Assistant, the direct recruitment qualification prescribed is minimum Graduation.”

1.8 Educational qualification/eligibility criteria/promotion avenues for cashiers cadre and accounts cadre are as under:-

CASHIERS CADRE

Designation & Pay Scale	Recruitment Qualification
Cashier Gr.II (R. 1200-2040)/ (4000-6000).	<p>15% by selection from amongst Sr. Clerks in scale Rs. 1200-2040 and Clerks in scale Rs. 950-1500 in the Cash & Pay Department having a minimum of three years service. 85% by selection from amongst staff in the following order of preference:-</p> <p>(a) Sr. Shroffs in the scale Rs. 1200-2040 and Shroffs in scale Rs.950-1500 having a minimum of two years service.</p> <p>(b) Clerks and other Group 'C' staff in Cash and Pay Department having a minimum of three years service.</p>

	(c) Staff of Accounts Department and other Department having a minimum of five years service.
Cashier Gr.I (Rs. 1400-2300)/ (5000-8000)	By promotion
Inspector of Cashier/Assistant Divisional Cashier/Selection grade for Sr. Cashiers (Rs.1600-2660)/(5500-9000).	By promotion
Divisional Cashier (Rs.2000-3200)/ (6500-10500).	By promotion

SHROFF CADRE

Shroff (Rs.950-1500)/ (3050-4590).	66 ^{2/3} % by direct recruitment through RRB. 33 ^{1/3} % by promotion by selection of specified Group 'D' Staff. The qualification for direct recruitment – Matriculation.
Sr. Shroff (Rs.1200-2040)/ (4000-6000).	By promotion.
Head Shroff (Rs.1400-2300)/ (5000-8000).	By promotion.

ACCOUNTS CADRE

Accounts Clerk (Rs.950-1500)/(3050-4590).	The vacancies in the category of Accounts Clerks in scale Rs.950-1500 will be filled:- (i) 75% by direct recruitment of matriculates through the Railway Recruitment Boards; and (ii) 25% by promotion by selection from Group 'D' Staff.
Junior Accounts Assistant (Rs.1200-2040)/(4500-7000).	(i) 80% of the vacancies will be filled by direct recruitment of graduates. (ii) 20% of the remaining vacancies will be filled by promotion of Accounts Clerks.

Accounts Assistant (Rs.1400-2600)/(5500-9000).	Vacancies will be filled by promotion of Appendix II qualified Jr. Accounts Assitant.
SO (A/cs.) (Rs.1640-2900)/(6500-10500).	Vacancies will be filled by promotion of Appendix III qualified staff direct from the grade in which they are working.
Sr. SO (A/cs.) (Rs.2000-3200)/(7450-11500).	Vacancies will be filled by promotion of staff in the grade of SO (A/cs.).

1.9 To a query about the difference of duties assigned to the employees of Cash and Pay Wing and Accounts Wing, the Ministry in a written note stated:-

“Cash & Pay Department of Indian Railways are mainly responsible for remittances of railway earnings received from stations or at Cash Offices into banks and disbursement of payments to the employees of railways as well as outsiders viz. Contractor’s/supplier’s payments etc. and submit accounts to Railway Accounts Offices for internal check and accounting. On the other hand duties and responsibilities of Accounts Department of Indian Railways comprise of internal check of all financial transactions as per extant rules, tender financial advice to management, prepare/maintain Railway Accounts as per statutory requirements prescribed by C&AG/CGA etc. provide necessary financial inputs (MIS) for management and keep a regular watch on financial health of Railways. Their duties also include field inspections to cover check of initial accounts returns/records maintained in field officers which are not sent to Accounts Offices for internal Checks. This also includes check of Cash & Pay Offices. Broadly speaking role and duties of accounts Department is financial scrutiny and accounting of earnings and expenditure transactions whereas the role of Cash & Pay Office is confined to handling of cash and instruments only. Therefore, duties assigned to the employees of Cash & Pay Wing are entirely different from employees of Accounts Department.”

