**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,**

**CHANDIGARH BENCH, CHANDIGARH.**

**O.A.NO: 211/Pb OF 2014**

Indian Railways Technical Supervisors Association (IRTSA) & others

...Applicants

**Versus**

UNION OF INDIA & OTHERS ....Respondents

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Dated 05.03.2014

Chandigarh (**S.P.GARG) & (SANJEEV MANRAI) Advocates**
Counsel for the Applicants

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,**
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**LIST OF EVENTS**

That all the applicants are identically situated and are affected by the same order dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**) whereby on Classification of posts under Railway Services consequent upon introduction of Railway Services [Revised Pay] Rules, 2008, after implementing Sixth Central Pay Commission recommendations – granting Group-B (Gazetted) status to the posts carrying the Grade Pays Rs.5400 and Rs.4800 in the scale of pay of Rs.9300-34800 in Pay Band – 2; And retaining the Posts in Grade Pay of Rs.4600 in Group C along with all those in lower Grade Pays. The applicants joined on various posts in different discipline as is evident from the perusal of the chart appended as **Annexure A-17** showing their names, father's name, their designation, qualifications, the dates of appointment, dates from which working in the Grade Pay of Rs. 4600/- & their residential addresses. The facts are common to the applicants.

That as per Third Pay Commission Report, it was recommended that the posts having maximum of the pay-scale not less than Rs.900 but less than Rs.1300 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by the Department of Personnel & Training (DOP&T) to that effect. The section of the members of applicant No.1 Association (who were then designated as Foremen in the 3rd CPC scale of Rs.840-1040 and Assistant Foremen in 3rd CPC scale of Rs.700-900 - fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

That the Fourth Pay Commission recommended that the posts having maximum of the pay-scale not less than Rs.2900 but less than Rs.4000 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by the Department of Personnel & Training (DOP&T) to that effect. Senior members of applicant No.1 Association (who were then designated as Shop Superintendents / Foremen and Deputy Shop Superintendent / Assistant Shop Superintendents / Assistant Foremen etc. were placed in grade of Rs.2375-3500 and Rs.2000-3200 – and as such fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

21.2.1992

That since the Respondent No. 1 wrongly implemented orders of DOP&T even on the recommendations of Fourth Pay Commission; the Applicants - Indian Railways Technical Supervisors Association - preferred an original application (OA 836/1989) before the Principal Bench New Delhi of this Hon'ble Tribunal for granting Group-B Gazetted status as per orders of DOP&T. That original application was decided by the Hon'ble Tribunal vide order dated 21.2.1992 by giving directions that: -

> "In view of above, we direct the respondents to consider the question of classification so as to do away with the anomaly of the type indicated above. Consequently, it is directed that the respondents re-consider the matter of placing the members of the association in the grade of Rs.2000-3200 and Rs.2375-3500 in Group 'B' as has been done in the case of other Government servants like the Accounts Officers (Rs.2375-3500) in Railway and Stenographers Grade Rs.2000-3200 in the Central Secretariat in the same scales within a period of four months from the date of receipt of a copy of this judgment. With these observations the O.A. stands disposed of finally. There shall be no order as to costs."

27.4.1992

That, the Respondents, did not implement the above cited orders of Principal Bench of CAT, New Delhi by removing the said Anomaly, but only informed the Applicant through a letter dated 27.4.1992, that the Ministry of Railways had considered the direction of the

PB CAT, New Delhi and rejected the claim of applicants for grant of Group-B Gazetted status in the scale of Rs.2000-3200 and Rs.2375-3500. The Respondents in their said letter - reiterated the same arguments which had already been rejected by the CAT, New Delhi in their judgment in the above said OA 836/1989, and mainly on the ground that the conditions on the Railways were different; but did not specify as to what the difference was and as to how it was justified to deny the Group B status to the Applicants or as to how the purported difference if any, could justify classification of said posts in Group-C and not in Group-B.

That as per orders of DOP&T issued after the Fifth Pay Commission, the following grades were declared for Group-B category:-

"A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500".

That even after the issue of the said orders of DOP&T issued after implementation of Fifth Pay Commission Report, the posts of members of applicant No.1 association were still classified in Group C by the Railways and not in Group B by the Respondent No. 1 even though placed on the in scale of Rs.6500-10500 & Rs. 7450-11500 and even though they were entitled to

be classified in Group B as per above said criteria laid down by the DOP&T.

That as per Sixth Pay Commission, the following posts were declared to be classified in Group-B:-

"A Central Civil post carrying the following grade pays :-

Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band 2 will be classified as Group B."

09.04.2009

That the Gazette of India (Extraordinary) S.O.946(E) by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009 (**Annexure 1)** classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band – 2 as Group-B.

08.01.2010

That the notification dated 09.04.2009 has been wrongly implemented in Railways – in so far as all posts in the Grade Pay of Rs.4200 and Rs.4600 have been classified in Group C – on the Railways vide Railway Board's letter No: PC.VI/2009/I/RSRP/4 dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**) on Classification of posts under Railway Services.

09.08.2010

That State Governments which followed the Sixth Central Pay Commission recommendations have also followed the DOPT order in regard to classification of posts – as apparent from Gazete No.36, dated 09.08.2010 of Government of Tamilnadu is placed as **Annexure A-8(i),** Part of notification issued by Government of Nagaland is placed as **Annexure A-8(ii)** and Part of notification issued by Government of Orissa is placed as **Annexure A-8(iii)**. All Departments of Government of India including Ministry of Defence (except Railways) have implemented the DOP&T's order and upgraded/ classified the posts in the Grade Pay of Rs.4600 to Group-B Gazetted and Ministry of Defence granted Group-B (non-Gazetted) to the Junior Engineers (JE) in the grade pay of Rs.4200. *(Highlights of recommendations of Pay Commission on classification of posts placed in* **Annexure A-10***).* The recommendations of Pay Commissions and orders issued by DOP&T thereon - on classification of post in all Government departments - is absolutely based on the Pay Scale / Grade Pay and no other criteria were neither recommended by Pay Commissions nor mentioned in the orders issued by DOP&T on classification of posts in Government service.

25.10.2010

That CPWD in Sl.No.1 of Office Memorandum No. 12/30/2009-EC.IV(SC), dated 25th October, 2010 (copy placed as **Annexure A-5**) has clarified that the DOP&T notification dated 9.4.2009, cited above, has to be implemented in toto.

01.01.2011

That CPWD, MES and Departments of Posts & Telecommunication have all classified the posts in Grade Pay Rs.4600 as Group B Gazetted and posts of Junior Engineer in Grade Pay of Rs.4200 as Group-B Non-gazetted. (Part of SSC selection notification is mentioned in **Annexure A-7 of this OA**).

18.01.2011

That Ordnance Factory Board, Ministry of Defence vide its Authority: M of D ID No. PC 34 (19)/08/D (Fy-II) dated 18.01.2011 (copy placed as **Annexure A-4**) has granted Group-B Gazetted status to all Foremen & AFO in the Grade Pay of Rs.4600 (pre-revised scale of Rs.6500-10500 & Rs.7450-11500).

16.11.2011

That DGQA (Director General of Quality Assurance), Department of Defence Production, vide its notification A/92163/VICPC/DGQA/Adm-7B, dated 9.11.2011 & S.R.O 69, dated 16.11.2011 (copy placed as **Annexure A-6**) have classified Junior Technical Officer (Scientific),

Scientific Assistant, Assistant Foreman & Chief Draftsman in the Grade Pay of Rs.4600 as Group-B Gazetted.

22.10.2012

That, in spite of repeated representations by the Applicant no.1, Railways have turned down the demand to classify the posts of the Applicants in Grade of Rs.4600 in Group B as per Orders of the DOP&T and at par with other Central Government departments – on the plea that the conditions on the Railways were different – without specifying as to what that difference is to justify this discrimination; and ignoring altogether the fact that the orders of DOP&T did not provide for any other aspect to be taken into consideration except that of the Pay Scale / Grade Pay to be the deciding factor for the Classification of Posts under the Central Government – of which Railways was an integral part. Railway Board decisions and reply to RTI regarding decision on the Representations in this regard is placed as **Annexure, A-13.**

25.08.2009 to 10.9.2013

That the 1st applicant submitted numerous Memorandums on the subject for getting a redressal for this anomaly - including the memorandum No: IRTSA/ Memorandum/23-2011, dated 29.12.2011, submitted to Honourable Minister for Railways with copies to Chairman, Member Staff, Member Mechanical, Member

Engineering, Member Electrical, Additional Member / Staff, Additional Member / IR and Secretary (Estt), Railway Board, Rail Bhavan, New Delhi. (Copy of memorandum No IRTSA/Memorandum/23-2011, dated 29.12.2011 along with other various representations are enclosed as **Annexure A-14** collectively with this original Application).

14& 15.11.2013

That the Central General Body (CGB) Meeting of the "Indian Railways Technical Supervisors Association" (IRTSA) was held on 14th & 15th November, 2013, and after careful consideration of all facts, adopted the following Resolution that a Court Case be filed (within a period of 3 months) in CAT Chandigarh for classification of Posts of Senior Section Engineers (SSE), Chemical & Metallurgical Superintendent (CMS), Chief Depot Material Superintendent (CDMS) and Senior Engineer/IT - in Group B Gazetted on the Railways as per DOP&T Orders."

05.03.2014

Hence this O.A.

Dated 05.03.2014

Chandigarh (**S.P.GARG) & (SANJEEV MANRAI) Advocates**
Counsel for the Applicants

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,**

**CHANDIGARH BENCH**

**O.A.NO: 211/Pb OF 2014**

1. Indian Railways Technical Supervisors Association (IRTSA), Rep. by its General Secretary Harchandan Singh, R/o 32, Phase 6, Mohali-160055.

2. Darshan Lal, S/o Shri Mehar Chand, Aged 50 years, Working President IRTSA, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala - 144602 Resident of 148-A,Type-IV,RCF Colony, Kapurthala, 144602.

