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All India Railwaymen's Federation

(Estd. 1924)

4, State Entry Road,
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INDIA

No.AIRF/227(213)

Dated: October 30, 2013

The Secretary(E),
Railway Board,
New Delhi

Dear Sir,

Sub: Implementation of the judgment of the Hon'able Supreme Court

Ref: (i) AIRF's letter No.AIRF/227(213) dated 26.08.2013
(ii) Board's letter No.PC-V/2011/M/3/AIRF dated 07.10.2013


Apropos above, the reply of the Railway Board, contained in their letter under reference, is highly disappointing and unacceptable to us. Mere reiteration of Board's earlier letter cannot justify the stand of the administration, as the Hon'ble Supreme Court dismissed the Special Leave Petition filed by the administration. The apex court held in the said judgment that, if any restructuring of posts takes place, it does not amount to promotion. Accordingly, the office of the FA&CAO/S&W/PER/SR vide Memorandum P.535/S&W/PER/ADMN/FIX/MACP dated 17.09.2012 accorded financial upgradation of Grade Pay of Rs.5400 to **Shri V. Venkataraman**, Accounts Assistant/FA&CAO/S&W/PER/SR. This clearly indicates that the upgradation from Jr. Accounts Asstt. to Accounts Asstt. in terms of restructuring of the posts in the ratio of 20:80 does not amount to promotion.

According to Article 141 of the Constitution of India, policy decision, delivered on the particular subject by the Hon'ble Supreme Court of India, is binding upon the Government of India.

The Board are, therefore, again urged to re-examine the issue in the light of the facts appraised above and grant the benefit of the 3rd MACP(GP Rs.5400) to all the eligible Supervisory Staff whose initial appointment was CG-II/Accounts Clerk.

An early action in the matter shall be highly appreciated.

Yours faithfully,


(Shiva Gopal Mishra)
General Secretary

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