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**All India Railwaymen's Federation**  
(Estd, 1924)

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## **Item No.1**

### **Sub: Transfer of staff working in sensitive post – Problem of Children Education**

With the advent of the time, most of the Railway staff have become more and more conscious about the education of their children, because in the present competitive market, it is absolutely necessary that children do get proper education so that they can withstand themselves in the present scenario. Naturally, the parents are also very much concerned about the education and future career of their children.

As per Railway Board's orders contained in their letter No.E(NG)I-2009/TR/7 dated 04.03.2012, the staff working on sensitive posts are subjected to periodical transfer after working for 4 years or more on a particular post. The orders provide that while transferring staff due care is to be taken regarding their academic session.

On account of resources constrains, the admission of the children during the currency of academic session is quite difficult. In case orders of transfer of the staff working on sensitive posts are issued without taking due care of the educational session of their children, it becomes quite difficult for them to get their children admitted in the schools/colleges at the places to which they are transferred, as such due care needs to be taken in this regard while issuing such transfer orders.

The Board are, therefore, urged upon that the staff working on sensitive posts who have to undergo periodical transfer, are not transferred between the academic sessions to ensure that the education of their children does not suffer.

## **Item No.2**

### **A. Sub: Wrong implementation of MACP Scheme in IT Cadre**

EDP Centres have been converted into IT Centres by the Railway Board w. e. f. 01.04.2005. Owing to this, EDP Cadre have been converted into IT Cadre and initial post of the cadre has been upgraded from erstwhile Gr. Rs. 4500-7000(RSRP)(new Gade Pay is Rs. 2800) to Rs. 5000-8000(RSRP)(new Grade Pay is Rs. 4200). But in most of the Zones(except in CR, SER and NFR), when implementing new MACP Scheme, Railway administration are wrongly interpreting this upgradation as promotion. Resultantly, IT staff are loosing their due benefit. In many Supreme Court and CAT judgments it is already mentioned that, upgradation cannot be treated as promotion

Some instances are mentioned here to clear our viewpoint:-

- (i) An employee, viz. `A`, got direct recruitment in Railways as Data Entry Operator in 1991 in Gr. Rs. 1350-2200(RPS)(new Grade Pay is Rs.2800)(suppose he do not got any promotion) got

Gr. Rs.5000-8000 (RSRP)(New Grade Pay is Rs.4200) in 01.04.2005 on upgradation of the cadre. Actually, he should get 1<sup>st</sup> ACP in 2003(under old scheme) in Gr. Rs.5000-8000(RSRP)(new Grade Pay Rs.4200), 2<sup>nd</sup> MACP in 2011 in Grade Pay Rs.4800, treating him in Grade Pay Rs. 4200 w.e.f. 1991, and so on but the Railway Administration is awarding him 2<sup>nd</sup> ACP in 2011 only in Grade Pay Rs.4600 and so on.

- (ii) An another employee, viz. `B`, got recruitment in Railways as Sr. Clerk in 1990 in Gr. Rs.1200-2040(RPS)(New Grade Pay Rs.2800) and got selected as Data Entry Operator in 1995 (suppose he also do not got any promotion in EDP Cadre) got Gr. Rs. 5000-8000(RSRP)(new Grade Pay is Rs.4200) on 01.04.2005 on upgradation of the cadre. Actually, he should get 1<sup>st</sup> ACP in 2002(under old scheme) in Gr. Rs.5000-8000(RSRP)(new Grade Pay Rs.4200), 2<sup>nd</sup> MACP on 01.09.2008 in Grade Pay Rs.4600, treating him in Grade Pay Rs.4200 w.e.f. 1995 and 3<sup>rd</sup> MACP in 2015 in Grade Pay Rs.4800 but the administration is awarding him 2<sup>nd</sup> MACP in 2010 in Grade Pay Rs.4600 and the 3<sup>rd</sup> MACP in Grade Pay Rs.4800 in 2020.

Darkest side of this episode is that, about twenty per cent staff came in the cadre from different technician categories are not getting any benefit under the MACP scheme due to above quoted wrong interpretation.

Hence, sheer injustice is being done with the staff of IT Cadre. MACP scheme is only ray of hope for most of group `C` staff of the Indian Railway due to less promotion avenue.

The Board are, therefore, requested to treated Grade Pay Rs.4200 as Recruitment Grade in case of the staff of IT Cadre since the date of their entry in erstwhile EDP Cadre while implementing MACP Scheme, whether their entry in the cadre is on permanent post or on ex-cadre post.

**B. Sub: Granting of financial benefit under MACP Scheme to EDP Staff**

**Ref: (i) Railway Board's letter No.PC-V/2011/M/3/AIRF dated 12.03.2012**

**(ii) AIRF's letter No.AIRF/MACP(62) dated 14.3. 2012**

Railway Board vide their letter No.2002/AC-III(CC)/37/8 dated 16.11.2006 have modified their orders contained their earlier letter dated 17.11.2004 on the subject.

Since these are revised orders, these should take precedent over the orders issued on 17.11.2004.

Para 5(a & b) of Railway Board's letter dated 16.11.2006 did never mention that this is a case of promotion, rather it has been clearly stated that the DEOs working in grade Rs.4500-7000 will be considered for absorption/placement in the post of JE(IT) Grade-II(Rs.5000-8000).

Since these are rock bottom minimum of the IT cadre pay scale, these should be treated as a starting point and MACP should be granted, taking all the past services rendered by such staff into account.

Thus MACP is due to them, the Board are requested to review the matter accordingly and issue revised orders for granting of MACP in favour of these set of employees, treating pay scale Rs.5000-8000(GP Rs.4200) as minimum grade pay.

### **Item No.3**

#### **Sub: Augmenting of Railway Revenue – Creation of additional posts of Ticket Checking Staff/TTE and filling-up of existing vacancies**

The trailing load of Passenger/Mail/Express/Shatabadi/Jan Shatabadi/Rajdhani Express has been increased, and in some trains up to 24 coaches. A number of additional trains are also introduced every year on Indian Railways, but the strength of the Ticket Checking Staff/Travelling Ticket Examiner has not been increased proportionately. Rather, existing vacancies are also not been filled-up, allowing passengers to travel without ticket, resulting in huge loss of revenue to the Railways.