3. K.V.Ramesh S/o. Shri. K.Veerachamy, Aged 45 years, Senior Joint General Secretary, IRTSA Working as Senior Section Engineer, Integral Coach Factory, Chennai -600 049. Resident of G3-Likit Homes, 3-Lakshmanan Nagar,West Street, Peravallur, Chennai-600 082.

4. Bihari Lal S/o Shri Jagat Ram, Aged 51 years, Working as Senior Section Engineer(SHELL), Rail Coach Factory, Kapurthala, Resident of 96-B, DS, Type-IV, RCF Colony, Kapurthala.

5. Kanwal Jeet S/o Shri Lala Ram, Aged about 50 years, Working as Senior Section Engineer(MW), Rail Coach Factory, Kapurthala, Resident of 96-C, DS, Type-IV, RCF Colony, Kapurthala.

6. Surjit Singh S/o Shri Rameshwer Singh, Aged 49 years, Working as Senior Section Engineer(MW), Rail Coach Factory, Kapurthala.

7. Sanjay Kumar Mehta S/o Shri Sant Lal Mehta, Aged 51 years, Working as Senior Section Engineer(MW), Rail Coach Factory, Kapurthala.

8. Balwinder Singh S/o Shri Didar Singh, Aged 57 years, Working as Senior Section Engineer(MW), Rail Coach Factory, Kapurthala.

9. Ram Bachan Yadav S/o Shri Bhulan Prasad Yadav, Aged 51, Working as Senior Section Engineer(MFG), Rail Coach Factory, Kapurthala.

10. Varinder Singh S/o Shri Sucha Singh, Aged 53 years, Working as Senior Section Engineer(FURN), Rail Coach Factory, Kapurthala.

11. Haider Ali Khan S/o Shri Mustaquim Khan, Aged 53 years, Working as Senior Section Engineer(FURN), Rail Coach Factory, Kapurthala.

12. Arvind Kumar Singh S/o Shri Arjun Parsad Singh, Aged 52 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.

13. Manoranjan Prasad S/o Shri Bishnu Kumar Das, Aged 52 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.

14. Deepak Kumar S/o Shri Ram Sarup, Aged 52 years, Working as Senior Section Engineer(SHELL), Rail Coach Factory, Kapurthala.

15. Rajesh Taneja S/o Shri Hans Raj, Aged 49 years, Working as Senior Section Engineer(SHELL), Rail Coach Factory, Kapurthala.

16. Tarlochan Singh S/o Shri Piara Singh, Aged 46 years, Working as Senior Section Engineer(DESIGN), Rail Coach Factory, Kapurthala.

17. Gurinder Pal Singh S/o Shri Tej Pal Singh, Aged 48 years, Working as CI, Rail Coach Factory, Kapurthala.

18. G.P.S. Chauhan S/o Shri Dashmer S Chauhan, Aged 54 years, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala.

19. Harmesh Kumar S/o Shri Megh Raj Goyal, Aged 49 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.

20. Kamal Kumar S/o Shri Gian Chand, Aged 49 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.

21. Sandeep Kumar S/o Shri Sant Ram, Aged 43 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.

22. Harinder Singh S/o Shri Harbhajan Singh, Aged 44 years, Working as CDMS, Rail Coach Factory, Kapurthala.

**Applicants**

**Versus**

1. Union of India through its Secretary, Ministry of Railways, Government of India, Railway Board, Rail Bhawan, New Delhi -110 001.

2. Secretary, Ministry of Personnel and Training, Government of India, North Block, New Delhi -110 001

3. General Manager, Rail Coach Factory, Hussainpur, Kapurthala - 144602.

**... Respondents**

**Application under section 19 of the Administrative Tribunals Act, 1985** as amended till date for quashing orders dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**).

AND

For issuance direction to the respondents that the posts of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er. /IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 – be classified as Group-B (Gazetted) as per "The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009" as implemented in many departments of Union of India; And at par with their counterparts in Central Government Departments – including Ordnance Factories, CPWD, MES and Telecommunication etc.

AND

Any other order or direction to which the applicants are found to be entitled in law and equity may kindly be issued / passed in their favour.

RESPECTFULY SHOWETH :-

1. PARTICULAR(S) OF ORDER(S) AGAINST / FOR WHICH THE APPLICATION HAS BEEN MADE:

a) The present O.A. is being preferred against non / wrong implementation on the Railways of The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel , Public Grievances and Pensions , on 9th April 2009 (**Annexure A-1**) classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the Pay Band-2 of Rs.9300-34800 as Group-B (Gazetted).

b) Against the Railway Board's letter No: PC.VI/2009/I/RSRP/4 dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**) on Classification of posts under Railway Services consequent upon introduction of Railway Services [Revised Pay] Rules, 2008, after implementing Sixth Central Pay Commission recommendations – granting Group-B (Gazetted) status to the posts carrying the Grade Pays Rs.5400 and Rs.4800 in the scale of pay of Rs.9300-34800 in Pay Band – 2; And retaining the Posts in Grade Pay of Rs.4600 in Group C along with all those in lower Grade Pays.

c) Against wrong implementation of recommendations of Third, Fourth & Sixth Pay Commissions and orders issued by DOP&T thereafter, classifying the posts - in Group-B (Gazetted) - carrying the pay scale of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman

and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er. /IT (Senior Engineer / Information Technology).

d) For issuance of directions to the respondents to revise the impugned orders (**Annexure A-2**) and to classify the posts of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er./IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 as Group-B (Gazetted), in accordance with the Orders of DOP&T (**Annexure A-1**) and to maintain parity with respect to all other departments of union of India.

2. JURISDICTION:

The applicants declare that the subject matter of the order(s) against / for which the application has been made is within the jurisdiction of this Hon'ble Tribunal. The applicants further declare that the Central Head Quarters of Applicant No. 1 is at SAS Nagar (Mohali) and applicants (applicants 2 & 4 to 22) are presently posted at Rail Coach Factory, Hussainpur, Kapurthala and hence, the matter falls under the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The applicants further declare that the application is within the limitation period as prescribed in section 21 of the Administrative Tribunals Act, 1985 as the non / wrong implementation on the Railways of The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel, Public Grievances and Pensions , on 9th April 2009 (**Annexure A-1**) classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the Pay Band-2 of Rs.9300-34800 as Group-B (Gazetted) is a continuing injustice causing serious loss of status, promotional avenues and perks to the Applicants and impediment in effective discharge of their Duties and responsibilities.

4. FACTS OF THE CASE :

In brief, the facts of the case are as under:-

(1) A) That the applicant No. 1. - "Indian Railways Technical Supervisors Association" (**IRTSA** for short) is a Registered Association (with its Head office at Chandigarh/Mohali) representing nearly 50,000 Technical Supervisors on the Railways working as Junior Engineers, Senior Section Engineers, Chemical and Metallurgical Assistant, Chemical and Metallurgical Superintendent, Depot Material Superintendent, Chief Depot Material Superintendent, Senior Engineer / IT etc. in various Departments of Indian Railways and is espousing their cause.

B) That the said Association as Applicant No. 1, is represented by its General Secretary Harchandan Singh, Working President Darshan Lal as Applicants no. 2 and Senior Joint General Secretary K. V. Ramesh as Applicant No. 3 - as authorized by the Central Executive Committee (CEC) of the above Association to file the present O.A. & the requisite Affidavit(s) in CAT Bench at Chandigarh, in the said case, on behalf of Indian Railways Technical Supervisors Association (IRTSA). A copy of resolution by CEC, IRTSA authorizing Harchandan Singh, General Secretary IRTSA, Darshan Lal Working President / IRTSA and K.V.Ramesh, Senior Joint General Secretary/IRTSA to file the case in the context on behalf of the said Association, is enclosed as **Annexure A-3** to this Original Application.

C) Applicants no. 4 to 22 are member of the above Association and are effected and aggrieved persons with others.

d) That the applicants joined on various posts in different discipline as is evident from the perusal of the chart appended as **Annexure A-17** showing their names, father's name, their designation, qualifications, the dates of appointment, dates from which working in the Grade Pay of Rs. 4600/- & their residential addresses.

e) That all the applicants are identically situated and are affected by the same order dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**) whereby on Classification of

posts under Railway Services consequent upon introduction of Railway Services [Revised Pay] Rules, 2008, after implementing Sixth Central Pay Commission recommendations – granting Group-B (Gazetted) status to the posts carrying the Grade Pays Rs.5400 and Rs.4800 in the scale of pay of Rs.9300-34800 in Pay Band – 2; And retaining the Posts in Grade Pay of Rs.4600 in Group C along with all those in lower Grade Pays. The facts are common to the applicants.

2. That as per Third Pay Commission Report, it was recommended that the posts having maximum of the pay-scale not less than Rs.900 but less than Rs.1300 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by the Department of Personnel & Training (DOP&T) to that effect. The section of the members of applicant No.1 Association (who were then designated as Foremen in the 3rd CPC scale of Rs.840-1040 and Assistant Foremen in 3rd CPC scale of Rs.700-900 - fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

3. That the Fourth Pay Commission recommended that the posts having maximum of the pay-scale not less than Rs.2900 but less than Rs.4000 be classified in Group 'B'. These recommendations had been accepted by the Government and orders to that effect were inter-alia issued by the Department of Personnel & Training (DOP&T) to that effect. Senior members of applicant No.1 Association (who

were then designated as Shop Superintendents / Foremen and Deputy Shop Superintendent / Assistant Shop Superintendents / Assistant Foremen etc. were placed in grade of Rs.2375-3500 and Rs.2000-3200 – and as such fulfilled the said criterion for grant of Group-B status but were denied the same and retained in Group C.

