

NORTHERN RAILWAY

No. 605-Delhi/CAT/89-Legal Cell(P)

Head quarters Office,  
B. House, New Delhi.  
Dated: 27-4-92

Indian Railway Technical Supervisors  
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Sub :- OA No. 836/89 before CAT – NDLS Indian Railway Tech.  
Supervisors U/S UOI & others.

It is to inform you that: in compliance with the directives of the Hon'ble Principal Bench/of CAT/New Delhi, a detailed review has been undertaken by the competent authority. The following position has emerged on a scrutiny of the various aspects of the issue:

- i. The Third pay Commission had observed that the differentiation among the classes is not only with regard to the nature of duties in different levels of the various occupational groups and hence of the pay ranges, but with regard to other matters as well, such as method of appointment, disciplinary authority, leave travel concessions, etc. While recommending the pay ranges for classification, the Third Pay Commission had also pointed out that such classification would be subject to such exception as the government may decide to make.
- ii. Prior to the implementation of the Fourth Central Pay Commission, the Technical Supervisors in scales Rs. 840-1040 & Rs. 840-1200 were classified as Group 'C' even though the next level post to which they were eligible for promotion was in the scale Rs. 650-1200 in Group 'B' (Gaz). On the Railway, however, only posts of Asstt. A/Cs. Officer, in the pre-revised scale of Rs. 840-1200 and other posts of

Officers in the scale of Rs. 650-1200 were being classified as Group 'B' gazetted at that time.

- iii. The recommendations of the Fourth Pay Commission on the subject of classification of posts are contained in Paras 26.49 to 26.52 of its report. The Commission had recommended that the existing system of classification of posts may be continued and had indicated the corresponding pay limits in the revised pay structure. The commission had, however, observed that there were some exceptions to the classification generally adopted and had recommended that where there are deviations, the existing classification for those posts may continue the government may, however, review the classification in such cases as and when necessary.
- iv. The posts of Assistants and Stenographers Gr. 'C' in the scale of Rs. 1640-2900 in the Ministries of Central government though classified as Group 'B', it is clarified that these two categories are Group 'B' Non-gazetted.
- v. Consequent to the implementation of the Fourth Pay Commission's recommendations also this position was reviewed. After such a review it was decided that the existing system of classification in vogue on the Railways should continue. The decision was based on the following consideration:
  - a. On the Railways, posts in scale of Rs. 2000-3200 and Rs. 2375-3500 are a merely off-shoots of restructuring and do not in a real sense constitute a Group 'B' cadre either from the point of view of responsibility or duties.
  - b. Adoption of the pay limits for classification implemented on the civil side would result in placing a very large number of posts in scales Rs. 1640-2900, Rs. 2000-3200, Rs. 2375-3500 in Group 'B'. This would include the categories like Mail Drivers, Office Supdts., Lab. Supdt. Stenographers, Teachers, Sr. Co in sole Operators Assistant Programmers, Chief Power Controller, Chief Traction Loco Controller, Chief Loco Inspector, Power Controller, Loco Foreman 'A', Fuel Inspector, Driving Inspector, Loco Foreman 'B', Traction

Loco Controller, Asstt. Loco Foreman 'R', Driving Inspector, Section Officer A/Cs. Inspector of Station A/Cs. Inspector of Travelling Accounts, Matrous, Radiographers, Pharmacists, Inspector in RPF etc.

- c. On the Railways, all appointment to Gr. 'B' posts are made on the basis of a selection consisting of a written examination, viva voce and assessment of records which is not the case on the civil side. The promotional avenues and methodology would also have to be changed. Further, whereas scales Rs. 2375-3500 and Rs. 2000-3200 are Group 'C' scales with Rs. 2375-3500 as the maximum of Group 'C' scales with Rs. 2375-3500 of Group 'B' has a linkage with Group 'A' by virtue of which the number of posts in Group 'B' as well as method of recruitment, etc. are completely different and guided by UPSC – an independent statutory body. En bloc classifying already number of group (c) posts of group (d) will completely disorient this linkage and throw the administrative hierarchy into chaos which is not permissible under the existing set-up. This may also not be acceptable to UPSC.
- d. There is an administrative linkage between the number of posts of Group 'B' & 'A' and Group 'B' acts as the stepping stone to Group 'A' for promote officers. Number of Group 'B' posts can increase only by additional creation of Group 'A' posts. By merely classifying posts as Group 'B' on the basis of scale of pay would completely upset this equilibrium between Group 'B' & Group 'A' and there will be administrative chaos in the Ministry/Department.
- e. At present, Group 'B' constitutes the managerial level, exercising control over staff in the lower grades. If the classification norms on the civil side is adopted on the Railways, it would lead to drastic upheavals in the hierarchical structure.
- f. Group 'B' officers are entitled to Stenographic Assistance in scale Rs. 1200-2040 on a sharing basis on the Railways. Increase in the number of Group 'B' posts

would lead to the need for a corresponding increase in the number Stenographers in this scale without functional justification.