As an example, in Central Railway, there are 360 vacancies of Ticket Checking Staff. Central Railway has placed necessary indent to the RRB/Mumbai and also before other RRBs, but there is no response from the RRBs in this regard.

It is urged that additional posts of Ticket Checking Staff be created to cope-up with additional workload of Ticket Checking Staff and also to fill-up the existing vacancies by calling volunteers from the serving employees.

Similar is the situation in Southern Railway, where FA&CAO is not honouring the orders of the Railway Board and is adamant to create only 50% posts according to present yardstick. The weightage of general coaches and EMUs is not being accounted for without any reason.

AIRF has already drawn attention of the Railway Board vide letter No.AIRF/76( ) dated 22.08.2011 and demands that creation should be done as per present yardstick and the Railways should not be pressurized for matching value.

It is absolutely needed that the Railway Board should meet with the requirement and no matching saving should not be insisted for creation of posts required for manning new assets.

It is, therefore, urged that additional posts of Ticket Checking Staff be created to cope up with the additional workload and also to fill-up the existing vacancies by calling applications from the volunteer serving employees.

### **Item No.4**

#### **Sub: Accident Free Service Certificates**

As per practice in vogue, **Accident Free Service Certificates** are issued to the Running Staff on their retirement, if they have an Accident Free Service record.

Such certificates are not issued to C&W, S&T, Electrical and Permanent Way Staff and other staff who are equally responsible for safe running of trains and ensure that the rakes/wagons, signalling, OHE, rolling stock and permanent way are fit in all respect for safe running of the trains, which the Running Staff work. Their role in ensuring safe running of trains without any accident is also undeniable and important.

This being the fact, there is no reason why C&W, S&T, Electrical and P. Way Staff and other staff responsible for safe running of trains should not be considered for Accident Free Service Certificates if rakes/wagons, signalling, electrical, OHE, rolling stock and permanent way attended to by them are not involved in any accident.

It is urged that C&W, S&T, Electrical and Permanent Way Staff and other staff who are equally responsible for safe running of trains should also be awarded **Accident Free Service Certificates** on their retirement, in case they have Accident Free Service.

#### **Item No.5**

##### **Sub: Extending coverage of RELHS to medically invalidated employees**

**Ref: AIRF's letter No.AIRF/101(323) dated 28.07.2007**

The RELHS, being a popular scheme, has been widely accepted by the retired railway employees and more and more retired personnel are opting for it each time the membership to the scheme is re-opened. The existing eligibility criteria for entitlement to join this scheme is minimum qualifying service of 20 years.

There are many instances which have been brought before the Federation(AIRF), wherein serving Railway employees have been injured/decapitated while on duty or otherwise, leading to their medical invalidation followed by voluntary retirement. In a number of such, the employees in question may not have completed 20 years of qualifying service, and as such denied enrollment to RELHS as per the existing criteria.

Here it needs to be appreciated that the medically invalidated staff do require frequent medical attention and sometimes need costly medical care. Under these circumstances, keeping such invalidated employees outside the preview of RELHS, is most unfair and unjust. It virtually amounts to denial of medical care to those who need it most.

It is, therefore, urged that the eligibility criteria of 20 years qualifying service may be relaxed, particularly in case of those employees who were/are medically de-categorized/invalidated, resulting in their voluntary retirement.

## **Item No.6**

### **Sub: Entitlement of Child Care Leave**

**Ref: AIRF's letter No.AIRF/50(95) dated 18 April, 2011 and 19 April, 2012**

As per recommendation of the VI CPC and in terms of Board's letter dated 23.10.2008, Child Care Leave has been introduced for Women Railway employees up to a cumulative maximum period of two years, i.e. 730 days.

In the event of immature death of wife and till re-marriage of the employee, there is hardly anybody to look after the child.

In one instance, brought to the notice of the Federation(AIRF), the husband and wife both happened to be Railway employees having one son aged 8 years. The wife expired under tragic circumstances on 23.10.2006. The husband who has not remarried and is working as TTE is required to be away from home for long spells in all the three shifts on account of his duty. This severely compromises in the care and upbringing of his 8 year old child. In order to partly offset the adversity, the employee has desired that he be allowed to avail Child Care Leave. Though this specific case has come to the notice of this Federation there are bound to be many others in our 14 lakh strong railway families who are similarly placed and which merit sympathetic consideration.

In the light of circumstances brought out above, AIRF feels it appropriate that the proviso of Child Care Leave, introduced in terms of Board letter dated 23.10.2008, may also be made applicable to Male Railway employees who are widowers/single parent and are having children below 18 years of age.

## **Item No.7**

### **Sub: Genuine grievances of AC Mechanics in Technician grades**

#### **(a) Non-availability of sitting accommodation in AC Coach**

AC Mechanics are performing duty throughout the run of their coach and during stabling hours for the maintenance of AC and security of AC equipments besides charging of the coaches at the destination and *enroute*. This entails a continuous duty for almost 15 to 20 hours besides 8 to 10 hours of stabling. But unfortunately these essential staff are not provided with any accommodation in the coach because only the ACCA is provided accommodation outside the coach, which he occupies for himself and bedrolls and cannot share it with the AC Mechanic. The obvious impact of the set back causes continuous standing to AC Mechanic and discomfort leading to serious ailments in the long run such as joint pains, exhaustion and frequent sickness etc. besides high BP and cardiac problems. Owing to declining health, their service to the onboard passengers is also affected. Hence, as a measure of ameliorating the working conditions of these highly productive essential staff, their demand for provision of exclusive accommodation in AC Coache may be piloted.

The Board are requested to issue necessary instructions to the Zonal Railways to make available accommodation in the AC Coaches with a view to mitigate the hardship being faced by the AC Mechanics during their duty and stay at out stations.

**(b) Non-availability of Tool Box in the AC Coach**

AC Mechanics carry a lot of vital tools for repair and upkeep of the AC equipment both on run as well as during stabling hours. But virtually there is no space earmarked for keeping their tools, which is very essential.

Railway Board are requested to issue necessary instructions to the Railways for provision of a tool box in the AC Coach.