4. That since the Respondent No. 1 wrongly implemented orders of DOP&T even on the recommendations of Fourth Pay Commission; the Applicants - Indian Railways Technical Supervisors Association - preferred an original application (OA 836/1989) before the Principal Bench New Delhi of this Hon'ble Tribunal for granting Group-B Gazetted status as per orders of DOP&T. That original application was decided by the Hon'ble Tribunal vide order dated 21.2.1992 by giving following directions: -

> "In view of above, we direct the respondents to consider the question of classification so as to do away with the anomaly of the type indicated above. Consequently, it is directed that the respondents re-consider the matter of placing the members of the association in the grade of Rs.2000-3200 and Rs.2375-3500 in Group 'B' as has been done in the case of other Government servants like the Accounts Officers (Rs.2375-3500) in Railway and Stenographers Grade Rs.2000-3200 in the Central Secretariat in the same scales within a period of four months from the date of receipt of a copy of this judgment. With these observations the O.A. stands disposed of finally. There shall be no order as to costs."

Copy of order dated 21.2.1992 passed by Central Administrative Tribunal, Principal Bench in O.A. No.836/1989, is filed as **Annexure A-9.**

5. That, the Respondents, did not implement the above cited orders of Principal Bench of CAT, New Delhi by removing the said Anomaly, but only informed the Applicant through a letter dated 27.4.1992, that the Ministry of Railways had considered the direction of the PB CAT, New Delhi and rejected the claim of applicants for grant of Group-B Gazetted status in the scale of Rs.2000-3200 and Rs.2375-3500. The Respondents in their said letter - reiterated the same arguments which had already been rejected by the CAT, New Delhi in their judgment in the above said OA 836/1989, and mainly on the ground that the conditions on the Railways were different; but did not specify as to what the difference was and as to how it was justified to deny the Group B status to the Applicants or as to how the purported difference if any, could justify classification of said posts in Group-C and not in Group-B.

6. That as per orders of DOP&T issued after the Fifth Pay Commission, the following grades were declared for Group-B category:-

> "A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500".

7. That even after the issue of the said orders of DOP&T issued after implementation of Fifth Pay Commission Report, the posts of members of applicant No.1 association were still classified in Group C by the Railways and not in Group B by the Respondent No. 1 even though placed on the in scale of

Rs.6500-10500 & Rs. 7450-11500 and even though they were entitled to be classified in Group B as per above said criteria laid down by the DOP&T.

8. That as per Sixth Pay Commission, the following posts were declared to be classified in Group-B:-

> "A Central Civil post carrying the following grade pays :-
>
> Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band 2 will be classified as Group B."

9. That The Gazette of India (Extraordinary) S.O.946(E) by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009 (**Annexure 1)** classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band – 2 as Group-B has been wrongly implemented in Railways – in so far as all posts in the Grade Pay of Rs.4200 and Rs.4600 have been classified in Group C – on the Railways vide Railway Board's letter No: PC.VI/2009/I/RSRP/4 dated 08.01.2010 [RBE No.05/2010] (**Annexure A-2**) on Classification of posts under Railway Services.

10. That Ordnance Factory Board, Ministry of Defence vide its Authority: M of D ID No. PC 34 (19)/08/D (Fy-II) dated 18.01.2011 (copy placed as **Annexure A-4**) has granted Group-B Gazetted status to all Foremen & AFO in the Grade Pay of Rs.4600 (pre-revised scale of Rs.6500-10500 & Rs.7450-11500).

11. That CPWD in Sl.No.1 of Office Memorandum No. 12/30/2009-EC.IV(SC), dated 25th October, 2010 (copy placed as **Annexure A-5**) has clarified that the DOP&T notification dated 9.4.2009, cited above, has to be implemented in toto.

12. That DGQA (Director General of Quality Assurance), Department of Defence Production, vide its notification A/92163/VICPC/DGQA/Adm-7B, dated 9.11.2011 & S.R.O 69, dated 16.11.2011 (copy placed as **Annexure A-6**) have classified Junior Technical Officer (Scientific), Scientific Assistant, Assistant Foreman & Chief Draftsman in the Grade Pay of Rs.4600 as Group-B Gazetted.

13. That CPWD, MES and Departments of Posts & Telecommunication have all classified the posts in Grade Pay Rs.4600 as Group B Gazetted and posts of Junior Engineer in Grade Pay of Rs.4200 as Group-B Non-gazetted. (Part of SSC selection notification is mentioned in **Annexure A-7 of this OA**).

14. That State Governments which followed the Sixth Central Pay Commission recommendations have also followed the DOPT order in regard to classification of posts – as apparent from Gazete No.36, dated 09.08.2010 of Government of Tamilnadu is placed as **Annexure A-8(i),** Part of notification issued by Government of Nagaland is placed as **Annexure A-8(ii)** and Part of notification issued by Government of Orissa is placed as **Annexure A-8(iii)**.

15. That, the Recommendations of previous Pay Commissions and the orders issued thereon by DOP&T for classification of posts have not been implemented by the Ministry of Railways.

a) Third Commissions had recommended that the posts having maximum of the pay-scale not less than Rs.900 but less than Rs.1300 should be classified in Group-B.

b) Fourth Commissions had recommended that the posts having maximum of the pay-scale not less than Rs.2900 but less than Rs.4000 should be classified in Group-B.

c) The Government / DOP&T had accepted the above recommendations of 3rd & 4th Pay Commissions and issued the orders accordingly. All other Departments implemented the orders – except the Railways. Accordingly, the Senior Technical Supervisors (then designated as Foremen/Shop Superintendent and Assistant Foremen/Deputy (Assistant) Shop Superintendent on the Railways continued to be deprived of the Group B status – even though placed in higher scales of Rs.840-1040 / Rs.840-1200 (after 3rd CPC) and Rs.2375-3500 (after the 4th CPC).

d) Even though Fifth pay commission recommended different type of classification of staff, DOP&T vide letter no 13012/1/98/Estt. (1) dated 20/04/1998 and letter no 13012/1/98 Estt 911 dated 12/06/1998 instructed that the posts with the pay scale in which maximum of pay scale is not less than Rs.9000 but less than Rs.13500 be classified in

Group-B. Even these orders of DOP&T were also not implemented on the Railways.

e) Sixth Pay Commission in Para 2.2.8 had recommended, "Four distinctive running Pay Bands – one running Pay Band for all categories of employees. Posts in the scale of Rs.5000-8000 (Grade Pay Rs.4200) have, as a result of delaying and elongation of certain scales, been placed in Group-B.

f) Government of India accepted the recommendations of Sixth Pay Commissions and directed all Departments vide DOP&T *S.O.946(E)*, dated 9th April 2009 that the posts in the scale equal to the Grade Pay of Rs.4200, Rs.4600, Rs. 4800 & Rs.5400 be classified in Group-B Gazetted.

16, All Departments of Government of India including Ministry of Defence (except Railways) have implemented the DOP&T's order and upgraded/ classified the posts in the Grade Pay of Rs.4600 to Group-B Gazetted and Ministry of Defence granted Group-B (non-Gazetted) to the Junior Engineers (JE) in the grade pay of Rs.4200. *(Highlights of recommendations of Pay Commission on classification of posts placed in* **Annexure A-10***).*

17. That the recommendations of Pay Commissions and orders issued by DOP&T thereon - on classification of post in

all Government departments - is absolutely based on the Pay Scale / Grade Pay and no other criteria were neither recommended by Pay Commissions nor mentioned in the orders issued by DOP&T on classification of posts in Government service.

18. That the Railway Accident Inquiry Committees (RAIC) had recommended for upgrading of Senior Supervisors to Group-B Gazetted so as to have the status and powers to ensure Safety and discipline on the Railways. RRC (Railway Reforms Committee) had recommended that a Diploma Holder (joining as Junior Engineer) should be able to get promoted to Junior Administrative (JA) Grade in their service within span of 30 years – with 5 years to spare at the highest level. But it is unfortunate that the Railways did not accept either the recommendations of the Railway Accident Inquiry Committees or the Railway Reforms Committee. Part of recommendations of Justice K. N. Wanchoo is placed as **Annexure A-11.**

19. That due to issuance of Annexure A-2, the Technical Supervisors / Supervising Engineers in Indian Railways have negligible chance of promotions. In the entire service span majority of Technical Supervisors are not able reach even the base level of Group-B Gazetted posts. Absence of career planning, sluggish promotional avenue and lack of any motivation or incentive has resulted in widespread frustration amongst them.

(a) That majority of Technical Supervisors / Supervising Engineers on the Railways – *including Senior Section Engineers (SSEs), Chemical & Metallurgical Superintendents (CMS), Chief*

*Depot Material Superintendents (CDMS) & Senior Engineer / Information Technology (Sr.Er/IT)* - retire in the supervisory cadre itself with just one promotion (from JE to SSE) and not even one promotion in the entire career in case of Direct recruited Engineering Graduates who are inducted as SSE on the Railways - in-spite of vast experience and expertise even though they can be valuable assets to the administration as Gazetted officers.

JE/CMA/DMS on Railways – are recruited with Diploma in Engineering / (B.Sc. in case of CMA – Chemical & Metalurgical Assistants) as recruitment qualification and one year induction training but get only one promotion in their entire career.

(b) That, Technical Supervisors is the only category on the Railways, which gets just one promotion in their entire career after joining as J.Es. (Junior Engineers) & DMS (Depot Material Superintendent) with 3 years Diploma in Engineering /(B.Sc in case of CMA – Chemical & Metalurgical Assistants) as recruitment qualification & 1 year induction Training.

(c) Those joining as SSE (Senior Section Engineers) CMS, CDMS & Sr. Er./IT with Engineering Degree (B.E. / B. Tech) and 1 year induction training, are the worst off on the Railways as they do not get even one promotion in their entire career of 30 to 35 years on the Railways. SSE/CMS/CDSM – are recruited with Engineering Degree B.E./ M.Sc. recruitment qualification and one year induction training, have to rot in the entry grade without any promotional chance.

20. That the ratio of Group A & B Gazetted officers viz-a-viz Group C are the lowest on the Railways as compared to all other Departments under the Central Government – in spite of an essential need for higher level of Supervision and intensive management required on the Railways to ensure safety and efficiency on the Railways due to all the modernization & upgradation of technology on the Railways and introduction of Superfast trains.