1.10 When asked whether the aggrieved Cash & Pay Wing employees have ever represented their grievances before the Railway authorities/Pay Commission for redressal, the Ministry in a note admitted:-

“The representations of the employees of Cash & Pay Wing have been received through various quarters including some of the Hon’ble MPs and the issues raised therein were considered in the light of the

recommendations of Vth CPC. As there is no element of direct recruitment of graduates in the Cash & Pay department, the parity asked for by the employees of Cash & Pay Department with Accounts Department cannot be granted.”

The Ministry further added:-

“The Railway administration is not aware whether Cash & Pay Wing employees had submitted their problems before the Pay Commission for redressal. However, the problem of Cashiers was brought out in the Official Memorandum submitted by the Railways to the Vth CPC. Vth CPC in recommendation No. 83.249 decided to maintain existing relativities between Cash & Pay Staff and Ministerial Staff in general.”

1.11 When the Committee wanted to know about the administrative/legal difficulties involved in allowing the Cash & Pay Wing employees to take IREM examination when typists and steno in Accounts Wings were being allowed to take those examinations , the Ministry informed as under:-

“Appendix-II and Appendix-III (IREM) Examinations are qualifying examinations designed to adjudge suitability of personnel working in mainstream of Accounts Department for further promotions in the cadre. A dispensation has been given to the typists and stenos working in accounts department to appear in these examinations having regard to their close association with day to day working and functioning of Accounts Offices which gives them adequate exposure and knowledge to be considered eligible for these examinations and considered for induction in Accounts cadre. Cash and Pay Office on other hand is a different set up with separate AVC and is a specialized cadre in disbursement of cash and instruments. They do not deal with Railway accounts. The working of the said department is different from that of the Accounts cadre and thus demand has no merit.”

1.12 As regard the financial, legal and administrative implications involved in accepting the demand of the petitioners, the Committee were informed:-

“The financial implication of bringing the employees of Cash & Pay Department at par with Accounts Department will be enormous as it will

be against the principle laid down by Vth CPC. If the demand is conceded, there may be similar demands from large groups of other employees, who have been denied the scale of Rs.4500-7000 on the basis of general principle laid down by Vth CPC.

The administrative implication of accepting the demand of employees of Cash & Pay Department is that these employees are a specialized cadre and evidently do not have sufficient working knowledge of Accounts Department. As such permitting them to appear at Appendix-II/Appendix-III examination may be detrimental to the efficiency of Accounts Department and will therefore not be in administrative interest."

1.13 During the course of oral evidence, when the Committee asked about finding ways and means to remove the grievances of the petitioners, the representative of the Ministry of Railways (Railway Board) stated:-

"Certain rules and regulation come under the jurisdiction of Ministry of Railways and certain are out of its jurisdiction. It is the decision of Pay Commission, which does not come under our jurisdiction. Amendment is required therein and for that it is appropriate to send the same to the Ministry of Finance and DOPT."

Observations/Recommendations

1.14 The Committee note that the contract system of managing the work of Cash & Pay Department was abolished in 1948 and consequently the work is being managed by Accounts Department with its Cash & Pay Wing headed by Dy. F.A&C.A.O., under the control of F.A. & C.A.O.S in Zonal Railways. Since then there has been anomalies in the pay structure between the staff of Cash & Pay Wing and other staff of Account Department of the Railways. Staff of Cash & Pay Wing

is not considered at par with the staff of Accounts Department and are being provided with lower pay scales. Reportedly none of the five Pay Commissions had studied their case in depth.

