

JOINT PROCEDURE ORDER

RE-CALCULATION OF OVERTIME IN CASES WHERE THE STAFF ARE ABSENT FROM DUTY/AUTHORISED ABSENCE AND/OR ON LEAVE FOR A PORTION OF THE AVERAGING PERIOD

P. B. Circular No. 257/87

The Board in their letter No. E(LL)83/LG. 3/3 dated 9-4-1987 (Copy enclosed), have referred to their instructions contained in their earlier letter No. E (Trg.) 62-Adj/36 dated 15-10-1963 which stipulated that the statutory maximum limit and rostered hours should be worked out in proportion to the number of days of duty including the rest day availed as duty and excluding the days of leave (i.e., authorised absence such as CL, Special CL, LAP, LHAP, LWP, CH etc.,) while calculating overtime. The Board have given 7 illustrations in their working sheet enclosed to their letter dated 9-4-1987 for guidance.

2. It has, therefore, become expedient to issue this Joint Procedure Order amending the earlier Joint Procedure Order dated 28-2-1980 cited above. The relevant paras of Joint Procedure Order dated 17-10-1975, 28-2-1980 and the modification (amendment now made) is given juxtaposition in Annexure 'I' attached. All OTA claims should be regulated from 9-4-1987 (the date of Board's letter dated 9-4-1987 cited above) accordingly.

No. P(L)347/P/73/4/Vol. V of 6th November 1987

Hours of Employment Regulations - Calculation of overtime cases where the staff are absent from duty for a portion of average period

Please refer to the correspondence resting with your letter No. P(L) 347/P/73/4 Vol. 3 dated the 29th May, 1984 on the above subject:

2. The instructions contained in Board's letter No. E (Trg) 62 Adj/36 dated 15-10-1963 clearly provided that while calculating overtime of staff those who are absent from duty for portion of averaging period, no separate credit would be given for the days of rest. It is, however, noticed that these instructions are not being correctly followed on your Railway and while calculating overtime admissible to staff, credit for the days of rest is being afforded. This is not correct and results in heavy unintended payment of overtime to staff.

3. A working sheet showing different illustrations for calculation of overtime in different conditions has been prepared. A copy of the working sheet is sent herewith for guidance.
No. E(LL)83/LG3/3 9th April 1987

CALCULATION OF OVERTIME IN CASES WHERE STAFF ARE ABSENT FROM DUTY FOR A PORTION OF THE AVERAGING PERIOD

Sl. No.	Details of the case	During the averaging period		No. of hours of work for which overtime is admissible
		No. of rest days availed of	No. of days of leave availed of	

1.	2.	3.	4.	5.
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Continuous classification

