

refuses to give consent. He has not refused the consent. He has given his consent under Rule 56. Therefore, proviso is not applicable. My contention is you have followed the right course by giving your consent under Rule 56. They were to move under Rule 61 which they have failed. This is the position. Rule is very clear.

SHRI AMAL DATTA: Please read Rule 60 (2) —"If objection to leave being granted is taken...

(Interruptions)

S. BUTA SINGH: That arises if you withhold the consent.

MR. DEPUTY-SPEAKER: I never refused my consent.

S. BUTA SINGH: I have refused you consent. Rule is very clear.

PROF. MADHU DANAVATE: Sir, the fact is even if you ask us to repeat the procedure in all the three stages, there are no 50 members here. Adjournment motion is not applicable. There is no point in discussing it.

MR. DEPUTY-SPEAKER: There is no point in discussing this matter.

SHRI S. JAIPAL REDDY (Mahbubnagar): The relevant fact, Sir, is on issue like Panjab, the ruling party is partisan....

(Interruptions)

S. BUTA SINGH: I have offered that the Government is willing to have the matter discussed.

MR. DEPUTY-SPEAKER: We are going to take it up under Rule 193.

SHRI BASUDEB ACHARIA: Are you going to make a statement today on yesterday's killings?

SHRI S. BUTA SINGH: Not today. But

any day next week fixed by the Speaker.

12.23 hrs

[English]

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Strike by Junior Engineers of C. P. W. D.

SHRI AJOY BISWAS (Tripura West): I call the attention of the Minister of Urban Development to the following matter of urgent public importance and request that she may make a statement thereon:—

"Situation arising out of the continued strike by junior engineers of the Central Public Works Department all over the country and the steps taken by the Government to resolve the issues involved amicably."

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): Mr. Speaker Sir, The Junior Engineers of Central P. W. D. are on an indefinite strike since July 14, 1987. Their main demands are:—

- (i) Removal of stagnation through Cadre Review and promotion on seniority-cum-merit basis;
- (ii) Fixed Travelling Allowance;
- (iii) Enhancement of special pay for planning and design work;
- (iv) Abolition of Class II direct recruitment and ban on class I recruitment; and
- (v) One single pay scale.

As a result of the Cadre Review, 559 additional posts of Assistant Engineer have already been created. Normally, they would have been filled up by promoting 50% Junior Engineers on seniority-cum-merit basis and

[Smt Mohsina Kidwai]

50% through a limited Departmental Competitive Examination. However, it has been decided to make an exception this time and promote Junior Engineers on the basis of seniority-cum-merit.

As regards the fixed travelling allowance, there is already adequate provision in the financial rules for the re-imbursment of travelling expenses by Government servants who have to make frequent journeys within 8 Kms. on duty.

Presently, the Graduate Junior Engineers get more special pay than Diploma Holders for doing planning and design work. It has been proposed that the Diploma Holders should get the same special pay as that given to Graduate Junior Engineers

The demand of the Junior Engineers for not recruiting Graduate Engineers, both at Class II and Class I levels, cannot be acceded to. However, considering the stagnation in the Cadre of the Junior Engineers, direct recruitment to Class II has remained suspended since 1972.

Prior to the 4th Pay commission, the Junior Engineers were in a single scale of Rs. 425-700 with a selection grade of 550-900 for 15% of the posts. To improve the service prospects of the Junior Engineers' Cadre, the 4th Pay Commission had recommended two revised scales of pay:

(a) Rs. 1400-2300

(b) Rs. 1640-2900.

The Pay Commission had recommended these two scales on a 50: 50% basis of the Cadre posts. Government have decided that 25% posts may be kept in the junior scale and 75% in the senior scale, which is evidently an improvement to the benefit of the Junior Engineers. Awarding a single uniform scale to Junior Engineers by making a major departure from the recommendation of the 4th Pay Commission has not been found feasible.

All possible efforts have been and are being made by the C. P. W. D. Officers to maintain the essential services during this period. The maintenance of all Government

Offices and buildings, including vital installations, is an essential service under the Essential Services Maintenance Act. The strike has been declared illegal under the provisions of this Act.

