

IRTSA FILES A CASE AT CAT - CHANDIGARH FOR GRANT OF GROUP-B (GAZ) STATUS

Highlights OF OA No.211/Pb 2014 - IRTSA Vs UOI for Group-B to SSE, CMS, CDMS & Sr.Er/IT on Railways.

Following are the Highlights of O.A. filed by IRTSA in CAT Chandigarh represented by its General Secretary CEC IRTSA, Harchandan Singh, Working President CEC IRTSA Darshan Lal, K.V.Ramesh Senior Joint General Secretary CEC IRTSA and 19 other individual Engineers (of RCF Kapurthala):

“Indian Railways Technical Supervisors Association” (IRTSA) is a Registered Association representing nearly 50,000 Technical Supervisors on the Railways working as Junior Engineers, Senior Section Engineers, Chemical and Metallurgical Assistant, Chemical and Metallurgical Superintendent, Depot Material Superintendent, Chief Depot Material Superintendent, Senior Engineer / IT etc. in various Departments of Indian Railways and is advocating the case.

Against the respondents, Union of India through its Secretary Ministry of Railways, Secretary Ministry of Personnel & Training and General Manager Rail Coach Factory.

Against non / wrong implementation on the Railways of The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel , Public Grievances and Pensions , on 9th April 2009 classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the Pay Band-2 of Rs.9300-34800 as Group-B (Gazetted).

Against the Railway Board's letter No: PC.VI/2009/I/RSRP/4 dated 08.01.2010 [RBE No.05/2010] on Classification of posts under Railway Services consequent upon introduction of Railway Services [Revised Pay] Rules, 2008, after implementing Sixth Central Pay Commission recommendations – granting Group-B (Gazetted) status to the posts carrying the Grade Pays Rs.5400 and Rs.4800 in the scale of pay of Rs.9300-34800 in Pay Band 2; And retaining the Posts in Grade Pay of Rs. 4600 in Group C along with all those in lower Grade Pays.

Against wrong implementation of recommendations of Third, Fourth & Sixth Pay Commissions and orders issued by DOP&T thereafter, classifying the posts - in Group-B (Gazetted) - carrying the pay scale of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er./IT (Senior Engineer / Information Technology).

To classify the posts of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er./IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 as Group-B (Gazetted), in accordance with

the Orders of DOP&T and to maintain parity with respect to all other departments of union of India.

Third Pay Commission recommended that the posts having maximum of the pay-scale not less than Rs.900 but less than Rs.1300 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by DOP&T - (Department of Personnel & Training) to that effect. SSEs who were then designated as Foremen in the 3rd CPC scale of Rs.840-1040 and Assistant Foremen in 3rd CPC scale of Rs.700-900 - fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

Fourth Pay Commission recommended that the posts having maximum of the pay-scale not less than Rs.2900 but less than Rs.4000 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by the Department of Personnel & Training (DOP&T) to that effect. SSEs who were then designated as Shop Superintendents / Foremen and Deputy Shop Superintendent / Assistant Shop Superintendents / Assistant Foremen etc. were placed in grade of Rs.2375-3500 and Rs.2000-3200 – and as such fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

Railways wrongly implemented orders of DOP&T even on the recommendations of Fourth Pay Commission; Indian Railways Technical Supervisors Association - preferred an original application (OA 836/1989) before the Principal Bench New Delhi of this Hon'ble Tribunal for granting Group-B Gazetted status as per orders of DOP&T. That original application was decided by the Hon'ble Tribunal vide order dated 21.2.1992 by giving following directions: -

“In view of above, we direct the respondents to consider the question of classification so as to do away with the anomaly of the type indicated above. Consequently, it is directed that the respondents re-consider the matter of placing the members of the association in the grade of Rs.2000-3200 and Rs.2375-3500 in Group 'B' as has been done in the case of other Government servants like the Accounts Officers (Rs.2375-3500) in Railway and Stenographers Grade Rs.2000-3200 in the Central Secretariat in the same scales within a period of four months from the date of receipt of a copy of this judgment. With these observations the O.A. stands disposed of finally. There shall be no order as to costs.”

Ministry of Railways rejected the claim of IRTSA for grant of Group-B Gazetted status in the scale of Rs.2000-3200 and Rs.2375-3500. Railways reiterated the same arguments which had already been rejected by the CAT, New Delhi and mainly on the ground that the conditions on the Railways were different; but did not specify as to what the difference was and as to how it was justified to deny the Group B status to the Applicants or as to how the purported difference if any, could justify classification of said posts in Group-C and not in Group-B.