**Item No.8**

**Sub: Extension of scope of LARSGESS**

Safety Related Retirement Scheme(SRRS) was first introduced by the Railway Board vide their letter No.E(P&A)I-2001/RT-2(KW) dated 02.01.2004. The nomenclature of the said scheme has been modified as **Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff** (LARSGESS) with Grade Pay Rs.1800, and the condition of Qualifying Service was brought down from 33 years to 20 years and the eligibility age group was changed from 55-57 years to 50-57 years. The scheme has been further extended to the eligible categories working in GP Rs.1900. the scheme has also been decentralized from Zonal to Divisional control. Physical Efficiency Test(PET) has been done away with vide Railway Board's letter No.E(P&A)I-2010/RT-2 dated 17.05.2012. But the problems of past cases of those wards who could not succeed in the PET are yet to be resolved in certain Railways.

In Operating Department, Leverman category has been included in the list of Safety Category. Leverman Grade I and Cabinman Gr. II are in identical Grade Pay of Rs.1900 and they are interchangeable.

In some Railways also the staff in Grade Pay of Rs.1900 have been designated as Cabinman, but they have been denied to be included in the list of Safety Category by the Zonal Railways. Khalasi and Khalasi Helper in Grade Pay Rs.1800 and Fitter of corresponding category in Grade Pay Rs.1900 have been included in the list of Safety Categories for LARSGESS, but the Khalasi and Khalasi Helper and Fitter etc. of Engineering Workshop have been left behind. These categories also need to be included in the list of Safety Categories and brought under the purview of LARSGESS.

It is further pointed out that the designation "**Fitter**", as mentioned in the Annexure to Railway Board's letter No. No.E(P&A)I-2010/RT-2 dated 11.09.2010 also needs to be modified as "**Technician**" so that there is no confusion prevailing on Zonal Railways on this account and the Miscellaneous Categories of Technician, i.e. Welder, Turner, Machinist, Carpenter, Mill-Wright etc. working in sheds, depots and workshops should also be brought under the purview of this scheme.

In respect of Written Examination, AIRF has been regularly pursuing the Railway Board to do away with the Written Test as the employment is given in Grade Pay Rs.1800 on the analogy of appointment on compassionate ground. The former Hon'ble MR had also assured for the same.

The Board are, therefore, requested to take a holistic view on the above issues.

**Item No.9**

**Sub: Implementation of recommendations of the Joint Committee on Package and Allowance to Trackmen**

On the persistent demands of All India Railwaymen's Federation, a Joint Committee was formed to go into the problems of the Trackman/Gateman/Trolleyman/Watchman/Keyman/Mate etc., and accordingly a Joint Committee was formed by the Railway Board in terms of notification No.2009/E&R/200/7 dated 26.02.2010 on the following matters:-

- (i) Service and working conditions of Railway staff need to be improved.
- (ii) There is no career growth in the Trackman/Gateman/Keyman category and they retire in the recruitment grade despite miserable working conditions.
- (iii) Hon'ble Railway Minister was requested to take initiative for rectifying their situation. The Hon'ble Railway Minister interjected and announced that a committee shall be constituted to consider all aspects in regard to Trackman/Gateman/Keyman categories for improving their career.
- (iv) Special package be given to Trackmen because of their working in arduous conditions. The Hon'ble MR desired that a Joint Committee in association with the Federations to resolve the issues of Package and Career Progression of the Trackmen.

The said Joint Committee submitted its unanimous report to the Railway Board on 28.06.2011.

The Joint Committee after deliberations had recommended to restructure the cadre of Trackman/Gateman/Trolleyman/Watchman/Keyman/Mate etc. as follows:-

<b>Grade Pay Rs.2800</b>	<b>10%</b>
<b>Grade Pay Rs.2400</b>	<b>20%</b>
<b>Grade Pay Rs.1900</b>	<b>20%</b>
<b>Grade Pay Rs.1800</b>	<b>50%</b>

The Committee also made its recommendations on Package and Allowances including working tools, uniform, working and living conditions etc.

The Railway Board vide their letter No.2010/CE-I(Spl)/GNS/15(Pt.) dated 17.08.2012(RBE No.91/2012) have however issued orders, wherein the recommendations of the Joint Committee have unfortunately been diluted/watered down by the Railway Board as under:-

<b><u>Grade Pay</u></b>	<b><u>Percentage Recommended</u></b>	<b><u>Percentage Granted</u></b>
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Rs.2800	10%	3%
Rs.2400	20%	6%
Rs.1900	20%	20%
Rs.1800	50%	71%

This has resulted in shocking effect on the whole cadre of Track Maintenance Staff.

It is, therefore, urged that the recommendations of the Joint Committee on Package and Career Progression of Trackmen be accepted and implemented in toto as these are the unanimous recommendations of the said committee formed by the Ministry of Railways. The other recommendations in respect of working tools, working and living conditions may also be implemented in letter and spirit.

#### **Item No.10**

**Sub: Earmarking of posts for promotion of Non-Appendix 3 IREM Qualified Accounts Assistants in the merged cadre of Sr. SO(A/Cs) and SO(A/Cs)**

**Ref: AIRF's letter No.AIRF/5-A dated 20.7.2011**

Before implementation of the recommendations of the VI CPC, 5% posts of SOs(Accounts) and Sr. SOs(Accounts) were earmarked for Non-Appendix 3 IREM qualified Accounts Staff working in Accounts Department of the Indian Railways. Consequent upon implementation of VI CPC recommendations, the cadre of SO(Accounts) and Sr. SO(Accounts) stands merged. The All India Railwaymen's Federation has, therefore, requested to provide 5% of the posts in the combined strength of SOs(Accounts) and SSOs(Accounts) for the above purpose vide letter dated 20.7.2011.

The Railway Board vide their letter No.PC-V/98/1/11/23(Pt) dated 14.7.2011(RBE No.106/2011) have earmarked only 1% of the merged cadre of Sr. SOs(Accounts) and SOs(Accounts) instead of 5%. On the basis of these orders, considering the combined strength of erstwhile Sr. SOs(Accounts) and SOs (Accounts), not even a single post works out for promotion of Non-Appendix 3 IREM Qualified Accounts Assistant. This has virtually deprived the Non-Appendix 3 IREM Qualified Accounts Assistants from getting promotion while facility was earlier available for them before merger of the erstwhile Sr. SO(Accounts) and Sr. SO(Accounts).

