

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

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CHAIRMAN,
Railway Board,
Rail Bhavan, New Delhi

Dear Sir,

Subject: Amendments in “The Railway Servants (Hours of Work and Period of Rest) Rules, 2005”–

- i) Classification of Technical Supervisors ‘Continuous’ instead of ‘Excluded’.
- ii) Provision of periodic rest and payment of Over Time Allowance for extra hours worked.
- iii) Redefining of Night Duty from Sunset – (Instead of from 10 PM).
- iv) Inclusion of HRA for calculation of OTA similar to those covered under Factories act (in terms of RBE No. 29/2010 dated 17.02.2010). - Reg

We would like to bring to your kind notice for favorable consideration and necessary action the need for an amendment to the “The Railway Servants (Hours of Work and Period of Rest) Rules, 2005” particularly regarding the classification of Technical Supervisor in Indian Railways.

Railway servants (Hours of Employment) Rule 1961 (HOER) and its revision “The Railway Servants (Hours of Work and Period of Rest) Rules, 2005” places Supervisors in the category of Excluded along with various others.

In both these rules the supervisor is defined as a “*Railway servant who holds a position of responsibility, is employed on duties mainly of a supervisory character and is, from the nature of his work and position, comparatively free to adjust his hours of duty or work during such hours*”.

1. When HOER was promulgated in the 1960s - the posts of Technical Supervisors - particularly in the apex grade, were higher than that of Group B and entry level of Group A Officers. Almost all the open line Sheds, Depots and maintenance facilities were headed by Technical Supervisors (i.e. Foremen, CPWI, CIOW, CSI, CBI & CTXR etc.

2. By the nature of their position, authority, jurisdiction and responsibilities they needed to adjust/extend their duty hours and work (which is multifaceted in nature) during such hours to meet the need of the traffic, production, repair & maintenance, emergency situation etc and hence were placed in the “Excluded” category under HOER. As such the associated benefits by way of position and hierarchy of railway management duly compensated the efforts.

3. But regrettably, subsequent Pay Commissions diluted the supremacy of the cadre of Technical Supervisors vis-à-vis that of the Group B and entry level Group A officers as well as with many other categories which were controlled by them and the implementation of Cadre Restructuring has converted the posts of even the apex grades of Technical supervisors as working posts .

4. As such the provisions of the classification as “Excluded” had become redundant and have no relevance at present. Now almost all the major Depots and Sheds are headed by officers from the rank of Assistant officers to JA Grade. Senior Section Engineers are assigned specific maintenance duties which have direct bearing on safety of train operation and hence need to be protected by specific provision for weekly rest, scheduled duty hours and over time allowance, etc.

5. Assigned with direct time bound responsibilities the nature of their work and position, are not comparatively free to adjust their hours of duty or work during such hours. – the basic premise for having classified their posts as Excluded in the first place.

6. When the HOER 1961 was repealed and replaced with “*The Railway Servants (Hours of Work and Period of Rest) Rules, 2005*”, the classification was not altered with caveat that “*Provided that the Railway servants who on the date of publication of these rules are treated as supervisory under the rules shall continue to be treated as such until the orders specifying the Railway servants or classes of Railway servants as supervisory staff is issued under this sub-rule.*”

7. Though it is eight years since the notification of “*The Railway Servants (Hours of Work and Period of Rest) Rules, 2005*” no order was issued specifying the revised list of Railway servants or classes of Railway servants classified as supervisory .

6. With the functional irrelevance of the classification of Technical supervisors as ‘Excluded’ in the present scenario - the existing provisions are being exploited at many places to harass the Technical Supervisors by denying them periodic rest or privilege leave or permission to leave head quarters or even to attend important domestic needs and social obligations. They are even called back not only from sanctioned leave but even from sick bed and many a times even denied commutation of Leave (LAHP) on medical grounds. All this is causing not only much hardship and frustration but also tantamount to exploitation under the age old provisions of HOER 1961.

7. It is, therefore, requested that

i) All the Technical Supervisors - (i.e. Junior Engineers (JEs) and Senior Section Engineers (SSEs) in the departments of Mechanical, Electrical, Civil Engineering and Signal & Telecommunication)- may please be classified as “*Continuous*” (and not as “*Excluded*”) –in the interest of Safety, efficiency and effective quality control on the Railways – keeping in view their nature of Duties and Responsibilities.

ii) There should be statutory provision for periodic rest for the Technical Supervisors (JEs & SSEs) on Railways;

iii) Night duty should means employment during any part of the night from 08.00 pm to 06.00 am – as the impact of night hazards start after Sunset. Employment of railway servant on continuous night duty should be avoided.