1.	A who is covered by item-(ii) of Board's letter No. E (Trg) 62 Adj/36 dt. 15-10-1963 and is rostered to work for 96 hours in a two weekly period, actually worked 42 hrs. in 5 days. Thereafter he was on LAP for 3 weeks.	Nil	9 days LAP during the relevant 2 weekly period	i) Rostered hours of working during 2 weekly averaging period 96 hrs. ii) Statutory limit of work during 2 weekly averaging period 108 hrs. iii) No. of hrs. of work he was required to work during 5 days duty— $\frac{96}{14} \times 5 = 34 \text{ hrs. } 17 \text{ mts.}$ iv) No. of hrs. he actually worked during 5 days of duty 42 hrs.
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1	2	3	4	5
		<p>v) No. of hours OT admissible, viz. (iv — (iii)) = (42—34.17.) 7 hrs. 43 mts. $\frac{3}{4}$ hrs.</p> <p>vi) No. of hrs. of work to be performed during 5 days of duty under statutory limit $\frac{108 \times 5}{14}$ 38 hrs. 34 mts.</p> <p>vii) No. of hours of statutory OT at double the rate of normal wages admissible to him [(v)—(vi)] 42—38.34 3 hrs. 26 mts. = 3 hrs.</p> <p>viii) No. of hours of non-statutory OT at $1\frac{1}{2}$ times the rate of wages admissible to him 8—3 = 5 hrs. (i. e. (v)—(vii))</p>	<p>i) Rostered hours of working during 2 weekly averaging period. —96 hrs.</p> <p>ii) Statutory limit of work during 2 weekly averaging period 108 hrs.</p> <p>iii) No. of hours of work he was required to work during 6 days of duty, i. e. days of actual working and days of rest $\frac{96 \times 6}{14}$ 41 hrs. 08 mts.</p> <p>iv) No. of hours he actually worked during 6 days of duty (inclusive of one day's rest) 42 hrs.</p>	<p>v) No. of hours of OT admissible to him [i. e. (iv)—(iii)]. 42—41.08 hrs. = 0 hrs. 52 mts. 1 hr.</p> <p>vi) No. of hours of work to be performed during 6 days of duty under statutory limit $\frac{106 \times 6}{14}$ = 46 hrs. 17 mts.</p> <p>vii) No. of hours of non-statutory OT at double the rate of normal wages admissible to him i. e. (iv)—(vi) 42—46.17 Nil</p> <p>viii) No. of hours of non-statutory OT at $1\frac{1}{2}$ times the rate of normal wages admissible to him i. e. (iv)—(iii) or (v)—(vii) —1 hour 42—41.08 = 52 mts. or 1 hour</p>
<p>2. 'B' who is covered item-ii of Board's letter dt. 15-10-63 and is rostered to work 96 hrs. in a two weekly period. He also worked 42 hrs. in 5 days and thereafter he was on LAP for 8 days</p>	<p>One 8 days' LAP during the relevant two weekly period.</p>			<p>i) Rostered hours of work during 2 weekly averaging period 96 hrs.</p> <p>ii) Statutory limit of work during 2 weekly averaging period 108 hrs.</p> <p>iii) No. of hours of work he was required to work during 7 days of duty</p>
<p>3. 'C' Who is covered by item-ii of Board's letter dt. 15-10-63 and is rostered to work 96 hrs. in two-weekly period. He also worked 42 hrs. in 5 days. Thereafter</p>	<p>Two 7 days' casual leave during the relevant two-weekly period.</p>			

1	2	3	4	5
	he availed of 7 days casual leave and 2 days rest			i. n. days of actual working and days of rest $\frac{98 \times 7}{14} = 48 \text{ hrs.}$
				iv) No. of hours he actually worked during 7 days of duty (inclusive of 2 days rest) = 42 hrs.
				v) No. of hours of OT admissible to him = 48 - 48 = 0 hrs.
				AS SUCH, NO OT IS ADMISSIBLE
	'D' who is covered by item-(i) of Board's letter dt. 15-10-63 and is rostered to work 104 hrs. in a two-weekly period. He worked 68 hrs. in 7 days and availed 5 days' casual leave and 2 days' rest	Two 5 days' casual leave during relevant two weekly period		i) Rostered hours of work during 2 weekly averaging period = 104 hrs. ii) Statutory limit of work during 2 weekly averaging period = 108 hrs. iii) No. of hrs. of work he was required to work during 9 days of duty i.e. days of actual working and days of rest $= \frac{104 \times 9}{14} = 66 \text{ hrs. } 51 \text{ mts.}$
				iv) No. of hours he actually worked during 9 days of duty (inclusive of 2 days rest) = 68 hrs.
				v) No. of hours of OT admissible to him = 68 - 66.51 = 1 hr. 9 Mts. = 1 Hour.
				vi) No. of hours of work to be performed during 9 days of duty under statutory limit = $\frac{108 \times 9}{14} = 69 \text{ hrs. } 20 \text{ mts.}$
				vii) No. of hours of statutory OT at double the rate of normal wages admissible to him. = 68 - 69.20 = Nil.
				viii) No. of hours of non-statutory OT at 1½ times the rate of normal wages admissible to him = 1 Hr. 9 Mts. = 1 Hour.
5.	'E' Who is covered by item (ii) of Board's letter dated 15-10-63 and is rostered to work 108 hours in a two-weekly period. He worked 40 hrs. in 4 days and thereafter he was on hospital leave.	Nil 10 days' hospital leave during the relevant two weekly period.		i) Rostered hours of work during two weekly averaging period. = 108 hrs. ii) Statutory limit of work during two weekly averaging period. = 108 hrs. iii) No. of hrs. of work he was required to work during 4 days of duty $= \frac{108 \times 4}{14} = 30 \text{ Hrs. } 51 \text{ Mts.}$
				vi) No. of hrs. he actually worked during 4 days of duty = 40 hrs.
				v) No. of hours of OT admissible to him = 40 - 30.51 = 9.49 = 9 hours.

