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All India Railwaymen's Federation
(Estd, 1924)

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Item No.1

Sub: Disciplinary proceedings arising out of Vigilance cases against Group 'C' and 'D' staff

Railway Servants(Discipline & Appeal) Rules, 1968 have been framed by the President of India under the proviso to Article 309 of the Constitution of India and the disciplinary proceedings assume the nature of quasi-judicial. Well defined laid down procedure governs conduct of proceedings. Any deviation from the laid-down procedure attracts judicial intervention on appeal.

The Disciplinary Authority is required to take independent and fair decision by applying its independent mind without being influenced or guided by anybody. Disciplinary authority is expected to be fair, impartial, neutral and unbiased in dealing with disciplinary cases and also not to act under pressure or influence as violation of such qualities would undermine the spirit of natural justice due to becoming biased or prejudiced.

In dealing with the disciplinary proceedings arising out of non-CVC/Vigilance cases against group 'C' and 'D' staff, the executive authorities concerned have to act under the dictation of Vigilance Organization inasmuch as that where a major penalty is proposed by the Vigilance and the Disciplinary Authority after considering defence or inquiry report, differs from the first stage advice of the Vigilance and decides to exonerate or impose a Minor Penalty, then it should first record provisional order and consult the Vigilance once. After such consultation, it will pass speaking orders sending a copy of N.I.P. to the Vigilance, who may seek revision, if considered necessary. Likewise, if a Major Penalty is imposed on the advice of the Vigilance and the Appellate/Revisionary Authority proposed other penalty, it should first record provisional decision and consult Vigilance once and then take final decision(Ref: Railway Board's letter No.2002(V-1)CVC/1/1 dated 24/12/2003).

In the above context, the following comments are offered:-

- (a) Action taking authority is not free to take its independent decision.
- (b) Recording provisional order/decision and then consulting the Vigilance, once implies second stage advice which has been dispensed with in non-CVC cases.
- (c) The Vigilance Organization seldom agrees to the views of action taking Authority and insists on imposing a specific penalty although the said authority feels reluctant to do so and the case gets lingered on. Several cases of this nature are lying in the division for a pretty long time awaiting finalization.

- (d) Action taking Authority may succumb to the pressure of the Vigilance.
- (e) Consultation with the Vigilance Organization will render the proceedings as biased.
- (f) Consultation with the Vigilance consumes a long time gap as the Vigilance does not give instant reply.

Vide their letter No.E(D&A)2001/RG-6-5 dated 30/07/2001, the Vigilance Directorate of the Railway Board should not suggest any specific penalty while forwarding a case to Revisionary Authority for revision as the proceedings are quasi-judicial in nature but in terms of Railway Board's instructions, issued vide their letter No.E(D&A)2000/RG-6-30 dated 23/09/02, the Vigilance may recommend imposition of a "Stiff Major Penalty" viz. Compulsory Retirement/Removal/Dismissal From Service. It is violation of Railway Board's instructions issued vide their letter ibid dated 30/07/2001.

According to para 2(ii)(c) of Railway Board's letter No.92/V-1/VP/1/3 dated 7.2.1995, regarding Major Penalty cases, if Disciplinary Authority imposes a Minor Penalty or exonerates the employee, the case be sent to the Vigilance who may get it reviewed within 3 months from the date Disciplinary Authority send the case to them. It implies that the Disciplinary Authority is free to take its own decision and the Vigilance can get it reviewed later on by the Revisionary Authority. The period of 3 months is a long period affecting promotional prospects of the employees and it may suitably be reduced to minimum possible time and in case nothing is heard from the Vigilance within that period, the employee be promoted as in the case of promotion of non-gazetted staff Vigilance clearance is required and if nothing to the contrary is heard from them within 14 working days from the acknowledged date of receipt of the reference to Vigilance Organization, it will be assumed that all is clear and the Railway Servant can be promoted(Ref: Railway Board's letter No.E(D&A)88/RD-6-21 dated 21/09/1988).

It is observed that the Vigilance Organization is showing keen interest in almost every case whether corruption or fraud is involved or not. It is not fair and the Vigilance should initiate action only in those cases where corruption or fraud is involved or suspected.

The Board are requested to have necessary orders issued to the effect that the Disciplinary Authority should be free to take action on the consideration of defence or inquiry report and advise the Vigilance Organization.

Item No.2

Sub: Encashment of Leave on Average Pay(LAP) while availing Railway Passes/PTOs

Ref: Railway Board's letter No.F(E)III/2008/LE-1/1 dated 12.12.2008 and 1.9.2009

The Railway Board vide their letter No.F(E)III/2008/LE-1/1 dated 12.12.2008 had decided that the employees who are directly engaged in running of trains, viz. all the Running Staff, including Drivers, Asstt. Drivers, Motormen, Shunters, Guards etc. and Station Master/Asstt. Station Masters should be exempted from the requirement of availing of passes and equal duration of LAP for availing benefit of encashment of LAP up to 10 days LAP. Accordingly, orders were issued to sanction encashment of LAP up to 10 days to the staff of above categories on receipt of requests from them without insisting on them to avail Privilege Pass and apply for LAP of equal duration.

The Railway Board vide letter No.F(E)III/2008/LE-1/1 dated 1.9.2009 has issued orders withdrawing the exemption granted vide their letter ibid dated 12.12.2008.

The Staff Side contends that the decision to withdraw the exemption is unjustified in the interest of the Railways and also in the interest of the staff concerned. Large number of vacancies continued in the above categories and consequently staff are refused leave. There are instances of refusal of periodic rest for the staff in the above categories. Being devoted, they are performing duties foregoing privileges and comforts. Withdrawal of exemption is, therefore, an uncalled for step on the part of the Railway Board.

Staff Side is also surprised on Railway Board's initiative in referring the matter to the DoP&T although Board are aware that the working system of the Railways is totally different and not comparable with any other system in the country.

Staff Side, therefore, demands withdrawal of Railway Board's letter No.F(E)III/2008/LE-1/1 dated 1.9.2008 and restoration of the instructions contained in their letter No.F(E)III/2008/LE-1/1 dated 12.12.2008.

