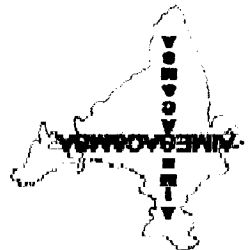


**ALL INDIA M.E.S ADMIN CADRE AND
MINISTERIAL STAFF ASSOCIATION**

(RECOGNISED BY GOVT OF INDIA, MIN OF DEF)

CENTRAL HQ AIMESAC&MSA
C/O CE Delhi Zone, Delhi Cantt-10
WEB SITE : www.aimescgdea.org

President : Sh Shyam Sunder
(Tele: 9811474006 M)
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AIMESAC&MSA/CHQ/2018

Smt.Nirmala Sitaraman
Minister of Defence,
Govt. of India, South Block, New Delhi -110011.

Secretary,
Ministry of Defence, Govt of India,
101, South Block, New Delhi -110011.

Secretary,
DOP&T, Govt. OF India,
North Block, New Delhi.

Secretary,
Min. Of Labour, Govt of India,
Sharamshakti Bhawan, New Delhi.

**DISMISSAL OF DEMAND OF AIDEF TO WITHDRAW THE
RECGNITION OF ASSOCIATIONS RECOGNISED
UNDER CCS (RSA) RULES 1993**

Madam/Sir,

1. This is with reference to :

- i) Article 19 (1) (c) of Constitution of India
- ii) CCS (RSA) Rule 1993.
- iii) The points raised by all India Defence Employees Federation in MOD and National Councils.

2. The following illegal, needless demand of All India defence Employees Federation placed in National Council as well as MOD Councils and counted in almost every meetings.

- Sr. Vice President
- Sh KJ Vinod
- Sh Sudhir Shama
- Vice President
- Sh K Appala Raju
- Sh BN Sengupta
- Sh Harpal Singh
- Sh DS Kakkar
- Sh Harpreet Singh
- Secretary
- Sh Abhishek Pati
- Sh SR Lingaith
- Sh MM Kidwai
- Sh Avtar Singh
- Sh B Roy Chowdhury
- Sh BA Khan
- Asst. Secretary
- Sh Sanjay katara
- Sh M Nageshwar Rao
- Sh Biman Jyoti Roy
- Sh Inder Pal Singh
- Sh SR Bansal
- Sh DC Rahi
- Jt Secy
- Sh Sandeep Sharma
- Sh SP Dahi
- Sh Alok Sarkar
- Sh Shyam Nandan
- Sh Hiranman Ansan
- Sh DN Sharma
- Org Secy
- Sh Vijay Kumar
- Sh SA Elumalai
- Sh Amit Mukherjee
- Sh BP Singh
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- Sh Bharat Kumar
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- Sh SS Pal
- Sh JS Yadav
- Sh Dheeraj Kumar
- Office Secy
- Smt Mateshwan
- Press Secy
- Sh Anil Kumar Shah
- Treasurer
- Sh Vinod Kumar
- Auditor
- Sh SC Shama

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Sr. Vice President

Sh KJ Vinod

Sh Sudhir Sharma

Vice President

Sh K Appala Raju

Sh BN Sengupta

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Sh PRK Dutt

Sh Amiya Kr Gupta

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Sh JS Yadav

Sh Dheeraj Kumar

Office Secy

Smt Mateshwan

Press Secy

Sh Anil Kumar Shah

Treasurer

Sh Vinod Kumar

Auditor

Sh SC Sharma

i) To withdraw the recognition of 56 Associations granted under CCS (RSA) Rule 1993.

ii) To extend applicability of Trade Union Act to the level of Chageman & Office Superintendent in the grade pay of Rs.4200/-, Group "B" NG, level (6) considering all these Non Industrial / Ministerial employees as worker.

3. It is submitted that the Constitution of India has provided fundamental right to every citizen of india vide Article 19 (1) (C) to from Associations or unions. Accordingly employees of Defence have right to from Association or Union. The Government of India has made two separate rules for recognitions of Union And Association in which employees enrol their membership in accordance to category prescribed in their Recruitment Rules as below:

i) Trade Union Act-1926: The Industrail employees of Government were allowed to from Unions as per trade Union Act 1926 in all Ministries / Department..

ii) CCS (RSA) rule 1993: The Non -Industrial / Ministerial employees were allowed to from Associations as per CCS (RSA) rule 1993 which was notified vide G.S.R. 689 (E) by Suresession of the old CCS(RSA) Rules,1959.

