

# INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

(Estd. 1965, Regd. No.1329, Website <http://www.irtsa.net> )

M. Shanmugam, Central President,  
# 4, Sixth Street, TVS Nagar,  
Padi, Chennai- 600050.  
Email- cpirtsa@yahoo.com  
Mob: 09443140817



Harchandan Singh,  
General Secretary, IRTSA,  
C.Hq. 32, Phase 6, Mohali,  
Chandigarh-160055.  
Email-gsirtsa@yahoo.com  
(Ph:0172-2228306, 09569631598)

No. IRTSA/ Memo/07-10

Dated: 2-3-2010

Member Staff, Railway Board,  
Rail Bhavan, New Delhi.

Dear Sir,

Sub: Upgradation of CMA-I (in pre-revised scale of Rs 5500-9000) as CMS in PB-2 Grade Pay Rs4600

Ref: i) Para 3.4.7 of SCPC Report

ii) Directions of CAT / Calcutta Bench dated 25.01.2010 in OA 1724 of 2009 (Copies attached)

In continuation of our Memorandums dated 14. 02. 2009, we once again draw the attention of the Railway Board towards the following facts:

1. The qualification for direct recruitment of CMA-I (in pre-revised scale of Rs 5500-9000) are Degree in Engineering (Chemical/Metallurgy) or MSc(Chemistry/Applied Chemistry).
2. Para 3.4.7 of Sixth Pay Commission recommended that *"all posts in Subordinate Engineering cadres carrying minimum qualifications of a degree in engineering and having an element of direct recruitment should be placed in the running Pay Band PB-2 of Rs 8700-34800 along with the grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs.7450-11500"*.
3. Para 3.5.7 of SPC Report recommends for scientific staff that *"The Fifth CPC had recommended parity between posts of scientific staff carrying minimum qualifications of engineering degree and a postgraduate degree with the scale of Rs.6500-10500 being recommended for these posts. This relativity, wherever already conceded, may need to be continued in light of the fact that this Commission has recommended placement of all posts carrying minimum direct recruitment qualifications of a degree in engineering in pay band PB-2 of Rs 8700-34800 along with grade pay of Rs.4600 corresponding to the pre-revised pay scale of Rs 7450-11500"*.
4. Above recommendations of the Sixth CPC were overlooked by the Railways for CMA-I who have been placed in PB 2 Grade Pay of Rs 4200 instead of Rs.4600.
5. The said anomaly was placed before at CAT/Calcutta Bench vide OA 1724 of 2009 (copy of OA attached). The Hon Bench has passed an order dated 25.01.2010, that the competent authority will consider and dispose off the representation by a speaking order within a period of 4 months.
6. It is therefore requested that:
  - i) CMA-I (in the pre-revised Scale of Rs 5500-9000) be upgraded as CMS in PB-2 Grade pay of Rs.4600 – in view of the facts stated in the fore going Para.
  - ii) The qualification for direct recruitment of CMS in future be prescribed as Degree in Engineering (Chemical/Metallurgy) or MSc(Chemistry/Applied Chemistry).

Yours faithfully,

(Harchandan Singh),  
General Secretary, IRTSA

Copy for information & favourable consideration to:

1. Advisor Industrial Relations, Railway Board, New Delhi.
2. Secretary (Establishment), Railway Board, Rail Bhavan, New Delhi.
3. Executive Director Pay Commission, Railway Board, Rail Bhavan, New Delhi.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 1724 of 2009

Date of Order : 25-01-2010

Present : Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman  
Hon'ble Mr. Champak Chatterji, Administrative Member

Somnath Aich & Ors.

-VS-

Eastern Railway/South Eastern Railway

For the Applicants : Mr. U.K. Singh, Counsel

For the Respondents : Mr. P.K. Arora, Counsel (ER)  
Mr. K. Chakraborty, Counsel (SER)



ORDER (ORAL)

PER MR. K.V. SACHIDANANDAN, VC:

There are three applicants in number in this OA who claim that they are working as Chemical & Metallurgical Assistant (CMA) at different Diesel Loco Shed at different places of Eastern Railway and South Eastern Railway. Their claim is that for the post of CMA the minimum requirement of qualification as prescribed is Degree in Engineering which they possess and direct recruitment. The pay scale attached for the said post is pay band-2 with grade pay Rs.4,600/- whereas they have been placed only in pay band with grade pay Rs.4,200/-. As per recommendation of the 6<sup>th</sup> Pay Commission the pay scale attached to the post is Rs.4,600/- for all the Engineer having element of direct recruitment. Hence, they are entitled to get the said pay scale as recommended by the 6<sup>th</sup> Pay Commission. They made representation to the concerned authority but not yet replied to. Being aggrieved, they have filed this OA seeking the following main relief:

- (a) To pass an order directing the respondents to consider the representation of the applicants in connection with anomaly and discrimination in pay scale by not keeping the applicants in grade pay of Rs.4,600/- though they are entitled.

(b) An order allowing the applicants is warranted application under Rule 4(5)(a) of the CAT (Procedure) Rules, 1985.