Item No.3

Sub: Denial of overtime payment to the Supervisors(excluded) when called out in connection with accidents/breakdowns

Ref: Railway Board's letter No.E(P&A) II-98/BDA-1 dated 25-05-1999(ACS No.42-RII/1987 Edition)

In terms of amended rule 1420 of IREC, Volume ii, 1987 edition(ACS No.42-RII/1987) all the non-gazetted staff of all departments who are called out in connection with accidents/break down, including Supervisory Staff are entitled for overtime payment and other concessions as stipulated in the said rule. But on many Zonal Railways, overtime payment is denied citing the clarification issued by the Railway Board vide their letter No.E(P&A) II-98/BDA-1 dated 7.12.1992 that all the employees classified as “**Supervisors**” and “**Excluded**” under HOER are not entitled for overtime allowance. Consequently, those supervisors in V CPC pay scale of Rs.6500-10500/7450-11500 and presently in GP of Rs.4600 have been denied overtime payment when they attended accident sites/breakdown duties since several years.

Staff Side, therefore, urges upon the Railway Board to issue suitable clarification for ensuring payment of overtime and grant of other concessions to the Supervisory Staff in GP Rs.4600 etc., as laid down in the ACS No.42-RII/1987 and communicated by the Railway Board Vide letter No.E(P&A) II-98/BDA-1 dated 25-05-1999.

Item No.4

Sub: Implementation of MACPS – Anomalies

(a) A Joint Committee has been formed at the National Council(JCM) level to resolve the issues of granting MACP. In the meeting of the said committee, held on 15.9.2010, in respect of the following items decision has been taken that the matter may be decided by the Railway Ministry.

<p>Item No.11 - In case of Indian Railways, there are number of promotions given in identical scales (now Grade Pay), in which responsibility is increased, but they have not given benefit of one increment at the time of promotion or FR-22 fixation. In such cases, it should not be treated as promotion and such promotion should be ignored for the purpose of MACP.</p> <p>Item No.15 - In case of railway employees, promotions in non-functional selection grade, such as Gangman to Sr. Gangman, Goods Driver to Sr. Goods Driver, ALP to Sr. ALP, Goods Guard to Sr. Goods Guard, Pass. Guard to Sr. Pass. Guard, etc. is counted as a promotion. But according to Avenue of Promotion, they can be promoted from one post to other post without touching non-functional post. In their cases, the benefit of FR-22 is given for fixation of their pay on promotion to non-functional post, but in case of promotion to cadre post benefit of FR-22 is not given. In other words, the benefit of fixation is given only once. Such promotions should not be counted for the purpose of MACP.</p> <p>Item No.22 - As per Railway Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009 (para 8.1), Grade Pay Rs.5400 is in two Pay Bands, i.e. PB-2 and PB-3. The Grade Pay of Rs.5400 in PB-2 and PB-3 has to be treated as separate though the GP is same. It is resulting in not getting financial benefit on promotion because of overlapping of total salary. It is noticed that in case of an employee who is appointed in PB-2 with GP Rs. 5400, their pay becomes much more than the pay in PB-3 with GP 5400 till they became due for MACP after completion of 10 years. Therefore, though GP Rs.5400 is in separate Pay Bands, it should not be counted separately. In such cases, financial upgradation should be given to next GP Rs.6600.</p>	<p>Item Nos. 11, 15, 22, 39, 47 and 51 were clubbed together.</p> <p>It was decided that the matter relating to not allowing one increment at the time of promotion or pay fixation under FR-22 needs to be examined first. It was decided that the Ministry of Railways would refer the matter to the Department of Expenditure on file.</p> <p>Regarding the non-functional promotions or promotions in the same grade pay (as in the case of running staff of railways) it was decided that if normal promotions are in the same grade pay, they cannot be ignored for the purpose of MACP. However, if there is any specific case of anomalous nature, the same will be examined separately.</p>
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<p>Item No.18 - In case of employees on medical de-categorisation, there is no clarification, whether their earlier services or promotions are to be counted or ignored. We demand that In case of medical de-categorisation and surplus staff, they should be given the benefit of MACP after joining the new post by ignoring all his/her earlier promotions and service rendered prior to his new appointment.</p> <p>Item No. 41 - Staff re-deployed in other cadres/organisations consequent upon their medical de-categorisation - There are medically de-categorised(Railways) re-deployed in the lower posts in other cadres/departments. Under the 2 ACP concept, the previous service in the higher grade is allowed to be counted for ACP benefit. In the present MACPS, there is no such provision. Suitable amendment to MACPS be made for extending the benefit of financial upgradation to the medically de-categorised employees re-deployed in lower grade posts. Clear clarification is needed for reckoning the previous service and equally for protecting their pay.</p> <p>Item No.54: Clarification in case of medical de-categorisation - In case of employees on medical de-categorisation, there is no clarification, whether their earlier services or promotions are to be counted or ignored. We demand that in case of medical de-categorisation and surplus staff, they should be given the benefit of MACP Scheme after joining new post by ignoring all their earlier promotions and service rendered prior to their new appointment.</p>	<p>Item Nos. 18, 41 & 54 were clubbed together.</p> <p>After discussion on the matter, it was decided that the matter may be de-linked from the agenda of the Joint Committee and doubts, if any, can be clarified on a specific reference from the Ministry of Railways.</p>
<p>Item No.25 - In regard to para 16 of Board's letter No.PC-V-2009/ACP/2 dated 10.6.2009 (RBE No. 101/2009), after financial upgradation under MACP, no designation is to be changed. However, rates of incentive payment in Railways, wherever applicable, are decided on the basis of designation, which is resulting in getting Incentive payment at earlier rate even after promotion under MACP. Therefore, in such cases, they should be granted Incentive payment on basis of Grade Pay instead of designation.</p>	<p>Item Nos.25 and 55 were clubbed together.</p> <p>The MACPS contemplates merely placement on personal basis in the immediate higher grade pay/pay band and shall not amount to actual/ functional promotion of the employees concerned. Therefore, there shall be no change in designation, classification or higher status.</p>

Apart from the above, issues relating to the benefits of MACP in respect of Drawing & Design staff, as follows, are also need to be decided favourably on the following grounds:-

Railway Board vide their letter No.PC-III/84/UPG/19 dated 25.06.1985 have ordered to place all the Tracers in pay scale Rs.260-430 to the post of Jr. Draftsman/Asstt. Draftsman in scale Rs.330-560. the base cadre of Drawing & Design staff has further been placed in scale Rs.5000-8000 vide Board's letter No.PC-III/2003/CRC/6 dated 9.10.2003.

