

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

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MEMBER STAFF,
Railway Board,
Rail Bhawan, New Delhi.

Respected Sir

Sub: Anomalies in MACP Scheme

Ref : Railway Board's letter No 2013/E(LR)II/1/17 dated 12.05.2015

We bring to your kind notice following anomalies in the Modified Assured Progression Scheme (MACPS) for its redressal and may please be discussed in the meeting of Federations with Railway Board.

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Thanking You

Copy for information & favourable consideration to:

1. Additional Member / Staff, Railway Board, NewDelhi.
2. EDPC/IR, Railway Board, NewDelhi.

Yours' faithfully,

**Harchandan Singh,
General Secretary, IRTSA**

1. Sub:- Counting of initial Training period for MACPS.

Non-inclusion of training period for the purpose of financial up-gradation under MACPS, discriminates the Technical employees compared to the non-technical employees recruited in the same Scale of Pay/Grade Pay in the same period, defeats the basic spirit of Railway Board's letter No.E(NG)/90/IC1/1, Dated 04.02.1991 in removing the disadvantageous position of Technical employees in getting their annual increment, pensionary benefits, pass eligibility, qualifying service for LDCE examinations etc.

It is, therefore requested, that the training period of Junior Engineers (JEs), Senior Section Engineers (SSEs), CMA , CMS on Railways be counted as regular service for the purpose of ACPS / MACPS.

2. Sub:- Grant of Financial up-gradation under MACPS to the direct recruit Graduate Engineers in Design & Drawing Cadre - Considering entry grade pay as Rs.4600 for the purpose of MACP to all the directly recruited Engineering Graduates in Design/Drawing cadre

- a. 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. Where as 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/I/11/3, dated 28.09.1998). After the upgradation of entry level from Rs.5500-9000 to Rs.6500-10500, Graduate Engineers recruited in the pre-revised scale of Rs.5500-9000 were promoted to Rs.6500-10500 in the following methods,
- i. Chance had been given to the Graduate Engineers recruited in the pre-revised scale of Rs.5500-9000 to get promoted to through the LDCE selection to the pre-revised scale of Rs.6500-10500 to the extent of available DR vacancies.
 - ii. Those who could not be accommodated in DR quota vacancies (since very limited number of DR vacancies were available) got their promotion to Rs.6500-10500 scale on regular promotional vacancies.
 - iii. Besides two categories mentioned above, some of the Engineering Graduates recruited in the pre-revised scale of Rs.5500-9000 and promoted to Rs.6500-10500 prior to 1.9.1998 were also available.
- b. After the implementation of Sixth Pay Commission recommendations entry grade pay for Engineering Graduates in the Design cadre /Workshop cadre is fixed as Rs.4600.
- c. While implementing the MACPS order the Engineering Graduates recruited before 1.9.1998 has been treated as entrant to the Grade pay of Rs.4200. This has clearly placed the pre 1.9.1998 appointed Engineering Graduates in a disadvantageous position vis-a-vis the fresh entrant recruited after 1.9.1998 who will be getting Grade Pay of Rs.4600. 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.
- d. Even the clarification issued by Railway Board vide RBE No:93/2011, dated 20.06.2011, to treat the Engineering Graduates (recruited in the pre revised scale of Rs.5500-9000) as fresh recruits from the date of promotion to the pre revised scale of Rs.6500-10500 has created a new anomaly since the service spent before the upgradation to the pre revised scale of Rs.6500-10500 is not accounted for MACPS. Even this unsupportive letter has given the clarification only to those Graduate Engineers upgraded through LDCE selection cited in para-a.i.
- e. There was no clarification given for those Graduate Engineers recruited in the pre-revised pay scale of Rs.5500-9000 and promoted to Rs.6500-10500 prior to 1.9.1998 cited in para-a.iii and for those Graduate Engineers who were promoted on regular promotional vacancies cited in para-a.ii.
- f. For grant of Financial Upgradation to Pharmacists, in the clarification issued by the Railway Board through its letter No: PC-V/2011/M/4/NFIR, dated 25.09.2013, it was stated that, "**Evidently there is no change in direct recruitment / entry grade of**

pharmacists. Further, in terms of policy instructions on MACPS entry grade is the grade which employee has joined on direct recruitment basis. Since there was no change in direct recruitment grade / entry grade, the demand to treat Grade Pay of Rs.4200 / PB-2 as entry grade for the purpose of MACPS for Pharmacists category is not feasible for acceptance”.