The Board are, therefore, requested to increase the above percentage to 5% so as to enable Non-Appendix 3 IREM Qualified Accounts Assistants to get their due benefit.

#### **Item No.11**

**Sub: Filling-up the posts of Bridge Inspector Grade-III/Junior Engineer(Bridge)(pre-revised pay scale Rs.1400-2300/9300-34800, PB-II GP Rs.4200)**

**Ref: AIRF's letter No.AIRF/371(273) dated 21.8.2012**



The existing recruitment pattern for Bridge Inspector Grade-III/Junior Engineer(Bridge) as per para 146(1) of IREM Vol. I is as under:-

- (i) 75% by Direct Recruitment from open market through Railway Recruitment Boards from amongst the Polytechnic Diploma holders; and
- (ii) 25% by promotion through positive act of selection from Bridge Mistries.

Unlike the above, the recruitment pattern for Junior Engineers in all other departments of the Railway, including Jr. Engineer(Track Machine) as per para 146 A(1) of IREM Vol. I is:-

- (i) 50% plus any shortfall of Intermediate Apprentice Quota as at (iii) below from open market through the RRBs from amongst the Polytechnic Diploma holders.
- (ii) 25% by promotion through normal selection.
- (iii) 25% by induction as Intermediate Apprentice from amongst the technicians having qualification of ITI/Act Apprenticeship in the relevant trade or 10+2 in Science stream with a minimum 3 years service in Skilled Technician Grade-III and above, satisfactory service report with respect to application of work, attendance and general conduct, below 45 years of age, through the process of selection(on application basis). Service for the purpose of this clause will not include the training of 3 years imparted to Matriculates recruited for appointment in the Skilled Technician Grade-III.

It would, therefore, in the fitness of the thing that the recruitment pattern in the Bridge Department under Civil Engineering may also be revised in the present context on par with recruitment of Junior Engineers of other departments, i.e. Civil, Mechanical, Electrical and S&T etc., i.e. (i) 50% plus any shortfall of Intermediate Apprentice Quota as at (iii) below from open market through RRBs from amongst Polytechnic Diploma holders; (ii) 25% by promotion by normal selection; (iii) 25% by induction as Intermediate Apprentices from amongst technicians having qualification of ITI/Act Apprenticeship in relevant trade or 10+2 in Science stream with a minimum 3 years service in Skilled Technician Grade-III and above, satisfactory service report with respect to application of work, attendance and general conduct below 45 years of age, through the process of selection(on application basis). Service for the purpose of this clause will not include the training of 3 years imparted to Matriculates recruited for appointment in the Skilled Technician Grade-III) to establish parity.

The Board are, therefore, requested to modify the recruitment pattern of Bridge Inspector Grade-III/Junior Engineer(Bridge) as suggested above.

## **Item No.12**

**Sub: Fixation of Pay of Section Officers of the Accounts Department who were promoted after 1.1.2006 opting to switch over to revised pay structure from the date of promotion under Rule 5 of RS(RP) Rules, 2008**

**Ref: (i) Railway Board's Notification No.RBE No.103/2008 dated 4.9.2008 and their letter No.PC-VI/2008//RSRP/1 dated 11.09.2008(RBE No.124/2008)**

**(ii) AIRF's letter No.AIRF/5(36) dated 3.2.2012**

Proviso to Rule 5 of Railway Services(Revised Pay) Rules, 2008 states as under:-

**“Provided further that in cases where a Railway servant has been placed in a higher pay scale between 1.1.2006 and the date of notification of these Rules on account of promotion, upgradation of pay scale etc., the Railway servant may elect to switch over to the revised pay structure from the date of such promotion, upgradation etc.”**

However, fixation of pay to those Section Officers who opted to withdrawal of pay in the revised pay structure after 1.1.2006 has been defined under Rule 11 of RS(RP) Rules, 2008.

As per revised pay structure, under RS(RP) Rules, 2008, the Section Officer and Sr. Section Officer of the Accounts Department have been placed in PB-II with GP Rs.4800, merging the pre-revised grades of Rs.6500-10500 and Rs.7450-11500. The pay of the Section Officers who were promoted between 1.1.2006 and the date of Notification of RS(RP) Rules, 2008, who opted to switch over to revised pay scales under these RS(RP) Rules with effect from the date of promotion, is not being properly fixed by the Railway Administrations. In this connection, attention of the Railway Board is drawn towards TA&AD Service circular dated 13.6.2011, which clarifies the issue and elaborates the rules, stating applicability of fitment table of higher pay scales, i.e. fitment table of Rs.7500-12000(corresponding to Rs.9300-34800 + GP Rs.4800 under VI CPC) annexed with the Notification. Recommendations of the VI CPC deal the Accounts Cadre of the Railways in the same chapter along with all Organized Accounts Cadre including TA&AD Service under Chapter 7.56, thereby meaning that fixation of pay as recommended by the VI CPC and accepted by the Central Government, is same for all the offices of the Central Government Bodies/ Ministries in the case of Accounts Staff.

The Board are, therefore, requested to clarify the issue in the light of TA&AD Service's circular dated 13.6.2011, as a reference from Northern Railway Administration is already pending with the Railway Board vide Northern Railway Administration's letter dated 30.9.2010, so as to facilitate proper fixation of pay of above-mentioned staff on the Railways.

### **Item No.13**

**Sub: Permission sought for holding of Special Appendix III(IREM) Examination for filling up of posts of Section Officer(Accounts), TIAs and ISAs by N.F. Railway and other Railways**

**Ref: (i) GM/NFR's D.O. letter No.PNO/AD/61/14 Pt. IV dated 12.12.2011**  
**(ii) AIRF's letter No.AIRF/5(353) dated 21.12.2011**

The General Manager, N.F. Railway, Maligaon, vide letter No.PNO/AD/61/14 Pt. IV dated 12.12.2011 has sought permission from the Railway Board for holding Special Appendix III(IREM) Examination to filling-up large number of vacancies in the category of Section Officer(Accounts), TIAs and ISAs. This reference has been made by the General Manager, N.F. Railway under pressing situation, which he has explained in his aforesaid letter.