In view of the above, all the existing Draftsman/Design Asstt. should be extended the benefit of MACP treating PB Rs.9300-34800 with GP Rs.4200 as base grade.

Staff Side urges upon the Railway Board to issue necessary instructions for extending the benefit of MACP in favour of Drawing/Design Asstt. treating GP Rs.4200 as base grade.

(b) Implementation of MACPS in the category of Sr. Supervisors/P.Way in PB 2 with GP Rs.4200

The Railway Board had upgraded the posts of P. Way Supervisors to the pay scale Rs.5000-8000 (V CPC) with the revised designation as Sr. P. Way Supervisors. Consequently all the Supervisors(P. Way) were absorbed in the cadre of Sr. Supervisors (P. Way) through modified selection procedure.

Consequent upon implementation of VI CPC Pay Band/Grade Pay, Sr. P. Way Supervisor posts were placed in the Grade Pay of Rs.4200 in PB-2. Thus, entry grade pay of P. Way Supervisors is Rs.4200 in PB-2, thereby their total service from the date of initial appointment as P. Way Mistry/P. Way Supervisor should be reckoned for the purpose of granting Financial upgradation under MACPS.

On the Zonal Railways, financial upgradation under MACPS has been denied on the plea that the Supervisor (P. Way) were working in Pay Scale of Rs.4500-7000(V CPC) and subsequently absorbed/promoted to Rs.5000-8000(V CPC). Staff Side is unable to agree with the contention in view of the fact that the posts were placed in pay scale of Rs.5000-8000(GP Rs.4200 of VI CPC) which became entry grade pay.

Staff Side, therefore, urges upon the Railway Board to issue suitable clarification for grating MACP to Sr. P. Way Supervisor on completion of 10, 20 and 30 years of service, treating them as holders of Entry GP of Rs.4200 in PB-2.

(c) Grant of financial upgradation to Accounts Staff under MACP Scheme

From paras 24 and 25 of Annexure to Railway Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009, it could be noticed that staff who have qualified the "Selection" and promoted but could not carry out promotion due to transfer or other reasons like sickness of family member etc. are deprived of getting the benefit of financial upgradation which is discriminatory as compared to those staff who either did not qualify "Selection" or even did not appear in the selection.

It may be appreciated that the staff who have completed 10,20, 30 years service as the case may be deserve to be given financial up-gradation irrespective of the fact whether they are qualified the

departmental selection and promotion orders issued but declined to carry out promotion due to change of station on transfer or due to sickness of family member or any other personal reasons. Similarly, those who had accepted the promotion after being selected but had to seek reversion should also not be deprived of his legitimate right of getting benefit of financial up-gradation. The reason behind this proposal is that the staff are more qualified and efficient as compared to those who did not appear in the examination/selection, and whenever appeared, they could not qualify the selection.

Perhaps while formulating MACPS, these types of situations regarding promotion and transfer were not visualized by the authorities. It would, therefore, be imperative to review/amend instructions suitably.

Item No.5

Sub: Review of working hours of Nursing personnel working in the Railway Hospitals – Reg.

Ref: (i) Ministry of Health & Family Welfare, Govt. of India, New Delhi's O.M. No.A-28011/1/90 PMS dated January 2, 1990, (ii) Medical Council of India Regulations communicated under No.MCI 35(1)98-Med(ii) dated 30th March, 1999

In terms of the Office Memorandum No.A-28011/1/90-PMS dated 2nd January, 1990 of Ministry of Health & Family Welfare and the Regulations made by Medical Council of India, New Delhi (published in Part-III, Section-4 of the Gazette of India dated 29th April, 1999), the working hours of Nursing Staff shall be 40 hours per week with 96 days off in a working year. The Nursing Personnel are also entitled for three National Holidays, thus a total off days shall be 99 in a year. It was also prescribed that the Nursing category should be provided 30% leave reserve.

In the Railways, the working hours of Nursing Staff are 48 hrs. per week and on several occasions they are made to work even beyond the 48 hours. Thus the Nursing personnel are discriminated in spite of the decision of Ministry of Health & Family Welfare vide dated 2nd January, 1990. Non-adherence to the decision of Ministry of Health & Family Welfare in the Railways is causing serious disappointment and unrest among the Nursing staff working in the Railway hospitals. It is also noticed that 30% leave reserve is not provided in the Railways.

The Staff Side therefore requests the Railway Board to review the extant working hours of Nursing staff in the Railways for ensuring removal of disparity and ensuring that the Nursing personnel of Railways avail 96 days off in a working year besides 3 days National Holidays. The issue needs to be resolved early in consultation with the Staff Side.

Item No.6

Sub: Revision of the rates of ex-gratia to the surviving State Railway Provident Fund (SRPF) (Contributory) retirees

The Railway Board vide their letter No.F(E)III/98/PN1/Ex.Gr/3 dated 15.11.2006 has fixed-up the rates of ex-gratia to the surviving State Railway Provident Fund(SRPF)(Contributory) retirees on the following rates w.e.f. 01.11.2006.

Group of service to which SRPF(C) retirees belonged at the time of retirement	Enhanced amount of basic ex-gratia
1. Group `A` Service	Rs.3000
2. Group `B` Service	Rs.1000
3. Group `C` Service	Rs.750
4. Group `D` Service	Rs.650

On the recommendation of VI CPC, Pension and Family Pension have been revised upwardly. The matter of revision of rates of ex-gratia in respect of pre-1986 SRPF(C) retirees and their family members were raised during the 19th meeting of the Standing Committee of SCOVA held on 20.9.2010 and the following minutes were drawn:-

“...As regards revision of ex-gratia to SRPF beneficiaries, who had been given the benefit from 01.11.2006, it was for the Ministry of Railways to examine and take action.”

