

MINUTES OF THE O & M MEETING OF
THE MINISTRY OF LABOUR & EMPLOYMENT (MAIN SECTT)
TAKEN BY SECRETARY (L & E) ON 23.10.2006

The O&M Meeting of the Ministry of Labour & Employment (Main Sectt.) for the quarter ending 30th June,2006 was held under the Chairmanship of Secretary (Labour & Employment) on 23.10.2006 at 10.00 A.M in the Committee Room, 'C' Wing, Shram Shakti Bhawan, New Delhi. The list of Officers, who attended the Meeting is enclosed at Annexure-I.

2. At the outset, the Chairman welcomed and conveyed season's greetings to all the officers present in the meeting. Thereafter, the Minutes of the last O & M Meeting held on 08.05.2006 were confirmed and Action Taken on the decisions taken in that Meeting was reviewed.

3. Chairman observed that material for O & M Meeting for quarter ending 30.6.06 received in IWSU by the middle of Sept, 06 only and it took 3 reminders to get the material from the sections. **The chairman directed that information should be furnished to IWSU timely by all.**

**{Action: i) All Wing Heads/ JS
ii) CPFC (EPFO), iii) DG, ESIC}**

4. The Chairman enquired about the finalization and implementation of Award/ Reward scheme in ESIC. It was informed that in ESIC, the Scheme is supposed to be finalised by 31.12.2006. Chairman enquired about the meeting with Indian Institute of Manangement (IIM), Ahmedabad and whether deadline of 31.12.2006 for finalisation of the award scheme would be adhere to? Representative of ESIC intimated that a draft report has been submitted by IIM Ahmedabad. **The Chairman directed that the scheme should be finalised by 31.12.2006.**

{Action: DG, ESIC}

5. Position about pending **PMO/Cabinet Sectt. References** as on 30.6.2006 in EPFO were reviewed. There are 33 pending PMO references in EPFO. It was pointed out that there are 15 PMO references pending for less than one month, 12 PMO references pending between 1-3 months and 6 PMO references pending between 3-6 months.

6. Pending Cabinet Sectt. References in EPFO are 79. There are 10, 16, 16, 32, 3 and 2 references which are pending for less than one month, between 1-3 months, between 3-6 months, between 6 months to 1 year, between 1 to 2 years and more than 2 years respectively.

7. Chairman observed that in EPFO there are 6 PMO references pending for more than 3 months. Also, there are 16 Public Grievances pending for more than 3 months, 2 for more than 6 months, 3 for more than a year and 2 for more than 2 years. Special Secretary (L & E) enquired about the mechanism to handle these cases.

8. Chairman enquired about coercive action that can be taken against defaulters. Dir (KCJ) viewed that EPFO should take coercive action after 6 months. **Special Secy (L&E) directed that EPFO should issue some policy guidelines to clear such cases and make all out efforts to dispose these cases.**

{Action: CPFC (EPFO)}

9. **The Chairman reviewed the position of Public Grievances in ESIC. There are 3 PMO references and one pending Cabinet Secretariat reference which is 3-6 months old. At the time of review of Public Grievances, ESIC representative intimated that the pending reference from Cabinet Sectt . will be settled by 15.12.2006. Chairman impressed upon expeditious disposal of all other pending cases.**

{Action: DG, ESIC}

10. The Chairman reviewed pendency position in respect of the cases pending disposal for over 1 and 2 years in the Ministry. There are 3 and 9 cases which are pending over 1 year and 2 years respectively.

Chairman enquired about the progress of exploring feasibility of building own office for Labour Bureau. He further enquired about the advice rendered by the Ministry of Law in case of Labour Bureau about finalisation of lease deed. **Chairman directed that Labour Bureau's pendency will be reviewed next month at the next Review of the Bureau's activities, either in Chandigarh or Shimla. He further directed that Director (HS) should fix the date for this Review.**

{Action: LEA/Dir (HS)/DG, Labour Bureau}

12. The Chairman then reviewed the cases pending for more than 2 years . There were 06 cases pending for more than 2 years - 05 in IR (PL) and 01 in CLS-I Section. **Chairman noted that pendency of 5 cases which are of policy and legislative nature pending for more than two years in IR (PL) Section is beyond the control.**

13. Dir (VA) elucidated about the present position of the one case pending for more than 2 years in CLS-I Section regarding creation of one post of Assistant Labour Commissioner in Andaman and Nicobar Administration. Ministry of Law in this case, has advised to implement the Court Judgement.

14. Chairman subsequently reviewed the cases pending for more than 2 years in respect of DGLW Division. Chairman enquired about the case of CWC, Patparganj and Whether this has been finalised? It was intimated that this case is about abolition of Contract Labour in the Central Warehousing Corporation (CWC) and with the approval of Hon'ble LEM, this proposal has been referred to Ministry of Law for vetting.

