

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No.E(P&A)II-2008/RS-37

New Delhi, dated 10.06.2014.

✓ The General Secretary,
A.I.R.F.
4, State Entry Road,
New Delhi.

The General Secretary,
N.F.I.R.,
3, Chelmsford Road
New Delhi.

Sub: Anomaly in fixation of pay of Loco Supervisory, Staff appointed prior to 01-01-06 with reference to their juniors appointed after 01-01-06 and drawing more pay than seniors.

Attention is invited to the minutes of the meeting held by the Board with the Federations on 07.02.2014. The subject noted above was one of the issues raised in the aforesaid meeting and in the minutes, it has been stated that – “As regards the issue of Loco Inspectors, the 6 (six) zones viz., Central, South Central, WCR, ECoR, NWR and NE Railway may also implement without delay”.

In this regard, it is stated that as per records available in this office, orders on stepping up of pay, vide Board's letter of even no. dt. 24.07.2009, have been issued to all the zonal railways for uniform implementation, only on fulfilling the conditions stipulated therein. The conditions stipulated in the Board's letter dt. 24.07.2009 have been reiterated to all the zonal railways time and again.

Many court cases have been filed at different levels seeking stepping up of pay in dilution of the conditions. In one SLP matter (SLP[C] 5901/2013), the Hon'ble Supreme Court dismissed the SLP vide their order dt. 11.2.2014 without going into the merits of the case and leaving open the question of law concerning the interpretation of the relevant Rules. This matter is being examined in consultation with LA, Railway Board/ Central Agency Section for filing review before Hon'ble Supreme Court.

Another SLP bearing No. CC 1514-1515 of 2014 has been filed, which was heard on 7.2.14 when the Hon'ble Supreme Court ordered for issue of notice and granted stay in the matter. This factual position was informed to all the zonal railways vide Board's letter dt. 28.2.2014.

From the above, it is evident that stepping up of pay is admissible subject to fulfillment of specified conditions which is uniformly applicable to all the zonal railways, moreover the Hon'ble Supreme Court of India has not yet decided the issue on merits as on date, hence the matter is sub-judice.


13.6.14
For Secretary
Railway Board

Copy to:- E(LR)I, Railway Board

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No.E(P&A)II-2013/RS-09

New Delhi, dated 28.02.2014.

**The General Managers(P),
All Zonal Railways.**

Sub: Granting the benefit of stepping up of pay of Loco Running Supervisors at par to their junior raised in SLP (Civil) CC1514-1515 of 2014 before the Supreme Court of filed by Union of India & Ors..

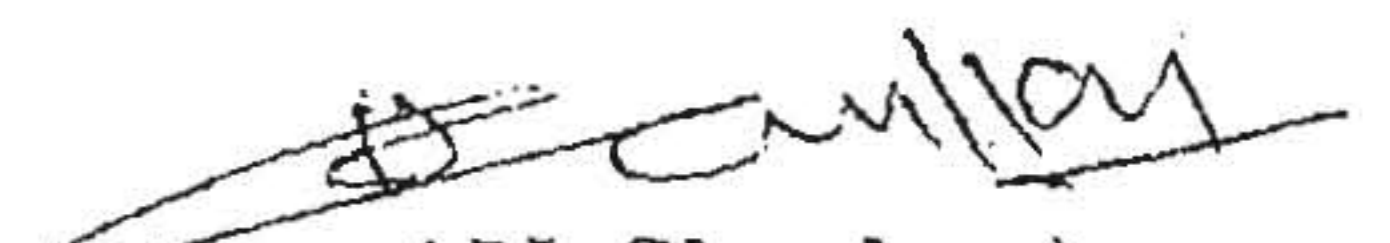
After acceptance of the Sixth CPC recommendations, instructions for granting of the benefit of stepping up of pay to Loco Supervisors promoted prior to 01.01.06 at par with their juniors promoted after 01.01.2006, were issued vide Board's letter No. E(P&A)-II/2008/RS-37 dated 24-07-2009. Certain specific conditions were stipulated in the letter ibid. One of the conditions for granting the benefit of stepping up of pay, was that both the Junior and the Senior Railway Servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre and other conditions enumerated in Note 10 below rule 7 of RS(RP) rules 2008 should also be fulfilled. In this connection your attention is drawn to an O.A. No. 455/2011 before CAT/Chennai filed by Shri. V.Murugesan and S.S. Murugan. Both of them were promoted as LIs in MDU Division/Southern Railway from the post of Loco Pilot (Goods). They filed the case for claiming stepping up of pay at par with their Junior Sh. K. Venkatesh, who was promoted as LI from the post of Loco Pilot (Mail/Express). Their cases were allowed in the Hon'ble Tribunal and the High Court of Madras and now an SLP has been filed by the UOI before the Supreme Court of India. The matter was last heard on 7-02-2014 and upon hearing the Hon'ble Court had made the following order:-

"Delay condoned.

Issue notice.

In the meantime, operation of the impugned judgment and order shall remain stayed."

2. It is advised that if any similar issue is pending before any Court of Law on your Railway, the above position may be brought to their notice. A copy of said order may be downloaded from the website of the Hon'ble Supreme Court of India. It is requested to take adequate care to defend and assign similar cases, if any, to an SAG level officer for proper monitoring and follow up. The status of such cases may be informed to this office from time to time.


(K. Shankar)
Director/Estt(P&A)
Railway Board.

Encl:- As above.

Copy to: FA&CAO of all Zonal Railways.
EDF(E) , Railway Board