Similar references have been made by some other Zonal Railways also, viz. South Central Railway, South Western Railway and Southern Railway for seeking permission for holding the said examination.

It is pertinent to mention here that similar examinations were conducted for Section Officer (Accounts), TIAs and ISAs by N.F. Railway with the due approval of the Railway Board, the result of which was encouraging in the matter of filling up of the vacancies in these categories.

The Board are, therefore, requested to communicate necessary approval for relaxation in the matter of holding Appendix III Examination to N.F. Railway and other three Railways as mentioned above.

### **Item No.14**

**Sub: Implementation of judgement of the Hon'ble Supreme Court, delivered on 30.09.2011 against Petition(s) for Special Leave to Appeal(Civil) No(S) 20041/2008–Union of India & Ors. Vs Sarju**

**Ref: AIRF's letter No.AIRF/227(223) dated 28.6.2012**

Union of India & Others had filed a Petition(S) for Special leave to Appeal(Civil) No(S) 20041/2008 (from the judgement and orders dated 12.12.2007 in CWJC No.9604/2006 of the High Court of Patna). The Special Leave Petition has been dismissed by the Hon'ble Supreme Court of India with the directions:-

**“... The petitioners are directed to calculate the pension and other retiral benefits payable to the respondents keeping in view the directions given by the Tribunal and pay the arrears within next three months...”**

This issue was raised by the AIRF during the preamble of the meeting of the DC/JCM, held on 26-27.06.2012, requesting treatment of half the period of Casual Service and full period of Temporary Status for retiral benefits.

All India Railwaymen's Federation has made a reference to Railway Board vide letter dated 28.6.2012 *supra*, enclosing a copy of the judgement of Hon'ble Supreme Court of India, requesting the Railway Board to extend the benefit of half period of casual service and full period of temporary status for computing retirement benefits, however, no instructions on this issue seems to have been issued by the Railway Board till date.

It is, therefore, urged that necessary instructions on the above subject may be issued for implementing the Hon'ble Supreme Court's judgement without further delay.

#### **Item No.15**

**Sub: Appointment on compassionate grounds in the event of death of husband and wife who are both Railway employees**

**Ref: AIRF's letter No.AIRF/226/AIRF/446(130) dated 10.4.2012**

There are situations where both husband and wife were Railway employees. In case of death of one of them during service, appointment on compassionate ground was offered to the eldest child.

Consequent upon death of either husband or wife, the surviving Railway employee, as the case may be, re-married with someone and there was a child born after second marriage. Subsequently, the surviving Railway employee also expired while in service and his surviving wife or husband applied for appointment in compassionate ground in favour of the child. Such appointments on compassionate ground are refused by the Railway Administrations in terms of Railway Board's letter No.E(NG) II/86/RC-1/1 Policy dated 02.06.1997, which stipulates that only one compassionate ground appointment is available either on the death of the husband or the wife whichever event occurs first.

This stipulation is highly unfair as the ward who was offered appointment on compassionate ground on the event of death of either of the two Railway employees, i.e. husband and wife, establishes his/her own family separately and does not support the younger wards who are born after the re-marriage of the survivor in the event of death of the second Railway employee.

The Board are, therefore, requested to modify these instructions to allow compassionate ground appointment to the other ward in the event of death of second Railway employee(husband/wife), a reference in this regard from the General Manager, South Western Railway vide their letter No.SWR/P.268/269/ PNM/SWRMU & NRMS dated 15.10.2009 is already pending with the Railway Board.

## Item No.16

### **A. Sub: Payment of Running Allowance to medically de-categorized Running Staff kept on supernumerary posts**

**Ref: AIRF's letter No.AIRF/97(XI)/AIRF/88(175) dated 4.7.2011 and 22.3.2012**

Western Railway administration is denying payment of ALK to medically de-categorized Running Staff who are kept on supernumerary posts. This issue having been raised by the said affiliate of AIRF at their GM level PNM meeting was referred to Railway Board vide Western Railway's letter No.E(P&A) 77/2/8/RJT dated 7.12.2008, in reply of which Railway Board have clarified vide their letter No.E(NG) I-2009/RE-3/9 dated 11.8.2010 that ALK is specifically admissible to the Running Staff while they are posted to perform specified non-running duties and the same is not payable to medically de-categorized staff placed on special supernumerary posts. Not only this but also medically-de-categorized Running Staff seeking voluntary retirement on this account and not accepting alternative job offered to them are being denied retirement benefits by reckoning 55% pay elements of Running Allowance for the purpose of retirement benefits. The General Manager, Western Railway, has accordingly issued instructions vide letter No.E(P&A) 85/33 dated 25.10.2010 to all the divisions of Western Railway to stop payment of ALK etc. to medically de-categorized Running Staff placed on special supernumerary posts.

Railway Board's instructions issued vide letter *supra* denying payment of ALK to medically de-categorized staff placed on supernumerary posts as also denial of reckoning 55% of pay element of Running Allowance in case of payment of settlement dues on seeking retirement and reviewing the issue of pay fixation by reckoning 30% of Running Allowance are not in order but in contravention to extant ruling in regard to payment of these allowances as detailed in RSPA 1981. These instructions also do violate the provision contained in Section 47(1) of the Persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Board's letter No.E(NG) I-2004/RE-3/9 dated 7.12.2005, judgment of Hon'ble Supreme Court in case of **Kunal Singh V/S Union of India** (SC 132) and Codal Provisions. Evidently, para 1305 and 1307 of the IREM Volume-I (1989 Edition) are not relevant in such cases as they relate to medically de-categorized staff for their absorption in alternative posts.

It is pertinent to mention here that para 1303 of the IREM Volume-I(1989 Edition) as amended by ACS No.179, circulated vide Board's letter No.E(NG)I-2004/RE-3/9 dated 7.12.2005(RBE No.210/5) clearly states that, if medically de-categorized Railway Servant cannot be immediately adjusted against or absorbed in any suitable alternative post, he may be placed on a special supernumerary post in the same grade in which the employee concerned was working on regular basis before being declared medically unfit with the same pay scale and allied service benefit. It is very clear that the Running Staff getting pay and ALK repeat pay and Running Allowance on the date prior to his/her medically de-categorisation will continue to get same pay and ALK during the period in which he/she continues to be kept on special supernumerary post.

