

**RESOLUTIONS REG. FILLING OF COURT CASES BY IRTSA,
LINE OF ACTION & RAISING OF LEGAL-CUM-STRUGGLE FUND
ADOPTED BY CENTRAL EXECUTIVE COMMITTEE (CEC) MEETING,
CENTRAL GENERAL BODY MEETING & 47TH ALL INDIA ANNUAL CONFERENCE OF IRTSA
HELD AT RCF KAPURTHALA, ON 4TH & 5TH DECEMBER, 2012**

1. Central General Body (CGB) and Central Executive Committee (CEC) of Indian Railways Technical Supervisors Association (IRTSA), in their Meetings held at RCF Kapurthala, after detailed discussions and careful consideration, Resolved as under:

1.1 REG: COURT CASE FOR HIGHER GRADE PAY OF JE & SSE: It is, hereby, Resolved that Indian Railways Technical Supervisors Association (IRTSA) should file a Case in the CAT (Central Administrative Tribunal), for grant of Grade Pay of Rs.4600 for Junior Engineers (JEs) and a Grade Pay of Rs.4800 for Senior Section Engineers (SSE) on Indian Railways, on the following grounds besides others:

i) The Junior Engineers are now placed in the Grade Pay of Rs.4200 (in Pay Band Rs.9300-34800) which is at present at par with the Senior Technicians who have also now been placed in the same Grade Pay of Rs.4200 even though the Sixth Pay Commission had recommended the Grade Pay of Rs.2800 for the senior Technicians and the Railway Board had implemented it accordingly but later on raised it to Rs.4200.

ii) Junior Engineers directly supervise the work of a number of Senior Technicians besides the Technicians Grade I, II & II besides other Staff in the lower Grades all of whom are working under the Junior Engineers for production, repair, maintenance of Rolling Stock, Locomotives, Permanent Way, Bridges, Buildings & Works, Signal & Telecommunication systems, traction & distribution, etc.

iii) Senior Technicians report to Junior Engineers who have to directly allocate the work to Senior Technicians, supervise their production, productivity and quality of their work.

iv) Keeping the Junior Engineers and Senior Technicians in the same Grade Pay of Rs.4200 - is in violation of Article 39 of the Constitution of India and against the settled law of natural justice that *"An equal cannot be over an equal"* – as upheld by various Courts of law.

v) Senior Section Engineers (SSE) supervise the work of a number of Junior Engineers and of a large number of Senior Technicians, Technicians Grade I, II & II and other Staff in lower grades.

vi) Senior Section Engineers (SSE) have also to directly supervise the work of Stores Clerk, Office Clerk, Office Superintendents and Chief Office Superintendent all of whom work directly under the SSE and are supervised by them.

vii) Senior Section Engineers, and Chief Office Superintendent have all been placed in the Grade Pay of Rs.4600 in Pay Band II Rs.9300-34800). This is in violation of Article 39 of the Constitution of India and against the settled law of natural justice that *"An equal cannot be over an equal"* – as upheld by various Courts of law.

viii) Horizontal Parity and Vertical Relativities been disturbed after the Sixth Pay Commission:

a) Junior Engineers had been allotted Grade Pay of Rs.4200 after the Sixth CPC, whereas other inspectorial staffs, nursing staff and teaching staff who were previously in equal or lower scales than the JEs were allotted the Grade Pay of Rs.4800/4600 in the Sixth Central Pay Commission scale

b) SSE with direct recruitment element which requires Degree in Engineering had been allotted the Grade Pay of Rs.4600, whereas the apex scales of categories mentioned above were placed in the Grade Pay of Rs.5400.

1.2 Central General Body (CGB) and Central Executive Committee (CEC) IRTSA resolved to authorize the President IRTSA Shri M. Shanmugam and General Secretary IRTSA Shri Harchandan Singh to file said case in CAT for and on behalf of Indian Railways Technical Supervisors Association (IRTSA), get legal assistance as required and to file the requisite Affidavits etc. as may be required for the purpose.

