

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

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

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No. IRTSA/ Memo/RB/ 17-10 Dated 24-5-2010



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

Dear Sir,

Subject: MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS)– SOME PITFALLS

Ref: i) OM No. 35034/3/2008-Estt. (D) Dated 19th May, 2009 of DOP&T

ii) Railway Board's OM RBE No 101 dated 10.6.2009

iii) Our Memorandum No. IRTSA/ Memo/RB/ 21-09 Dated 15. 7. 2009

In continuation of our Memorandum cited above we once again draw the attention of the Railway Board towards some of the pitfalls in the scheme which need to be removed to meet with the ends of justice and in consonance with the basic purpose of the scheme effectively:

PART A: GENERAL ANOMALIES ARISING OUT OF MACPS

1. Date of effect of MACP Scheme:

MACP scheme is operational w.e.f. 01.09.2008 (*in terms Para 9 of the orders cited above*). This is unjustified. Since MACPS is related with pay and not with allowances. It is, therefore, requested that date of implementation of MACP should be 1.1.2006 (*i.e. from the date of implementation of the Revised Pay Rules, 2008*).

2. Stepping up of pay for difference in pay under old ACPS & MACPS:

Under the MACPS, the pay of the junior will be higher than that of the senior if the Senior getting his upgrading under the old ACPS (say in August, 2008) & the junior getting it later (say in September, 2008) under the Modified ACPS –It is, therefore, requested that Employees should be given an option to get stepping up of pay on account of old ACP and Modified ACPS, because, as per orders cited above – “*no past cases would be re-opened (in terms Para 11 of the orders on MACP Scheme cited above) and while implementing the MACP Scheme, the differences in pay scales on account of grant of financial up-gradation under the old ACP Scheme (of August 1999) and under the Modified ACP Scheme within the same cadre shall not be construed as an anomaly*”. **This is anomalous and needs to be looked into sympathetically.**

3. Grade pays on promotion & on up-gradation under MACPS should be the same:

MACPS envisages merely placement in the immediate next higher grade pay in the recommended revised pay bands and grade pay as given in Revised Pay Rules, 2008. Thus, the grade pay at the time of financial up-gradation in certain cases where regular promotion is not between two successive grades can be different than what is available at the time of regular promotion. In such cases, the higher grade pay attached to the next promotion post in the concerned cadre will be given only at the time of regular promotion. This is anomalous - *as apparent from the following example:*

Grade pay of Rs. 5400 is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5400 in PB-2 and Rs. 5400 in PB-3 shall be treated as separate grade pays for the purpose of grant of up-gradations. Graduate Engineers in Railways who are recruited in GP-4600 PB-2 on their regular promotion will be placed in GP-4800 after their first promotion, then GP-5400 after their second promotion and then GP 6600 after their third promotion. But in MACPS on third financial up-gradation they will be placed only in the GP- Rs. 5400 PB-3, which is against the basic recommendations of SCPC.

It is, therefore, requested that Financial up-gradation should be the Grade Pay as available in the cadre. Both on promotion and financial up-gradation the employees should be placed in the next Grade pay in the cadre.

4. Benchmarking:

It is requested that in order to avoid any victimization "benchmarking" (*referred to in Annexure-1 point 17 of MACPS*) should be dispensed with. Those who don't have any departmental action or punishment or an adverse CR should be eligible for the financial up-gradation.

5. Unilateral transfer:

In case of an employee after getting promotion / ACP seeks unilateral transfer on a lower post or lower scale, - under the MACPS he will be entitled only for second and third financial up-gradations on completion of 20/30 years of regular service, as the case may be, from the date of his initial appointment to the post in the new organization (*as per Annexure-1 point 24 of MACPS*). This is totally unjustified & needs to be rectified.

It is, therefore, requested that MACP should be awarded from the lower scale post to which employee got unilateral transfer.

6. Parity between Defence & Civilian Personnel:

As per decision of the Government on MACP, Defence personnel will get financial upgrading under the MACP after 8, 16 & 24 years while their civilian counterparts will get the same after 10, 20 & 30 years of service. It is, therefore, requested that Discrimination between the Defence & Civilian employees should be removed - both to meet with the ends of natural justice as well as to provide the requisite motivation to the civilian employees – whose contribution to the nation building is equally vital.