1.15 The Committee further note that the pay scales as recommended by the Fifth Pay Commission have been granted to the staff of Cash Department vide Ministry of Railways letter dated 16th October, 1997. According to the Railways, Fifth Pay Commission followed a general principle to grant pay scale of Rs. 1400-2300 (revised scale Rs. 4500-7000) to the categories where there is an element of direct recruitment of graduates. As there is no element of graduate entry in the case of cashiers unlike in the case of accounts staff at the level of Junior Accounts Assistants, staff of the Cash & Pay Wing has been deprived of this pay scale.

1.16 As against the total sanctioned strength of 1408 of the cashiers in Cash and Pay Wing, present strength is 1326. Out of these 503 i.e. 38% are graduates. The Committee are of the opinion that though there is no element of direct recruitment of graduates in Cash and Pay Wing yet substantial number of cashiers are graduates. From the facts of the case, the Committee have got an impression that the case of Cash & Pay Wing staff has not been pleaded by the Railways before the Pay Commission in the right perspective. The fact that over 1/3 of the

cashiers are graduates has also not taken note of by the Railways particularly for the purpose of appearing in Departmental examinations held for posts in Accounts Department.

1.17 In view of the facts narrated above, the Committee recommend that a Departmental Committee may be appointed by the Railways to examine the feasibility of merging Cash & Pay Wing in the Accounts Department particularly when non-graduates in Accounts Departments have opportunities to reach upto pay scale of Rs. 7450-11500 whereas staff in Cash & Pay Wing can reach upto pay scale of Rs. 6500-10500 inspite of the fact that over 1/3 of about 1326 staff in this cadre is with graduate qualifications.

1.18 The Committee do not approve Railways logic in not allowing qualified staff of Cash & Pay Wing for appearing in examinations held for the posts in Accounts Department particularly when typists and computer operators are availing this opportunity. They, therefore, recommend that staff working in Cash & Pay Wing with minimum requisite qualifications/ number of years should be allowed to appear in Appendix II and Appendix III examinations being conducted for promotions in Accounts Department.

CHAPTER-II

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR FORTIETH REPORT ON REPRESENTATION REQUESTING FOR REGULAR APPOINTMENT IN NEW DELHI MUNICIPAL COUNCIL (NDMC).

2.1 The Committee on Petitions (13th Lok Sabha) in their Fortieth Report presented to Lok Sabha on 30th January, 2004 had dealt with a representation requesting for regular appointment in New Delhi Municipal Council (NDMC).

2.2 The Committee made certain observations/recommendations in the matter and the Ministry of Home Affairs were requested to implement those recommendations and furnish their action taken notes for the consideration of the Committee.

2.3 Action taken notes have been received from the Ministry of Home Affairs in respect of all recommendations contained in the Report.

2.4 The Committee will now deal with the action taken by the Government on their recommendations in the succeeding paragraphs.

2.5 In paragraphs 2.5 and 2.6 of the Report, the Committee had recommended as follows:-

“Shri Sushil Kumar Sharma submitted a representation to the Committee in April, 2003 requesting for regular employment in NDMC. In his submission made before the Committee, Shri Sharma stated that he was appointed as a Muster Roll Worker against the post of Peon on 8th

December, 1990. His appointment was converted into a Regular Muster Roll w.e.f. 1st August, 1991. Based on a selection, Shri Sharma was placed on the panel for the post of 'Attorney' and w.e.f. 20th December, 1991, he was appointed as 'Attorney' on adhoc basis. His adhoc services as 'Attorney' was extended from time to time up to January, 1995. Even though the first panel on the basis of which he was working as adhoc employee was not exhausted fully, another panel of attorney was prepared in 1995. Thereafter, since Shri Sharma was removed as adhoc 'Attorney' and also not given his RMR post, which he was occupying before he started as Attorney, he moved the Court. Considering the retirement of his father in July, 2002, Shri Sharma withdrew his court case and NDMC appointed him on RMR w.e.f. 27th August, 2002. Shri Sharma, therefore, pleaded to the Committee that considering his past service in the NDMC, he may be given a regular post. Shri Sharma in his subsequent representation, submitted to the Committee that his father who was working in NDMC had retired in July, 2002 and the quarter allotted to his father should be transferred in his name.

