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No.AIRF/405(VI CPC)(13)

Dated: May 22, 2010

The Secretary(Staff Side),  
National Council(JCM),  
13-C, Ferozshah Road,  
New Delhi

Dear Com.,

**Sub: Anomalies pertaining to the Modified Assured Career Progression Scheme**  
**Ref: Dy. Secretary(JCA), DoP&T's letter No.11/1/2010-JCA dated 3.5.2010**

The under noted anomalies which have been pointed out by the General Secretaries of different affiliated unions have been summarized and are being forwarded to you to be taken up before the Joint Committee constituted by the DoP&T to resolve the same.

1. **Non-counting of induction training period**

The period spent by an employee in his/her induction training at the time of recruitment before being posted against the working post has though been accounted for the purpose of annual increment and accumulation of Earned Leave etc. However, this period is not being counted for to extend the benefit for financial upgradation under MACP Scheme. This is a serious anomaly which needs to be rectified. Similarly, Apprentices selected against Talented Quota in different categories, particularly technical categories, are being denied the accountal of period of their training as intermediate Apprentice in Railway Training Centres under the said scheme. This also needs to be done away.

2. **Provision of non-existence grade pay in promotional hierarchy in MACP Scheme**

While next grade of promotion was being granted under previous ACP Scheme. But in the MACP Scheme, grade pay which does not exist in the promotional hierarchy of a particular category is being granted. This is causing not only financial loss to the beneficiaries but also resulting in serious frustration and resentment amongst the employees.

This being also a serious anomaly needs to be rectified and grade pay of promotional hierarchy should be granted to the incumbents as was being done in the previous ACP Scheme.

For example, a Clerk in GP Rs.1900 when gets normal promotion as Sr. Clerk gets GP Rs.2800. However, under MACP Scheme, GP Rs.2000 is granted after 10 years of service, in case he does not get normal promotion as Sr. Clerk. Similar is the situation with other categories.

3. **Denial of financial upgradation in case of promotion in identical scale/grade pay**

In a number of cases in the Railways, lateral promotions are given in the identical scale/ grade pay, whereby responsibilities get increased with mere change of designation. No financial benefit accrues in such lateral promotions to the incumbents and they have to shoulder higher responsibilities not only without any monetary gain. Para 8 of the Annexure contained in Railway Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009(RBE No.101/2009) is wrongly interpreted in the Zonal Railways and such promotions are being treated as regular promotions, taking financial upgradation under MACP Scheme, which is absolutely unjustified. Such clarification needs to be issued, facilitating the benefit of MACP Scheme in such cases, as the beneficiaries have not enjoyed any financial gain in such lateral promotions.

4. **Date of effect of MACP Scheme**

Para 8 of Railways Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009(RBE No.101/2009) stipulates that the MACP Scheme would be operational w.e.f. 1.9.2008. Since MACP Scheme is also an outcome of the recommendations of the VI CPC, which were implemented w.e.f. 1.1.2006, MACP Scheme envisaged under Board's letter *supra* should also take effect from 1.1.2006 in place of 1.9.2008.

5. **Computation of 10, 20, 30 years service in case of the employees selected under LDCE/GDCE Scheme**

In the Indian Railways, serving Railway employees are selected to the posts for which they possess academic/professional qualification against LDCE/GDCE Scheme. It is seen that direct recruits on such posts promotions earned by them before getting selected under LDCE/ GDCE Scheme are being accounted for to deprive them financial upgradation under MACP Scheme. In such cases, promotions earned by them and service rendered before being selected under LDCE/GDCE Scheme should be ignored to extend them benefit under this scheme.

6. **Non-accountal of period of services rendered in previous seniority unit in case of transfer on a lower post on request/option**

Para 24 of the annexure of Railway Board's letter *ibid* dated 10.6.2009 stipulates that -

**“in case, an employee after getting Promotion/ACP seeks unilateral transfer on a lower post or lower scale, he will be entitled only for second and third financial upgradations on completion of 20/30 years of regular service under the MACPS, as the case may be, from the date of his initial appointment to the post in the new organization.”**

This provision deprives the employees who seek transfer on request, even by reversion to a lower post or lower scale of first financial upgradation under MACP Scheme by computing entire service rendered by them in the previous seniority unit. This is highly unjustified and needs to be rectified.

7. **Denial of financial upgradation under MACP Scheme in case of promotions against non-functional Selection Posts**

In some categories, viz. Trackman to Sr. Trackman, Goods Driver to Sr. Goods Driver, Asstt. Loco Pilot to Sr. Asstt. Loco Pilot, Goods Guard to Sr. Goods Guard, Passenger Guard to Sr. Passenger Guard etc., promotions are done in non-functional Selection grades. But these non-functional promotions are being treated as normal promotions, taking the benefit under MACP Scheme, which is highly irregular. Such promotions should not, therefore, be accounted for the purpose of financial upgradation under MACP Scheme.