For the last 6 months or so, the Junior Engineers had resorted to work-to-rule. They have been intimidating their officers and neglecting their duties throughout this period. During negotiations as well as through written communications, they were asked to desist from such activities. They have always been assured that every effort will be made to deal with their demands as sympathetically as possible and their demands have in fact been quite substantially met.

I would, therefore, appeal to the Junior Engineers to resume duty forthwith. I hope the honourable members of this House will prevail upon them to give up their agitational approach.

SHRI AJOY BISWAS: Sir, I have gone through the statement. Actually the statement is evasive and the statement itself shows that the Government had no intention to settle the issue amicably. The strike was started on 14th July and 25 days have now been elapsed. During this period the Government has not come forward to settle the issue. The Government has not even taken any initiative to open a dialogue with the striking workers.

Sir, the Junior Engineers issued the strike notice on 8.5.1987 - 70 days before the strike. They started the agitation from 1985 November. They also discussed their demands with the secretariat of the Prime Minister. Both the Prime Minister and the Urban Development Minister assured them to fulfil their demands. So, they even deferred their strike decision twice at the request of the Prime Minister and the Urban Development Minister. They have given much time to the Government to come to a settlement; but the Government for such a long period, during these two years, did nothing to settle the issue. They started the strike - because they had no other alternative but to go on strike when the Government did not implement these assurances

Seven thousand Junior Engineers are now on strike for the last 25 days. Instead of settling the issue, the Government has declared a war against its own employees. They have promulgated MISA, they have terminated the services of 1200 Junior Engineers; one thousand police cases have been launched against the Junior Engineers and they have been harassed by the police. Even the fathers, brothers and relatives of the Junior Engineers are being detained by the police. The Government has let loose a reign of terror against the striking Junior Engineers.

Sir, what are the problems? In spite of your reign of terror the striking workers are continuing on strike and the strike is total. The problems are because of the bifurcation of the pay scales. The junior engineers, the draftsmen grade II and the foremen are in the same pay scale but the draftsman grade II and the foremen are to work under the junior engineers. Even the junior engineers are to supervise the duties of the foremen. So how it can be that the pay-scales of the supervising staff be at par with the subordinate staff!

Secondly, the situation has become complicated on account of raising the pay-scale of the draftsmen. Now the pay-scale of the draftsman grade I is Rs. 1600-2640. The job and duties of the junior engineers are superior to that of draftsman grade I. The Government formed a job evaluation committee and that committee has also given its report. I am quoting from the reply to Unstarred Question No. 4694 dated 30th March, 1987:

"The *ad hoc* committee for undertaking a comparative job evaluation of the duties and responsibilities attached to the posts of junior engineers and draftsman grade I in the CPWD arrived at the following conclusion unanimously:

On making a comparative study of the duties of the two posts the Committee is of the view that the duties of the junior engineers in the CPWD are of more complex and onerous nature than those of the draftsman grade I."

The Government have accepted the conclusion of the Committee. You have set-up a committee. The committee has given its verdict unanimously that the duties of the junior engineers are more complex and onerous as compared to draftsman grade I. You have also accepted the conclusion of the committee. Then what you have to do. You have to remove the anomalies. You have to improve the pay scales of the junior engineers. You have not done anything in this period and the pay scales of the junior engineers in spite of their more responsible duties as compared to draftsman grade I are lower. Virtually the pay-scale of the junior engineers has been down-graded and, as such, their feelings have been hurt.

The main problem is that the junior engineers who are supervising the duties of draftsmen and foremen their pay-scales are less. So, definitely they feel that their position has been denigrated. Their prestige has been denigrated. So definitely the situation has been made more complex.

Another thing is that you are violating the verdict of the Supreme Court. The Supreme Court has given a verdict in the case of Savita versus Union of India that there should not be two pay scales where the responsibilities and the nature of work are the same. In the case of Junior Engineers Grade - I (Rs. 1400-2300) and the promotional Grade (Rs. 1640-2900), the nature of duties is the same everything same. So, you are violating the verdict of the Supreme Court.

Then, Sir, in other departments under the same Government, you are allowing higher pay-scales for the Junior Engineers. In the P & T Department, all the Junior Engineers are getting the pay scale of Rs. 1640-2900. There are no two pay scales in that department. Only in the CPWD you have two scales. You have bifurcated their pay scales. It is Government which have created the problems and the Junior Engineers are not responsible for that.