B) As per para (4) in the highlights of the census of Central Government Employees published by Ministry of Lobour and Employment – In Central Government Departments the overall ratio of Gazetted to Non-Gazetted employees is 1:20. In Railways, - the ratio is 1:114. *(Extracts of the census of Central Government Employees published by Ministry of Lobour and Employment is placed as* **Annexure A-12**)

C) The ratio of number of Gazetted to non-Gazetted posts in Ministry of Railways should also be improved on par with other Ministries to fully meet with the job requirements of the posts Technical Supervisors on Railways. This can only be done through up gradation/reclassification of the posts of the Applicants to Group B Gazetted as per orders of the DOP&T on the Railways.

21. That Modified Assured Career Progression Scheme (MACPS) introduced after Sixth Pay Commission, is no substitute for promotion as it does not provide the improvement in status – which is one of the primary requirement for job satisfaction – as per basic principles of Management. The decision of the Railway Board by not granting Group-B Gazetted status to the Senior Technical

Supervisors on Railways is the main cause of dejection and frustration of the entire Technical Supervisor Cadre whose promotional channels in the present pattern is very bleak.

22. That, in spite of repeated representations by the Applicant no.1, Railways have turned down the demand to classify the posts of the Applicants in Grade of Rs.4600 in Group B as per Orders of the DOP&T and at par with other Central Government departments – on the plea that the conditions on the Railways were different – without specifying as to what that difference is to justify this discrimination; and ignoring altogether the fact that the orders of DOP&T did not provide for any other aspect to be taken into consideration except that of the Pay Scale / Grade Pay to be the deciding factor for the Classification of Posts under the Central Government – of which Railways was an integral part. Railway Board decisions and reply to RTI regarding decision on the Representations in this regard is placed as **Annexure, A-13.**

23. That, there is virtually no career planning and hardly any avenues of promotion even till retirement, no new recruits with merit is aspiring to join the Railways as a Technical Supervisor/Supervising Engineer; and many of those who had already joined (unaware of their fate) are very keen to leave the Railways – but are at times held back only due to fear of loosing their benefit of long years of service rendered by them for retirement benefits. This will become a major handicap for the Railways in the future - adversely affecting safety and efficiency on the Railways.

24. That, in view of above facts of the case, classification of posts of SSE (Senior Section Engineer), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er. /IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 as Group-C, instead as of Group-B (Gazetted) is in violation of the principles of natural justice, discriminatory and hence arbitrary and illegal.

25. That the impugned order, and action of respondents in rejecting the genuine claim of the applicants for classification of posts of SSE (Senior Section Engineer), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er./IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 as Group-B (Gazetted) show non-application of mind, violation of Article 39 of the Constitution of India, harsh, arbitrary, in violation of Articles 14 and 16 of the Constitution of India, discriminatory and the impugned action is not tenable in the eyes of law.

26. That, a direction is required to be issued to the respondents to classify the posts of SSE (Senior Section Engineer), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er./IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 as Group-B (Gazetted) at par with their counter parts in other Government Departments.

27. That the 1st applicant submitted numerous Memorandums on the subject for getting a redressal for this anomaly - including the memorandum No: IRTSA/ Memorandum/23-2011, dated 29.12.2011, submitted to Honourable Minister for Railways with copies to Chairman, Member Staff, Member Mechanical, Member Engineering, Member Electrical, Additional Member / Staff, Additional Member / IR and Secretary (Estt), Railway Board, Rail Bhavan, New Delhi. (Copy of memorandum No IRTSA/Memorandum/23-2011, dated 29.12.2011 along with other various representations are enclosed as **Annexure A-14** collectively with this original Application).

28. That the 1st Applicant also passed Resolutions of demands in its All India and Zonal and Local meetings and even in the protest Rallies every year and submitted these said resolutions to the Railway Board for speedy redressal of their grievances - including that in respect of the classification of the Posts of the Applicants in Group B Gazetted. Nothing has happened so far regarding redressal of the said grievance repeatedly projected by the applicant No. 1.

29. That, as the Applicant did not get any reply to any of its Representations and as no relief was provided, the Applicant moved an Application under the RTI (Right to Information Act) 2005, to seek the information about the action taken by the Respondents on their representations.

30. The Respondents have since replied and have again turned down the demand to classify the posts of the Applicants in Grade of Rs.4600 in Group B as per Orders of the DOP&T and at par with other Central Government departments – on the plea that the conditions on the Railways were different – without specifying as to what that difference is to justify this discrimination; and ignoring altogether the fact the orders of DOP&T did not provide for any other aspect to be taken into consideration except that of the Pay Scale / Grade Pay to be the deciding factor for the Classification of Posts under the Central Government – of which Railways was an integral part.

31. That the Central General Body (CGB) Meeting of the "Indian Railways Technical Supervisors Association" (IRTSA) was held on 14th & 15th November, 2013, and after careful consideration of all facts, adopted the following Resolution:-

> "CGB- IRTSA Resolved that a Court Case be filed (within a period of 3 months) in CAT Chandigarh for classification of Posts of Senior Section Engineers (SSE), Chemical & Metallurgical Superintendent (CMS), Chief Depot Material Superintendent (CDMS) and Senior Engineer/IT - in Group B Gazetted on the Railways as per DOP&T Orders."

Copy of the Resolution adopted by the CGB IRTSA is placed at **Annexure A-15** to this Original Application.

The list of members of the 1st Applicant Association is enclosed as **Annexure A-16**.

32. Hence this Original Application.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

That the impugned order, (**Annexure A-2**) is liable to be quashed and set aside on the following grounds inter-alia:-

i). That the impugned order, (**Annexure A-2**) and the action of respondents in rejecting the genuine claim of the applicant are illegal, arbitrary, discriminatory, unreasonable, harsh, violation of Articles 14, 16, 21 and 39 of the Constitution of India and as such is liable to be quashed and set aside, with all the consequential benefits.

ii)a). That as per orders of DOP&T - Respondents placed as **Annexure A-1** Posts in all Ministries under the Central Government in PB 2 & Grade Pay of Rs.4200, Rs.4600, Rs.4800 and Rs. 5400, should be classified in Group B;

b) The said orders of the DOP&T did not provide for any other criteria (except that of the Grade Pays laid down by it) for classifying of Posts under Government of India.

iii). That as per orders of Ministry of Railways – Respondents No. 1, placed at **Annexure A-2** – the Posts on the Railways in PB 2 & Grade Pay of Rs.4200, and Rs.4600, have been classified in Group C on the Railways. This is in contradiction with orders of the nodal Ministry of Government of India i.e. DOP&T.

iv). The posts of the applicants as SSE, CMS, CDMS & Sr.Er/IT in the Grade Pay of Rs.4600, on the Railways have wrongly and unjustly been classified in Group C vide impugned orders of Respondent 2.

v). The Posts in PB 2 & Grade Pay of Rs.4600 in all other Departments have been classified in Group B Gazetted. The Posts in PB 2 & Grade Pay of Rs.4200 in all other Departments have been classified in Group B Non-Gazetted but in the Railways all these Posts have been classified in Group C.

iv). That the ratio of Group A & B Gazetted officers viz-a-viz Group C are the lowest on the Railways as compared to all other Departments under the Central Government – in spite of an essential need for higher level of Supervision and intensive management required on the Railways to ensure safety and efficiency on the Railways due to all the modernization & upgradation of technology in the Railways and introduction of Superfast trains.

vii). That the claim of the applicants is genuine as is apparent from the Gazette of India (Extraordinary) S.O.946(E) by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009 (Annexure A-1) classifying central civil posts carrying the Grade Pays Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band – 2 as Group-B (Gazetted).

viii). That all other departments of Union of India including Ordinance Factory Board, CPWD, DGQA, MES, Department of Posts & Telecommunications and various state Governments have classified the posts by following the DoPT orders.

ix). That, CAT New Delhi in its judgement - *in O.A. No: 835 of 1989,* had held that:-

> *"the existing classification of Senior Technical Supervisors in Group-C as anomalous and had directed the respondents (UOI / MOR) to reconsider the matter for placing the members of the Association in the (then existing) Scales of Rs.2000-3200 and Rs.2375-3500 in Group-B."*

x). That the action of the respondents in classifying the posts of SSE, CMS, CDMS & Sr. Er.(IT) in Railways as Group-C against the recommendations of Pay Commissions & DOP&T orders – is in disregard to the settled law, discriminatory and unreasonable and is in violation of Articles 14 & 16 of the Constitution of India.

xi). That action of respondents shows non-application of mind and there is violation of Articles 14, 16 and 39 of the Constitution of India, is against the law laid down by various courts including Hon'ble Tribunal and the impugned action is not tenable in the eyes of law.

xii). The impugned order issued by respondent No. 2 being discriminatory is liable to be modified / quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicants declare that they have availed of all the remedies available to them under the relevant Service Rules, etc.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter, in respect of which this application has been made challenging the Railway Board letter "RBE No.5/2010, No. PC/VI/2009/I/RSRP/4, dated 08/01/2010" on classification of posts, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT FOR:

In view of the facts and grounds mentioned above, the applicant prays for the following reliefs:-

a. To call for records relating to Railway Board letter "RBE No.5/2010, No. PC/VI/2009/I/RSRP/4, dated 08/01/2010" on classification of posts and to quash the order;

b. To issue direction to the respondents that the posts of SSE (Senior Section Engineer) (previously designated as Asst. Foreman & Foreman and then as Deputy Shop Superintendent & Shop Superintendent), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr. Er. /IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600 – be classified as Group-B (Gazetted) as per "The Gazette of India (Extraordinary) S.O.946(E) issued by Ministry of Personnel , Public Grievances and Pensions issued on 9th April 2009" as implemented in many departments of Union of India; And at par with their counterparts in Central Government Departments – including Ordnance Factories, CPWD, MES and Telecommunication etc.

c. To pass any other order or direction deemed fit and proper in the facts and circumstances of the case;

d. To award costs of the Original Application.