1 2 3 4 5

6. 'F' who is covered by item (ii) of Board's letter dt. 15-10-63 and is rostered to work for 90 Hours in a two-weekly period. He worked 60 hours in 8 days and thereafter he was on LAP for 2 weeks.

One 5 days LAP during the relevant two weekly period.

- vi) No. of hours of work to be performed during 4 days of duty under statutory limit $= \frac{108 \times 4}{14} = 30 \text{ hrs. } 51 \text{ Mts.}$
- vii) No. of hrs. of statutory OT at double the rate of normal wages admissible to him $= 40 - 30.51 = 9 \text{ hrs.}$
- viii) No. of hours of non-statutory OT at $1\frac{1}{2}$ times the rate of normal wages admissible to him $= \text{Nil}$
- i) Rostered hours of work during two weekly averaging Period. $= 90 \text{ hrs.}$
- ii) Statutory limit of work during the two weekly averaging period. $= 90 \text{ hours}$
- iii) No. of hours of work he was required to work during 9 days of duty, i.e. days of actual working and days of rest $= \frac{90 \times 9}{14} = 57 \text{ hrs. } 51 \text{ Mts.}$
- iv) No. of hours he actually worked during 9 days of duty (inclusive of one day rest) $= 60 \text{ Hours.}$
- v) No. of hours of OT admissible to him $= 60 - 57.51 = 2.09 = 2 \text{ hrs}$
- vi) No. of hrs. of statutory OT at double the rate of normal wages admissible to him (iv-iii) $= 2 \text{ hrs.}$
- vii) No. of hrs. of statutory OT at $1\frac{1}{2}$ times the rate of normal wages admissible to him $= \text{Nil}$

'E1' CLASSIFICATION

7. 'G' who is covered by item (ii) of Board's letter of 15-10-65 and is rostered to work 60 hrs. in a week. He worked 35 hrs. in 3 days and thereafter he availed of 3 days' casual leave and weekly day of rest.

One 3 days' casual leave during the relevant week

- i) Rostered hours of work during weekly averaging period $= 60 \text{ hrs.}$
- ii) Statutory limit of work during weekly averaging period. $= 75 \text{ hrs}$
- iii) No. of hours of work he was required to work during 4 days of duty, i.e. days of actual working and days of rest $= \frac{60 \times 4}{7} = 34 \text{ hrs. } 17 \text{ Mts.}$
- iv) No. of hours he actually worked during 4 days of duty $= 35 \text{ hrs.}$
- v) No. of hours of OT admissible to him $= 35 - 34.17 = 0.83 \text{ Mts} = 1 \text{ hour.}$
- vi) No. of hrs. of work to be performed during 4 days of duty under statutory limit $= \frac{75 \times 4}{7} = 42 \text{ hours } 51 \text{ Mts.}$

1 2 3 4 5

- vii) No. of hours of statutory OT at double the rate of normal wages admissible to him —Nil
- iii) No. of hours of non-statutory OT at 1 1/2 times the rate of normal wages admissible to him — 1 Hour.

- N. B. :
- 1 Period of duty includes day(s) of rest according to Board's letter No. E(Trg.) 62/Adj/36 dated 15-10-1963.
 - 2 These are only hypothetical cases, meant to illustrate the principles employed : they are exhaustive.
 - 3 Board's letter No. E(Trg.) 62/Adj/36 dated 15-10-1963 was issued when sub-statutory overtime was not admissible. Since, in terms of Board's letter No. E(LL) 73/HER(MA)/3 dated 11-6-1974, sub-statutory overtime was introduced w. e. f. 1-8-1974, the formula given in Board's letter dated 15-10-1963, has been adopted for working out the sub-statutory overtime.