- g. But, in case of Design / Drawing category, the direct recruitment grade / entry grade with the Graduate in engineering qualification was changed from the pre-revised scale of Rs.5500-9000 to Rs.6500-10500.

Since evidently there is a change in direct recruitment / entry grade of Engineering graduates in design /drawing cadre, **it is requested to treat Grade Pay of Rs.4600-PB-2 as entry grade for the purpose of MACPS for all the direct recruited Engineering Graduates (numbering less than 100 in Railways) recruited before 01.09.1998 by ignoring the promotion earned from the pre-revised pay scale of Rs.5500-9000 to Rs.6500-11500**

3. Sub:- “Grant of third financial up-gradation under MACPS on completion of 20 years of service from the first promotion or 10 years after second promotion or 30 years after regular appointment – whichever is earlier.”

- Ref: 1. RBE No.101/2009, No.PC-V/2009/ACP/2, dated - 10.06.2009,
2. RBE No.143/2010, No.PC-V/2009/ACP/2 dated - 29.09.10
3. Railway Board's letter No: PC-V/2009/ACP/2, dated - 29.12.2011
4. Office of CPO/ICF letter No. PB/S2/MACP, dated - 21/01/2010.
- i. As per Board's letter dated - 10.06.2009 cited above vide para 28, in the illustration - a Railway servant is eligible to get the 3rd financial up-gradation under MACPS before the completion of 30 years of service from the date of initial appointment. The illustration shows that 3rd financial upgradation under MACPS shall be granted on completion of 8+10+10 = 28 years.
 - ii. Again in the illustration shown in the para-5 of the same letter referred above it is stated that “Promotions earned/upgradation granted under the (old) ACP Scheme in the past to those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under MACPS” and clearly illustrates that service rendered prior to 1.1.2006 should be counted for financial upgradation under MACPS.
 - iii. Clarification on grant of third financial upgradation after the completion of 30 years from the initial appointment has been issued by Railway Board by vide RBE No.143/2010, No.PC-V/2009/ACP/2, Dated 29.09.10, only to extend the financial upgradation to those employees who got two financial upgradations in 24 years, in the old ACP scheme without waiting for completion of 10 years from the date of their second financial upgradation on the old ACP scheme. This has been clarified in the point of doubt number -3 in the Railway Board's letter. But for this clarification these employees would be eligible for their 3rd financial upgradation on completion of 34 years of service from the date of initial appointment.
 - iv. This principle has been emphasized in Railway Board's letter No: No.PC-V/2009/ACP/2, dated 29.12.2011.
 - v. Some Zonal Railways / Production Units - *without understanding the principle of 3 financial upgradations, which can happen well before the completion of 30 years of service from the date of initial appointment* - are denying the benefit of 3rd financial upgradation on completion of 20 years of service from the date of first promotion, that is, granting 2nd Financial up gradation after the completion of 10 years from the first promotion received by the employee and subsequent 3rd Financial up gradation after the completion of 10 years from the second financial upgradation received by the employee including the service rendered by them prior to 1.1.2006 in the (old) ACP scheme.
 - vi. It is, therefore, requested to issue clarification to all Zonal Railways & Production Units to **“Grant third financial upgradation under MACPS on completion of 20 years of service from the first promotion OR 10 years after second promotion Or 30 years after regular appointment – whichever is earlier.”**

4. Sub:- Grant of financial up-gradation under MACP Scheme on promotional hierarchy - (instead of Grade Pay hierarchy) – as per judgment of various Courts.

