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Title: Resolution regarding Rejection of Award given by Board of Arbitration.

माननीय अध्यक्ष : उसे देख लेते हैं, पहले गवर्नमेंट रिजोल्यूशन है, हरिभाई चौधरी।

We shall now take up Item No. 21 - Shri Haribhai Chaudhary.

गृह मंत्रालय में राज्य मंत्री (श्री हरिभाई चौधरी): अध्यक्ष महोदया, मैं आपकी अनुमति से निम्नलिखित संकल्प पेश करता हूँ।

"कि यह सभा भारत के महापंजीयक के कार्यालय (आर जी आई) में कम्प्यूटर (अब कम्पायलर) के पद के लिए वेतनमानों के संबंध में माध्यस्थता बोर्ड द्वारा 18 अक्टूबर, 1999 को दिए गए अधिनिर्णय (संयुक्त परामर्शदात्री तंत्र और अनिवार्य माध्यस्थता की स्कीम के खंड 21 के निबंधनों के अनुसार सीए संदर्भ संख्या 1/1998 में दिया गया (अधिनिर्णय) को अस्वीकार करने संबंधी सरकार के प्रस्ताव का अनुमोदन निम्नलिखित कारणों से करती है --

(एक) भारत के महापंजीयक के कार्यालय (आर जी आई) में कम्प्यूटर (अब कम्पायलर) के पद के कर्तव्य और भर्ती अर्हताएं राष्ट्रीय नमूना सर्वेक्षण संगठन (एनएसएसओ) में अन्वेषक के पद, जिसके साथ प्रमुखतः समानता की मांग की जा रही है, से तुलनीय नहीं है;

(दो) भारत के महापंजीयक के कार्यालय (आर जी आई) में कम्प्यूटर (अब कम्पायलर) के पद के वेतनमान के उन्नयन से केन्द्रीय सरकार से उच्च श्रेणी लिपिक और अन्य समान वर्गों के पदों, से समान प्रकार की मांग उठ सकती है जिसका भारी वित्तीय प्रभाव होगा; और

(तीन) इस मामले की जांच कई केन्द्रीय वेतन आयोगों, जो विशेषज्ञ निकाय हैं और सरकार में सभी पदों के मामले में समग्र तरीके से विचार करती हैं, द्वारा पहले ही की गई है। भारत के महापंजीयक कार्यालय के संबंध में प्रस्ताव में लगभग 36.14 करोड़ रुपये का एकमुश्त व्यय तथा प्रति वर्ष लगभग 2.93 करोड़ रुपये का आवर्ती व्यय अतिरिक्त है। इसके अलावा पंचाट, यदि स्वीकार किया जाता है के व्यापक वित्तीय और प्रशासनिक प्रभाव होंगे क्योंकि सरकार में भारी संख्या में अन्य समान स्थिति वाले स्टाफ द्वारा ऐसी ही मांग की जाएगी जो राष्ट्रीय अर्थव्यवस्था और सामाजिक न्याय के हित में नहीं होगा।"

HON. SPEAKER: Motion moved:

"That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (*vide* Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:-

- (i) The duties and recruitment qualifications of the post of Computer (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National Sample Survey Organization (NSSO) with whom parity is mainly being sought;
- (ii) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and
- (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly Rs.36.14 crores and recurring expenditure of nearly Rs.2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice."

DR. A. SAMPATH (ATTINGAL): Hon. Speaker, quite often in this August House, we get a copy of these types of Government Resolutions. I am not questioning the validity of the Government Resolution.

Madam, in Item No. 21, it has been stated:

"That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (*vide* Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:-

I am not going into the details.

Madam Speaker, there is a Joint Consultative Machinery. Usually when these types of disputes arise, one part is the Government and the other part is the servants of the Government, I mean, the employees of the Government. Here, they fought this case. After that, what happens is this. I may be permitted to seek a clarification from the Government.