(c) To pass an order directing the concerned authorities to take immediate steps for allowing pay grade of Rs.4,600/- to the applicants as per recommendation of the Sixth Pay Commission w.e.f. 1.1.2006.

2. Ld. Counsel for both the parties were present and heard.
3. When the matter came up to-day, the Ld. Counsel for the applicants submitted that he will be satisfied if a direction is given to the concerned authority to consider the representation of the applicants and dispose of the same within a time-frame.
4. Since fixation of pay is concerned, we are of the view that the applicant shall forward copy of the OA, representation all other annexures to the concerned General Manager of the respective Railways within fifteen days from to-day and on receipt of such materials, the said authority or any other competent authority, as may be, shall consider and dispose of the representation by a speaking order and communicate the same to the applicant within a time-frame of four months from the date of receipt of copy of the said materials. The OA is accordingly disposed of. No costs.

MEMBER(A)

DKN

Submitted by *[Signature]*  
 Date: 4/2/10  
 Central Administrative Tribunal  
 Kolkata Bench

VICE-CHAIRMAN

Signature of the Applicant: *[Signature]*  
 Name of the Applicant: *[Signature]*  
 Date of receipt of materials: 20/1/10  
 Name of the Officer: *[Signature]*  
 Date of receipt of materials: 20/1/10  
 Name of the Officer: *[Signature]*  
 Date of receipt of materials: 20/1/10  
 Name of the Officer: *[Signature]*  
 Date of receipt of materials: 20/1/10

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL, CALCUTTA BENCH

O. A. No. 1724 of 2009

IN THE MATTER OF :

An application under Section 19 of the  
Administrative Tribunal Act, 1985;

AND

IN THE MATTER OF :

Sri Somnath Aich & Ors.

... Applicants.

-Versus-

Union of India & Ors.

... Respondents

APPLICATION

UMESH KUMAR SINGH

Advocate

Bar Association Room no.2

High Court, Calcutta

1. Union of India, service  
through General Manager, Eastern  
Railway, Fairlie Place, Kolkata.

2. General Manager, South  
Eastern Railway, Garden Reach,  
Kolkata.

3. Chairperson,  
Railway Board, Rail Bhawan,  
New Delhi.

4. Secretary,  
Railway Board, Rail Bhawan,  
New Delhi.

... Respondents



Malda after compliance of all requisite formalities and considering/verifying the requisite qualification.

- 4.5) Your applicants state that process for recruitment of your applicants i.e. C.M.A.-I and Metallurgical/Chemical, Superintendent (RDSO) are same. Your applicants further state that training period is also same.
- 4.6) Your applicants state that requisite qualification for the post of C.M.A.-I (i.e. your applicants post) is B.E. (Metallurgy/Chemical) /M.Sc( Chemistry). Your applicants further state that requisite qualification for Metallurgical/Chemical, Superintendent (RDSO) is also B.E. (Metallurgical/Chemical).
- 4.7) Your applicants state that from the aforesaid details of qualification it is very much clear that the qualification for the post of Superintendent (RDSO) Metallurgical/Chemical are same and equal for the post of C.M.A.-I, which your applicants are holding.
- 4.8) Your applicants state that in the 6<sup>th</sup> pay revision, your applicants who are working as Chemical & Metallurgical Assistant-I (C.M.A.-I) having minimum

qualification of Degree in Engineering (Metallurgical/Chemical) or Master Degree in Chemistry has been kept in pay band 2 with grade pay Rs.4,200/-.

Your applicants further state that who are working as Superintendent (R.D.S.O.) (Metallurgical/ Chemical) having minimum same qualification as to C.M.A.-I i.e. Degree in Engineering (Metallurgical/Chemical) has been kept in pay band-2 with grade pay Rs.4,600/-.

4.9) Your applicants state that it is clear discrimination with your applicants by keeping them in pay band-2 with grade pay Rs.4, 200/- and allotting or keeping Metallurgical/Chemical Superintendent (R.D.S.O) in pay band-2 with grade Rs.4, 600/- though minimum qualification required at the time of recruitment of your applicants and said Metallurgical/Chemical Superintendent (R.D.S.O.) are same and also the procedure for recruitment and training period are same.

4.10) Your applicants state that there is discrimination and/or anomaly regarding pay scale of your applicants in as much as your applicants are directly recruited

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Engineers (C.M.A.-I) have been kept in pay band-2 grade pay Rs.4,200/- on the other hand other directly recruited Engineering Graduates with same qualification have been kept in grade pay Rs.4,600/-.

4.11) Your applicants made several representations to concern authorities thereby drawing attention regarding anomaly and/or discrimination in pay scale and grade pay of your applicants in comparison with other Engineering Graduates in India Railway with effect from 01.01.2006. By the said representations your applicants have requested to abolish and rectify the said anomaly and/or discrimination so that your applicants may get pay scale and grade pay as applicable to the other Engineering Graduates.

Xerox copies of the said representations are annexed hereto and marked with **Letter "A-2"** collectively.