(Para 2.5)

During the evidence, the Chairman, NDMC admitted before the Committee that there has been grave injustice to the petitioner in this case wherein he lost his seniority as also a regular job. He assured the Committee that they have examined the matter now in detail and would appoint Shri Sharma as a regular employee giving him seniority at par with his colleagues, who were working at RMR in August, 1991. Similarly, he assured that Government accommodation would also be regularized in his name. The Committee appreciate that after taking up the matter by them with the Ministry of Home Affairs and NDMC, the grievance of the petitioner would be redressed. Since the Committee are yet to be informed of the conclusive action taken in the matter, they desire a compliance report in this regard from the Ministry of Home Affairs/NDMC.

(Para 2.6)

2.6 In their action taken reply, the Ministry of Home Affairs have stated that Shri Sushil Kumar Sharma has since been appointed to a regular post of Helper in the New Delhi Municipal Council. The Municipal accommodation earlier allotted to his father has also been regularized in his name.

Observation/Recommendation

2.7 The Committee are happy to note that Shri Sushil Kumar Sharma has since been appointed to a regular post of Helper in NDMC and also the Municipal accommodation earlier allotted to his father has been regularized in his name. This meets the demand of the Petitioner. The Committee trust that as assured to them earlier, Shri Sushil Kumar seniority at par with his colleagues who were working as RMR in August, 1991.

2.8 In paragraph 2.7. of the Report, the Committee had recommended as follows:-

“Examination of the recruitment/appointment procedure in NDMC has revealed that there are serious lacunae in the present system. The Ministry of Home Affairs also concurred with the views of the Committee when they admitted that the case of Shri Sharma was indicative of the deficiency in the recruitment procedure in NDMC and the Ministry would advice the NDMC to streamline the procedure. The Committee, accordingly, recommend that appointment/ selection/ recruitment procedures in NDMC should be examined thoroughly with a view to make the same fool-proof. The Committee would like to be apprised of the conclusive action taken in the matter within three months of the presentation of this Report to Parliament.”

2.9 In their action taken reply, the Ministry of Home Affairs have stated as under:-

“The New Delhi Municipal Committee is adopting the following procedure for filling up the posts under direct recruitment in Group A,B,C and D categories:

Group 'A'	-	Appointments are being made through Union Public Service Commission
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- Group 'B' & 'C' - Appointments are being made through Delhi Subordinate Service Selection Board

- Group 'D' - Appointments are being made by regularizing Regular Muster Roll employees, who completed six years of continuous service."

Observation/Recommendation

2.10 The Committee regret to note that the Ministry have merely communicated the mode of appointments in NDMC. This does not meet the observations of the Committee made in the context of appointments made to the post of 'Attorney' where NDMC conducted interviews and selected outside candidates ignoring the claims of ad-hoc in-house employees in the same grade. There could be some more cadres of such nature, leaving scope for manipulations. The Committee, therefore, reiterate that the Ministry of Home Affairs should ensure that there is no lacuna in NDMC's recruitment rules in all grades posts and the Ministry should analyse and scrutinise recruitment rules for each post.

CHAPTER-III

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR FORTY-FIRST REPORT ON THE PETITION REQUESTING FOR REMOVAL OF HURDLES IN COMPLETION OF THE COMPOSITE CEMETERY IN MULUND, EAST, MUMBAI.

3.1 The Committee on Petitions (Thirteenth Lok Sabha) in their Forty-first Report presented to Lok Sabha on 30th January, 2004 had dealt with the petition requesting for removal of hurdles in completion of the Composite Cemetery in Mulund, East Mumbai.

3.2 The Committee made certain observations/recommendations in their Report and the Ministry of Commerce & Industry (Department of Industrial Policy and Promotion) and Urban Development & Poverty Alleviation (Department of Urban Development) were requested to implement those recommendations and furnish their action taken replies for consideration of the Committee.