Even though Fifth pay commission recommended different type of classification of staff, As per orders of DOP&T issued after the Fifth Pay Commission, "Central Civil posts carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500" were declared for Group-B category. But, the posts of SSE, CMS, CDMS & Ser/IT were still classified in Group C by the Railways even though placed on the in scale of Rs.6500-10500 & Rs. 7450-11500.

Sixth Pay Commission recommended classifying posts in the Grade Pay Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band 2 as Group B."

Ordnance Factory Board, Ministry of Defence has granted Group-B Gazetted status to all Foremen & AFO in the Grade Pay of Rs.4600 (pre-revised scale of Rs.6500-10500 & Rs.7450-11500).

CPWD in its Office Memorandum has clarified that the DOP&T notification dated 9.4.2009, cited above, has to be implemented in toto.

DGQA (Director General of Quality Assurance), have classified Junior Technical Officer (Scientific), Scientific Assistant, Assistant Foreman & Chief Draftsman in the Grade Pay of Rs.4600 as Group-B Gazetted.

CPWD, MES and Departments of Posts & Telecommunication have all classified the posts in Grade Pay Rs.4600 as Group B Gazetted and posts of Junior Engineer in Grade Pay of Rs.4200 as Group-B Non-gazetted.

State Governments like Government of Tamilnadu, Nagaland, Orissa etc which followed the Sixth Central Pay Commission recommendations have also followed the DOPT order in regard to classification of posts.

Recommendations of all Pay Commissions and orders issued by DOP&T thereon - on classification of post in all Government departments - is absolutely based on the Pay Scale / Grade Pay and no other criteria were neither recommended by Pay Commissions nor mentioned in the orders issued by DOP&T on classification of posts in Government service.

Railway Accident Inquiry Committees (RAIC) had recommended for upgrading of Senior Supervisors to Group-B Gazetted so as to have the status and powers to ensure Safety and discipline on the Railways. RRC (Railway Reforms Committee) had recommended that a Diploma Holder (joining as Junior Engineer) should be able to get promoted to Junior Administrative (JA) Grade in their service within span of 30 years – with 5 years to spare at the highest level. But it is unfortunate that the Railways did not accept either the recommendations of the Railway Accident Inquiry Committees or the Railway Reforms Committee.

Technical Supervisors / Supervising Engineers in Indian Railways have negligible chance of promotions. In the entire service span majority of Technical Supervisors are not able reach even the base level of Group-B Gazetted posts. Absence of career planning, sluggish promotional avenue and lack of any motivation or incentive has resulted in widespread frustration amongst them.

Majority of Technical Supervisors / Supervising Engineers on the Railways - retire in the supervisory cadre itself with just one promotion (from JE to SSE) and not even one promotion in the entire career in case of Direct recruited Engineering Graduates inducted as SSE on the Railways - in spite of vast experience and expertise even though they can be valuable assets to the administration as Gazetted officers.

The ratio of Group A & B Gazetted officers viz-a-viz Group C are the lowest on the Railways as compared to all other Departments under the Central Government. In Central Govt. Departments the overall ratio of Gazetted to Non-Gazetted employees is 1:20. In Railways, - the ratio is 1:114. In spite of an essential need for higher level of Supervision and intensive management required on the Railways to ensure safety and efficiency on the Railways due to all the modernization & upgradation of technology on the Railways and introduction of Superfast trains.

The ratio of number of Gazetted to non-Gazetted posts in Ministry of Railways should also be improved on par with other Ministries to fully meet with the job requirements of the posts Technical Supervisors on Railways. This can only be done through up gradation/reclassification of the posts of the Applicants to Group B Gazetted as per orders of the DOP&T on the Railways.

To issue direction to the Government / Railways that the posts of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er. /IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 – be classified as Group-B (Gazetted) as per “The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009” as implemented in many departments of Union of India; And at par with their counterparts in Central Government Departments – including Ordnance Factories, CPWD, MES and Telecommunication etc.

O.N.PUROHIT
Treasurer IRTSA

HARCHANDAN SINGH
General Secretary IRTSA

M.SHANMUGAM
Central President IRTSA

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