

141, S.P.Banerjee Road, Kolkata-35

Ref No. 11 / GS-PR / 16

Date: 07.07.16

To
Smt. Dr. Sashi Panja,
Minister of State (I.C.)
CD Deptt & WD & SW Deptt.,
Govt. of West Bengal

Sub: Demand for immediate withdrawal of posting of acting CDPO system and arrangement to fill up all the posts scheduled to be filled up by members of WBSWS only by the officers of that cadre service.
Ref: Our earlier letters vide no. 03 / GS-PR / 13 dated 09.04.13 & no. 07 / GS-PR / 14 dated 28.08.14

Madam,

In continuation of our earlier letters and discussion during deputation on the subject as mentioned above, we are to once again draw your attention to the following facts

-that in the year 1999 some of the Assistant Child Development Project Officers were asked to independently look after the day to day functioning of some of the Office of Child Development Project Officer as a stopgap arrangement, as confirmed by the Departmental Authorities at different point of time since 1999.

- It is learnt that permission of the Finance Department, Government of West Bengal was obtained for effecting the arrangement of allowing ACDPO to look after the Office of the CDPO, for a very temporary period.
- that we have been communicating our apprehension since the time of introduction that the system may lead to complication in future hence be withdrawn at the earliest. But the system has been / is being allowed to be continued for more than a decade.
- that thereby avenue was kept open for the Assistant Child Development Project Officers, who are looking after the work of a higher post for years to seek judicial intervention for additional payment on the ground of 'equal pay for equal work'
- that the Honorable Supreme court of India on the basis of their petition has passed an order on March 13, 2013 for payment of officiating pay to 11 Assistant Child Development Project Officers, who are looking after the work of the post of CDPOs, at the rate equal to that of CDPOs for the period they are holding charge of that post.

We strongly feel that the system is contravening the existing norm / Financial Rule of the Government in many ways some of them are stated hereunder:

- the existing Financial Rule of the Government does not permit any Officer below the rank of Gr 'A' officer to act as DDO. But the ACDPO are Group B officers. (It is pertinent to mention that in 2013 such posting of an ACDPO as Acting CDPO within Kolkata area had to be withdrawn due to strong objection from Kolkata Pay and Accounts Office.
- that the ACDPOs posted as acting CDPO are signing bills using the seal of CDPO and in most of the cases have enrolled them as a group 'A' officer in the present HRMS portal. We apprehend that the whole process of drawing of fund from the consolidated fund of the State by an Officer using seal which he/she is not clearly authorized to use, may turn out to be a gross financial irregularity.
- that the Assistant Child Development Project Officers, are only officiating in the post of CDPO, in practice they are attesting the documents, signing every communication even the of service records of the Project Staff and, by using the seal of CDPO which is highly irregular and violation of Government Order *regarding attestation of documents* (GO No. 4890-F dated 16.05.1979 read with GO No. 5326-F dated 15.06.1999) wherein only regularly appointed Gr.'A' officers are empowered to perform attestation using the seal.

In this connection we are to draw your attention to the relevant order of the Hon'ble Supreme court of India dated March 13, 2013 and to state

- that it is clearly evident from the order of the Honorable Supreme court of India, as stated above, that this award of payment salary and allowances in the pay scale of the post of CDPO to the Assistant Child Development Project Officers for acting as Child Development Project Officer is totally temporary in nature and *is meant for the period the Assistant Child Development Project Officers are acting as Child Development Project Officer.*
- that in compliance to the order of the Honorable Supreme court of India, as stated above, arrangement for payment under question, which in our opinion is a compensatory allowance or Officiating / presumptive pay in nature, has been made by the Department and Directorate of Social Welfare. *But in the orders issued by the Department and Directorate no reference has been made that this is a temporary arrangement and will be valid only for such period as an Assistant Child Development Project Officers is required to act as Child Development Project Officer.*

Hence, we apprehend that thereby the scope of misrepresentation of this order has been left open.

It is now also pertinent to mention that 62 more ACDPOs who are looking after the work of the post of CDPOs, have recently obtained order from the Hon'ble West Bengal Administrative Tribunal for payment of officiating pay at the rate equal to that of CDPOs for the period they are holding charge of that post.

In view of the above, we strongly feel that the so called 'Acting CDPO system' is not only contravening the spirit of the prevailing Financial Rules and is leading to violation of different Government orders but also turn is degrading the status of our service.

Hence, we strongly demand for

1. immediate withdrawal of the so called 'Acting CDPO system'
2. Immediate arrangement to fill up all the posts scheduled to be filled up by members of WBJSWS only by the officers of that cadre service.

Finally we are to request you to kindly spare us time at an early date preferably within a week for discussion on the subject.

Yours faithfully,

General Secretary / President

CC to

1. The Secretary, CD Deptt & WD & SW Deptt., Govt. of West Bengal
2. The Commissioner, CD, WD & SW Deptt., Govt. of West Bengal.
3. The Joint Secretary (ICDS), CD, WD & SW Deptt., Govt. of West Bengal.