3.3 Action Taken replies have been received from Ministries of Commerce & Industry (Department of Industrial Policy and Promotion) and Urban Development & Poverty Alleviation (Department of Urban Development) in respect of all the recommendations contained in the Report.

3.4 The Committee will now deal with the action taken by the Government on some of their recommendations.

3.5 In paragraph 5.13 of the Report, the Committee had observed as follows:-

“The main contention of the petitioners relates to the inconveniences and problems being faced by the people of all walks of life due to the non-availability of a ‘Composite Cemetery’ in Mulund area of Mumbai city and the need for construction of proper ‘Approach Roads’ to the Cemetery in existence at present. They have stated that the Christians residing in this area of Mumbai are compelled to travel 20 kms. in this crowded city. A ‘Composite Cemetery’ would solve the problems of about 1 lakh members of the Christian Community covering 21 kms; about 3 lakh Hindus and half-a-lakh Muslims covering 10 kms. stretch of Mumbai. They also stated that the Mumbai Municipal Corporation and the State Government of Maharashtra had reserved a plot for a ‘Composite Cemetery’ in Mulund East. The cemetery proposal was cleared by the State Government; the construction and development work was started after awarding a contract but later it was halted due to lack approach road space which is to be provided by the Central Government out of Salt Pan Land.

According to the petitioners, the Central Government i.e. the Ministries of Commerce & Industry and Urban Development have been creating a lot of problems/hurdles in allowing the Mumbai Municipal Corporation and the State Government of Maharashtra the use of a piece of Salt Pan Land measuring about 300 sq. meters to complete the ‘Approach Roads’ to the existing Cemetery in Mulund, Mumbai. For the release of this 300 sq. meters Salt Pan Land, the Ministry of Commerce & Industry and the Ministry of Urban Development and Poverty Alleviation of the Government of India have been passing on the buck to each other and fixing the responsibility on the State Government of Maharashtra for the utilization of the land in Mulund belonging to the Central Government. The petitioners have, therefore, requested that a final decision for giving the 300 sq. meters of the Salt Pan Land in Mulund East in Mumbai to the Maharashtra Government be taken so that the ‘Approach Roads’ to the Cemetery are constructed for the benefit of the people of the area. They have also requested that the construction of the ‘Composite Cemetery’ in Mulund East, Mumbai, be completed at an early date.”

3.6 In their action taken note, the Ministry of Commerce & Industry (Department of Industrial Policy & Promotion) have stated as follows:-

“Government of India, Ministry of Commerce & Industry, Department of Industrial Policy & Promotion has decided to release Salt Pan Land

measuring 300 sq. meters vested with Union of India for construction of approach road to the cemetery located at Mulund (East, Mumbai). Necessary instructions have been conveyed to the Salt Commissioner vide communication No. 04015/1/2004-Salt dated 9th November, 2004.”

3.7 In paragraphs 5.14 & 5.15 of the Report, the Committee had recommended as follows:-

“The Committee note that 40,280 sq. meters of Salt Pan Land falling in survey No. 387-388 (Pt) of Village Mulund was ordered for transfer to BMC in 1985 on payment of market value for the purpose of construction of a ‘Cemetery and the Approach Road’. However, instead of paying the market value of the said land, the State Government of Maharashtra vide their notification dated 18th November, 1998 acquired a major portion of the said land under the Land Acquisition proceedings. In June, 2000, the Mumbai Municipal Corporation requested the Salt Commissioner to issue a No Objection Certificate (NOC) for use of the 300 sq. meters of Salt Department land falling under CTS No. 1291 (Part) of Village Mulund for construction of an approach road linking the existing Navaghar Road to the DP Road adjoining the Cemetery. In 1998, this 300 sq. meters of land in question had not been acquired by the State Government of Maharashtra as they had not envisaged any link Road to the ‘Cemetery’ from that side at that time. Now, in accordance to the Cabinet Decision dated 9th January, 2001, the entire surplus Salt Pan land of about 5378 acres in Greater Mumbai is to be transferred to the Ministry of Urban Development and Poverty Alleviation and this Ministry is to share 50% of this land with State Government of Maharashtra. However, the Ministry of Urban Development is yet to take over the physical possession of the land except for 98 acres of land due to the ongoing litigations and encroachments. Thus, the Salt Pan Land is still in possession of the Department of Industrial Policy & Promotion (DIPP).