In view of the above, Board are requested to revise the rates of ex-gratia in respect of SRPF(C) retirees and their families.

Item No.7

Sub: One time exception for granting the benefits of GDCE

At present, GDCE is being conducted through the Railway Recruitment Boards.

Due to various difficulties, GDCE could not be conducted by the RRBs for various categories for years together.

To meet the contingencies, it is urged that GDCE may please be conducted departmentally as one time exception.

Item No.8

Sub: Demands of the AC staff of the Indian Railways

Staff Side submits the following demands of the A.C. staff to the Railway Board:-

1. **Change of uniform colour** – Colour of the pant should be changed from khakhi to black and colour of the shirt should remain same(white).
2. **Harassment/victimization of AC staff** – AC staff those who work in super-fast trains have been harassed/victimized by the GRP/RPF. Instructions should be issued from the Railway Board to the railways to stop this inhuman practice.
3. Some of group `C` staff, such as Dressers/Operation Theatre Asstt. and Staff Car Drivers, are availing Washing Allowance. AC Technician also comes in group `C` category along with Coach Attendant. They should also be given Washing Allowance as early as possible.
4. While TTEs are provided with accommodation authentically at seat No.5 in 2nd AC and seat No.7 in 3 AC, Coach In-charge, who works point to point, i.e. more than 36 hrs., is not provided any accommodation in the AC coach. AC Coach In-charge, who is having Duty Card Pass should be allowed to sit in 2nd AC or 3 AC.

Staff Side urges upon the Railway Board to consider favourably the above-mentioned demands of the A.C. staff.

Item No.9

Sub: Scale of electrical fittings for staff quarters – Provision for installing air-conditioners in residential quarters

The staff in occupation of railway quarters are demanding that appropriate provision should be made in the staff quarters for installation of air-conditioners. In the absence of air-conditioners, the staff and their families are not able to live with minimum comforts due to abnormal climatic conditions. While the staff are willing to procure air-conditioners at their own cost, they want the administration to provide appropriate provision for connecting the air-conditioners and ensure power supply with separate meter.

In view of the hardship being faced by the staff, Staff Side strongly feels that the provision of air-conditioners is very much necessary. Board may appreciate that providing connection and wiring for air-conditioners and arranging power supply is part of staff welfare measures.

Staff Side, therefore, requests that the Zonal Railways should be instructed suitably for ensuring appropriate provision facilitating the occupants to install the air-conditioners.

Item No.10

Sub: Reimbursement of Hostel Subsidy to the employees for keeping their children in the Hostel of a Residential School away from the station they are posted/residing irrespective of any transfer liability

The Railway Board, while enclosing copy of OM No.12011/03/2008-Estt.(Allowance) dated 2.9.2008 of the DOP&T, vide letter No.E(W)2008/ED-2/4 dated 01.10.2008, had advised that the DoP&T's instructions relating to Children Education Assistance and re-imburement of Hostel Subsidy shall apply mutatis mutandis to Railway employees and shall be effective from 1st September, 2008. The Railway Board had further issued clarification vide letter No.E(W)2008/ED-2/4 dated 06.11.2009 as follows:-

“Hostel Subsidy is reimbursable to all Central Government employees for keeping their children in the Hostel of a residential school away from the station they are posted/residing irrespective of any transfer liability.”

Representations have been received that on Zonal Railways, the reimbursement of Hostel Subsidy is denied even though the children of the Railway Employees staying in the Hostel of a residential school away from the place of posting on the plea that such places are treated as places at the same station.

A case as an illustration is given below:-

“An employee is working at Secunderabad station. His son is staying in the hostel at Vanasthalipuram, which is at a distance of 20 Kms. (however as part of Hyderabad City Municipal Corporation). Re-imburement in this case is not considered, stating that the children in the hostel are at the same place.”

Due to mis-interpretation of Government Policy as stated above, the staff are denied re-imburement. The phrase, **“Away from the station they are posted or residing irrespective of transfer liability”** should not be construed that the children in the residential hostel 10 or 20 kms. away(in the city) from the station/residence as staying at the same place.

Staff Side, therefore, requests the Railway Board to issue suitable clarification, allowing re-imburement of Hostel subsidy in the above type of cases.

Item No.11

Sub: Grant of parity in Grade Pay and Pay Band to the categories of Stenographers and Rajbhasha Staff

The delay in issuing orders granting parity as recommended by 6th CPC and accepted by the Government in the case of Stenographers and Rajbhasha staff is causing serious disappointment among them.

These issues were discussed on number of occasions with the Railway Board besides discussions held in the meeting of the committee to prioritize the issue and departmental anomalies committee. It is regretted to state that the Railway Board is not taking speedy action for finalization. The Staff Side brought these issues to the notice of Member(Staff), Railway Board, in DC/JCM meeting held on 1st and 2nd July, 2010 with a request to expedite the decision. But however, the issues continued unsettled.

Staff Side, therefore, requests the Railway Board to take immediate action for granting parity in Grade Pay/Pay Band to the categories of Stenographers and Rajbhasha Staff in the Railways.

Item No.12

Sub: Acceptance of Voluntary Retirement request of Medically de-categorized staff with less than 20 Years qualifying service – Grant of compassionate appointment to the wards of such staff and grant of pension.

In pursuant to the demand by Staff Side in the DC/JCM Meeting held in August, 2009 vide Item No. 22/2009, the Railway Board have agreed to accept the voluntary retirement requests of totally incapacitated staff with less than 25 years of qualifying service and grant of compassionate appointment to the wards of such incapacitated staff and also grant of pension and accordingly instructions have been issued vide letter No.E(NG)II/2009/RC-1/Gen./2 dated 23.2.2010.