15. The Chairman observed that there are 74 pending MP references in the Ministry. Sections under JS (GK) and DGLW contribute to majority of cases viz 53 and 16 cases respectively. **Chairman directed all the Wing Heads to launch special arrear clearance drive in their Wings/Organisations.**

{Action: i) LEA/Wage Cell
(ii)JS(SKS) C & WL
iii) JS (GK)/CLS-II/SS-I/SS-II/IR (Imp-I)/IR (Imp-II)
iv) DGLW/LW/W-I/W-IV/W-III }

16. **Chairman reviewed pending PMO references/ Calling Attention Motion/Zero Hour Matter in the Ministry.** There are 2 PMO references pending disposal between 3-6 months in the Ministry. Of these, one reference is pending in Coord. Section under LEA. This is about follow up action in respect of presentation on Labour Reforms in the Prime Minister's Office on 18th November, 2005. Another pending PMO reference is in Vigilance Section about complaint against Welfare Commissioner, Hyderabad. **Chairman expressed his concern and observed that since these cases have been referred by the Prime Minister's Office, they need utmost attention by the concerned Unit.**

{Action:i) LEA/ Coord.
ii) JS(GK)/Vig.}

17. The Chairman reviewed the **Lok Sabha/Rajya Sabha Assurances pending for more than 3 months.** There are 36 Lok Sabha and 32 Rajya Sabha assurances pending in the Ministry. He observed that there are 4 Assurances pending between 3-6 months, 7 Assurances pending between 6-12 months, 7 Assurances are pending between 1-2 years in Lok Sabha. 18 Assurances pending for more than 2 years in the Lok Sabha.

18. Chairman pointed out that bulk of such pending Lok Sabha/Rajya Sabha assurances are under DGLW. DGLW explained that the assurances pending in RW section relates to Unorganised Sector Workers Welfare Bill. **Chairman suggested that since no time frame can be fixed in the matter, Committee on Lok Sabha assurances may be approached to drop the assurances. In the meantime, extension should be taken.**

19. Chairman enquired about the position of dropping assurances relating to the amendment/ enhancement of Bonus in Payment of Bonus Act etc. It was informed that, in accordance with the advice of Ministry of Finance, Cabinet Note is being prepared. **Chairman expressed his concern and directed that disposal of pending Lok Sabha/Rajya Sabha assurances may be handled with utmost care and processing of these cases be expedited at the earliest.**

{Action: i) EA/WB/WC/Coord.
ii) JS(SKS)/C&WL-I
iii) JS (GK)/IR (IMP-II)/IR (PL)/SS-II
iv) DGLW/RW/LW}.

20. Chairman reviewed the progress of recording, reviewing and weeding out of files in various Wings. Chairman directed all the Bureau Heads, to carry out regular drives for recording, reviewing and weeding out files.

{Action: i) All Wing Heads}.

21. Thereafter review of pending court cases was taken up. There are total **64 court cases pending for more than 6 months** in the Ministry. Out of which 49 cases are more than 2 years old. 28 of these pending court cases pertain to LEA. LW Section under DGLW Division has 7 court cases pending which are about contract labour and pending for decision of Central Advisory Contract Labour Board (CACLB).

22. Chairman enquired from Dir (VA) about Lucknow case. Dir (VA) intimated that they have taken action in the case in the Allahabad High Court and order has already been passed by them. However, UP Govt has not sent any reply. **Chairman directed to take up the matter with the Chief Secretary, UP.**

{Action: Dir (VA)}.

23. Legal Advisor pointed out that if Wing heads involve him at appropriate stage, the Pending court cases can be reduced to 50%. He added that he tries to clear all the cases referred to him at the earliest. He advised that all the cases should be brought to his notice at appropriate stage. He mentioned that the Bureau Heads are the best judge to decide reference of such cases to him.

24. Legal Advisor informed that an Orientation Programme on dealing with court cases was organised in National Academy for Training and Research in Social Security (NATRSS) and it was very successful. **On suggestions of the Chairman, LA offered his services and accepted to give presentation on legal procedure to deal with court cases in the Ministry.**

{Action: LA }

25. **Special Secretary (L&E) also suggested LA to issue guidelines for dealing Court Cases to all the Bureau Heads.**

{Action: LA }

26. The Chairman expressed his concern over pendency of court cases and directed that the court cases should be monitored regularly for expeditious disposal and to avoid any contempt.

I(LB) {Action:i) LEA/WB/WC/COORD./ESA-
ii) JS(SKS)/ESA-II (CBWE & NLI)
iii) JS(GK)/ IR(IMP-II)/CLS-II
v) DGLW/LW/W-I.
vi) LA
vii) Dir(VA)}

27. Coming to pending Audit Paras, it was observed that there are 211 AG's audit paras and 2292 Internal Audit paras pending. CA intimated that 595 internal audit paras have been settled and balance is 1736 for liquidation.

28. CA (L &E) further informed that after the last meeting most of the divisions have submitted the reply. However, some replies are not satisfactory. She requested all the divisions to send complete reply well in time.