(Para 5.14)

The Committee regret to note that although a decision in principle was taken as early as 2001 for transfer of the Salt Pan Land from the Department of Industrial Policy and Promotion to the Union Ministry of Urban Development and also to share the land with the Government of Maharashtra, the actual transfer of the said land is yet to take place. Moreover, the land in question is under lease upto the year 2016. The Committee cannot but express their deep distress over the lackadaisical approach of the Central Government in handling this matter and not

arriving at a final and conclusive decision, till date, on the transfer and proper utilization of the surplus Salt Pan Land in Mumbai. The Committee find it unbelievable that out of over 5000 acres of land which is to be shared with the State Government of Maharashtra, a piece of land measuring just 300 sq. meters has not been given for the approach road to the 'Composite Cemetery' on the pretext of likely encroachments in the area. The Ministry of Commerce & Industry (Department of Industrial Policy & Promotion) has now proposed to develop a 'Composite Cemetery' at an alternative site in Non-development Zone in Mumbai, reportedly near the present site of the Composite Cemetery. Since the matter has been going on for long, the Committee strongly recommend that the Ministry of Urban Development and Poverty Alleviation and the Ministry of Commerce & Industry should take a conclusive decision on the use of the surplus Salt Pan Land in Greater Mumbai in consultation the State Government of Maharashtra so as to end the prevailing dead-lock in the matter at the earliest. They also expect that the issue of providing 300 sq. meters of land for the approach road to the Composite Cemetery or relocating it on some nearby area to the satisfaction of all concerned Central/State Government Departments with a view achieving the objective of developing a 'Composite Cemetery' for the use of all communities living in the area viz. Hindus, Muslims and Christians would be settled expeditiously and in a time bound manner. Needless to say, this project would be a symbol of national integration and communal harmony. The Committee would like to be apprised of the conclusive action taken in the matter within three months of the presentation of this Report."

(Para 5.15)

3.8 The Ministry of Urban Development & Poverty Alleviation (Department of Urban Development) in their action taken replies have stated that:-

"The Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce & Industry had proposed that 40,580 square metres of salt pan land in Greater Mumbai for construction of cemetery and approach road in Mulund Village, Mumbai may be transferred to government of Maharashtra which would be part of the total salt pan land to be transferred to the Ministry of Urban Development & Poverty Alleviation. In a communication No. J-11012/6/04-UCU dated 30th April, 2004, Ministry of Urban Development & Poverty Alleviation had agreed to the proposed transfer of the said land for construction of cemetery and approach road, with the stipulation that while giving no objection to the State Government for utilisation of the said land for cemetery and

approach road, it may be specified that it will form part of the share of Government of Maharashtra of salt pan land.”

3.9 In their action taken replies, the Ministry of Commerce & Industry (Department of Industrial Policy & Promotion) have stated that:-

“The Department of Industrial Policy & Promotion has conveyed NOC for construction of approach road to the cemetery by the State Government of Maharashtra. Necessary instructions have been conveyed to the Salt Commissioner vide communication No. 04015/1/2004-Salt dated 9th November, 2004.”