The above considerations still hold good and do not permit a revision of classification.

- vi. It is mainly on account of appreciation of these facts that classification of posts has been left by the government to be done by respective Ministries/Department having regard to their administrative needs. Even the Pay Commission have noted the varying positions and have made only recommendations leaving it to the Ministries as a sort of general guidance.
- vii. This position of Stenographers of Ministries being in Group 'B' and Technical Supervisors being in Group 'C' is not a fresh or new matter created after 1986 by Fourth Central Pay Commission. Similar position existed even prior to 1986 when posts of Private Secretaries in scale Rs. 650-1200 were in Group 'B' while supervisory posts of Rs. 840-1040 and Rs. 840-1200 were in Group 'C'. In fact, Private Secretaries in Ministries are attached with officers of the level of SAG and above and attend to various other duties of confidential nature, besides the stenographic work. This position which was continuing for years even before 1986 has not created or brought about any anomalies then and hence to consider that consequent to Fourth Central Pay Commission recommendation, certain anomalous situation has been created on the Railways is not supported by facts.
- viii. Classification of posts into gazette or non-gazetted is not done purely on the basis of scales of pay. There are many criteria-administrative, procedural and other which have to be carefully considered by appropriate authorities before deciding on the classification.

In this background, equating Private Secretaries of Secretariat with Technical Supervisors of Railways would not appear to be fair or proper. Comparison should be of comparables and not of unequals. Such a comparison is basically defective and cannot be sustained on a tenuous thread of scale of pay.

- ix. There are other similar categories with scale of pay of Rs. 2375-3500 who have not been classified is gazetted. On this ground, there is no discrimination against Technical Supervisors.
- x. Basically, Railways have a number of posts of different operative categories in department such as Operating, Mechanical, Civil, Electrical, S & T, etc where filed operators may have scales of pay of Rs. 2000-3200 or Rs. 2375-3500. Since these posts are generally distributed on a percentage basis which is unique on the Railways, the number keep increasing as a result of cadre restructuring exercise. A comparison of these posts with posts in Ministries which are not on percentage basis and whose functional and operational characteristics are completely different from prevalent on the Railways would be misleading.
- xi. There will be escalation in costs-actual and national without functional justification or organizational needs.
- xii. The fact that scale of pay alone is not the criterion for classification is also borne out by the fact that even in other Sectors like education, there are any number of instances on similar lines, Selection grade PGT teachers have a scale of pay of Rs. 200-4000, which is similar to group 'A' scale of Rs. 2200-4000. But these teachers are not classified as Group 'A' on this ground not even Group 'B' but are classified only as Group 'C'. Against this, posts of Head Master/Head Ministries of schools with a scale of pay of Rs. 2000-3500 which is a lower scale of pay are classified as Group 'B'.
- xiii. Even otherwise, certain insolvable anomalies/court cases will arise, if on a reconsideration a decision to change the classification is taken. For instance, scale of pay of Group 'B' posts in government of India including on the Railways is Rs. 2000-3500 (except Accounts Officers who are in Rs. 2375-3500). If Technical Supervisor and similar other categories who are in scale Rs. 2375-3500 and Rs. 2000-3200 at percent classified as Group 'C' get reclassified as Group 'B' on the basis of reconsideration suggested by the Hon'ble Tribunal, then we have a Group 'B' in scale Rs. 2000-3500 and superior

Group 'B' scale of Rs. 2375-3500. The entire Group 'B' structure of Govt. of India will become irrelevant and the entire hierarchy will go topsy-turvy. There will be demand for revision of scale of pay of these regular group 'B' with a lot of financial implications to Govt. of India.

4. In the Railways, there are about 5000 posts in Group 'B' in grade Rs. 2000-3500. These posts carry duties and responsibilities higher than those of supervisors and hence the movement from the Supervisors scale of Rs. 2375-3500 into the officers scale of Rs. 2000-3500 is deemed as promotion with attendant pay fixation benefits. Among the Technical Supervisors, there are about 3900 posts in grade Rs. 2375-3500 and about 13530 posts in grade Rs. 2000-3200 which are classified as Group 'C' posts and they stand to gain on promotion in scale Rs. 2000-3500 and Rs. 2375-3500 respectively.

5. This aspect of classification also came up for consideration before the CAT/Principal Bench/New Delhi (Indian Railway SAS Staff Association Vs. UOI & others OA No. 13/88) when the Tribunal in their judgment dated 26.04.91 did not find any justification in the contention of the applicants that denial of Group 'B' gazetted status of Railway Accounts Staff in the pay scale of Rs. 2000-3200 is discriminatory and affidavit of Articles 14 & 16 of the Constitution of India.

6. Having regard to these overwhelming facts and on a careful consideration of the various points advanced by the petitioners the competent authority has decided to retain the existing classification. There is, therefore, no justification for grant of Group 'B' (Gazetted) status to the applicants in the scale of Rs. 2000-3200 and Rs. 2375-3500.