9. INTERIM RELIEF:

Nil

10. Particulars of IPO/Postal Order filed in respect of application fee:

(1) No. of the Indian Postal Order :

(2) Date of issue of Postal Order :

(3) Name of issuing Post Office :

(4) Post Office at which payable :

11. LIST OF ENCLOSURES: As per index

Dated 05.03.2014
Chandigarh Signature of Applicants

Through Counsel

(**S.P.GARG) & (SANJEEV MANRAI) Advocates**
Counsel for the Applicants

VERIFICATION : I, Darshan Lal, S/o. Shri Shri Mehar Chand Aged 50 years, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala – 144602, Resident of 148-A, Type-IV, RCF Colony, Kapurthala, Punjab do hereby verify the contents of para no.1 to 4 and para no.6 to 11 are true to my personal knowledge and para no.5 is believed to be true on the legal advice sought and I have not suppressed any material fact. No part of it is false and nothing material has been kept concealed therein.

Dated 05.03.2014
Chandigarh Signature of Applicant

**Annexure, A-1**

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**
**(Department of Personnel and Training)**
**ORDER**

**New Delhi, the 9th April, 2009**

***S.O.946(E):*** In exercise of powers conferred by the proviso by the to article 309 and clause 5 of article 148 of the constitution read with rule 6 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Department of Personal and Training number S.O.332 (E) dated the 20th day of April, 1998 and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, except as respects things done or omitted to be done before such supersession, the President hereby directs with effect from the date of publication of this order in the Official Gazette, all civil posts under Union, shall be classified as follows:-

| **Sl. No.** | **Description of Posts** | **Classification of Posts** |
|---|---|---|
| 1.a | A Central Civil posts in Cabinet Secretary's scale (Rs.90000-fixed) Apex scale (Rs.80000-fixed) and Higher administrative Grade plus scale (Rs.75500-80000) and | Group-A |
| b | A central Civil post carrying the following grade pays:-<br>Rs.12000, Rs.10000, Rs.8900 and Rs.8700 in the scale of pay of Rs.37400-67000 in Pay Band-4, and Rs,7600, Rs.6600 and Rs.5400 in the scale of pay of Rs.15600-39100 in pay Band-3 | |
| **2** | **A central Civil post carrying the following grade pays:-**<br>**Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in the scale of pay of Rs.9300-34800 in Pay Band-2** | **Group-B** |
| 3 | A central Civil post carrying the following grade pays:-<br>Rs.2800, Rs.2400, Rs.2000, Rs.1900 and Rs.1800 in the scale of pay of Rs.5200-20200 in Pay Band-1 | Group-C |
| 4 | A central Civil post carrying the following grade pays:-<br>Rs.1300, Rs.1400, Rs.1600, Rs.1650 in the scale of Pay of Rs.4440-7440 in 1S scale | Group-D<br>(till the posts are upgraded) |

**Annexure, A-2**

Board's ltr. No. PC.VI/2009/I/RSRP/4 dated 08.01.2010 [RBE No.05/2010]

**Sub: Classification of Railway Services consequent upon introduction of Railway Services [Revised Pay] Rules, 2008.**

In exercise of powers conferred by proviso to Article 309 of the Constitution of India, the President is hereby directs that with effect from the date of issue of these orders, subject to exceptions made in the footnotes below and also subject to such exceptions as Ministry of Railways may, by any general or special orders make from time to time, Railway Service posts shall be classified as follows:

| S.No. | Description of Posts | Classification of posts |
|---|---|---|
| 1[a][b] | A Railway Service post in Apex Scale [ 80000 –fixed], Higher administrative Grade plus scale [.75500-80000] and HAG Scale [.67000-79000]; andA Railway Service post carrying Grade Pay 10000, 8900 and 8700 in Pay Band PB-4 [ 37400-67000] and Grade Pay 7600, 6600 and 5400 in Pay Band PB-3 [15600-39100] but excluding the posts falling in S.No. [2] & [3] below. | Group A<br><br>[Gaz.] |
| 2 | A Railway Service post carrying Grade Pay 5400 and 4800 in Pay Band PB-2 [9300-34800] but excluding the posts falling in S.No.[3] below:<br><br>The posts of Assistant Nursing Officer carrying Grade Pay 5400, Principal/Head Master/ Head Mistress [Secondary /High School & equivalent ] [Basic Grade & Sr. Grade] carrying Grade Pay 5400 /6600 in Pay Band PB-3 [15600-39100] and Non-functional Grade of Group 'B' Gaz. Posts of various organized Railway services & RBSS/RBSSS carrying Grade Pay 5400 in Pay Band PB-3 [15600-39100] will continue to be classified as Group 'B' Gaz.] | Group B<br><br>[Gaz.] |
| 3 | A Railway Service post carrying Grade Pay 4600 and 4200 in Pay Band PB-2 [9300-34800], Grade Pay 2800, 2400, 2000, 1900 and 1800 in Pay Band PB-1 [ 5200-20200]The posts of S.O.[Acs]/Sr. S.O. [Acs], TIA/Sr.TIA and ISA/Sr.ISA [Merged grades] carrying Grade Pay 4800 in Pay Band PB-2 [9300-34800], Nursing Sister carrying Grade Pay 4800 in Pay Band PB-2 [9300-34800], Matron /Chief Matron [Merged Grade] carrying Grade Pay 5400 in Pay Band PB-3 [15600-39100] Primary School Teacher/Trained Graduate Teacher/Post Graduate Teacher and equivalent [Basic/Senior/Selection Grade] carrying Grade Pay 4800/5400/6600 in Pay Band PB-2/PB-3 [9300-34800/15600-39100] will continue to be classified as Group 'C'. | Group C |
| 4 | A Railway Service post carrying Grade Pay 1650, 1600, 1400, 1300 in Pay Band -IS [4440-7440]. | Group D [till the posts are upgraded] |

Notes:
[a] A person placed in higher Grade Pay/ Pay Band under In-situ promotion scheme/ACP/MACP Schemes will continue to retain the classification of his Basic post.

[b] The classification of Non-functional posts, Sr. & Selection Grade posts of Teaching/School Staff will continue to remain the same as applicable to Basic Grade post.

[c] The Assistants of Railway Board Sectt. Service & Personal Assistants of Railway Board Sectt. Stenographers Service will continue to be classified as Group 'B' [Non-Gazetted] as laid down in respective service rules.

[d] If higher classification than that indicated above is presently prescribed for any specific post in the respective service rules, the same shall continue till further orders.

2. Posts created subsequent to date of effect of these orders as specific additions to existing cadres shall have the same classification as posts in the cadre to which they are added.

3. For the purpose of these orders Pay Band, in relation to a post, means the running Pay Bands specified in Part A, Section I, Column 5 of the First Schedule to the Railway Services [Revised Pay] Rules, 2008 & Board's letter No. PC VI/2008/I/RSRP/1 dated 11.09.2008.

4. Accordingly, the President is pleased to direct that Rule 107 of Indian Railway Establishment Code Vol.I [Fifth Edition-1985] shall be amended as in the Advance Correction Slip No. 110 enclosed.

5. This issues with the concurrence of the Finance directorate of the Ministry of Railways.

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**Annexure. A-3**

# INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

*(Estd. 1965, Regd. No.1329, Website http://www.irtsa.net )*


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*(Ph:0172-2228306, 9316131598)*


No:IRTSA/Court case – Group-B/2014 Date:15-11-2013

## RESOLUTION

Central General Body (CGB) and Central Executive Committee (CEC) of Indian Railways Technical Supervisors Association (IRTSA), in their Meetings held at GOC Trichy, after detailed discussions and careful consideration, Resolved that Indian Railways Technical Supervisors Association (IRTSA) must file a Case in the CAT (Central Administrative Tribunal) Chandigarh Bench Chandigarh, for grant of Group-B (Gazetted) status to the posts of SSE (Senior Section Engineer), CMS (Chemical & Metallurgical Superintendent), CDMS (Chief Depot Material Superintendent) and Sr.Er/IT (Senior Engineer / Information Technology) in the grade pay of Rs.4600.

Central General Body (CGB) and Central Executive Committee (CEC) IRTSA resolved to authorize the General Secretary IRTSA Shri Harchandan Singh, Shri K.V.Ramesh, Senior Joint General Secretary (IRTSA) & Shri. DarshanLal Working President (IRTSA) to file the said case in CAT for and on behalf of Indian Railways Technical Supervisors Association (IRTSA), get legal assistance as required by engaging advocate(s), to pay their fee, to file & sign the O.A. along with the requisite Affidavits, application etc., to apply & get certified copies of the order(s), to take such other action in the matter as may be required for the purpose, either collectively under their signatures or by any of them up to the highest court in India.

Attested as true copy

Harchandan Singh
General Secretary IRTSA

Harchandan Singh
General Secretary IRTSA

**Annexure, A-4**

No. 3265/6th CPC/IMPL/2011/A/NG
Government of India
Ministry of Defence
Ordnance Factory Board
10-A, Shaheed Kshudiram Bose Road
Kolkata – 700 001
Dated : 04-02-2011.

1. The Addl. DGOF / OEF Hqrs., Kanpur.
2. The Addl. DGOF / AV Hqrs., Avadi.
3. All Sr. General Managers / General Managers of Ordnance & Ordnance Equipment Factories
4. The Sr. Principal Director, NADP, Ambajhari, Nagpur.
5. All RMCs, RCSs & OFILs
6. The DDGOF / Co-ord, OF Cell, 'G' Block, New Delhi.
7. The DDGOF / OF Cell, Mumbai.
8. The DDGOF / Hqrs., O F Board, Kolkata.

Sub:- 6th CPC implementation – Merger of the Posts of Asstt. Foreman / Foreman / Storeholder in the Pay scale of Rs.6500-10500 and Junior Works Manager in the Pay scale of Rs.7450-11500.

Ref:- Minutes of 1st (2011) Board Meeting, held on 31.01.2011.

.....

Sanction of the competent authority is hereby conveyed for merger of the Post of Asstt.Foreman / Foreman / Storeholder in the Pay scale of Rs.6500-200-10500 (Pre-revised) and the post Junior Works Manager / Technical & Non-Technical in the Pay scale of Rs.7450-225-11500 (Pre-revised) in a single grade of Junior Works Manager / Technical & Non-Technical in the corresponding Pay Band (PB-2) of Rs.9300-34800 with the Grade Pay of Rs.4600 under the provisions of Sub Para (ii), Section I and Para XVIII (3), Section II, Part-B of CDS (RP) Rules, 2008 published vide SRO 21 (E), dated 9th September, 2008.