**8. Accountal of the services rendered before Removal/Dismissal from service under D&AR and subsequent reinstatement in service for the purpose of MACP Scheme**

Railway Board's letter dated 10.6.2009 does not specify, as to whether the period of services rendered by an employee before his/her Removal/Dismissal from service under D&AR would be counted for the purpose of extending financial benefit under MACP Scheme. But his/ her subsequent reinstatement to service, previous period of service before Removal/Dismissal from service should also be counted for the purpose of MACP Scheme.

**9. Provision of stepping-up of pay at par with the junior in MACP Scheme**

Consequent upon merger of pre-revised grades, providing identical replacement grade pay, there have been a number of situations where the seniors who were promoted on regular basis much before their juniors and the juniors who could not get promotions due to non-availability of vacancies in higher grades and are granted financial upgradation under MACP Scheme, pay of the juniors becomes higher than their seniors. A number of such examples are quoted as under:-

<b>Employee `A` (Senior)</b>		<b>Employee `B` (Junior)</b>	
	<b>Scale</b>		<b>Scale</b>
Date of Appointment 1983	330-560/1200-2040/ 4500-7000	Date of Appointment 1984	330-560/1200-2040/ 4500-7000
	5200-20200-GP 2800		5200-20200-GP 2800
Date of Promotion 1986	425-640/455-700/ 5000- 8000	Promotion 1988-89	425-640/455-700/5000- 8000
	9300-34800-GP 4200		9300-34800-GP 4200
Date of Promotion 1994	5500-9000	Promotion 1997-98	5500-9000
	9300-34800-GP 4200		9300-34800-GP 4200
Date of Promotion 2003-04	6500-10500		He did not get promotion to 6500- 10500/9300-34800 - GP Rs.4600
	9300-34800-GP 4200		He will get MACP in 1998 in 9300-34800 - GP Rs.4600
Next ACP 2013-2013	9300-34800-GP 4800		He will get next MACP in 2008 in GP Rs.4800

**COMPARATIVE STATEMENT SHOWING ANOMALY ARISEN DUE TO MACP SCHEME**

**SECTION OFFICER(ACCOUNTS)**

Name	Vijay Kumar	R.C. Khurana
Cadre List S. No.	14	47
Date of Appointment	23.10.1973	04.03.1978
Appointment Post	CG-II(A/Cs Clerk)	CG-II(A/Cs Clerk)
Year of passing Appendix II-A	1974	1980
Date of Promotion as JAA	23.01.1976	24.01.1981
Date of Promotion as AA	01.01.1984	-
Year of passing Appendix III-A	1982	1983
Date of Promotion as SO(A/Cs)	06.08.1984	26.02.1986
GP given in VI CPC	4800	4800
GP to be given in MACPS	Not eligible for MACPS	Eligible for MACPS GP 5400
MACPS received/will receive on	Not eligible for MACPS	September 2008
Remarks	Not eligible for MACPS getting regular promotion has become a road block for financial upgradation	A junior who got last promotion 1.5 years after the senior most SO (A/Cs) will now supersede the senior financially through MACPS

**SECTION OFFICER(ACCOUNTS)**

Name	Vijay Kumar	Anil Kumar Gupta
Cadre List S. No.	14	338
Date of Appointment	23.10.1973	29.04.1986
Appointment Post	CG-II(A/Cs Clerk)	CG-I(JAA)
Year of passing Appendix II-A	1974	1987
Date of Promotion as JAA	23.01.1976	Does not arise
Date of Promotion as AA	01.01.1984	-
Year of passing Appendix III-A	1982	1992
Date of Promotion as SO(A/Cs)	06.08.1984	20.06.1997
GP given in VI CPC	4800	4800
GP to be given in MACPS	Not eligible for MACPS	Eligible for MACPS GP 5400
MACPS received/will receive on	Not eligible for MACPS	September 2008
Remarks	Not eligible for MACPS getting regular promotion has become a road block for financial upgradation	A junior who got last promotion 13 years after the senior most SO (A/Cs) will now supersede the senior financially through MACPS

**Example 1**

Two staff namely `A` and `B` were appointed as Senior Clerk in scale 330-560/1200-2040/4500-7000 – Grade Pay Rs.2800 before 28 years of 1.1.2006

<b><u>A</u></b>	<b><u>B</u></b>
1. Promoted as Head Clerk in 1400-2300/5000-8000	Same as `A`
2. Passed OS-II Selection and promoted as OS-II scale 1600-2660/5500-9000 after 2 yrs service.	Not able to pass the Selection and still working in 1400-2300/5000-8000 as per AVC.
3. Again promoted in 2000-3200/6500-10500 as per AVC on the basis of seniority.	Still working in the same grade as above according to AVC.
4. Again promoted in 7450-11500 as per AVC on completion of 2 year service in 6500-10500.	Still working in the same grade as above according to AVC