4.12) Your applicants state that as per Sixth Pay Commission your applicants being Chemical and Metallurgical Assistant-I i.e. C.M.A.-I, (previous revised Pay Scale of Rs.5,500--Rs.9,000) have been merged with C.M.A.-II (previous revised pay scale Rs.5,000/- - Rs.8,000/-) in grade pay of Rs.4,200/-



which is down gradation of your applicants in as much as recruitment qualification prescribed for the Chemical and Metallurgical Assistant-I (C.M.A.-I) is Degree in Engineering (Metallurgical/Chemical) and recruitment qualification required for C.M.A.-II is B.Sc.(Chemistry).

Your applicants state that by the aforesaid merger of pay scale of C. M. A. -I and C. M. A. -II your applicants have been down graded and it is serious anomaly and discrimination in scale of pay. Furthermore Junior Engineer-II having requisite qualification as Diploma in Engineering has been merged and kept in grade pay Rs.4,200/-. Your applicants state that aforesaid merger is nothing but down gradation of your applicants being C.M.A.-I in as much as your applicants having Degree in Engineering and all merged designations having Diploma and other lower qualifications. Your applicants have made representations to the concern authorities regarding aforesaid anomaly and discrimination in merger of pay scale and pay grade of C.M.A.-I AND C.M.A-II.

- 4.13) Your applicants state that the in para 3, 4, 7 of Sixth Pay Commission it is mentioned that "all posts in Subordinate Engineering Cadres carrying minimum

qualification of a Degree in Engineering and having element of direct recruitment would be placed in pay band-2 along with grade pay of Rs.4,600/-. But in the instant case aforesaid recommendation of the Sixth Pay Commission has not been followed and your applicants being C.M.A.-I, has been kept in pay band-2 in grade pay Rs.4, 200/-.

4.14) Your applicants are entitle for pay pand-2 in grade pay Rs.4, 600/- as per recommendation of the Sixth Pay Commission. But the concern railway authorities have not taken in to consideration the recommendation of Sixth Pay Commission and your applicants have been kept in pay band-2 in grade pay Rs.4,200/-.Your applicants crave leave to produce the necessary documents at the time of hearing.

4.15) Your applicants states that in Sixth Pay Commission report it is observed that Chemist and metallurgist were given parity with subordinate engineering cadres. But it is very much clear from the pay band and revised grade pay that parity has not been maintained by the Railway authorities in as much as your applicants being directly recruited engineers as

and grade pay as applicable to the other Engineering Graduates. But till date no step has been taken.

IV. For that as per Sixth Pay Commission your applicants being Chemical and Metallurgical Assistant-I i.e. C.M.A.-I, (previous revised Pay Scale of Rs.5,500--- - Rs.9,000) have been merged with C.M.A.-II (previous revised pay scale Rs.5,000/- - Rs.8,000/-) in grade pay of Rs.4,200/- which is down gradation of your applicants in as much as recruitment qualification prescribed for the Chemical and Metallurgical Assistant-I (C.M.A.-I) is Degree in Engineering (Metallurgical/Chemical) and recruitment qualification required for C.M.A.-II is B.Sc.(Chemistry).

V. For that your applicants are entitle for pay pand-2 in grade pay Rs.4, 600/- as per recommendation of the Sixth Pay Commission. But the concern railway authorities have not taken in to consideration the recommendation of Sixth Pay Commission and your applicants have been kept in pay band-2 in grade pay Rs.4,200/-.

VI. For that the concern authorities have filed to consider the



Representations of your applicants regarding anomaly and discrimination in pay scale and grade pay

6. Details of the remedies exhausted:

The applicants declare that all available remedies have been exhausted by making representations to the competent authorities but till date no step has been taken.

7. Matters not previously filed or pending in the Court :

The applicants further declare that no writ petition, application or suit on the same subject has been filed before any Court or Tribunal nor any such is pending.

8. Relief(s) Sought for:

- a) To pass an order fixing the pay scale of the applicants in pay band-2 in grade pay 4,600/-as per recommendation of the Sixth Pay Commission with effect from 01/01/2006.
- b) To pass an order directing the respondents to consider the representations of the applicants in connection with anomaly and discrimination in pay scale by not keeping the



applicants in grade pay of Rs.4,600/-though they are entitle.

- c) An order allowing the applicants to move joint application under rule 4(5) (a) of the Central Administrative Tribunal (Procedure)Rules,1985.
- d) To pass an order directing the concern authorities to take immediate steps for allowing pay grade of Rs.4,600/- to the applicants as per recommendation of the Sixth Pay Commission with effect from 01/01/2006.
- e) To pass an order directing the concern respondents to produce the relevant records of the case before the Hon'ble Bench of the Tribunal for the purpose of giving conscionable justice to the applicants.
- f) Any further order (s) as the Hon'ble Tribunal deem fit and proper.

9. Interim Order, if any:

An interim order directing the concern authorities to pay scale of the applicants in pay band-2 in grade pay of Rs.4,600/-as per recommendation of the Sixth Pay Commission with effect from 01/01/2006 till the final disposal of this application.