2. The revised pay structure, Grade pay and common nomenclature of these posts will be as under:-

**TECHNICAL**

| Pre-revised / Before merger | | Revised / After merger | | |
|---|---|---|---|---|
| Name of the post with sanctioned strength | Pre-revised / Existing Pay scale | Pay scale recommended by 6th CPC, as approved by the Govt. | | Name of the post after merger with sanctioned strength |
| | | Pay Band | Grade Pay | |
| Asstt. Foreman (Group 'B' NG) ( 4358 ) | Rs.6500-200-10500 | Rs.9300-34800 (PB-2) | Rs.4600 | Jr. Works Manager/ Technical (Group 'B' – Gezetted) ( 6911 ) |
| Jr. Works Manager/ Technical (Group 'B'- Gezetted) ( 2553 ) | Rs.7450-225-11500 | Rs.9300-34800 (PB-2) | | |

Contd....2.

**NON-TECHNICAL / STORE**

| Pre-revised / Before merger | | Revised / After merger | | |
|---|---|---|---|---|
| Name of the post with sanctioned strength | Pre-revised / Existing Pay scale | Pay scale recommended by 6th CPC, as approved by the Govt. | | Name of the post after merger with sanctioned strength |
| | | Pay Band | Grade Pay | |
| Foreman (NT) / Storeholder (Group 'B' NG) ( 652 ) | Rs.6500-200-10500 | Rs.9300-34800 (PB-2) | Rs.4600 | Jr. Works Manager/ Non-Technical / Store (Group 'B' – Gezetted) ( 783 ) |
| Jr. Works Manager/ Non-Technical / Store (Group 'B'- Gezetted) ( 131 ) | Rs.7450-225-11500 | Rs.9300-34800 (PB-2) | | |

3. Recruitment Rules for the subject posts will be revised accordingly. The effective date of merger will be with effect from 01.01.2006.

4. This issues with the approval of the competent authority.

*( Authority : M of D ID No. PC 34 (19)/08/D (Fy-II), dated 18.01.2011 )*

( S S NASKAR )
Director/NG,
for Director General, Ordnance Factories.

Copy to:-

1. All Members at OFB, Kolkata.
2. Principal Controller of Accounts (Fys), Kolkata.
3. The Secretary, OF Board, Kolkata
4. PPS to DGOF / Chairman, OF Board, Kolkata
5. DDG / Admin
6. DDG / IR
7. All JCM (OFB), Staff Side Members.

**Annexure, A-5**

No.12/30/2009-EC.IV(SC)
Government of India
Directorate General
Central Public Works Department
.....

Nirman Bhavan, New Delhi.
Dated 25 October, 2010.

OFFICE MEMORANDUM

Subject:Clarification for Classification of posts –

The undersigned is directed to refer to Office of SE (Coord.), Co-ordination Circle (Civil), NR, CPWD, New Delhi letter No.9(4)/2010/Coord.Circle (Civil)/EC/2239 & 2240 dated 6th September, 2010 on the subject mentioned above and to clarify the points raised by them as follows :-

| S.No. | Issues involved | Clarification |
|---|---|---|
| 1. | The Directorate have not issued any order for categorization of staff based on DOPT's order dated 09.04.2009 | As the pay of all the officers/officials of CPWD have been revised based on notification issued by the Ministry of Finance, Department of Expenditure on Sixth CPC recommendation, the order regarding classification of posts based on Grade Pay as issued by the DOPT vide its Notification dated 09.04.2009 is to be implemented in toto. No separate order is required to be issued by this Directorate. |
| 2. | As per DOPT's order dated 09.04.2009, the Central Civil post carrying the grade pays of Rs.2800/-, Rs.2400/-, Rs.1900/- and Rs.1800/- in the scale of pay of Rs.5200-20200 in Pay Band-I has been classified as Group 'C' posts. The pre-revised Group 'D' employees which are dealt with this office who have now been placed in PB-I with grade pay of Rs.1800/- but the CGEGIS contribution is being recovered @ Rs.15/-p.m. is | Attention is invited to Ministry of Finance, Department of Expenditure O.M.No.7(1)/EV/2008 dated 10.09.2010 **(copy enclosed)** in which the monthly subscription has been enhanced towards CGEGIS and insurance coverage to the erstwhile Group 'D' employees placed in PB-1 with Grade Pay of Rs.1800 and classified as Group 'C' @ Rs.30/- per month from 1st January of the next calender year i.e. January, 2011. |

.....2/-

**Annexure, A-5 Continued**



| S.No. | Issues involved | Clarification |
|---|---|---|
| | for Group 'D' posts. Similar directions for recovery of raised contribution from pre-revised Group D employees @ Rs.30/- are also sought so that the orders of Govt. of India could be followed. | |
| 3. | All Central Civil Posts carrying the Grade Pays of Rs.5400/-, Rs.4800/-, Rs.4600/- and Rs.4200/- in the Pay Band-2 of Rs.9300-34800 have been classified as Group 'B' post. In CPWD posts like Office Superintendent Grade-II, Head Clerk, Junior Hindi Translator, Junior Engineer (Civil), Draftsman Grade I and II, Stenographer Grade I and II are placed in the grade pay of Rs.4200/- and are required to be treated as Group 'B' as per DOPT's order dated 09.04.2009. But as on date CGEGIS contribution to these categories is being recovered @ Rs.30/- p.m. which is for Group 'C' posts. Keeping in view of this, direction is required in the matter whether all the post carrying the Grade Pay of Rs.4200/- in the Pay Band-2 to be treated as Group B as per DOPT Order and CGEGIS contribution to be recovered @ Rs.60/- p.m.. If yes, then from which date the raised contribution is to be recovered. | As per DOPT's notification dated 09.04.2009, all the posts carrying the Grade Pay of Rs.4200/- in the Pay Band-2 is to be treated as Group B. However, there is no specific instructions issued by the Ministry of Finance, Department of Expenditure about recovery of CGEGIS contribution @ Rs.60/- p.m. and the effective date of such recovery except in the case of Group D staff, as highlighted under S.No.2. The clarification is required to be obtain from Ministry of Finance, Department of Expenditure on this matter. |
| 4. | Whether the pre-revised Group D staff (now placed in PB 1 in the pay scale of Rs.5200-20200 with grade pay of Rs.1800/-) are to be granted different kind of advances (interest free and interest bearing) and other allowances like liveries, washing, cycle or not. And APAR (Annual Performance Appraisal Report) are to be written or not since these Group 'D' employees have not been upgraded to Group 'C' by Directorate till date. | There is no requirement for issue of any order by this Directorate for upgradation of Group 'D' employees to Group 'C'. The order already issued by the DOPT/Ministry of Finance on Sixth CPC recommendation on this matter is to be implemented in toto. However, no order is available for withholding of grant of different kind of advances and |

.....3/-

| S.No. | Issues involved | Clarification |
|---|---|---|
| | | other allowances like liveries, washing, cycle etc. The clarification is required to be obtain from Ministry of Finance, Department of Expenditure on this matter. |

(Kailash Choudhary)
Deputy Director (Admn.)

**Annexure, A-6**

Tele : 23017819

A/92163/VICPC/DGQA/Adm-7B

9 Nov 2009

MINISTRY OF DEFENCE
(DGQA/ADM-7B)

UPGRADATION OF ASSTT FOREMAN, SA-I, AND CHIEF D'MAN-II AND MERGER WITH JTO/JTO(S)/JTO(D)

1. JTO, JTO(S) and JTO(D) in DGQA in the pre-revised pay scale of Rs 7450-11500 are Gp 'B' gazetted posts.

2. As per Min of Defence letter No. A/92163/VIth CPC/DGQA/Adm-7B)/5023/D(QA)/2008 dated 14 Jan 2009, the post of Scientific Asstt Gde-I have been upgraded and redesignated as JTO(S). Similarly, as per Min of Def letter No. A/92163/VIth CPC/DGQA/Adm-7B)/126/D(QA)/2008 dated 22 Jan 2009 the post of Asstt Foreman has been upgraded and merged with JTO and the post of Chief D'Man-II with JTO(D).

3. In view of the above all existing SA-I, Asstt Foreman and Chief D'Man-II of DGQA cadre stand redesignated as JTO(S), JTO and JTO(D) respectively. They may henceforth be issued SLIC authorized to Gp 'B' Gazetted officers as they are now Group 'B' Gazetted Officers.

(KP Thomas)
DDG(Pers)

Security Office
'H' Block
Min of Defence

Copy to :-

Dte of Standardisation

DGQA(Coord)

DGQA/Veh-I/Arm-I/L-I/EE-I/S-I

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART-II, SECTION-4)

Government of India
Ministry of Defence
Department of Defence Production
Directorate General of Quality Assurance

New Delhi, the 16/11/2011

NOTIFICATION

**S.R.O 69** .-In exercise of the powers conferred by the proviso to article 309 of the constitution and in supersession of the Department of Defence Production and Supplies, Director General Quality Assurance Senior Scientific Assistant and Chief Draughtsman Recruitment Rules 2000, in so far as they relate to the post of Senior Scientific Assistant, the Department of Defence Production, Director General of Quality Assurance, Group 'B' (Scientific) posts Recruitment Rules, 2005 and the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Scientific Assistant Grade-II, Group 'C' post Recruitment Rules, 2008 except as respects things done or omitted to be done before such supersession, the President here by makes the following rules regulating the method of recruitment to the posts of Junior Technical Officer (Scientific) and Scientific Assistant, in the Department of Defence Production, Directorate General of Quality Assurance namely:-

1. **Short title and Commencement.-** (1) These rules may be called the Ministry of Defence, Department of Defence Production, Directorate General of Quality Assurance, Junior Technical Officer (Scientific) and Scientific Assistant Group 'B' posts Recruitment Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Number of posts, classification, pay band and grade pay or scale of pay.-** The number of the said posts, their classification and the Pay Band and Grade Pay or Pay Scale attached thereto shall be as specified in columns(2) to (4) of the Schedule annexed to these rules.

