

Government of India Ministry of Railways (Railway Board) *****



No. 2015/E(LR)II/13/3

The General Secretary, AIRF, 4, State Entry Road, New Delhi -110055.

New Deihi, dated: 07.08.2015

The General Secretary, NFIR, 3, Cheimsford Road, New Delhi-110055.

Dear Sirs,

Sub.: Meeting of Federations with Board (MS) held on 20.07.2015 to discuss issues raised by them in their joint representation dated 19.05.2015/ 07.07.2015.

Ref.: Board's letter of even no. dated 28.07.2015.

In the above context, a copy of revised Record Note of Discussions is sent herewith.

Yours faithfully,

DA: As above.

(Naveen Kumar) Dy. Director, Estt.(LR)-I

MATIONAL FEDERATION OF INDIAN RAILWAYMEN (N.F.I.R.)
3. Chelmsford Road, New Delhi

No.11/95/Pt.VII

Dated: 10.08.2015

Copy forwarded to the General Secretaries of Affiliated Unions of NFIR for information and necessary action. Suggestions, if any, may be communicated to NFIR early.

C/- File No.27/2006 (DC)

C/- File No.07/2015(PNM)

C/- File No.11/34/Pt. 12

C/- File No.11/90/24.

C/- File No. New Pension Scheme.

C/- Media Centre/NFIR.

(Dr.M.Raghavaiah General Secretary

No. 2015/E(LR)II/13/3

Revised Record Note of Discussions held by Member Staff with Federations (AIRF & NFIR) on 20.07.2015 on issues raised by Federations in their joint representation dated 19.05.2015/ 07.07.2015.

The following officers and representatives of Federations attended the meeting:-

* Official Side	Federations	
	AIRF	NFIR
Shri M. Akhtar, AM(Staff)	1.Shri Rakhal Das Gupta,President2.Shri S.G. Mishra,General Secretary	1.Shri Guman Singh, President 2.Shri M. Raghavaiah, General Secretary

Item No.	Issues raised by the Federations	Remarks
1.	Induction of Course Completed Act Apprentices against erstwhile Group 'D' vacancies in Safety and other categories.	It was explained to the Federations that instructions already exist that Course Completed Act Apprentices can be engaged, as substitutes in Group 'D', under exigencies of service, under the powers delegated to General Managers. These instructions have not been withdrawn/modified. As such, it is felt that reiteration of these instructions is not necessary. Moreover, vacancies are now being filled regularly through RRCs and RRBs. However, the Federations insisted for the reiteration of the instructions. After much deliberation, on the insistence of the Federations, it was agreed that the possibility of reiteration of existing instructions with suitable explanation as
3.	Exemption of Railways from New Pension Scheme - Hon'ble Minister for Railways sent proposal to Finance Minister on 29th March, 2014 and thereafter the Railway Board has sent reminder to the MoF. Absorption of Quasi - Administrative Units staff against erstwoods Group 'D' vacancies -	received from the Department of Financial Services was shared with the Federations who will study the same and get back. Federations also requested for copy of D.O. letter dated 04.03.2015 of Board (MS), which was agreed to. AIRF vide Item No. 5/1999 in PNM

Railway Board have arbitrarily cancelled the policy decision issued in 1973 and 1977. Since then the Federations have been pressing for restoration of policy. The subject has been dealt with in the DC/JCM Meeting also vide Item No. 27/2006 & 12/2012. Also the subject was discussed in the meeting held by the Full Board on 7th Feb., 2014. Unfortunately, there has been no satisfactory finalization of this item.

offices/organisations who were in service before the issue of Board's Letter No. E(NG)-II/95/RR-1/40 dated 11.06.1997, demand was agreed to as a one-time exemption vide this Ministry's No.E(NG)-II/99/RR-1/15 dated 30.05.2000. Further, one of the conditions for such absorption was that the employees should have worked in these quasi administrative offices/organisations continuously for a period of three years as on 10.06.1997. This condition of three years service was waived off with the issue of letter No. E(NG)-II/99/RR-1/15/Vol.IV dated 03.05.2006. Therefore, all staff who were working as of 11.06.97 are covered.