The staff medically de-categorized to the lowest medical classification – “C-II” are forced to wait for alternative job for years together due to non-availability of alternative jobs in such medical classification with sedentary in the posts viz. Waiting Room, Attendants/Retiring Room Attendants, Peons, etc., are already surrendered, thus causing much hardship to such staff waiting for longer period and in reporting to their Supervisors for attendance as they have to come from distant places and some are becoming absent because of their ailment.

Such staff who are medically de-categorized to the lowest medical classification i.e. “C-II” may be allowed to wait for alternative jobs for six months. In the event of non-availability of posts within the period of six months, the requests of such staff seeking voluntary retirement with less than 20 years of qualifying service may also be accepted so as to enable them to settle down in their life and also their request for appointment of their wards on compassionate grounds may be agreed to, instead of keeping them on rolls. Thus the medically de-categorized staff will be out of system and young candidates would get inducted who can contribute for the efficiency. Such retired staff may be granted settlement dues under Rule 55 of Railway Servants (Pension) Rules, 1993 read with Rule 69(2)(b) of the rules or otherwise.

Staff Side, therefore, requests the Railway Ministry to consider the same as above and such staff may be allowed to retire with benefit of pension under Rules as indicated above and also appointment on compassionate grounds to the wards of such medically de-categorized staff after six months from the date of de-categorization.

Item No.13

Sub: Post Retirement Pass to staff retiring with less than 20 years of service

At present, as per recommendations of the VI CPC, Railway staff on completion of 20 years service are granted Post Retirement Passes. In the same analogy, rules for granting of Post Retirement Complimentary Pass/Retirement Complimentary Pass be de-linked with the length of service and the retired employees on completion of less than 20 years of service, having been sanctioned minimum pension, should also be granted with post retirement passes.

Staff Side, therefore, request the Railway Board that the matter may be examined in detail and the Railway employees retiring with less than 20 years of service be allowed Post Retirement Complimentary Passes.

Item No.14

Sub: Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) with Grade Pay of Rs.1800

On the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS), Staff Side suggests the following amendments/modifications to Board's letter No.E(P&A)-2001/RT-2(KW) dated 02.01.2004.

- (a) **Item No. 5 of Board's letter dated 02.01.2004** needs to be **deleted**, as the new scheme envisages guaranteed employment.
 - (b) **Item Nos.7 and 8 of letter dated 2.1.2004:-** The cut off date condition "**30th June of respective year**" for reckoning the eligibility of Safety Staff should be deleted and the date of application should be made as criteria for considering the appointment.
 - (c) **Item No.8 of letter dated 02.01.2004:-** This needs to be deleted as the staff such as Trackmen, Gatemen etc., are not sharp enough to know the implications of the provisions. Hence simplification is necessary.
 - (d) **Item No.10 of letter dated 02.01.2004:-** May suitably be modified, considering the fact that shortage of Safety Staff is a permanent problem in the Railways.
 - (e) **Item No.13 of letter dated 02.01.2004:-** Deserves to be amended so as to see that the direct recruitment qualification (Matriculation) is not insisted upon for appointment to Safety post of Grade Pay of Rs.1800.
- II. Revised provisions of LARSGESS maybe extended to Loco Pilots and other Safety Staff of higher Grade Pay. **Para 3 of Board's letter dated 11.9.2010 should be dropped.**
 - III. "**LARSGESS**" may be extended to the Safety Staff of higher Grade Pay in PB-1 and PB-2.

It is further submitted that the scope of Voluntary Retirement may be extended quarterly instead of annually, like January, April, July, October with similar scope of quarterly Screening Test of the wards of the Railway employees. The Selection Board may consist of three Senior Scale Officers instead of three SAG Officers.

Item No.15

Sub: Classification of Train Controllers as Intensive under HOER

Representations are received that the Train Controllers are subjected to heavy stress due to non-adherence of **Intensive Roster** and non-grant of **Periodic Rest, Leave, Compensatory Rest** etc.

Grievances of the Train Controllers, relating to longer hours of work, are listed below:-

- (i) There are cases of Controllers made to work all the 365 days in a year without rest.
- (ii) Full Calendar Day Rest is not allowed on some Zones.
- (iii) On some divisions of the Indian Railways, Railway Boards are on '**Continuous**' classification even though those are to be placed on '**Intensive**' Roster under HOER. The Report of Justice Miabhoy Tribunal states that the nature of duties of the Controllers are strenuous and are to be treated as '**Intensive**' staff.
- (iv) On many divisions, even the minimum 18% Leave Reserve posts is not ensured.
- (v) Refusal of Casual Leave even for a day has become a regular affair.
- (vi) It is also reported that 25% vacancies exists in the controllers' category at any given time.

Staff Side, therefore, urges upon the Railway Board to consider the above grievances and see that action is taken for quick redressal.

Item No.16

Sub: Strengthening of Legal Cadre in the Railways

Staff Side has been representing the cause of Legal Cadre in Railways from time to time, but it is regretted that despite formation of the Committee, headed by Dr. S.C. Manchanda, CPO Northern Railway, consisting of Shri A.K.Bagchi and Sh. P.K.Malhotra and submission of its report on “**Revamping and Streamlining the Legal set up on Indian Railways**” no concrete steps have been taken to implement the recommendations. There is great resentment among the legal fraternity in the Railways, as their VI CPC Grade Pay Rs.4600 has been very less in comparison to their qualifications and responsibilities. Moreover, by merging the post of LA with CLA, only one entry grade pay has been introduced, resulting no further advancement. There is no adequate avenue for their career growth to Pay Band -3. The only direct channel available exclusively for the LAs/CLAs is the post of Asstt: Law Officer Group 'B'(Gazetted). It is hard fact that the number of posts of ALO in each zone of the Railway is negligible and cannot be termed as avenue or channel in proper sense. It is learnt that the Railway Board had implemented the report of the said Committee selectively in some zones through notification issued under No.2003-E(GC) 12-14 Pt I (06) dated 9.3.2006, whereby the post of JA Grade and Sr. Scale has been created.