3. **Method of recruitment, age limit, other qualifications etc.-** The method of recruitment, age limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the said Schedule.

4. **Disqualification.-** No person,-

(a) who, has entered into or contracted a marriage with a person having spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.-** Where the Central Government is of the opinion that it is necessary or expedient to do so, it may, by order and for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.-** Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, the Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

## SCHEDULE

| Name of post. | Number of post. | Classification. | Pay Band and Grade Pay or Pay Scale. | Whether selection post or non-selection post. |
|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| 1. Junior Technical Officer (Scientific) [Erstwhile post of Senior Scientific Assistant] | 379* (2011)<br><br>*(Subject to variation dependent on workload) | General Central Service, Group 'B', Gazetted, Non-Ministerial. | Pay Band – 2, Rs.9300-34800 plus grade pay of Rs.4600. | Selection. |

| Age limit for direct recruits. | Educational and other qualifications required for direct recruits. | Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. | Period of probation, if any. |
|---|---|---|---|
| (6) | (7) | (8) | (9) |
| Not applicable. | Not applicable. | Not applicable | Not applicable |

| Method of recruitment:- whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods. | In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made. | If a Departmental Promotion Committee exists, what is its composition. | Circumstances in which Union Public Service Commission is to be consulted in making recruitment. |
|---|---|---|---|
| (10) | (11) | (12) | (13) |

| | | | |
|---|---|---|---|
| By promotion | Promotion:<br><br>Scientific Assistant in the Pay Band-2, Rs.9300-34800 plus Grade Pay of Rs.4200 with five years' service in the grade rendered after appointment thereto on a regular basis and possessing Diploma in Engineering or Degree in Science from a recognized University.<br><br>Note 1: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying or eligibility service.<br><br>Note 2: For the purpose of computing minimum qualifying service for promotion, the service rendered on a regular basis by an officer prior to 1st January of 2006 or the date from which the revised pay structure based on the 6th Central Pay Commission recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay or pay scale extended based on the recommendations of the Commission. | Group 'B' Departmental Promotion Committee (for considering promotion) consisting of :-<br><br>1. Additional Director General Quality Assurance concerned – Chairman<br><br>2. Joint Director from Administration Directorate – Member<br><br>3. Director from the concerned Discipline – Member<br><br>4. Director from Discipline other than the concerned Discipline – Member<br><br>5. Deputy Director (Administration -10) – Member | Consultation with Union Public Service Commission is not necessary. |

| (1) | (2) | (3) | (4) | (5) |
|---|---|---|---|---|
| 2. Scientific Assistant (Erstwhile post of Scientific Assistant Grade-II) | 635* (2011)<br><br>*(Subject to variation dependent on workload) | General Central Service, Group 'B', Non-Gazetted, Non-Ministerial. | Pay Band - 2, Rs.9300-34800 plus grade pay of Rs.4200. | Selection. |

**Annexure, A-6, Continued**

| (6) | (7) | (8) | (9) |
|---|---|---|---|
| Not exceeding thirty years<br><br>(Relaxable for Government servants upto five years in accordance with the instructions or orders issued by the Central Government).<br><br>Note : The crucial date for determining the age-limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu&Kashmir State, Lahaul and Spiti district and Pangi Sub Division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep). | Essential :<br><br>(i) Bachelor's Degree in Science in relevant subject or Diploma in Engineering or Technology in relevant Discipline from a recognized University or Equivalent ; and<br><br>(ii) Two years experience in the Quality Assurance of Armaments or Ammunition or Instrument or Explosives or Metallurgy or Mechanical Engineering or Automobile Engineering or Textile and Clothing or Pharmaceuticals or Chemicals or Petroleum Products or Paints Technology or Telecommunications or Power System or Electrical or Electronics or Computer Engineering.<br><br>Note 1: The exact subject or discipline and area of experience shall be indicated at the time of each recruitment.<br><br>Note 2: Qualifications are relaxable at the discretion of the Staff Selection Commission/Competent Authority for reasons to be recorded in writing in the case of candidates otherwise well qualified.<br><br>Note 3: The qualification(s) regarding experience is / are relaxable at the discretion of the Staff Selection Commission/Competent Authority for reasons to be recorded in writing in case of candidates belonging to Scheduled Castes or Scheduled Tribes, if at any stage of selection the Staff Selection Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. | Not applicable | Two years. |

| (10) | (11) | (12) | (13) |
|---|---|---|---|
| By direct recruitment. (Direct recruitment through Staff Selection Commission) | Not applicable. | Group 'B' Departmental Promotion Committee (for considering confirmation of direct recruits) consisting of :-<br><br>1. Additional Director General Quality Assurance concerned – Chairman<br><br>2. Any Joint Director from Administration Directorate – Member<br><br>3. A Director or Joint Director from the Discipline concerned – Member | Consultation with Union Public Service Commission is not necessary. |

| | | | |
|---|---|---|---|
| | | 4. Any Director or Joint Director from Discipline other than the concerned Discipline – Member,<br><br>5. Deputy Director (Administration-10) – Member | |

[File No.A/86320/RR/Scientific/DGQA/Adm-10/2331 /D(QA) /2011]

--sd--
(Subhash Chand)
Under Secretary to the Government of India

**Annexure, A-7**

( TO BE PUBLISHED IN THE EMPLOYMENT NEWS / ROZGAR SAMACHAR DATED 01.01.2011 )

STAFF SELECTION COMMISSION

Date of Exam: 27.03.2011
Closing Date : 31.01.2011

NOTICE

JUNIOR ENGINEERS ( CIVIL & ELECTRICAL ) EXAMINATION, 2011

IMPORTANT INSTRUCTIONS TO CANDIDATES



**F.No. 3/11/2010-P&P . Staff Selection Commission will hold on Sunday, the 27.03.2011, an open competitive examination for recruitment to the post of Junior Engineer( Civil & Electrical ) in CPWD & MES and Junior Engineer (Civil) in Department of Posts, Farakka Barrage etc., a Group 'B' Non-Gazetted, Non-Ministerial post, classified as General Central Services ( Technical ) in the Pay Band of Rs.9300-34800 plus Grade Pay Rs.4200, all over the country.**

**2. VACANCIES / RESERVATION**

**(i) Firm number of vacancies will be determined in due course.**

**(ii) Reservation for SC/ST/OBC/ExS/PH etc. categories is available as per extant Govt. Orders.**

**(iii) The posts carry All India Service Liability (AISL) i.e. the candidate, on selection, may be asked to serve anywhere in the country.**

(iv) The posts have been identified suitable for the persons suffering from disabilities of forty percent and above of One Arm(OA),One Leg (OL), Both Legs(BL), Partially Deaf(PD) and Deaf(D).

**Annexure, A-8 (i)**



**Amendment to the Tamil Nadu State and Subordinate Services Rules.**

*[G.O. Ms. No. 111, Personnel and Administrative Reforms (S), 9th August 2010, ஆடி 24, திருவள்ளுவர் ஆண்டு–2041.]*

No. SRO B-63/2010.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu State and Subordinate Services Rules (Volume I of the Tamil Nadu Services Manual, 1987).

2. The amendment hereby made shall be deemed to have come into force on the 1st January 2006.

AMENDMENT

In the said Rules, in Part I - Preliminary, for rule 2-A, the following rule shall be substituted namely:—

"2-A. **Classification**:—Persons holding posts under the Tamil Nadu State and Subordinate Services shall be classified into the following four groups, namely:—

*Group A* - Employees in posts drawing Grade Pay of Rs. 6,600/- and above.

*Group B* - Employees in posts drawing Grade Pay of Rs. 4,400/- and above, but below Rs. 6,600/-.

*Group C* - Employees in posts drawing Grade Pay of Rs. 1,400/- and above, but below Rs. 4,400/-.

*Group D* - Employees in posts drawing Grade Pay of Rs. 1,300/-.

**Amendment to the General Rules in Part II of the Tamil Nadu State and Subordinate Services Rules.**

*[G.O. Ms. No. 114, Personnel and Administrative Reforms (S), 11th August 2010, ஆடி 26, திருவள்ளுவர் ஆண்டு–2041.]*

No. SRO B-64/2010.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following amendment to the General Rules in Part II of the Tamil Nadu State and Subordinate Services Rules (Volume I of the Tamil Nadu Services Manual, 1987).

2. The amendment hereby made shall be deemed to have come into force on the 17th July 2006.

AMENDMENT

In the said Rules, after rule 54-A, the following rule shall be inserted, namely:—

"54-B. **Age concession for persons affected due to the ban on direct recruitment**—Notwithstanding anything contained in the Special rules for the various State and Subordinate Services or in any adhoc rules applicable to any temporary post, in the case of a person who have been affected due to the ban on direct recruitment that was imposed on the 29th November 2001, the upper age limit shall be raised to a maximum period of five years reckoned on and from the 17th July 2006, ending with the 16th July 2011, in computing his age for appointment to any post under the State Government except the categories of posts of Teachers, Doctors and Police Constabulary and shall be applicable in respect of notifications issued or selections made by competent recruiting authorities or appointments made by competent appointing authorities during the aforesaid period".

K.N. VENKATARAMANAN,
*Secretary to Government.*

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, CHENNAI
ON BEHALF OF THE GOVERNMENT OF TAMIL NADU

**Annexure, A-8(ii)**

## Part of Notification issued by Govt of Nagaland

**GOVERNMENT OF NAGALAND**
**FINANCE DEPARTMENT**
**ESTABLISHMENT BRANCH & ROP CELL**

**NOTIFICATION**

Dated Kohima, the 10th August 2010

**7. Classification of posts:-**

The classification of posts is as follows:

| Sl. No. | Classification in Existing Scale | Classification in Revised Pay Band |
|---|---|---|
| 1 | **Group A**: All post carrying a scale of pay with maximum of not less than Rs.13500/-. | Grade Pay of Rs.5400 to Rs.10,000/- |
| 2 | **Group B**: All posts carrying a scale of pay with a maximum of not less than Rs.9750 but less than Rs.13500/-. | Grade Pay of Rs.4400 to Rs.4600/- |
| 3 | **Group C**: All posts carrying a scale of pay with maximum of Rs.4400 and above but less than Rs.9750/-. | Grade Pay of Rs.1800 to Rs.4200/- |
| 4 | **Group D**: All posts carrying a scale of pay the maximum of which is less than 4400/-. | Grade Pay of Rs.1300 to Rs.1400/- |

**Notification No: FIN/ROP/VI-PC/1/2008 issued by Govt. of Nagaland**

**Annexure, A-8(iii)**

No. 17655-Gen.