The next point is about promotional avenues. It is your statement that you are

[Shri Ajoy Biswas]

trying to open promotion avenues for the Junior Engineers. That is not true. Promotional avenues of the Junior Engineers are limited. Stagnation in their cadre is acute. You promised to create 559 posts at the Assistant Engineer's level to remove the stagnation. Still you have not implemented it. What is happening? The Junior Engineers working for the last about 28 years are not getting the promotion to the Assistant Engineer's level. Even if you fill up these 559 posts, only the Junior Engineers who have served for 26 years will get the promotion. So, that is the avenue of promotion for the Junior Engineers.

Sir, the Minister has said that she tried time and again to discuss with the striking Junior Engineers. Actually it is not true. You told them to meet you on 14th July - the date of the strike. They went to your office but you were not there. Then again they went to your residence. But you did not meet the leaders of the Junior Engineers. That is the attitude of the Government. They served a notice of 70 days earlier. In spite of that, the Minister did not even dare to discuss the issue with the striking workers. It is not the attitude of the Government to solve the problems.

So, my question is whether it is a fact that the Urban Development Ministry has recommended the demands of Rs. 1640-2900 pay scale (basic grade) of Junior Engineers with all sorts of justification but failed to finalise the same even after 25 days of the strike. If so, I would like to know the reasons of such delay. The matter has already been delayed and an immediate settlement of the disputes is required in the interest of the people and the development of the country. Will the Government initiate discussions with the representatives of the junior engineers immediately and settle the issue? If so, when is the Government going to discuss it with the leaders of the junior engineers? You must indicate the date and time here, because the entire country wants to see the end of the strike and creation of congenial atmosphere. Further, will the Government also withdraw all sorts of repressive measures?

I shall give a way out. You can promote all the junior engineers who had been appointed before 1st April, 1987 as a stagnation relief. If there are any problems to merge both the pay scales, my proposition is that you just give all these junior engineers higher pay scale as a stagnation relief, and then you can discuss with them and settle the issues. Are you ready for that?

Further, is it a fact that the Job Evaluation Committee unanimously pointed out that the duties of the junior engineers are more complex and onerous and the Government have also accepted the recommendations. If that is the case, why are the junior engineers not getting preferential treatment?

MR DEPUTY-SPEAKER: Shri Chintamani Jena. only five minutes please.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): This is a very important issue. You cannot put a restriction like that. It is such a burning issue today.

MR DEPUTY SPEAKER: Your name is not there. You have no right to ask any question. There is a procedure I have to follow. If you think, it is very important, give notice for some other motion.

In the calling attention, the first member can take ten minutes and others five minutes each only. I have to follow that procedure.

Shri Chintamani Jena.

SHRI CHINTAMANI JENA (Balasore): Mr Deputy-Speaker, Sir, after going through the statement made by the hon. Minister, I convey my heart-felt thanks to her for her sincere efforts to put an end to this very unfortunate strike by 7000 or more junior engineers of the CPWD. I am sure, the hon. Minister has a motherly affection for them.

At the same time, I would like to draw her kind attention towards their demands and the anomalies in their promotions, pay scales etc, which have already been elaborately stated by the previous speaker.

Regarding their demands for cadre review for removal of stagnation, you will be surprised to know that for the last more than 26 years, not a single junior engineer has been promoted to the next higher grade of Assistant Engineers. Hon. Minister or the Ministry has agreed to accept the report of the Job Evaluation committee. Then also you will see that only 2 years' stagnation will be given, i.e. the Junior Engineers who have served for more than 24 years cannot be promoted. Only after that period they will be promoted.

I will not take much of your time because you are giving me only 5 minutes to speak. I would request the Hon. Minister that at least as a temporary relief, remove such stagnation. Those who have completed 15 years of service, let them be given promotion. This is not a new thing which I am submitting before this august House because this system is there in the P&T Department and in C.W.C. In CWC, it is for Class-I officers.