Observations/Recommendations

3.10 The Committee note with satisfaction that the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) has released Salt Pan Land measuring 300 sq. meters vested with Union of India and conveyed no objection certificate (NOC) for construction of approach road to the cemetery by the State Government of Maharashtra. Necessary instructions have been conveyed to the Salt Commissioner. The Committee would now like the Government to coordinate with all concerned Central/State Government Departments so as to expedite construction of approach road to the 'Composite Cemetery' for the use of all communities living in the area viz. Hindus, Muslims and Christians in a time bound manner.

NEW DELHI;

**26th February, 2005
7 Phalguna, 1926 (Saka)**

**PRABHUNATH SINGH
Chairman,
Committee on Petitions.**

CONFIDENTIAL

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)**

**The Committee on Petitions sat on Thursday, 16th September, 2004
from 1400 to 1500 hours in Committee Room No.62, First Floor, Parliament
House, New Delhi.**

PRESENT

Shri Prabhunath Singh - Chairman

MEMBERS

2. Shri Raj Babbar
3. Dr. M. Jagannath
4. Ms. Nivedita Mane
5. Mohd. Muqueem
6. Shri Dharmendra Pradhan
7. Shri Damodar Barku Shingda
8. Shri Mansukhbhai D. Vasava

SECRETARIAT

1. Shri R.C. Ahuja - Joint Secretary
2. Shri Brahm Dutt - Director
3. Shri Deepak Mahna - Deputy Secretary
4. Shri J.V.G. Reddy - Assistant Director

Witnesses

Representatives of the Ministry of Railways (Railway Board)

1. Shri S.M. Singla - Member Staff (Railway Board)
2. Shri S.C. Manchanda - Advisor/Staff (Railway Board)
3. Shri B.N. Mahapatra - Executive Director (Pay Commission) (Railway Board)
4. Shri J. Shriniwas - Director Finance (CCA) (Railway Board)
5. Shri J.S. Gusain - Director Establishment (Non-Gazetted) (Railway Board)
6. Shri Arjun Tabiyar - Senior Divisional Personnel Officer - North West Railways (Ajmer)
7. Smt. Devika Chhikaara - Chief Personnel Officer - North-West Railways (Ajmer)

2. At the outset, Chairman drew the attention of the representatives of the Ministry to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. The Committee then put questions which were replied to by the representatives of the Ministry of Railways on the following subjects:-

- (i) Representation regarding anomalies in pay-scales of the employees of Cash & Pay Wing in Accounts Department of Indian Railways.
- (ii) Representation regarding non-implementation of seniority list of Railway employees.

4. To take a balanced and considered view on the demands of the petitioners, the Committee directed the Officials of the Ministry of Railways (Railway Board)

to:-

- (i) examine as to how many employees working in Cash & Pay Wing are graduates out of the strength of about 2000 employees;
- (ii) reconsider the demands of the employees of Cash& Pay Wing in the Railways keeping in view their higher educational qualification and nature of duties assigned to them vis-à-vis promotional avenues in Accounts Division; and
- (iii) give an estimate of the expenditure incurred by the Railways on the process of Court litigation during the last 26 years over the case of petitioners regarding implementation of seniority list vis-à-vis the cost of the benefits to be given to the petitioners had their demands been accepted.

5. A verbatim record of the proceedings was kept.

6. The Committee decided to hold their next sitting on 1st October, 2004.

The Committee then adjourned

MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON PETITIONS (FOURTEENTH LOK SABHA).

The Committee on Petitions sat on Tuesday, 25th January, 2005 from 1100 hrs. to 1130 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Vijay Krishna - In the Chair

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Shri Suresh Kurup
4. Ms. Nivedita Mane
5. Mohd. Muqueem
6. Shri Dharmendra Pradhan

SECRETARIAT

1. Shri Brahm Dutt - Director
2. Shri R.K. Bajaj - Under Secretary

2. In the absence of Chairman, the Committee chose, Shri Vijay Krishna, to act as Chairman for the sitting under rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee, thereafter, considered and adopted Draft Sixth Report.

The Committee then adjourned.