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Since all the promotions of “A” earned before 1-1-2006 hence in his case no. of promotions counted 4 and he is not given the benefit of MACPS while in case of “B” was not able to pass the selection examination and still working in scale 5000-8000 as on 1-1-2006 given the benefit of 3 MACPS in grade pay 4200-4600 and 4800 respectively. After 1-1-2006 the concept of grade pay and merger were introduced thus scale 5000-8000 and 5500-9000 given grade pay 4200, scale 6500-10500 and 7450-11500 given grade pay 4600. Here reaching up to the scale 7450-11500 before 1-1-2006 no. of promotion counted 4 while at the same stage “B” reached after 1-1-2006 getting 2 up gradation under MACPS. We can see that the staff “A” who gets all the 4 promotions before 1-1-2006 are getting grade pay 4600 only while “B” who get the benefit of up gradation after 1-1-2006 will get the benefit of 3rd MACPS of grade pay 4800. The Chief OS/OS1 who supervised the staff and bearing higher responsibility are drawing grade pay 4600 and “B” getting grade pay 4800 being Head Clerk by post. Here “A” is loser in comparison of “B” being supervisor. It is not out of way to mention here that “A” was working in the scale 7450-11500 since last 20 years.

**Example 2**

Two staff namely “A” and “B” were appointed 24 years before 1-1-2006 as a Sr. Clerk in Accounts Department(CG I/JAA) in scale 330-560/1200-2040/4500-7000/Grade Pay 2800(Direct Recruitment on the post in the scale were only start in 1982 by the RRB). The post of CG I/JAA was only Promotional Post and filled in by Accounts Clerk/CG-II in scale 260-400/950-1500/3050-4590/Grade Pay 1900 after completion of training and passing the Appendix-2A Examination.

<b><u>A</u></b>	<b><u>B</u></b>
1. After passing Appendix-2 A Examination promoted as Sub-head/Account Asstt. in scale 1400-2600/5500-9000/GP 4200 after completion of 3 year service in immediate lower grade.	Same as “A”

- |    |   |  |
|----|---|--|
| 2. | Passed Appendix-III A Examination conducted by Railway Board within 4 years of his service                    | Did not qualify Appendix-III-A Exam promoted as SO(A)/TIA/ISA in scale 1640-2900/6500-10500. Still working as Sub-head/Account Asst. in scale 1400-2600/5500-9000. |
| 3. | After completion of 3 year service as SO/TIA/ISA again promoted as Sr. SO/Sr.TIA/Sr. ISA in scale 7450-11500. | Same as above.   |

Such as "A" gets benefit of promotion up to Rs.7450-11500 within 7 years of his service and "B" still working in Rs.5500-9000 as on 1-1-2006. After implementation of 6<sup>th</sup> CPC, Rs.6500-10500 is merged with Rs.7450-11500 providing GP Rs.4800. Thus in case of a counting, 2 number of promotion staff has given the benefit of 3<sup>rd</sup> MACPS in Grade Pay Rs.5400 due to more than 10 year service as SO/SSO. In other hand "B" was also given the benefit of up gradation under MACPS, counting the length of service from the recruitment date also given Grade Pay Rs.4800-5400."A" is supervisor and "B" will supervised by "A".

A

Appointed as Accounts Clerk/CG II in scale 260-400/950-1500/3050-4590/GP Rs.1900 in 1975(it is not out of way to mention here that this is only one scale and post for recruitment in Accounts Department from RRB at that time and for appointment from Sports Quota, compassionate and change of cadre in A/Cs Deptt.)

1. Passed initial training and Appendix-2 A Examination promoted as CG I/JAA in scale 330-560/1200-2040/4500-7000/GP Rs.2800 in 1976, i.e. 1 year of service.
2. Promoted as Sub head/AA in scale 425-700/1400-2600/5500-9000/grade pay 4200 in 1979.
3. Passed Appendix III A examination in 1980 and promoted as SO/TIA/ISA in scale 1640-2900/6500-10500 in 1985.
4. After completion of 3 year in service get benefit of promotion in scale 2000-3200/7450-11500 as Sr.SO/Sr.TIA/Sr.ISA in 1988.

B

- B1. Appointment as CG I/JAA in scale 1200-2040/4500-7000 GP Rs.2800 in 1990. After passing Appendix-II A Examination and

completion of 3 years service in the scale promoted as AA in scale 1400-2600/5500-9000/ GP Rs.4200 in 1994. Passed Appendix III A exam. In 1994 promoted as SO/TIA/ISA in scale 6500-10500/GP 4800 in 1996.