ANNEXURE I

NOTE SHOWING EXISTING PARA OF JPOs DATED 17-10-1975 AND 28-2-80 AND THE REVISED INSTRUCTIONS

Existing in JPO Dt. 17-10-75	Amended in JPO dt. 28-2-80	Amended now (As concurred in/Amended by Accounts)
(1)	(2)	(3)
<p>1. Para 11 (b): When these staff are absent avail compensatory rest (CR), Compensatory Holiday (CH), Leave (LAP, LHAP, LWP) or unrecorded leave like Casual Leave and special Casual Leave, no credit under the "Rostered Hours of duty" column should be made in the o. t. slip and the statutory maximum limit should be worked out in proportion to the days of C. R., C. H. Leave, absence during the 2 weekly period of week as the case may be.</p>	<p>Para 11 (b): When these staff are absent avail recorded leave such as LAP, LHAP & LWP or unrecorded leave like casual leave, special casual leave and compensatory holiday, credit should be given under the "actual duty hours" column in the O.T. slip to the extent of the rostered hours of the respective days. The statutory maximum limit need not be worked out proportionately to the days of leave, absence and compensatory holiday during the weekly or two weekly periods as the case may be.</p>	<p>Para 11 (b) When these staff are absent/avail recorded leave such as LAP, LHAP and LWP or unrecorded leave like C.L., Spl. C.L. and CN, Rostered hours of the respective days should not be credited. The actual hours worked on the days of duty should be taken into account. Periods of duty including the day(s) of rest(s) - (i.e. excluding the days of leave including the rest day falling in the spell of leave). The proportionate hours of statutory maximum limit and rostered hours for the Averaging period (2 weekly or weekly) should be worked out accordingly and O.T. calculated as shown in the illustrations in the working sheet attached to Board's letter dated 9-4-87.</p>
<p>11 (c) Rostered should not be under 'Rostered of duty' at days.</p>	<p>Para 11 (c) Against the days of CR/REST, no credit under the "actual duty hours" column should be given and marked distinctly as CR/rest as the case may be. In case work is done foregoing the weekly rest, then the Hours worked should be shown filling in the "actual duty hours" column.</p>	<p>Para 11 (c) Substitute the following: The days of Rest and CR should be treated as days of duty while calculating proportionate hours of statutory maximum limit and rostered hours in 2 weekly period/week.</p>

3. Para 11 (c) When staff work on a rest day, a day's compensatory rest (CR) should be granted within a month's time without waiting for the employee's claim. The employees should also ask for the CR and avail it; and if the same is refused, it may be claimed and availed later when exigencies of service permit. Although such CRs do not lapse, all controlling officers should ensure that CRs do not get accumulated. If staff are asked to work for a few hours on a rest day or write a Departmental Examination, a day's CR should be granted. The extra hours worked beyond the normal rostered on a Rest day should be booked as over-time and paid accordingly.

Para 11 (e) When staff work on a rest day, a day's compensatory Rest (CR) should be granted within a month's time without waiting for the employee's claim. The employees should also ask for the CR and avail it; and if the same is refused, it may be claimed and availed later when exigencies of service permit.

Although such CRs do not lapse, all controlling officers should ensure that CRs do not get accumulated. If staff are asked to work for a few hours on a rest day or write a Departmental Examination, a day's CR should be granted. In respect of staff belonging to 'Non-averaging' group, the extra hours in excess of the normal rostered hours on a rest day should be booked as over-time and paid accordingly.

As regards staff governed by principle of averaging, over-time becomes due when they cross the rostered limit in the period of averaging, weekly or fortnightly as the case may be. Since the rostered hours are fixed with reference to the working days only, work on a rest day will, in the ordinary course, result in overtime work. As far as compensatory rest is concerned, this is obligatory in view of the provisions of Rule 9 of the 'Rly Servants (Hours of Employment) Rules 1961. Authority: Board's letter No. E (LL) 78/HER/RLT/11 dt. 30-4-78.