It is also noticed that the Ministry of Railways has moved a proposal for creation of 2 JA Grade, 2 Sr. Scale posts for each Zonal Railway/Production Units and also for upgradation of 43 posts of Chief Law Assistants(Gr. Rs 7450-11500) to Group B Gazetted in the Zonal Railways. The said proposal has not been finalized till date.

Minimum prescribed qualifications for LA/CLAs are even higher than the prescribed minimum qualifications required for Gazetted Officers. The Commission of Enquiry on Emoluments and Conditions of Service of Central Government Employees 1957-1959 had recorded its observation identifying the Doctors, Engineers and Lawyers as 'Specialized' and 'Professional', groups and upon such observation, the Commission had recommended for status oriented service career treating them as 'Specialized' in legal stream as well as for rewarding them effectively with better emoluments. The 3rd Pay Commission had also identified LA/CLAs as 'Professional' and 'Specialized' group with Medical Graduates/Doctors. But subsequently Medical Graduates/Doctors have been given elevation to Group 'A' to the highest level in the spectrum of hierarchy, whereas LA/CLAs have not even been elevated to Group 'B' posts despite recommendations of Manchanda Committee to re-designate the posts of CLAs to Group 'B' (Gazetted) totally.

It is further emphasized that what to speak of parity with medical doctors, these LA/CLAs have even been placed below the Chief Matrons of Railway Hospitals, who are mostly diploma holders. Even LA/CLAs have not been considered for equal pay/grade pay with the SO and Sr. SOs of Accounts Department.

Staff Side, therefore, requests the Railway Board that the recommendations of the Committee may be implemented totally at the earliest and the LA/CLAs may be considered for Grade Pay of Rs.5400.

Item No.17

Sub: Implementation of Rest Rules for the staff of Track Machine Organization

Staff Side demanded that there should be two-week working and two-week rest for the staff of Track Machine Organization. Ultimately, it was decided that these set of employees would get one-week rest and the balance three week working.

Exemption in this regard has been obtained by the Ministry of Railways from the Ministry of Labour for a period of three years in a block. Although, third time extension has been continuing, the orders could not be implemented on the plea that there is shortage of staff. This is a blatant violation of HOER.

Hence, it is urged that these orders should be implemented without any further delay.

Item No.18

Sub: Earmarking posts of Section Officer (Accounts) for Non-Appendix III IREM Exam qualified Accounts Assistants.

Ref: Railway Board's letter No. PC-V/98/11/23(Pt) dated 5th April, 2007

In the Departmental Council(JCM) meeting, the Staff Side had raised demand seeking avenue of promotion to Non-Appendix III IREM Examination qualified Accounts Assistants.

Pursuant to discussions in the meeting, the Railway Board had issued orders to earmark 5% of the posts of Section Officers(Accounts) in pay scale of Rs.6500-10500(pre-revised) to be filled on seniority-cum-suitability basis, by the Non-Appendix III IREM Examination qualified Accounts Assistants who have completed 12 years service or more. According to the Board's letter, they are to be designated as Senior Accounts Assistants.

In this connection, Staff Side desires to bring to the notice of the Railway Board that as a result of implementation of revised pay structure and grade pay of VI CPC, pre-revised pay scales of Rs.6500-10500 and Rs.7450-11500 got merged in the Accounts Department and the revised Grade Pay of Rs.4800 has been allotted in Pay Band-2 Rs.9300-34800. The Railway Board vide their letter No.PC-V/2007/PNM/DC-JCM/1 dated 17th May, 2010 has clarified that the designated Senior Accounts Assistants would carry same pay structure as available to Section Officers(Accounts)/TIAS/ISAs as already notified vide Board's circular dated 22nd September, 2008. With this clarification, Senior Accounts Assistants against 5% of the posts of Section Officers(Accounts) also got similar Grade Pay of Rs.4800 in PB-2 to that of merged posts of Rs.6500-10500 and Rs.7450-11500.

In view of merger of two top Pre-revised pay scales, it would be proper to earmark 5% of total posts to be filled by promotion of Non-Appendix III IREM Examination qualified Accounts Assistants who are stagnated for over 12 years without promotion. It may also be appreciated that 5% earmarked posts in Rs.6500-10500 pay scale has given scope for promotion to very small number of staff.

Staff Side, therefore, urges upon the Railway Board to review their decision and issue clarificatory instructions for filling 5% of total vacancies in the Grade Pay of Rs.4800/- by the Non-Appendix III IREM Examination qualified Accounts Assistants.

Item No.19

Sub: Provision of companion in same class for Post Retirement Complementary First Class Pass holders who lost their life partner/unmarried in lieu of companion in Second/Sleeper Class

It is a fact that demise of life-partner upsets an individual in all respects and permanent concentration towards normalcy becomes impossible. In the event of demise of either spouse, life of the survivor becomes miserable and he/she finds himself tiring, boring and unsafe without any assistance and help from anybody, particularly at older age of 70 years and above when he/she suffers from certain diseases like heart trouble, B.P. diabetes, hard hearing, eyes trouble, Osteoarthritis, paralysis, general weakness and other likewise diseases. In this position one needs comfortable journey with companion in the same class for which he/she is entitled. Similarly, in the case of unmarried pensioners.

In view of what has been narrated above, it is requested that such Railway pensioners who have lost their life-partner or are unmarried crossed 70 years of life-span and are entitled for Post-Retirement First Class/1st A Pass may be allowed companion of their choice in the same class.

Item No.20

Sub: Grievances of the staff of Railway Staff College, Vadodra

Railway Staff College, Vadodra, is directly working under the control of the ay Board. Therefore, the staff of the said college are having separate seniority unit for all purposes.

As it is not affiliated to any Federation/Union, the staff are deprived of the Negotiating Machinery, like open line staff.

Though they are Railwaymen, they are treated as isolated staff and facing discrimination in many establishment matters. Recent example is restructuring of group `C` and `D` staff of the Training College, for which Railway Board have issued separate orders, effective from 14.9.2005 instead of 01.11.2003, without assigning any reasons.

Since Railway Staff College is a training institute, neither there are trade unions nor Negotiating Machinery exists to resolve the legitimate demands/problems of the staff.