7. Consolidated clarifications:

Some parts of the orders on old ACP Scheme issued vide Office memorandum of DOPT No. 35034/1/97-Estt(D) dated August 9, 1999, and many of nearly 65 clarifications issued there of, are still relevant. Instead of clarifying the same points individually after getting fresh queries from the Departments.

It is, therefore, requested that consolidated clarifications be issued whether the old clarifications are applicable, modified or are now redundant – as the case may be in each case.

PART B: ISSUES RELATING TO RAIL ENGINEERS / TECHNICAL SUPERVISORS

1. Considering entry grade pay as Rs.4600 for the purpose of MACP to all the directly recruited Engineering Graduates in Design/Workshop cadre.

1. The Engineering Graduates in Design cadre / workshop cadre were recruited in the scale of Rs.1600-2660. Subsequently in the work shop cadre the Engineering Graduate recruitment was upgraded to the scale of Rs.2000-3200 which was revised to Rs.6500-10500 in fifth CPC. Whereas in Design cadre it was in the scale of Rs.5500-9000 for a brief period and subsequently upgraded to Rs.6500-10500 w.e.f.1.9.1998. (Reference:– Railway Board's letter No. PC-V/97/1/11/3, dated 28.09.1998). After the implementation of Sixth Pay Commission recommendations entry grade pay for Engineering Graduates in the Design cadre /Workshop cadre is Rs.4600.

2. After the implementation of Sixth Central Pay Commission Modified Assured Career Progression Scheme (MACPS) vide Board's letter no. PC-V/2009/ACP/2 dated 10.06.2009 was implemented. There shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20, and 30 years of service respectively The MACPS scheme basically viewed as a "safety net" to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of promotional avenues.

4. While implementing the MACP order the Engineering Graduates recruited before 1.9.1998 has been fixed Grade pay of Rs.4200. This will clearly place the pre 1.9.1998 appointed Engineering Graduates in a disadvantageous position vis-à-vis the fresh entrant recruited after 1.9.1998 who will be getting Grade Pay of Rs.4600. Following discrimination will arise for the pre 1.9.1998 appointed Engineering Graduates,

	No of Years of service	Pre 1.9.1998 appointed Engineering Graduates	Post 1.9.1998 appointed Engineering Graduates
Entry Grade		Grade Pay Rs. 4200	Grade Pay Rs. 4600
First Financial Upgradation	10 years	Grade Pay Rs. 4600	Grade Pay Rs. 4800
Second Financial Upgradation	20 years	Grade Pay Rs. 4800	Grade Pay Rs. 5400, PB-2
Third Financial Upgradation	30 years	Grade Pay Rs. 5400, PB-2	Grade Pay Rs. 5400, PB-3

5. This is against the natural justice and the basic spirit of motivational element in the MACP. Engineering Graduates who were all appointed prior to 1.9.1998 will be getting financial upgradation one grade below than that of those appointed after 1.9.1998.

6. Hence it is requested to kindly eliminate this discrimination by placing all the Engineering Graduate Entrants in the Design cadre irrespective of their date of entry in the revised scale with the of Grade Pay Rs.4600.

2. MACP to Drawing Office Cadre recruited in the abolished grade of Rs.4000-6000 scales of IV CPC

In term's of Board's letter No.PC-V/97/1/11/3 dt 28.09.1998, the cadre of Asst. Draftsman in the scale of Rs.4000-6000 has been abolished and the posts have been redistributed/surrendered. Accordingly 50% of posts laid vacant in the cadre of Rs.4000-6000 as on 01/09/1996 were surrendered and remaining 50% were upgraded to the Grade of Rs.5000-8000. As and when more posts fell vacant, 50% of such posts were surrendered and 50% got upgraded to Rs.5000-8000 and the posts in the grade of Rs.4000-6000 got worked off progressively. In the old ACP scheme, employees promoted from the grade of Rs.4000-6000 to the grade of Rs.5000-8000 prior to the letter dated 28.9.1998 were made eligible for the financial up-gradation and all other employees who got their promotion during the transition period of abolishing & upgrading the post of Asst. Draftsman were denied of the ACP benefit.