Para 11 (e): Instead of the words "As regards..... Authority the following may be substituted:- "As regards staff governed by the principle of Averaging the actual hours working on the rest day should be shown in the "actual duty hours" column. Periods of duty include the day of rest(s)", Board's letter No. E (LL) 78/HER/RLT/11 dt. 30-4-78"

4. (Para 14 (iv)) The rules applicable for the grant of compensatory holiday, Compensatory off, Compensatory Rest; etc., as laid down in para 11 (d), (e) and (f) and payment of OT for travel time treated as duty as per para 11 (j) apply to staff falling under non-Averaging group also.

Para 14 (iv) The rules applicable to the grant of compensatory Holiday as laid down in para 11 (d) and overtime worked beyond rostered hours as laid down in para 11 (f) and payment of OT for travel time treated as duty as per para 11 (j) (amended vide letter No. E (LL) 73/4 Vol. 2 dt. 2-5-77) apply to staff falling under non-averaging group also.

Para 14 (iv)
No further change.

5. Para 15 When staff work on Holidays or Rest days

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Para 15 When staff work on Holidays or Rest days i.e. Sunday (the nominal

(i.e. Sunday, the nominated rest day for office staff) they should be granted compensatory holiday or compensatory Rest as the case may be. For the work done beyond the normal rostered hours on a Rest day, O.T.A should be paid as per Procedure detailed earlier above.

nominated rest day for office staff) they should be granted compensatory Holiday or Compensatory Rest as the case may be. For the hours worked on a Rest Day or Holiday beyond the daily average hours of work, O.T.A. should be paid as per procedure detailed in para 11 (E) above.

ted rest day for office staff) they should be granted compensatory Holiday or Compensatory Rest as the case may be. For the hours worked on a Rest day or Holiday beyond the daily average hours of work, O.T.A should be paid as per rules on daily basis i.e. O.T. worked beyond, normal daily rostered hours upto statutory limit at 1 1/2 times rate and at double rate thereafter.

6. Annexure A-Extra Hours slip Para 4-For 'Averaging group' only.

If the employee is absent or avail leave/CH/CR then the maximum permissible limit has to worked out proportionately.

If the employee is absent, avails leave, holiday and compensatory Holiday credit should be given 'Actual duty hours' column. No such credit should be given for the rest days and days when CR is availed.

Annexure A-Extra Hours slip Para 4. If the employee is absent, avails leave (C.L., Spl C.L. LAP, LHAP, LWP, Holiday and CH, rostered hours of the respective days should not be credited. The actual hours worked on the days of duty should be taken into account. Periods of duty, include the day(s) of rest (i.e. excluding the days of leave including the rest day falling in the spell of leave).

7. Annexure 'C'-Examples for Calculation of overtime under HER

Revised worked examples duty incorporating the above changes are given as Annexure - C.

Annexure 'C' This may be deleted. The Illustrations given in Board's letter dt. 9-4-87 may be followed.

The proportionate hours of statutory maximum limit and rostered hours for the averaging period (2 weekly or weekly) should be worked out accordingly and O.T. calculated as shown in the illustrations in the working sheet attached to Board's letter dt. 9-4-87,

CLASSIFICATION OF NON-GAZETTED POSTS AS SELECTION OR NON-SELECTION CONSEQUENT ON THE REVISION OF PAY STRUCTURE AS RECOMMENDED BY THE IV PAY COMMISSION.

P. B. Circular No. 258/87

Consequent on the revision of pay structure as recommended by the IV Pay Commission, classification of the posts have undergone changes. In this connection decisions taken by the Board are contained in Boards letters dt. 12-3-87 quoted above.

2. In para 3 (vi) of the Board's letter dt. 5-2-87 quoted above, it has been laid down that in cases where the classification of a lower grade post is changed from selection to non-selection and that of the immediate higher grade post is changed from non-selection to selection, persons who have been promoted to the lower grade on a regular basis after a due process of selection, will not be required to undergo a selection again for promotion to the immediate higher grade which is now classified as selection and that, however their suitability for promotion to such immediate higher grade will be adjudged in the same manner through which such higher grade post was filled before the crucial dates as non-selection posts.

3. Board in their letter No. E(NG)1-86-PMI-11 dated 11/18-9-87 (copy enclosed) have clarified classification on para 3 (vi) referred to above.