Some of the problems faced by the staff are as under:-

- (i) There is no Permanent Negotiating Machinery in the Railway Staff College, Vadodara for the purpose of grievance handling. The same should be set up.
- (ii) The matter of restructuring of the staff of the said College should be reviewed again and they should be given benefit of restructuring w.e.f. 01.11.2003 instead of 14.9.2005 at par with their counterparts working in Zonal Railways and Production Units.
- (iii) Necessary guidelines should be issued that all the policy matters, whenever referred to open line staff, are equally applicable to the staff of the Central Training Institutes.

The Board are requested to address the above-mentioned grievances of the staff of the Railway Staff College, Vadodara.

Item No.21

Sub: Rescinding of Railway Board's orders in respect of Manpower Planning

The Railway Board vide their letter No.E(MPP)2000/1/11 dated 11.8.2000 had issued orders that out of 3% natural attrition, only 1% posts should be filled-up and the balance 2% posts should be surrendered.

This matter was raised by the Staff Side in the meeting of the National Council(JCM) held on 15.5.2010, when the Secretary, DoP&T had made it clear that these orders have since been withdrawn by the DoP&T in the year 2009.

Hence, it is urged that the Railway Board should also withdraw/rescind these orders.

Item No.22

Sub: Regularization of casual labourers waiting in live register

On North Eastern Railway, there are about 2,554 casual labourers who are waiting for regularization in the Railways. Besides, there are about 5,000 vacancies in group 'D' cadre on this Railway.

In East Central Railway also, there are large number of casual labourers who are waiting for regularization in the Railways.

On other Zonal Railways also, there are casual labourers waiting on live register.

The Board are requested to make sure that all these casual labourers are screened and appointed against regular vacancies.

Item No.23

Sub: Retention of Railway quarter at the previous place of posting by Railway employees

Ref: Railway Board's letter No.E(G) 2010 QR1-1(DRMs) dated 17.5.2010

The Railway Board vide above cited circular have accorded permission to Railway officers to retain Railway quarter at their previous place of posting for the whole tenure of their posting as DRMs on payment of normal rent.

Such concession has not been extended to group 'C' and 'D' employees who are promoted and posted at other places or rendered surplus in one location and posted in another location or posted in another location due to shifting of office/establishment etc. at other places. This is unfair and discriminatory. In fact, they are dealt with very ruthlessly. Even in case of husband and wife(wife employed) and in case of staff who are subjected to periodical transfer, such concession is not given and heavy penalties are imposed on the employees.

Group 'C' and 'D' employees deserve this concession more than Railway officials since they are financially weaker to Railway officials and have to spend huge amounts to get accommodation at their new places of posting. Because of compelling circumstances they are forced to retain their quarters, for which they are charged rents at inflated rates.

Staff Side is of considered view that all non-gazetted employees should also be brought under the purview of above cited orders of the Railway Board.

Item No.24

Sub: Provision of accommodation to Trackmen in Accident Relief Train

Whenever any accident takes place, Trackmen become the main workforce for the restoration of the traffic.

After 63 years of the independence, Indian Railways is still treating Trackmen as they were treated in the colonial days.

Whenever any accident takes place, Trackmen are called, collected from the wayside stations and taken to accident site in open wagons full of rails and other material. This inhuman approach towards the Trackmen should be stopped immediately. As per law also, goods train/wagons cannot be used for transporting manpower. At the accident site also, no accommodation is provided for these set of employees.

It is, therefore, requested that an extra coach in Accident Relief Train may be provided for travelling facilities of the Trackmen to the accident site and also to provide them accommodation at the site of accident during restoration.

Item No.25

Sub: Appointment of the wards of the staff rendered surplus

As per extant orders, the staff rendered surplus and absorbed in other categories/departments are placed at the bottom of the seniority. Such staff, who served the Railways since long, are being compelled to re-start their career and they feel frustrated. It would be appreciated that these frustrated employees cannot give their best for the development of the organization who has denied them their usual career of advancement.

Hence, it is urged upon the Railway Board to provide employment to the wards of such surplus staff in case, these employees seek voluntary retirement.

Item No.26

**Sub: Implementation of the recommendation of Group `D' Staff Promotion Committee
(Ansari Committee)**

In the wake of strike negotiation, in 2006, it was decided by the Ministry of Railway that for widening promotional scope for group `D' staff, a separate committee would be appointed.

Subsequently, Group `D' Staff Promotion Committee was constituted under the chairmanship of Shri M.Z. Ansari. The said committee has already submitted its report.

It is urged that the recommendations of Group `D' Staff Promotion Committee may please be implemented early.

Item No.27

(i) Compassionate appointment to the wards of medically de-categorized staff

The General Manager, North Western Railway, vide D.O. letter No.740-E(R&T)/CGA/Med. De-categorized dated 9-2-2010, addressed to the Additional Member(Staff), Railway Board, has recommended, if an employee is sent for PME before attending the age of 55 years and medical examination result received after attending the age of 55 years, such medical de-categorisation should be treated from the date when the employee was sent for PME and not from the date of approval of the Medical Board.

Keeping in view larger interests of the Railway employees, the Board are requested to issue necessary orders to the General Managers of the Indian Railways that, if an employee is sent for PME before attending the age of 55 years and medical examination result received after attending the age of 55 years, such medical de-categorisation should be treated from the date when the employee was sent for PME and not from the date of approval of the Medical Board. This will help the employees' to get their wards appointed on companionate ground.

(ii) Issuance of incorrect Medical Certificates in the case of medically de-categorised staff leading to avoidable problems and denial of compassionate appointment

It is brought to the notice of the Staff Side that the Chief Medical Superintendents are issuing incorrect Medical Certificates in spite of the fact that the employees are found unfit for the posts held by them. A case, as an example, is cited below:-

In Ahmedabad Division, a Senior Shunter's leg has been amputated. The CMS has, however, issued certificate that the employee is fit from A-1 to C-2 categories and the Railway should offer him such alternative job according to his suitability. The CMS, it seems, has relied on Board's letter No.80/H/5/21 dated 14.10.1980 for making employee fit from A-1 to C-2.