The issue of review and extension of cut-off date has been examined several times in the past. Legal Directorate also opined that in view of Supreme Court's order any scheme of regularisation of persons irregularly appointed can permissible as a one-time measure only and there should be no further bypassing of the Constitutional requirement and regularising or making them permanent. The matter was also referred to the learned ASG, who has opined that any further relaxation would fall foul of the intent and spirit of the judgement of the Apex Court relating to grant of one time relaxation.

Further, reverting back to instructions of 26.08.1977 is also not feasible for the reasons that there has been no administrative control in the matter of induction of such staff employed in such offices/organisation.

However, the Federations insisted that the matter be reviewed to cover cases for the period w.e.f. 11.06.97 to 03.05.2006 i.e. the date on which the condition of three years service was waived off.

Federations contended that the Quasi Staff working in different organisations are not the rank outsiders as they have been engaged by the competent bodies. The issue was discussed in the DC/JCM meetings vide Item No. 3/2006 and 27/2006 wherein

itwas agreed to hold separate meeting on the points raised in the agenda. The Board may appreciate that Metro Railway Contract Labour who were rank outsiders have been absorbed in the year 2012 with the approval of Railway Board. Since the Quasi Staff are they have outsiders and performing duties in the organisations/ Units by the created/ established administration in terms of para 2208 and 2209 of IREM Vol-II, their case needs to be dealt for absorption. Also attention is invited to para 2217 of IREM Vol-II in this regard. Even the staff working in the offices of recognised Unions/Federations, have been granted medical and pass facilities by the Railway Board. Thus all these staff are of Quasi Administrative/ Organisations.

Federations also brought to the notice of Member Staff that the number of Quasi Staff as on 31/12/2011 have already been obtained by the Railway Board and number Federations therefore, is around 1000. insisted that approval be granted for regular absorption of these Quasi Staff against erstwhile Group 'D' posts in GP 1800/-.

The Federations desired that, this issue is lingering since past so many years, therefore, needs special attention and must.

be resolved within a short period.

Upgradation of Apex level 4. Group 'C' posts to Group 'B' posts) (3335)Gazetted implementation of agreement dated 7th Feb., 2014 is yet to be ensured.

EDPC-II has met the Jt. Secy.(Pers.), Ministry of Finance and explained that the issue involved relates to upgradation of posts and therefore it is beyond the terms of reference of 7th Central Pay Commission. Pursuant to said meeting and as advised by the Jt. Secy. (Pers.), the said proposal has been re-submitted to Ministry of Finance seeking their concurrence.

The Federations mentioned that, in the meeting of the Standing Committee, NC/JCM, it was clarified by the Secretary (Exp.), Ministry of Finance that the Railways can create Group 'B' posts at their own and there is no need for any reference to DOP&T

and Ministry of Finance.

that the mentioned Federations Stepping up of pay of Loco problem is on South East Central Railway

Inspectors appointed prior to

01.01.2006. Although agreed in the Full Board meeting, the decision has not been implemented yet.

6.

and East Coast Railway where recoveries are being made. It was agreed to check up the position on these zones.

Though instructions have been issued by the Railway Board for inclusion of a few additional categories of safety categories of staff in GP 1800 under LARSGESS vide Railways Board's letter No. E(P&A)I-2010/RT-2 dated 24.03.2014 but unwarranted conditions like 'working on tracks' have been shown even though these staff by virtue of working conditions perform Safety job.

It was explained that LARSGESS is basically to benefit those staff whose work is related to train operations and their reaction time impinges on safety. Thus, the scheme is primarily applicable to staff working on track. There is no change in this criteria on the basis of which the five additional categories viz., Electrical Power staff, track, Machine Staff, Bridge Staff, TRD and PWI Khalasis working on track, were brought under the purview of the scheme.

However, the Federations did not agree with the above contention and told that the phrase "working on track" makes it impossible for anyone to certify when the employee applies for the scheme. They clarified that the same staff may sometime be working on the track and sometime working in different office away from the tracks. Therefore, the phrase "working on track" be withdrawn immediately, otherwise staff will lose chance for the July Cycle as well.

It was pointed out that the LARSGESS scheme itself has been challenged and adverse decisions have been passed by some of CATs and matter is in High Courts. It may not be appropriate to consider any modification/clarification at this stage. The Federations were however not agreeable to it and insisted for removal of phrase "working on track".

Federations urged to review the issue quickly, which was agreed.