- Ref:**
1. DOP OM No.35034/3/2008-Estt. (D), dated 19th May, 2009, Reg: Modified Assured Career Progression Scheme [MACPS]
 2. RBE No: 101/2009 R.B. No PC-V/2009/ACP/2, dated 10-06-2009, Reg: MACPS for Railway employees.
 3. OA No.1038/CH/2010, dated 31.5.2011 - Rajpal Vs UOI. – Referred in para 4 & 5 of CAT Delhi OA No.904/2012, dated 26.11.2012
 4. CWP No.19387/2011, dated 19.10.2011 - Rajpal Vs Union of India – in High Court of Punjab & Haryana upholding OA No.1038/CH/2010- Referred in para 6 of CAT Delhi OA No.904/2012, dated 26.11.2012
 5. OA No.904/2012, dated 26.11.2012 – Sanjay Kuamr and 18 others Versus Union of India – in CAT Delhi, (Copy attached).

- i. The said orders for granting the financial up-gradation under MACPS on Grade Pay hierarchy instead of promotional hierarchy is totally unjust and ultra-vires.
- ii. Many courts have held that Financial Upgrading under MACPS should be granted in the promotional grade pay or promotional hierarchy, as per details submitted here below:

Petition No.	Applicants & respondents	Court	Judgment
OA No.1038/CH/2010 dated 31.5.2011	Raj Pal Versus Union of India	CAT Chandigarh	<i>Hon. CAT Chandigarh allowed the OA No.1038/CH/2010 for grant of financial up-gradation under MACPS in the promotional hierarchy</i>
CWP No.19387/2011, dated 19.10.2011	Raj Pal Versus Union of India	High Court of Punjab & Haryana	<i>Hon. High Court of Punjab & Haryana upheld that there was no infirmity in the order passed by CAT Chandigarh OA No.1038/CH/2010.</i>
SLA / TA CC 7467/2013	Union of India Versus Raj Pal	Supreme Court of India	<i>Hon. Supreme Court Dismissed the Application for Condonation of Delay</i>
OA No.904/2012 dated 26.11.2012	Sanjay Kumar and 18 others Versus Union of India	CAT Delhi	<i>Hon. CAT Delhi, allowed the OA, that respondents should give the next higher grade Pay & Pay band attached to the next promotional post in the hierarchy</i>

- iii. Financial up-gradation under ACP Scheme was introduced in the year 1999 and as per the ACP scheme; a Central Govt. / Railway employee with 12 years of regular service in the same grade was eligible for financial up-gradation to the next promotional scale available in the cadre hierarchy. In the same way, the employee was eligible for second financial up-gradation to the next promotional scale available in the cadre hierarchy after the completion of 24 years of regular service.
- iv. The above ACP Scheme was modified in the year 2008 and named as Modified Assured Career Progression Scheme (MACPS). MACP Scheme contains provision for grant of three financial up-gradation at the intervals of 10, 20 and 30 years of regular service, and scheme envisages merely placement in the immediate next higher Grade

Pay in the hierarchy of the revised pay bands and Grade Pay as per the Revised Pay Rules, 2008.

- v. This change over from Promotional Hierarchy to Grade Hierarchy (after Sixth Pay Commission) – was most unjustified, illegal and ultra-vires – as has been held by various Courts vide their judgements cited heretofore.
- vi. The promotional hierarchy of Technicians and their subsequent promotion to the Technical Supervisors posts are shown in the table:

S. No	PROMOTIONAL HIERARCHY	PAY BAND AND GRADE PAY	REMARKS
1	Technician Grade-III	PB-1, G.P, Rs.1900	Direct recruitment element
2	Technician Grade-II	PB-1, G.P, Rs.2400	100% promotion from Tech. Gr-III
3	Technician Grade-I	PB-1, G.P, Rs.2800	100% promotion from Tech. Gr-II
4	Senior Technician	PB-2, G.P, Rs.4200	100% promotion from Tech. Gr-I
5	Junior Engineer	PB-2, G.P, Rs.4200	25% through seniority, 25% through LDCE & 50% through Direct recruit

- vii. Comparison of promotional hierarchy and Grade Pay hierarchy for Technicians.