Staff Side fails to understand, as to how medical authority could declare that the Sr. Shunter whose leg has been amputated is fit from A-1 to C-2 categories. The DRM while taking note of the fact that the employee has been medically de-categorized, has accepted the option of the employee seeking voluntary retirement on medical ground with the condition that his son be considered for compassionate appointment. Western Railway Headquarters administration has, however, chosen to refer the matter to the Railway Board and accordingly a reference was made vide CPO, Western Railway's letter No.E(R&T) 890/60/Policy Vol. 6 dated September, 2009.

Staff Side contends that it was improper to declare medically de-categorized employee fit from A-1 to C-2 categories when the employee is not fit to perform the duties of Sr. Shunter. It is also unfortunate the Zonal Railway had referred the issue to the Railway Board instead of insisting on CMD rectify the mistake committed by the lower authorities.

Staff Side, therefore, urges upon the Railway Board to issue clarificatory instructions to Western and other Zonal Railways to issue clear Medical Certificate when the employees are found unfit to perform the duties of the post held by them. Appropriate instructions may also be issued to the Zonal Railways to consider the above type of cases for grant of compassionate ground appointment to their wards in terms of Railway Board's letter No.E(NG)II/35/RC-1/94 dated 14.6.2006.

Item No.28

Sub: Entitlement of Railway employees for traveling in “Duronto’ Express Trains on the pattern of Rajdhani/Shatabdi Express Trains

Railway employees feel proud in operating “Duronto” trains running all over India. These prestigious trains are run by most qualified railway staff with utmost punctuality and safety but it is unfortunate that the railway employees are not entitled to travel by these trains on Passes/PTOs.

It would be appreciated that while travelling in these trains, it would save time, money and energy. It is very much logistical that the Railway employees also need to be extended the facility of travelling in these trains, which will save time and financial burden in the form of TA etc., while on duty. Of course, restrictions can be imposed to allow limited quota for Railway employees, as prescribed in Rajdhani/Shatabdi, as per eligibility of the Railway officer/official concerned.

Staff Side, therefore, requests the Railway Board to consider the matter regarding extending of travel facilities to Railway employees on Passes/PTOs in these trains keeping in view factors enunciated above.

Item No.29

Sub: Filling-up posts of Loco Inspectors and Power Controllers/Crew Controllers – Modification thereof

Ref: Railway Board's letter No. E(P&A)II-2007/RS-14 dated 26.3.2009.

The Railway Board have issued revised instructions on eligibility criteria contained in Board's letters No.E(P&A)II-83/RS-10(iv) dated 25th November, 1992 and No.E(P&A)II-83/RS-10 dated 9.1.1998. According to Board's letter dated 26th March, 2009, 3 years footplate experience condition is replaced by **"75,000 kms of actual driving experience as drivers"**.

In para 1, sub-para 4 of Board's letter dated 26th March, 2009, it has been laid down that those Power/Crew Controllers who do not have the requisite 75000 kms of actual driving experience will also be eligible to be considered for the post of Loco Inspector, with the proviso that the shortfall will have to be made good by them by being deployed on footplate duties, prior to their being actually posted to work as Loco Inspector.

In this connection, Staff Side desires to point out that under the provision contained in the Board's letter dated 26th March, 2009, a Power/Crew Controller who had only 5000 Kms of actual driving experience is eligible and on his empanelment, he will be deployed as Loco Inspector on fulfillment of total 75,000 kms driving experience. In such situations, the post should continue to remain vacant till such time the empanelled staff fulfill the condition.

Staff Side also desires to point out that the similar eligibility opportunity is not extended to the Loco Pilots who are actually working on footplate but unfortunately not completed 75000 Kms driving experience as on the date of notification being issued by the Administration calling for the volunteers for filling the vacancies of Loco Inspectors. The Board's orders dated 26th March, 2009 is not ensuring equitable opportunity to the Loco Pilots and Crew/Power Controllers. There is a feeling that instructions are aimed at giving advantage to those not working on footplate.

Staff Side strongly feels that the Railway Board's instructions under reference No.E(P&A)II-2007/RS-14 dated 26th March, 2009 deserve to be reviewed for ensuring level playing field to Loco Pilots and also Power/Crew Controllers. Federation also requests the Railway Board to arrange to convene a separate meeting at the earliest for discussing the matter in view of deep sense of resentment among the Loco Pilots on most of the Zonal Railways.

Staff Side also requests that the selections initiated on the basis of policy guidelines dated 26th March, 2009 may be held in abeyance pending discussion.

Item No.30

(i) Sub: Grievances of Laboratory Staff of Medical Department

Recruitment qualification for Laboratory Asstt. in GP Rs.2400 is Matriculate with DMLT. In all the institutions, like IGNOU, State Medical Faculty of West Bengal, Kerala Medical Council etc., minimum qualification for admission in DMLT Course is 10+2 with Science. No Matriculate is entitled to join DMLT Course.

There are two streams of recruitment in the category of Laboratory Staff only in the Medical Department. In all other categories, recruitment is made in the bottom of the scale and the staff so recruited are allowed to progress up to apex level of group `C`.

Staff Side urges upon the Railway Board to have the same scope of promotion to Laboratory Staff of Medical Department as has been extended to all other categories of group `C` of Medical Department and Lab. Asstt. recruited in GP Rs.2400 should also be allowed to progress to apex grade pay, dispensing with the provisions of direct recruitment in GP Rs.4200.

(ii) Qualification for appointment of Laboratory Asstt. in GP Rs.2400

Entry qualification for the post of Laboratory Asstt. in GP Rs.2400 is Matriculation with DMLT but for admission in DMLT Course, minimum qualification is 10+2 with Physics, Chemistry and Mathematics/ Biology. Minimum qualification prescribed by the institutions, like IGNOU, State Medical Faculty of West Bengal, Kerala Medical Council etc., for admission in DMLT Course is 10+2 with Science.

Hence, recruitment qualification for the post of Laboratory Asstt. may be upgraded to 10+2 with Science + DMLT and their pay scale may also be upgraded appropriately.