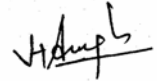
iv) a) All railway workers governed by Hours of Employment Regulations – including Technical Supervisors (JEs & SSEs) - should be paid Over Time

Allowance at double the rate of wages for extra hour(s) put in after working for 48 hours in a week or for more than 8 hours in a day.

b) The 'Ordinary rate of pay', for the purpose of computation of rates of OTA (Over Time Allowance) should include HRA similar to those covered under Factories act (in terms of RBE No. 29/2010 dated 17.02.2010).

Thanking You,

Yours' faithfully,



**Harchandan Singh,
General Secretary, IRTSA**

Encl: i) Existing Provisions & Proposed Changes in "The Railway Servants (Hours of Work and Period of Rest) Rules, 2005"

Existing Provisions & Proposed Changes in
“The Railway Servants (Hours of Work and Period of Rest) Rules, 2005”

<u>Sl No</u>	<u>Existing Provisions</u>	<u>Proposed Changes</u>
<u>1</u>	<p><u>Part II. 5.1</u> The Ministry of Labour shall, by order in writing, specify the railway servants or classes of Railway servants who shall be treated as supervisory staff under sub-clause (iv) of clause (c) of section 130 on the ground that the Railway servant holds a position of responsibility, is employed on duties mainly of a supervisory character and is, from the nature of his work and position, comparatively free to adjust his hours of duty or work during such hours : Provided that the railway servants who on the date of publication of these rules are treated as supervisory staff under these rules shall continue to be treated as such until the orders specifying the railway servants or classes of railway servants as supervisory staff is issued under this sub-rule.</p>	<p>Technical Supervisors (i.e. Junior Engineers & Senior Section Engineers) on the Railways should not be classified as Supervisory.</p> <ul style="list-style-type: none"> • Subsequent to implementation of various Pay commissions Cadre Restructuring committee recommendations , they are assigned with direct time bound responsibilities and the nature of their work and position, are not comparatively free to adjust their hours of duty or work during such hours. – The basic premise for having classified their posts as Supervisory in HOER 1961.
<u>2</u>	<p><u>Part II. 7.1</u> Continuous : All employments of Railway servants except those excluded from the purview of the Hours of Employment Regulations are assumed to be `Continuous'. Thereafter, on the basis of factual job analysis, the employment ma. be classified either as 'intensive' or 'essentially intermittent', as the case may be</p>	<p>Technical Supervisors (i.e. Junior Engineers & Senior Section Engineers) on the Railways should be classified as “Continuous”) – in the interest of Safety, efficiency and effective quality control – keeping in view their nature of Duties, Responsibilities and need for continuous intensive supervision for safety of trains and passengers.</p>
<u>3</u>	<p><u>Part I. 2 (b)</u> `full-night' means the period between 10.00 p.m. and 6.00 a.m.</p>	<p>Night duty should means employment during any part of the night from 08.00 pm to 06.00 am– as the impact of night hazards start after Sunset.</p>

<p>4</p>	<p><u>Part I. 2 (d)</u> 'Ordinary rate of pay' includes- (I) pay as defined in rule 1303 (F.R. 9) of the Indian Railway Establishment Code Volume-11 (1990 Edition) and includes element of running allowance to the extent of 30 per cent of basic pay in the case of running staff as defined in Rule 1507 of the aforesaid Code, (ii) Dearness Allowance, Additional Dearness Allowance and Dearness Pay, if any, and (iii) Compensatory (City) Allowance</p>	<p>'Ordinary rate of pay' includes- (I) pay as defined in rule 1303 (F.R. 9) of the Indian Railway Establishment Code Volume-11 (1990 Edition) and includes element of running allowance to the extent of 30 per cent of basic pay in the case of running staff as defined in Rule 1507 of the aforesaid Code, (ii) Dearness Allowance, Additional Dearness Allowance and Dearness Pay, if any, and (iii) Compensatory (City) Allowance (iv) House Rent Allowance</p>
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