Again after completion of 3 year service, promoted as Sr. SO/ Sr. TIA/Sr.ISA in scale 7450-11500 in 1999.

- B2. Appointment as CG I/JAA in scale 1200-2040/4500-7000 grade pay 2800 in 1990. After passing the Appendix-II A Examination and completion of 3 years service in the scale promoted as AA in scale 1400-2600/5500-9000/GP 4200 in 1994.

He didn't qualify Appendix-III A Exam and still working on the same post and scale. He gets benefit of ACP after completion of 12 year service as Non-Appendix-III IREM Exam qualified Accounts Asst. in scale 6500-10500. Though this was circulated vide RBE No. 17/2008 dated 31-01-2008, but the orders will take effect from 05-04-2007. As per Clause 6.2 of MACPS Annexure, he is also entitled for GP Rs.4800.

From the above, it can be seen that -

1. "A" gets the benefit of promotion in scale Rs.7450-11500 in 1988 after passing Appendix-II A and III-A Examinations which was necessary for the promotions according to Railway Board's orders and as per AVC.
2. "A" had completed 20 years service in 2008 but he will not entitle to get benefit of up-gradation under MACPS because he earned 3 or more than 3 promotions. In his case, promotion as JAA, SO and Sr. S.O. is count as a separate number of promotions while all the promotions are completely based on Selection. "A" is bound to bear higher responsibility and do the works of supervision getting grade pay Rs.4800 only.

3. In case of “B1” at the time of his appointment “A” was working as Sr. SO. “B1” also passed the requisite examination for promotions and get the benefit of promotion in scale Rs.7450-11500 but he will granted GP Rs.5400, treating one promotion in scale 6500-10500 and 7450-11500, as 3<sup>rd</sup> up gradation under MACPS.
4. In case of “B2” at the time of his appointment “A” was working as Sr. SO. B 2 did not qualify the requisite examination for further promotion and was working in scale Rs.5500-9000 since 1994, treating 1 promotion and calculating the length of service from the date of appointment he had also given GP Rs.54000 under MACPS as a 3<sup>rd</sup> financial upgradation because he has already benefitted as 2<sup>nd</sup> upgradation 05-04-2007 in scale 6500-10500 GP Rs.4800. “B2” is still working as an Account Asst. under supervision of “A” who is drawing grade pay 4800.
5. Though “A” and “B1” both were working in scale 7450-11500 before 01-01-2006 and “B1” counting the 10 years length of service as supervisor granted 3<sup>rd</sup> up gradation 5400 while “A” is given only grade pay 4800 ignoring his 20 years length of service as supervisor.
6. The seniors are denied higher grade pay in the implementation of MACPS despite the motive of 6<sup>th</sup> CPC being “to avoid uneven benefits to the employees” as could be seen from para 6.1.15 of 6<sup>th</sup> CPC report.
7. Allotting higher grade pay to the juniors due to operation of MACPS runs counter to the seniority determination as envisaged in para 2.2.13.
8. This is unfair against the principle of natural justice and violation of article 14 of the constitution of India.

**Suggestions to minimize/remove the anomalies:-**

- (i) Promotions from Junior Clerk to Head Clerk (in case of executive) treated one promotion as treated in case of Sr. Clerk to Head Clerk.
- (ii) Promotion to the post of JAA as recruitment to the grade since the promotion is considered only.
  - (a) On passing the departmental exam of appendix II A (as the same is mandatory for the direct recruit JAA to continue in the service)
  - (b) Seniority of Accounts Clerk/CG II is based on the marks obtained in the accounts training exam. Further promotions as AA and above only should be taken into account for the purpose of MACPS.
- (iii) Benefit of stepping up in grade pay.
- (iv) Staff that have completed 10 years service in grade pay may be given the next grade pay without counting the no. of promotions/upgradation.

This has resulted in serious anomalous situation causing deep sense of frustration amongst the seniors. Therefore, pay of the seniors is required to be stepped-up at par with their juniors to do away with this serious anomaly.

10. **Clarification in case of medical de-categorisation**

In case of employees on medical de-categorisation, there is no clarification, whether their earlier services or promotions are to be counted or ignored. We demand that in case of medical de-categorisation and surplus staff, they should be given the benefit of MACP Scheme after joining new post by ignoring all their earlier promotions and service rendered prior to their new appointment.

11. **Entitlement of the privileges of financial upgradation under MACP Scheme**

Under the previous ACP Scheme, there was provision of certain entitlements like Privilege Passes/PTOs/payment of incentive and certain advances. But the present MACP Scheme does not stipulate such provisions. This also needs to be got clarified.

Yours fraternally,  
Sd/-  
(Shiva Gopal Mishra)  
General Secretary

Copy to: General Secretaries, all affiliated unions – for information.