After the implementation of SCPC recommendations the entry grade in the Design & Drawing wing is in the grade pay of Rs.4200. The post of Asst. draftsman which were abolished and upgraded to Junior Engineer is also granted with the grade pay of Rs.4200. The Asst. Draftsman recruited in the pre-revised scale of Rs.4000-6000 and promoted/upgraded to the pre-revised scale of Rs.5000-8000 after 28.09.1998 are stagnant at the entry grade for 20 years, because, their promotion/up-gradation to the pre-revised scale of Rs.5000-8000 (Rs.4200 GP) was considered as a regular promotion.

It is requested that the entry grade for the Asst. Draftsman may be considered as Rs.4200 Grade Pay and the MACPS benefits may be extended to all of them irrespective of their promotion/up-gradation date.

3. Counting of training period of Junior Engineers (JEs) for MACP:

Training imparted to those recruited through the Railway Recruitment Boards and later absorbed as Junior Engineers (JEs) on Railways is not pre-appointment training in nature (as that of the Apprentices recruited under the Apprentices Act).

The Stipend paid during the training period to them is from the Revenue account and due to this very reason the Department of Personnel & Training (DOPT) had decided earlier that the training period shall be counted for pensionary benefits, for issue of passes and drawl of increments.

It is, therefore requested, that the training period of Junior Engineers (JEs) on Railways be counted towards regular service for the purpose of ACPS / MACPS.

4. Promotion through LDCE & GDCE be considered as entry grade:

Staff who get their promotion through Limited Departmental Competitive Examination (LDCE) and General Departmental Competitive Examination (GDCE)

- (i) Technicians on Railways who are promoted through LDCE as Intermediate JEs are given one & a half year training like the direct recruit JEs who are recruited through RRB. No other category goes through such a training equal to that of direct recruited JEs or the Intermediate JEs on Railways.
- (ii) Serving employees who have Diploma in Engineering can appear for selection through GDCE. The selection is not limited to the employees of the Zone or PU where the vacancy occurs. This is an open selection process for filling up 50% of the Direct Recruitment Quota (25% of the whole cadre), where any person from any Railway can apply. Even those who are not working as a Technician, but have the requisite Diploma, can apply for GDCE. The examination is conducted by RRB and the candidates go through the same stringent selection process as fresh candidates. Those selected through GDCE also undergo training similar to Direct Recruit JEs and are paid stipend. Hence, even if these people have joined Railways in a lower Direct Entry Grade and served the Railways, their service for the purpose of MACPS should be counted from the date of their selection as JE.

As such, it is requested that promotion through Limited Departmental Competitive Examination (LDCE) and General Departmental Competitive Examination (GDCE) may please be considered as entry grade for the purpose of financial up-gradation through MACPS and Intermediate JEs should be given three financial up-gradations after the promotion as JEs.

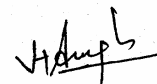
5. Entitlement of First Class Pass on Financial Up-gradation under MACPS.

1. As per the Board's clarification issued vide RBE No.200/2002, dated 1/11/2002, regarding ACP scheme **financial up-gradations are personal to the incumbents but shall entitle the employee to certain benefits including privilege and other passes. Hence the benefit of passes corresponding to the higher scale of pay granted under ACP Scheme will be available to the employee.** The letter further clarified that a **Group 'C' employee on financial up-gradation may become eligible for 1st class pass on the basis of his revised basic pay after financial up-gradation.**

2. It is natural justice that the existing benefits being extended to the employees should not be withdrawn - especially, when the intension of MACPS is to further improve from the previous ACP scheme.

3. Hence it is requested that – *(independent of the decision on Entitlement of Passes on revised Pay Bands & Grade Pay after Sixth CPC - which is still awaited)* - **clarification on MACP Scheme order may please be issued for entitlement of First Class Pass to the employees who are given financial up-grading to the Grade pay of Rs.4600 – (in line with RBE No.200/2002, dated 1/11/2002).**

Yours' faithfully,



**Harchandan Singh,
General Secretary, IRTSA**

Copy for information & favourable consideration to:

- i) **Shri Amitabh Khare, Additional Member HRD, Railway Board, New Delhi.**
- ii) **Shri A. K. Nigam, Advisor Industrial Relations, Railway Board, New Delhi.**
- iii) **Executive Director Pay Commission-I, Railway Board, New Delhi.**
- iv) **Executive Director Pay Commission-II, Railway Board, New Delhi.**
- v) **Secretary (Establishment), Railway Board, New Delhi.**