So far as fixation of pay by computing Basic Pay + 30% of such pay in lieu of Running Allowance, as may be in force, is concerned, the same is dealt under Rule 1313 of IREM Vol. I(1989 Edition) and this is applicable to medically de-categorized Running Staff absorbed in alternative category/post and not for one who is placed against special supernumerary posts.

As regards payment of 55% Pay Element of Running Staff to medically de-categorized Running Staff retiring without being absorbed in alternative stationary post, reference is invited to Para 924(iii) of IREM Edition and proviso to Rule No.49, Chapter IV of Railway Service(Pension) Rules, 1993, wherein it is stipulated that for the

purpose of retirement benefits, 55% of Basic Pay shall be taken into account in the case of Running Staff retired/retiring on or after 1.4.1979. Thus it is evident that medically de-categorized Running Staff retiring without being absorbed in alternative stationary post are also eligible for reckoning 55% of Pay Element of Running Allowance for the purpose of retirement benefits.

It is thus quite clear from the above explanation that Railway Board's instructions and subsequent General Manager, Western Railway's instructions contained in their letters dated 11.8.2010, 25.10.2010 and 24.11.2010 respectively are in violation of existing rules on the subject, as provided in IREM Vol. I (1989 Edition), provision containing Railway Service(Pension) Rules, 1993 and in contravention of the Act on the subject. These instructions are highly objectionable and causing severe heart burning to the Running Staff concerned.

Railway Board are, therefore, requested to reconsider their decision and issue fresh orders to follow the rules laid down in the IREM and withdraw their orders dated 11.8.2010 as this causes substantial financial loss to medically de-categorized Running Staff.

**B. Sub: Fixation of pay of medically de-categorised Running Staff while kept on supernumerary posts – Grant of benefits of Running Allowance**

**Ref: (i) Railway Board's letter No.E(NG)I-2009/RE-3/9 dated 5-10-2011**  
**(ii) No.AIRF/55 dated 01.02.2012**

Railway Board vide their letter under reference have decided that the pay of medically de-categorised Running Staff while they are kept on supernumerary posts, i.e. from the date they are declared medically unfit till the date they are absorbed in suitable alternative posts, need to be suitably fixed by addition of Pay Element of Running Allowance as may be in force(at present 30%). Their pay during this period will be fixed, based on their pay in Pay Band and Grade Pay Plus Pay Element of Running Allowance as may be in force(at present 30%).

It is unfortunate, that, the Railway Board have decided to fix their pay adding 30% without absorbing them in alternative posts in any department.

On the basis of above cited orders of the Railway Board, Zonal Railways are fixing the pay on the date of medical de-categorisation by adding 30% Pay Element, and if the employee wants to leave Railway Service by tendering Voluntary Retirement, Railways are refusing to add 55% of Pay Element for the settlement benefits, as their pay is fixed by adding 30% by treating them as non-Running Staff since their pay was already fixed.

Above orders of the Railway Board have created a situation where Running Staff are deprived of addition of 55% Pay Element in settlement benefit since their pay was already fixed by adding 30% Pay Element, i.e. they are losing 25% of the Pay Element.

Previously Running Staff used to give Voluntary Retirement either due to medical de-categorisation or otherwise after completion of 20 years of service and they were eligible for settlement dues by adding 55% Pay Element as they are Running Staff.

As per Railway Board's letter, now Zonal Railways after fixing their pay by adding 30% Pay Element on medical de-categorisation and treating them as non-Running Staff even though they are not joined in any post and tendered Voluntary Retirement.

Board are requested to communicate suitable instructions to all the Zonal Railways for adding 55% Pay Element to all the medically de-categorised Running Staff who want to give Voluntary Retirement without absorption in any alternative posts after medical de-categorisation.

#### **Item No.17**

##### **Sub: Retention of Railway accommodation at the previous place of posting in case of staff posted in newly formed Divisions**

Railway Board vide letter No.E(G)2007 QR1-5 dated 26.10.2009 allowed to retain Railway accommodation at the previous place of posting in favour of staff/officers working in the newly formed Pune Division of Central Railway and Rangiya Division of N.F. Railway on normal rent up to 31.08.2009.

On account of shortage of accommodations at new place of posting, these set of employees could not get Railway quarters in new Divisions, and as such could not vacate the accommodation allotted to them at their previous place of posting. The retention of quarters at their previous place of posting is therefore beyond their control.

The Board are, therefore, requested to permit retention of Railway quarters at previous place of posting at normal rent in case of staff transferred to newly formed Divisions till they are able to get accommodation at their new place of posting.

#### **Item No.18**

##### **Sub: Revision of rate of incentive for acquiring higher academic/technical education during service**

The serving Railway employees, if acquire higher academic/technical qualification during service, which as well is beneficial for properly discharging their assigned duties/posts on which they are working, are allowed Rs.10,000 lump-sum amount in terms of Railway Board's letter No.E(NG)I-94/IC2/5 dated 02.01.1996. This amount of incentive for acquiring higher qualification during service has not been revised for the past more than one and half decade, while the expenses incurred in acquiring such qualification have increased tremendously due to market inflation. Thus, this meagre amount of incentive has lost motivation for serving employees to acquire higher qualification that too beneficial for the Railways.

The Board are, therefore, urged upon to upwardly revise the rate of incentive paid to serving employees on acquiring higher academic/technical education w.e.f. 01.01.2006.

#### **Item No.19**

##### **Sub: Eligibility criteria for accommodation in empanelled hospitals**

With the implementation of VI CPC recommendations, there has been significant increase in Basic Pay of the Railway employees, as such Grade Pay of Rs.4200 and above is taken as criteria for facilities like First Class Pass, higher class accommodation etc. and the same is also a criteria for Special Ward accommodation in Railway hospitals.