4. In year 1967, the Government of India categorised all Central Government employees in three categories as below:

- i) Industrial
- ii) Non-Industrial
- iii) Ministerial

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<p>There are justified reasons with Government to categories employees on basis of working conditions, duties responsibilities and qualifications etc, the concern Ministry/Departments are categorising their employees and incorporating categories in their recruitment rules which are a statutory orders. There are various rules/facilities applicable to Industrial employees which are not applicable to Non-Industrial/Ministerial employees posted in the same establishments.</p> <p>5. The Defence civilian Non industrial/Ministerial employees have exercised their power specified in constitution of India & CCS (RSA) 1993 and formed 56 Associations. The membership of associations restricted to a particular category and these employees got grievance redressal plottrom for specific categories which have helped a lot to resolve employees grievances, reduced Court cases and made a harmonious relations between employees and employers of Defence without participating in any strikes lockouts.</p> <p>6. Supersisingly, the AIDFF have demanded to withdraw the recognition of Associations granted by Min. of Defence in past 25 years as per CCS (RSA) Rule 1993 and to extend union membership to supervisors, office superintendent ignoring Constitutional provision under which Civilian employee of Defence have option to farm an Associations. No one has right to withdraw the constitutionally formed Association as per provisions of Article 19(14) (c) of constitution of india which has been duly recognised by Min. Of Defence Under CCS (RSA) Rule 1993 the Constitution of India has to be amended first and withdraw the fundamental rights of employees of defence civilian before withdrawl of recognition of Association. The demand of AIDFF is totally illegal, unconstitutional and unwarranted thus should not be entertained by MOD , DOP& T and ministry of labour .</p>		<p>Sr. Vice President Sh KJ Vinod Sh Sudhir Sharma Vice President Sh K Appala Raju Sh BN Sengupta Sh Harpal Singh Sh DS Kakkur Sh Harpreet Singh Secretary Sh Abhishek Pali Sh SR Lingaiah Sh MM Kidwai Sh Avtar Singh Sh B Roy Chowdhury Sh BA Khan Asst. Secretary Sh Sanjay kataria Sh M Nageshwar Rao Sh Biman Jyoti Roy Sh Inder Pal Singh Sh SR Bansal Sh DC Rahi Jt Secy Sh Sandeep Sharma Sh SP Dalvi Sh Alok Sarkar Sh Shyam Nandan Sh Hiran Ansan Sh DN Sharma Org Secy Sh Vijay Kumar Sh SA Elumalai Sh Amit Mukherjee Sh BP Singh Sh Amrik Singh Prop Secy Sh Bharat Kumar Sh FRK Dutt Sh Amiya Kr Gupta Sh SS Pal Sh JS Yadav Sh Dhneeraj Kumar Office Secy Smt Mateshwan Press Secy Sh Anil Kumar Shah Treasurer Sh Vinod Kumar Auditor Sh SC Sharma</p>
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7. The Min. Of defence as recognised union consisting industrial employees working as civilian employees with in Min of Defence . Not even a single industrial employee is a member of recognised Association as per MOD records 83, 24% employees of defence civilians are being represented by different union affiliated to three Federation i.e AIDEF, INDWS and BIMS where as only 16.76% employees are being represented by Association affiliated to CDRA . Holding such a significant representation, the federations of defence are demanding extension of applicability of trade union act to the label of chargeman & office superintendent in the grade pay of Rs.4200/-, group B level (6) with prime intention to grab entire JCM representation, create monopoly of in various JCM council operative with in defence to make effective application of strike & to lockouts with the help of supervisory cadres . Intention behind such demands by the federation is not fair and beneficial to employees as well as employers .

8. It noticeable that the memberships of Associations are verified through Check of system . No Industrial employee of Defence is allowed to form an Association or to become member of Association whereas there are extensive duplicity in membership of unions among others as well as they are making members from Non industrial employees who are already member of Associations. The glaring example is Naval Dockyard Vishakapatnam where total membership of three federations is higher than total born employees of that establishment. It is happening due to non implementation of check of system for employees formed Unions and recognised by Defence establishments.

9. As per Trade union Act 1926 and factory act 1948, the definition of Trade Union , worker and workman are placed below:

" Trade Union" means for the combination, whether temporary/permanent, formed primarily for purpose of regulating the relations between workmen and employers or between workmen and workmen and or between employers and employers , or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions provide that....

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Sr. Vinod Kumar

Auditor

Sr. SC Shama

• The definition of "Worker" under Factories Act 1948: " Worker " means a person employed , directly or by or through any agency(including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process, or the subject of the manufacturing process but does not include any member of the armed forces of the Union.

• Definition of "Workman" under the industrial Dispute Act 1947: " Workman " means a person (including an apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person.

• As per Pare 3 of CCS (RSA) Rules 1993 " These rules shall apply to service association of all Government servants including civilian Government servants in the Defence services but shall not apply to industrial employees of the Ministry of Railways and Workers employed in Defence Installations of Ministry of Defence for Whom Seprate Rules of Recognition exist.

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10. It is clear from facts stated above that there is clear difference in the meaning of "Workers" and "Workman" prescribed above whereas AIDFF is misquoting the word "worker" reflected at para 3 of CCS (RSA) rule 1993. The union activities are restricted to Industrial employees in production units only. The demand raised by AIDFF is not at all justified because provisions of constitution and statutory orders CCS (RSA) rules 1993 can not be modified by any administrative orders and will attract a series of litigations. No binding can be imposed on employees by any authorities to forfeit membership of union violating power extended to every citizen of India vide 19(1) (c) of constitution of India.

11. The functioning of chargeman & office superintendents are purely supervisory nature with a classification of cadre as Non - Industrial Employees (NIEs)/ Non-Gazetted, Group "B" employee. As per CPRO 63/59, the chargeman can not be member of union, and MOD letter 14/24/2 K/A/IR dated 25th Jul.2000 also states that chargeman who were member of union prior to 04th Oct.1982 can remain member of union but no chargeman will be member after 4th Oct. 1982. The chargeman are receiving targets for machines and manpower under their control and they are allocating Man power & material for the work. They are responsible for production schedule and to execute it as per planned arrangements with desired quality as well as to ensure timely breakdown maintenance.

(a) NATURE OF DUTY OF OFFICE SUPDT IS AS UNDER :

"Responsible for administration, supervision of office work and General discipline of staff in Office and sections of higher offices. To guide clerical staff on Acts, Laws, Rules and Regulation and to Supervise all MBS Ministerial duties"

b) Duties, Responsibilities, Qualification, Nature of Work of chargeman and os under MOD are significantly different from industrial workers.

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