Sir, regarding the anomalies in the pay scales, I would like to draw the attention of the Hon. Minister to the letter dated 2nd April, 1986 of her Ministry in which the Ministry had recommended the case to the Fourth Pay Commission. In the letter they had strongly recommended the replacement of scale of pay from Rs.550-900, which is there at present, to Rs. 1640-2,900. If you kindly allow me, I have the data with me and I can read the relevant portion. I quote:

"It is a fact that the duties of the Junior Engineer in the Central P.W.D. are more difficult than the duties assigned to the Draftsmen Gr.I. Draftsmen Fr. I have mainly in-door duties. Their responsibility and accountability is limited to the accuracy of their own work. On the other hand J.Es basically have out - door work. They have to deal with public contractors, labourers, etc whose work they are required to supervise. They are also accountable and answerable for the measurements of works which form the basis of payment to the contractors and workers. Thus, their responsibilities are much wider and their work more arduous

than those of the Draftsmen Gr.I.

It is, therefore, recommended that the Junior Engineers of the Department may be placed in the scale higher than that of the Draftsmen Gr.I. The Central P.W.D. Junior Engineers Association has demanded the scale of Rs. 550-900. The Junior engineers in the National Security Guards, under the Ministry of Home Affairs has been assigned this scale of Rs. 550-900. The duties are identical." etc. I quote.

So, in this connection, may I know from the hon. Minister, that when they had recommended this scale of pay to the Pay Commission, whether her Ministry is reluctant to accept this?

Sir, regarding the Job Evaluation Committee, I wish to inform the House that the job Evaluation Committee, was constituted because the Pay Commission had expressed its inability to undertake the job of evaluation. And the Committee in its report unanimously recommended that the duties and responsibilities of junior Engineers in C.P.W.D. in comparison to draftsmen Gr. I are more complete and arduous. In this connection, my hon. friend Shri Kamaramanglam had put a question. While replying the Minister had told that they had accepted the report of Job Evaluation Committee. So, what is the hunch in implementing it? The hon. Minister has told that they have upgraded some 550 and odd posts. It will not solve the problem. Rather, it will create more problems. For 25 years, one Junior engineer has to work without any promotion. When the Government has accepted the Report why wasn't it implemented?

Before the Pay Commission's Report came, Secretary, Urban Development wrote to the Secretary, Expenditure in the Ministry of Finance to remove anomalies with regard to draftsmen. I am not going to read out the letter, I will just give you the date of the letter. It was written on 14th March, 1986. We all have the bitter experience of the consequences of strikes etc. For the last six

[Shri Chintamani Jena]
months, these people have taken recourse to such actions as 'go slow', 'work to rule', etc. Even then, there was no action on the part of the Ministry. No attempt was made by arrive at a settlement.

One day before they proposed to go in strike indefinitely, the then Minister of Urban Development, Shri Abdul Ghafoor, wrote to the then Finance Minister Shri V. P. Singh requesting the removal of anomalies in connection with Draftsmen Grade - I. I have a copy of that letter also. It is a D.O. Letter F.12011/1/85/EW-II (P&T), Dated 3rd June, 1986.

I will just cite one more example. On 21st April, 1986, a decision was taken at the level of the Prime Minister's Secretariat. The Joint Secretary in the prime Minister's Secretariat wrote a letter to the Joint Secretary in the Ministry of Urban Development. The letter No. is 45 (164) / 86 - PM Sectt. Dated: 2nd April, 1986. Some decision was taken on 21st of February, 1986 and the joint Secretary of the Prime Minister's secretariat also wrote to her Ministry to implement the decision. But unfortunately, it could be pursued. I think, therefore it was not implemented.

In her statement the hon. Minister told that her Ministry was not going to accept one pay scale by bifurcating all the junior Engineers' cadre. But it was done by her Ministry. Previously, there was only one cadre and also only one pay scale.

While coming to the other aspects, the hon. Minister has told that alternative arrangements are made to meet the requirements of the general public.

Sir, you might be knowing and we also know that millions of people who are occupants of Government accommodation are experiencing lot of difficulties for the last about one year in the absence of maintenance assistance and also other facilities which are provided by the CPWD. Even the MPs and also the Union Ministers who are occupying Government accommodation are facing a lot of difficulties. Whenever we tried to request the CPWD Service Centres, their reply was that junior Engineers are on strike.