The eligibility criteria for accommodation in recognized hospitals in case of non-gazetted Railway employees, as a result of implementation of VI CPC recommendations has to be decided by the Railway Board by amending the relevant provision under para 633 Note(i) of Indian Railway Medical Manual Volume 1 and the Basic Pay/Grade Pay eligibility limit for AC Single/Shared Room accommodation in recognized hospitals is also required to be clarified.

On account of non-revision of the aforesaid by the Railway Board after implementation of VI CPC recommendations, a lot of difficulties are being faced by the non-gazetted Railway staff in regard to proper accommodation in corporate hospitals which are recognized as Referral Hospitals, as a result of which, the employees with Grade Pay Rs.4200 are provided accommodation in General Ward.

South Central Railway Administration has, therefore, referred this issue to the Railway Board, but the Railway Board's guidelines on the subject are yet to be issued.

AIRF therefore urges that necessary guidelines on the above subject matter may be circulated to Zonal Railways and Production Units at the earliest so that the non-gazetted Railway employees do not suffer any hardship in respect of getting proper accommodation in the corporate referral hospitals etc.

#### **Item No.20**

##### **A. Sub: Classification of Railway Services consequent upon introduction of RS(RP) Rules, 2008 – Eligibility for Selection to Group `C` post in General Categories**

**Ref: AIRF's letter No.AIRF/88(106) dated 23.3.2012**

The issue of filling-up certain categories of posts in Group `C` from amongst the erstwhile Group `D` Staff, i.e. in pre-revised scale of Rs.2550-3200, 2610-3540, 2650-4000 and 2750-4400, which have been placed in Pay Band-1(GP Rs.1800) and classified as Group `C`, has been referred to Railway Board by the General Manager, Western Railway vide letter No.E(HQ)839/32/93/1 Vol. II dated 20.4.2010 (photocopy enclosed), seeking necessary clarification, whether these employees should be called for General Departmental Selection to fill-up certain Group `C` posts for which they used to be entitled before implementation of recommendations of VI CPC.

The Board are requested to communicate necessary clarification to the General Managers of the Indian Railways since in the absence of any ruling on this subject, the erstwhile Group `D` staff, now classified as Group `C`, are deprived of being considered for promotion in certain categories of posts, which are open for the employees of all the departments.

##### **B. Sub: Consideration of staff in erstwhile group `D` categories since upgraded as group `C` for promotion to the posts of Stenographers(GP Rs.2400), Hindi Asstt. Gr.II(GP Rs.2800**



**Ref: (i) Railway Board's letter No.E(NG)/2010/PM1/22 dated 15.10.2010**  
**(ii) AIRF's letter No.AIRF/88(180) dated 21.5.2012**

A number of erstwhile group 'D' staff working in various departments, possessing requisite educational qualification, have been eligible for being promoted as Hindi Asstt., Stenographer etc. prior to implementation of the recommendations of VI CPC.

As a result of re-classification of erstwhile group 'D' staff, placed in PB-I with GP Rs.1800, as group 'C' vide Railway Board's letter under reference, some of the Railway administrations are not permitting them in the Selections being conducted under LDCE Quota for promotion as Hindi Asstt, Stenographer etc., while Board's orders *supra* amply clarify the issue.

The Board are, therefore, requested to further clarify the matter, advising Railway administrations to permit erstwhile group 'D' staff, now placed in PB-1 with GP Rs.1800, to appear in the examination/LDCE being conducted for the posts for which they were eligible prior to issuance of Railway Board's letter quoted above dated 15.10.2010.

#### **Item No.21**

##### **Sub: Serious injustice done to the category of Claims Tracers**

The category of Claims Tracers has been a sufferer both in the matter of allotment of pay scale and restructuring of the cadre.

Claim Tracers are promoted both from Commercial Clerk and Sr. Commercial Clerk in Grade Pay Rs.2000 and Rs.2800 respectively and Clerk and Sr. Clerk in Grade Pay Rs.1900 and Rs.2800 respectively.

All the posts of Asstt. Commercial Inspector and other categories which were in pay scale Rs.425-640 and Rs.455-700 were merged and granted pay scale of Rs.1400-2300 on the recommendation of 4<sup>th</sup> CPC. In 5<sup>th</sup> CPC term, the pay scale of Rs.1400-2300 was replaced by the pay scale of Rs.5000-8000, and on the recommendation of 6<sup>th</sup> CPC, both the pay scales Rs.5000-8000 and Rs.5500-9000 have been merged and Grade Pay Rs.4200 has been allotted to all of them.

Although the pay scale of Sr. Commercial Clerk has been upgraded from Rs.4000-6000 to Rs.4500-7000(in 5<sup>th</sup> CPC term) as per the recommendation of 6<sup>th</sup> CPC, the pay scale of Claim Tracers has not been upgraded to Rs.4500-7000 in 5<sup>th</sup> CPC term, as recommended by the VI CPC, however, the pay scale of Claims Tracer has not been upgraded, with the result this category is still placed in Grade Pay Rs.2400 in PB-1, whereas Sr. Commercial Clerks/Sr. Clerks have been Grade Pay of Rs.2800 w.e.f. 1.1.2006.

Since Sr. Commercial Clerks/Sr. Clerks are placed in Grade Pay of Rs.2800 as per recommendations of the VI CPC w.e.f. 1.1.2006, the Grade Pay of Claims Tracers also needs to be upgraded to Rs.2800 to accord justice and parity to this vulnerable category of staff. It has also been brought to the notice of AIRF by our Eastern Railway affiliate that even the orders of restructuring,

communicated vide Railway Board's letter No.PC-III/78/UPG/8 dated 1.1.1979, have not been implemented on Eastern Railway till date.

The Board are, therefore, requested to allot upgraded pay scale, i.e. Grade Pay Rs.2800 to Claims Tracers and issue instructions to Eastern Railway for immediate implementation of Railway Board's orders dated 1.1.1979 *ibid* without further delay.

## **Item No.22**

### **Sub: Sanction of additional staff for manning newly constructed railway lines opened for traffic**

It is a matter of great pride for all of us that the railway lines are being expended regularly and being opened for traffic use.