What were the advocates or lawyers doing? Why was this case presented before the Arbitration? We are asking the employees to go for the legal fight. We are telling them that you have a legal remedy and seek the legal remedy. Here, they have won that legal fight. Now the Government is using the provisions of the Constitution and also by using the majority in the Lower House of Parliament. Due to that whatever fruits they might have enjoyed are simply going into drains. So, what is the sanctity of the legal fight that has been done? If the Government wins in the legal fight, then

the Government says: "You have lost." If the employees win, then the Government says: "We have Parliament and Parliament will decide." What if what Parliament decides is anti-labour, anti-employee and anti-working class? So, this is an injustice.

Madam Speaker, here the Minister has stated only two lines but this is not a matter of two lines. This is a matter pertaining to millions of employees and officers working under the Government of India.

"That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (vide Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:- (i) The duties and recruitment qualifications of the post of Computer (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National Sample Survey Organization (NSSO) with whom parity is mainly being sought; (ii) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly ` 36.14 crores and recurring expenditure of nearly ` 2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice."

We have been witnessing these types of Government Resolutions. Whenever the employees win, whenever the officers win, whenever the Government servants win in a legal battle, in a legal fight, and when they get an Award in their favour, we have been witnessing these types of Resolutions by the Government.

Of course, the House has the prerogative, we have the prerogative. But, Madam Speaker, this is not a good precedent. I may be permitted to say this. If I am wrong, I would be the most happier person. But the power of the House, the prerogative of the House should not be misused like this. Everybody should be treated equally before the law. The Constitution says so. Article 14 also says so. But when it comes before the law, the Government is having a stronger footing than an ordinary being, than its servants. So, all this will create social injustice.

Madam Speaker, I may be permitted to read the words and the lines, which have been stated in paragraph 21, Sub-paragraph 2. It says that 'this may lead to similar demands from the UDCs in the Central Government and other common category posts, which would have huge financial implications.'

May I submit Madam that when we implement this Pay Commission Report, then also we may incur huge financial implications. If the Finance Minister is having the good heart to increase the MPLADS funds, then also we may have that much of financial implications. When it comes to the matter of those who are working, why is this type of mentality, this psyche, this approach shown? Anyway, I cannot agree with this type of approach.

We have to find out some other alternative methods. Otherwise, the people who are working under the Government of India may think that we are anti-employees, anti-Government officers and anti-working class.

HON. SPEAKER: No, it is not like that.

DR. A. SAMPATH: I may not be permitted to deviate from such a view. I may be permitted to express my dissent in their following these types of precedents. Thank you.

HON. SPEAKER: The question is:

"That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (vide Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:-

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- (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly Rs. 36.14 crores and recurring expenditure of nearly Rs. 2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice."

The motion was adopted.

...(Interruptions)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, we want division on the Resolution...*(Interruptions)*

HON. SPEAKER: In the adoption of Resolution, what is the need of division?

...(Interruptions)

DR. A. SAMPATH : Madam, on behalf of the working class of this nation, on behalf of the employees of this nation, I pray before you to permit division. Let the nation hear who stands where...(*Interruptions*)

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, the hon. Member, Mr. Kharge and his colleagues may consider. This is an Award of 18th October 1999. I think, Mr. Kharge as the Labour Minister from 2004 to 2014, had adequate opportunity to implement it. May be he knows the reasons why he did not implement it...(*Interruptions*)

SHRI MALLIKARJUN KHARGE: This is the Resolution and we are opposing it...(*Interruptions*)

HON. SPEAKER: It is okay. There is no division. This Item is over, now.

...(*Interruptions*)

DR. A. SAMPATH : Madam Speaker, I may be given a chance to speak...(*Interruptions*)

HON. SPEAKER: I have given you ample opportunity and you have raised your issue also. Now, the Resolution is adopted. Let us go to the next item. Now, we will go to Item No. 22 – Shri P. Ashok Gajapathi Raju.

...(*Interruptions*)

12.25 hours