2.1 REG: COURT CASE FOR GROUP B TO SENIOR TECHNICAL SUPERVISORS: It is, hereby, Resolved that Indian Railways Technical Supervisors Association (IRTSA) should file a Case in CAT (Central Administrative Tribunal) for Classification of Posts of Senior Section Engineers (SSE), Chemical & Metallurgical Superintendent (CMS) and Chief Depot Material Superintendent in Group B Gazetted on the Railways on following grounds besides others:

i) i) The DOP&T had vide Order No. S.O. 946 (E) dated 9th April, 2009 that all Civil Posts under Government of India in the Grade Pay of Rs.4200, 4600, 4800 & 5400 in Pay Band II Rs.9300-34800 be Classified in Group-B but the Railways had Classified the Posts upto Grade Pay of Rs.4600 in Group C (vide Ministry of Railways letter No: PC/VI/2009/I/RSRP/4 dated 08.01.2010) including the Posts of Senior Section Engineers (SSE), Chemical & Metallurgical Superintendent (CMS) and Chief Depot Material Superintendent in Group all of which have been placed in Grade Pay Rs.4600 in Pay Band II Rs.9300-34800.

ii) All other Departments (other than Railways) have Classified all posts Grade Pay of Rs.4600 in Group B Gazetted,

iii) CAT New Delhi (*in OA No. 835-1989 IRTSA-vs-UOI*) had held the Classification of Senior Technical Supervisors in Group C as anomalous and had directed the Respondent MOR & UOI to consider removing the anomaly. But instead of removing the said anomaly, informed the Applicants GS IRTSA that the Classification of the said posts could not be changed – reiterating the same facts as had been placed before the CAT but had been rejected by the the Bench in their Judgment in the above said case.

iv) There is an induction of Engineering Graduates in the categories Section Engineers (SSE), but they do not get a single promotions throughout their career, while Diploma Holders recruited as Junior Engineers get only one promotion (from JE to SSE) due to lack of requisite avenues of Promotion inadequate number of posts in Group B on the Railways,

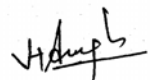
v) Percentage of Group B posts vis-à-vis are the lowest on the Railways. repeated assurances given by the Railways to upgrade certain % age of posts from Group C to Group B have not been fulfilled for the last many years.

2.2 Central General Body (CGB) and Central Executive Committee (CEC) IRTSA resolved to authorize the President IRTSA Shri M. Shanmugam and General Secretary IRTSA Shri Harchandan Singh to file said case in CAT for and on behalf of Indian Railways Technical Supervisors Association (IRTSA), get legal assistance as required and to file the requisite Affidavits etc. as may be required for the purpose.

3. LINE OF ACTION: Central General Body (CGB) and Central Executive Committee (CEC) regretted that most of the genuine and long pending demands of the Rail Engineers / Technical Supervisors had not been accepted so far. It was therefore Resolve to to continue pursue and struggle and agitate for acceptance of all the long pending and genuine demands of Rail Engineers as per Resolutions of IRTSA. CGB & CEC authorized the Central President and the General Secretary to issue the necessary directives on the line of action as required.

4. RAISING OF LEGAL-CUM-STRUGGLE FUND: WHEREAS the Central General Body (CGB) and Central Executive Committee (CEC) have decided to file two Court Cases for Higher Grade Pay of JE & SSE and for Grant of Group B to Senior Technical Supervisors; AND whereas, it has also been decided to continue pursue and struggle and agitate for acceptance of all the long pending and genuine demands of Rail Engineers as per Resolutions of IRTSA;

CGB & CEC hereby, Resolve, appeal to all the Rail Engineers – especially the Members of IRTSA to contribute an amount of Rs.1000 (rupees one thousand only) towards LEGAL-CUM-STRUGGLE FUND OF IRTSA – 2012-13 – to be paid in one or maximum of two installments before 31st March, 2013; and send the same at the earliest to Central Treasurer IRTSA.



(Harchandan Singh)
General Secretary, IRTSA