Obviously, it is completely a new activity, for which additional sanction of staff for operation and maintenance of these newly constructed railway lines, being opened for traffic use, are urgently required. However, on account of embargo of matching saving, the additional manpower is not being created for manning these newly constructed railway lines opened for traffic, both for operation and maintenance of the same.

Hence, it is urged that necessary sanction may be accorded for creation of additional posts to man newly constructed railway lines without insisting "**Matching Surrender**".

### **Item No.23**

#### **Sub: Provision of compassionate ground appointment in place of medically de-categorized Railway employees**

As per policy in vogue, in case of death of a Railway Servant while in service, appointment on compassionate ground is offered to the widow of the employee or his ward, if the widow is unable to do the job and gives No Objection in favour of the ward. In case of medically de-categorized employee, the appointment to the wife(spouse) is offered if she/he has no children or the children are of minor age at the time of offering appointment.

The wards in such cases are offered appointment on compassionate ground, in case the employee who is medically de-categorised has a minimum 5 years of service at his/her credit at the time of medical de-categorisation.

This discriminates appointment on compassionate ground in case of death or medical de-categorisation of serving Railway employee on account of which hardship is faced by the dependent family in getting appointment.

AIRF, therefore, urges that the policy of offering appointment on compassionate ground, in case the employee is medically de-categorized, should be liberalized so as to facilitate appointment of the wife/husband or the ward in case he/she so desires.

### **Item No.24**

#### **Sub: Modification of RITES Incentive Scheme – Approval of the Railway Board**

The RITES Incentive Scheme was introduced w.e.f. 01.07.2002 with one year's total run. Subsequently, trial was conducted and after a period of 5 years, review was undertaken including new wagons like BCN and BCNA apart from a lot of modification carried out from time to time by the RDSO.

It is understood that the revised report has been prepared by the RITES and submitted to the Railway Board in the year 2009 for modification of the scheme. No action, however, seems to have been taken by the Railway Board in this regard till date, as a result of which, the staff of wagon workshop Rynapadu, South Central Railway in particular are constrained to face acute hardship in meeting out the target on account of reduced manpower due to normal wastage.

AIRF deeply regrets that the proposed revised RITES Incentive Scheme is pending sanction of the Railway Board despite lapse of more than two years and urges that the scheme may be approved at the earliest so that modified Incentive Scheme is implemented with retrospective effect so as to ease out the situation to meet the target of production in wagon workshops etc.

### **Item No.25**

**Sub: Sanction of adequate manpower for Central Hospital, West Central Railway, Jabalpur**

The building for Central Hospital, West Central Hospital, Jabalpur, has since been completed and is awaiting functioning. However, on account of non-availability of adequate manpower, this hospital is not being operational properly.

The Chief Medical Director, West Central Railway, Jabalpur, vide his letter No.WCR/hq/h/g/0105 dated 11.05.2011 has sent a proposal for sanctioning additional Medical and Paramedical Staff. Railway Board's sanction to the proposal sent by the Chief Medical Director, West Central Railway, Jabalpur is still awaited, in the absence of which, the said Central Hospital is not functioning properly and the beneficiaries are facing acute hardship on this account.

It is, therefore, urged that necessary sanction of additional staff may be communicated to West Central Railway Administration at an early date so as to ensure smooth functioning of Central Hospital, West Central Railway, Jabalpur.

**Item No.26**

**Sub: Reckoning of Running Allowance as Pay for the purpose of deduction of Income Tax – Enhancement in ceiling limit req.**

**Ref: (i) Railway Board's letter No.F(X)I-91/23/3 dated 28.12.2010,**  
**(ii)AIRF's letter No.AIRF/55(310) dated 19.10.2012**

The limit of rebate in Income Tax deduction on Running Allowance(Kilometreage Allowance and ALK) was enhanced vide Railway Board's letter under reference from Rs.6,000 per month to Rs.10,000 per month in terms of Ministry of Finance(Central Board of Direct Taxes)'s Notification No.S.O.2820(E) dated 28.11.2010.

There has been 25% increase in the rates of Running Allowance w.e.f. 01.01.2011, consequent upon Dearness Allowance having been increased above 50% vide Railway Board's letter No.E(P&A)II-2005/RS-34 dated 28.06.2012. Naturally, total Running Allowance per month earning of the Running Staff has increased proportionately.

The ceiling limit of rebate as prescribed in Railway Board's letter under reference, therefore, needs to be enhanced by 25% so that Running Staff may get actual 25% increased value of Running Allowance as Running Allowance is virtually paid in lieu of Travelling Allowance/Daily Allowance.

The Board are, therefore, requested to get the rebate limit on Income Tax computed on Running Allowance enhanced by 25%.

**Item No.27**

**Sub: Issue of Complimentary Passes/PTOs(on terms same to PTOs on Railway employees)**

**Ref: (i) Railway Board's letter No.E(W)2012/PS5-2/5 dated 27.09.2012**

**(ii) AIRF's letter No.AIRF/82( ) dated 19.10.2012**

Regular employees of Cooperative Credit Societies/Banks, including employees of Northern Zone Railway Employees Co-operative Thrift & Credit Society(NZRE CTC) were getting Complimentary Passes/PTOs as per entitlement under Clause 18(v) of Railway Servants (Pass) Rules, 1986 – Schedule VII(Special Passes) as amended from time to time. Complimentary Passes/PTOs to these regular employees were being issued in favour of themselves and their dependent family members as per Pass Rules applicable to Railway employees, but the number of such Passes/PTOs were being issued as prescribed under above cited clause of Pass Rules.

To our utter surprise, Railway Board vide their letter quoted above have issued clarification to Northern Railway Administration, wherein it has been stipulated that the facility of Complimentary Passes/PTOs for rail travel to regular employees of Co-operative Societies/Banks etc. shall not be applicable for their family members/dependent relatives, which is highly unfair. This would virtually deprive their family members of availing this privilege which they were enjoying for the last so many years.

The Board are, therefore, urged upon to review these orders of the Railway Board and dependent family members of the regular staff of the Co-operative Societies/Banks should also be covered in the Complimentary Passes/PTOs as hitherto, withdrawing the above orders forthwith.

Since this is a welfare issue, copy of the said letter issued by the Railway Board should have been invariably docketed to AIRF which has not been done in this case.