29. Admn.- III Section intimated that pending 8 Audit Paras were expected to be settled by 31.8.2006. Chairman enquired whether this has been achieved. It was intimated that 2 paras have been settled.

30. It was observed that 40 audit paras are pending in respect of Labour Bureau. When pointed out about the poor response from Labour Bureau, Chairman directed to write a D.O to DG Labour Bureau from his side.

{Action: LEA/ESA}.

31. **Controller of Accounts (CA)** expressed her concern about non-receipt of Utilisation Certificates (UCs) under National Child Labour Project (NCLP) some of which are of 8-9 years old. She mentioned that sincere efforts are required to be made to obtain Utilisations Certificates as Ministry of Finance is monitoring the progress on quarterly basis and no grants can be released till Utilisation Certificate of previous release is received. **{Action: JS(SKS)}**

32. **Dir (HK)** replied that there are just 5 States viz Andhra Pradesh, Orissa, Bihar, Rajasthan and Uttar Pradesh from where reports on audit paras have been pending. She mentioned that they have compiled a statement year-wise and State-wise to monitor the position on audit paras. One of the main reasons for not finalising the audit paras is non-submission of utilisation certificate. Sometimes, money sanctioned has not been spent. They have written to different States about this many times. CA mentioned that the internal audit paras pending are not relating to Utilisations Certificates but these are regarding the functioning of NCLPs. **The Chairman directed to write to the Chief Secretary of these states.**

{Action: Dir(HK)}.

33. **DGLW** intimated that he himself is reviewing the position of pending Audit Paras. **Special Secretary (L & E)** directed **DGLW** to issue some guidelines/advice to all Welfare Commissioners.

{Action: DGLW}

34. In respect of **EPFO**, **Special Secretary (L & E)** suggested that there should be some mechanism that should keep interacting. **EPFO** being a big organisation, report on audit paras should be submitted regularly by the organisation.

{Action: EPFO}

35. In respect of ESIC, Special Secretary (L&E) enquired whether ESIC have team to deal with Audit Paras. Most of these paras are of excess payment. ESIC intimated the pending audit paras are 57645 as on 30.6.2006 and told that they have a system to review it every quarter. Secy (L & E) directed ESIC to send report in this regard.

{Action: ESIC}

36. CA again requested all the divisions to send complete reply to AG Paras and internal audit paras on priority. Special Secretary (L&E) Advised CA to give some directions to all concerned to settle down the audit paras.

**Action: i) All Wing Heads
ii) DGE&T
iii) CLC(C)
iv) DGLW/ Audit Cell
v) EPFO & ESIC
vi) CA**

37. Special Secretary (L & E) reiterated need for follow up action and impressed upon developing some mechanism to fix the accountability in case of delay.

{Action: All Bureau Heads}

38. Summing up the meeting, the Chairman expressed his concern over pending PMO/Cab.Sectt. References, Court Cases and Outstanding Audit paras. He again impressed upon the necessity of focused attention and monitoring of Public Grievances, VIP References, Court cases, Lok Sabha/ Rajya Sabha Assurances, Pension cases and Audit Paras.

{Action: All Wing Heads}

The meeting ended with a vote of thanks to the Chair.

No. I - 27011/1/2005 - IWSU
Government of India/Bharat Sarkar
Ministry of Labour and Employment/Shram aur Rozgar Mantralaya

New Delhi, dated the 10th August, 2005.

OFFICE MEMORANDUM

Subject: Minutes of the O&M Meeting of Ministry of Labour & Employment (Main Sectt.) taken by Additional Secretary (Labour & Employment) at 3.30 P.M. on 26th July, 2005.

The undersigned is directed to enclose a copy of the minutes of the O&M Meeting of Ministry of Labour (Main Secretariat) chaired by Additional Secretary (Labour & Employment) at 3.30 P.M. on 26th July, 2005.

2. The Chairman directed that all concerned Divisional Heads, including Heads of attached/sub-ordinate offices and autonomous/statutory bodies under the Ministry should ensure strict compliance of decisions taken in the meeting.

3. It is, therefore, requested that details of the action taken on various items may kindly be furnished to the Internal Work Study Unit(IWSU) within 3 Weeks from date of issue of this O.M.

(Hindi version will follow)

(R.JOSHI)

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Encl: As above.

To

1. JS (KCM)/ JS (P)/DGLW / FA/ DGE&T/LA/ CLC(C).
2. All Officers/Sections/Desks/Units in the Ministry of Labour and Employment (MS).
3. DG, Labour Bureau/DG, FASLI/DG, MS/ DG, ESIC/CPFC, EPFO/Director, VVG NLI/Director, CBWE.
4. Anuvad Anubhag, with one spare copy of the minutes with the request to furnish the Hindi version of this communication as well as the minutes at the earliest.
5. PPS to Secretary/PS to Additional Secretary.

6. Director, VVG NLI, for necessary incorporation in the 'Shram Samachar'.