As per Promotional hierarchy of a Technician on Railways recruited in the Grade Pay of Rs.1900 in PB-1 can get promoted to the Grade Pay of Rs.4600 in PB-2 after getting his three regular promotions.

As per Grade Pay hierarchy for getting three financial up-gradations under MACPS on completion of 30 years of regular service a Technician can reach only the Grade Pay of Rs.2800 in PB-1 as per comparison given in the table here below

STAGE	PROMOTIONAL HIERARCHY FOR TECHNICIANS	PAY BAND AND GRADE PAY HIERARCHY - FOR TECHNICIANS	
Entry	PB-1, G.P, Rs.1900	Entry	PB-1, G.P, Rs.1900
1 st Promotion	PB-1, G.P, Rs.2400	1 st Financial up-gradation	PB-1, G.P, Rs.2000
2 nd Promotion	PB-1, G.P, Rs.2800	2 nd Financial up-gradation	PB-1, G.P, Rs.2400
3rd Promotion	PB-2, G.P, Rs.4200	3rd Financial up-gradation	PB-2, G.P, Rs.2800

- viii. It is evident from the above Tables, that the employees suffer a huge financial loss on account of the unjust policy of granting financial up-grading as per Grade Pay hierarchy instead of Promotional hierarchy. The existing policy defeats the very purpose for grant of MACP to compensate for the lack of promotional avenues.
- ix. The policy is contrary to Courts judgments cited above and is also discriminately and differently implemented in various Departments like Railways and the CPWD.
- x. **Hence, Railway Board is requested to revise the RBE No: 101/2009 R.B. No PC-V/2009/ACP/2, dated 10-06-2009 and grant financial up-gradation under MACP scheme on the promotional Pay Band & Grade Pay (as per Court judgments cited above) instead of immediate next higher Pay Band & Grade Pay in the hierarchy of revised pay bands and grade pay.**

5. Sub:- Promotion through LDCE (Intermediate Apprentice JEs) should be counted as initial appointment for Financial up-gradation under MACPS.

Technicians on Railways who are promoted through LDCE as Intermediate JEs are given one 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 recruits and like Direct recruits intermediate JE also paid stipend only.

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.

6. Sub:- Entry grade of Tracers and Assistant Draftsman should be considered from the Grade Pay of Rs.4200 for MACPS & promotions to the merged / up-graded scales should be ignored – as per accepted policy under MACPS.

In term's of Board's letter No.PC-V/97/1/11/3 dt 28.09.1998, the cadre of Tracer/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 fall 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 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. Tracers recruited in lower scale have been absorbed as Asst.Draftsman only after 5 years of experience or by possessing prescribed qualification.

It is therefore, requested that the entry grade for the Tracers/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.

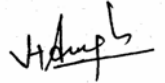
7. Sub:- Provision of all benefits on financial up-grading under MACPS - including entitlements for travel & treatment in hospital etc.

Financial upgradation under MACP Scheme is being granted to the employees at the intervals of 10, 20 and 30 years of regular service. Even though the scheme envisage for placement in the immediate next higher Grade Pay in the hierarchy of the revised pay bands and Grade Pay as per the Revised Pay Rules, 2008, it also states that the financial upgradation cannot happen more than that of regular promotional hierarchy of individual categories and suitable bench marks or selection procedures have to be followed for the upgradation under MACPS. Hence it will be appropriate to provide all benefits attached to the Grade Pay granted through financial upgradation.

It is therefore requested to provide all benefits on financial up-grading under MACPS - including entitlements for travel & treatment in hospital etc.

Thanking You

Yours' faithfully,



**Harchandan Singh,
General Secretary, IRTSA**