Even for replacing an electric bulb, we have to wait for five to six days. We have to purchase it from our own pockets. That is the reality. I am not talking about MPs and Ministers only, but I am talking about millions of people who are occupying Government accommodation. You just see, what is going on there. You kindly send a team of our officers to R.K. Puram and other places in Delhi where Government quarters are there, then you will see how the Government servants living there are suffering in the absence of maintenance assistance. I hope the hon. Minister will appreciate that this is not the proper way of negotiating with them. If we become rigid in our approach, then there may not be an end to it or otherwise, it will continue for ever and ultimately the Government will have to lose and the national economy will be shattered.

In this Connection, my first submission is that the junior Engineers who have put in more than 15 years of service may be given promotions on temporary basis till a permanent solution is reached and this type of agitation can be put an end to.

Similarly is the situation with the junior Engineers working in the Horticulture Department. They are also stagnating. They are also agitating like their counterparts in the CPWD.

If the people working in the Horticulture Department also go on strike, then, it will pollute the entire environment of the country. so, I would request the hon. Minister to kindly look into this problem, immediately, and try to settle the matter as quickly as possible.

With these words, I conclude.

[*Translation*]

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): Mr. Deputy Speaker, Sir, the hon. Members have either not been told the full facts or they have been provided distorted information.

I want to give a brief background of this matter. As you have said, as per the Third Pay Commission's Report, the scales of pay

of Draftsmen and those of the Junior Engineers were equal. As per the report submitted by the Third Pay Commission, the scale of pay of Draftsmen working in the department of Urban Development had become a little less and those working in other departments had been increased a little. Prior to that the scales of pay of junior engineers and those of the Draftsmen were equal. Thereafter, the Draftsmen represented against reduction in their pay scales. Their case was also referred to J.C.M. In the arbitration award, it was stated that it was an anomaly and the pay scales of these Draftsmen should be brought at par with other Draftsmen.

[*English*]

MR DEPUTY SPEAKER: Madam Minister, you can continue your reply after lunch.

SHRIMATI MOHSINA KIDWAI: Sir, I will complete within 15 minutes.

(*Interruptions*)

MR DEPUTY SPEAKER: We can adjourn for lunch now. Let the Minister continue her reply thereafter. We do not want to restrict the time for her reply. Let us give a lengthy reply, after 2 O' clock.

Madam Minister, you can continue your speech after the lunch hour is over.

13.00 hrs

*The Lok Sabha adjourned for lunch till
Fourteen of the Clock*

14.05 hrs

*The Lok Sabha re-assembled after lunch
at five minutes past Fourteen of the Clock*

[MR DEPUTY SPEAKER *in the Chair*]

CALLING ATTENTION TO MATTER OF
URGENT PUBLIC IMPORTANCE —
CONTD.

**Strike by Junior Engineers of
C.P.W.D.**

[*Translation*]

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI) Mr. Deputy Speaker, Sir, the Ministry of Urban

development has full sympathy with the demands of the Junior engineers. If you go into the details, there was not a single occasion when the ministry of urban Development did not make every possible effort for recommending their case either to the ministry of Finance or the Pay Commission. So far as I know, the Junior Engineers have no grievance against this Ministry. Shri Ajay Biswas was saying that I did not meet their representatives. It is a fact that I had made an appointment for the 14th. Everybody knows that elections to the post of President were to be held on 13th and all of us were busy there. I gave appointment on the first opportunity that was available to me on the 14th. Their leaders had sought appointment met me. Your statement that I did not meet them is totally incorrect. I met them at my residence. I met all the leaders of their association. Besides, the recommendations made by us to the Pay Commission

(*Interruptions*)

[*English*]

SHRI AJOY BISWAS (Tripura West): That was not correct. They went to your residence. But even then you did not discuss with them.

[*Translation*]

SHRIMATI MOHSINA KIDWAI: Shri D.P. Ray had sought an appointment which I granted him. I have been meeting their representatives frequently. I have never declined to meet them..... (*Interruptions*)

KUMARI MAMATA BANERJEE (Jadavpur): Please do not interrupt. They have a genuine demand and it is to be solved.

SHRIMATI MOHSINA KIDWAI: Shri Biswas had also said that Shri Ghafoor had written a letter to the Finance Minister. Shri Ghafoor had written the letter at a time when the pay Commission report had not come. As a result the Pay Commission took cognizance of the letter. The Ministry of Urban development had recommended higher pay