# GOVERNMENT OF ORISSA

## GENERAL ADMINISTRATION DEPARTMENT

## RESOLUTION

The 7th June 1999

Subject – Classification of posts in Government Offices into Group-A, Group-B, Group-C and Group-D.

The State Government have (a) abolished the erstwhile segmentation of Government employees into 'Gazetted' category and 'Non-Gazetted' category and (b) classified the posts in Government Offices into four Groups, viz. Group-A, Group-B, Group-C and Group-D according to the scale of pay, vide General Administration Department Resolution No. 21317, dated the 22nd September 1995.

2. In the meantime, the State Government have reviewed the matter, taking into account various factors including the fact of the coming into force of the Orissa Revised Scales of Pay Rules, 1998.

3. After careful consideration, in modification of the Resolution No. 21317-Gen., dated the 22nd September 1995, the State Government do hereby decide that the posts in Government Offices shall be deemed to have been classified into the following four Groups with immediate effect :

(a) Group-A – All posts in the pay scales, the maximum of which is not less than Rs. 13, 500

(b) Group-B-All posts in the pay scales the maximum of which is less than Rs. 13, 500 but not less than Rs. 9, 000

(c) Group-C-All posts in the pay scales the maximum of which is more than Rs. 3, 540 and less than Rs. 9, 000

(d) Group-D-All posts in the pay scales the maximum of which is Rs. 3, 540 or less.

4. The Administrative Departments concerned shall accordingly amend the relevant provisions in the Acts, Regulations, Statutory Rules, Rules of Recruitment and Conditions of Service, Codes, Manuals, Resolution, Office Memoranda and all other executive instructions which contain any provision contrary to the classification specified *supra*.

5. Notwithstanding anything contained hereinbefore, the appointments to certain posts the incumbents of which are required to exercise constitutional or statutory powers and perform statutory functions in accordance with the provisions in the constitution of India or in the relevant Central or State Acts, Rules and Regulations shall continue to be notified in the Gazette.

Order – Ordered that this Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

**By order of the Governor**

**RAJENDRA KISHORE PANDA**

**Special Secretary to Government**

# GOVERNMENT OF ORISSA

## GENERAL ADMINISTRATION DEPARTMENT

## OFFICE MEMORANDUM

The 31st August 1999

Subject – Attestation of true copies of the original certificates.

No. 25791-SC-6-15/99-Gen. – Consequent upon abolition of the Gazetted Status and classification of different categories of posts existing under the State Government into four groups, i.e. 'A', 'B', 'C' and 'D', vide G. A. Department Resolution No. 21317-Gen., dated the 22nd September 1995, the Group-A Services/Posts include all posts in the pay scales, the maximum of which is not less than Rs. 4, 000.00 and Group-B include all the posts in the pay scales the maximum of which is less than Rs. 4, 000.00, but not less than Rs. 3, 500.00. Accordingly, instructions were issued in G. A. Department Office Memorandum No. 21527, dated the 2nd August 1996 that the officers who belong to Group-A and Group-B only may attest the true copies of the original certificates/documents in their official capacities.

2. After revision of scales of pay of the State Government employees according to the Orissa Revised Scales of Pay Rules, 1998 and after consideration of the demands of the different Service Associations, the State Government have revised the classification of different Posts/Services in Government Offices, vide G. A. Department Resolution No. 17655, dated the 7th June 1999 according to which the Group – 'A' Services include all posts in the pay scales, the maximum of which is not less than Rs. 13, 500.00 and Group 'B' Services include all the posts in the pay scales the maximum of which is less than Rs. 13, 500.00 but not less than Rs. 9, 000.00.

Taking the above facts into account and in supersession of G. A. Department Office Memorandum No. 21527, dated the 2nd August 1996 it has been decided that officers who belong to Group- 'A' Services in the pay scales the maximum of which is not less than Rs. 13, 500.00 and Officers who belong to Group – 'B' Services which include all posts in the pay scales the maximum of which is less than Rs. 13, 500.00 but not less than Rs. 9,000.00 or as revised by Government from time to time may attest the true copies of the original certificates/documents in their official capacities.

**S. B. AGNIHOTRI**

**Special Secretary to Government**

**Annexure, A-9**

**JUDGEMENT OF CAT NEW DELHI, IRTSA vs UOI**
**Reg: Group 'B' to Senior Technical Supervisors**
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI**

**O.A. No. 836 of 1989**
T.A. No. 199
TE PF DECISION _____

**Indian Railway Technical Supervisors' Association Petitioner**
Mrs. Shyamla Pappu with
Shri B.S. Manee Advocate for the Petitioner(s)

**Versus**
**Union of India Respondent**
Shri K.K. Patel Advocate for the Respondent(s)

**CORAM**
**The Hon'ble Mr. Justice Ram Pal Singh, Vice- Chairman (J).**
**The Hon'ble Mr. P.S. Habeeb Mohamed, Member (A).**

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgment of the Bench delivered by Hon'ble Shri. Justice Ram Pal Singh, Vice – Chairman (J).)

**JUDGMENT**

Applicant No. 1 is a registered trade union association, representing Indian Railway Technical Supervisors in loco sheds, workshops, steam-diesel and electric loco sheds, car sheds and open line. The members of this association are working as Shop Superintendents, Deputy Shop Superintendents, Loco Foremen, Asstt. Foremen, Electric Foremen and other similar posts interchangeable with them. Applicant No. 2 is the General Secretary of this Association, working as a Deputy Shop Superintendent (Planning) in Northern Railways Workshop at Kalka. At present, members of this Association are placed in group 'C' of the Railway Department. Members of this Association are in the scale of Rs. 700 –900, now Rs. 2000 –3200 (RPS) and Rs. 840-1040 (RS) and Rs. 840-1200 (RS) now equated with Rs. 2375-3500 (RPS). The grievance of the applicants is that the members of this Association are being denied the status of group 'B' by the respondents, i.e. though they are working in the scales of Rs. 2375-3500 and Rs. 2000-3200, they have been placed in Group 'C' while other staff in similar grades has been placed in Group 'B'. This, according to them, is highly discriminatory. Applicants, therefore, pray for the relief, in this O.A., filed under Section 19 of the Administrative Tribunals Act of 1985, that a direction be issued to the respondents to place them in Group 'B' instead of Group 'C' as has been done in the case of others like Accounts Officers (Rs. 2375-3500) on Railways and Stenographers Grade 2000-3200 in the Central Secretariat in the same scale.

2. The applicants contend in this O.A. that the Third Pay Commission Report had recommended:

"Posts having maximum of the scale not less than 900 but less than Rs. 1300 be classified in Group 'B'."

In persuance of the above, the respondents in their letter No. P75/PS-1/CS dated 21.5.76 accepted this position, hence the scale of Rs. 840-1200 and Rs. 840-1040 ought to have been in Group 'B' as the maximum of their scale was above Rs. 900/- as laid down by the 3rd Pay Commission and also by the Ministry of Railways. But the respondents in contravention of this, continued to treat the applicants as Group 'C' whereas the Assistants in Civil Secretariat in the then existing scale of Rs. 400-800 were placed in Group 'B'.

3. They further contend that the 4th Pay Commission in Para 8.41 of their Report pointed out that the posts in grade Rs. 840-1040 and Rs. 1200 on the Railway are higher Group 'B' posts" and recommended the integrated of Rs. 2375-3500 for the Technical Supervisors in the said two scales and a grade of Rs. 2000-3200 for those in the erstwhile scale of Rs. 700-900. The 4th Pay Commission also mentioned to para 26.49 of the Report that posts "with a maximum of not less to a Rs. 900 but less than Rs. 1300" were at present classified under Group 'B'. It recommended in para 26.52

"Central Civil post carrying a pay or scale of pay with maximum of not less than Rs. 2000 but less than Rs. 4000 be classified as group 'B'.

The Railway Board in letter dated 30.10.87 has classified in Group 'B' only those posts in scale of Rs. 2375-3500, applicable to Accounts Officers and other posts of officers in scale of Rs. 2000 – 3500 of all departments. Though the applicants are in the highest scale of Rs. 2375-3500, they have been left out by the respondents in contravention of the recommendations, only in Group 'C'. After enumerating examples in details from other departments in the same scale, the applicants contend that they have to crawl through 4 grades before they are promoted to Group 'B' posts and that too at the verge of their retirement, the majority of the members of the Association retire in Group 'C' itself. The applicants also contend that they are victims of hostile discrimination at the hands of the respondents. After several representations, the respondents though replied on 23-08-88 by non – speaking order, failed to give them any reason for this hostile discrimination. The applicants also contended that after recommendations of the 4th Pay Commission, while an integrated scale of Rs. 2375-3500 has been given to the Technical Supervisors who were in the erstwhile scale of Rs. 840-1040 and 840-1200, have been discriminated by not giving them the status of Group 'B', while staff of Accounts Department in the similar scale of Rs. 2375-3500 has been placed in Group 'B'. This in brief is the case of the applicants.

4. The respondent in their return have denied the contentions of the applicants and maintained that while parity in pay scales can be arrived, parity in status and promotional prospects has to be determined with reference to the particular needs in the Railway Organization. According to them, the Ministry of Railways is competent to frame rules for classification of Railway employees in different groups which may result in certain variation when compared cannot extend to service conditions like designation, status, rules for promotion, privileges etc., which are fixed taking into account the needs and practices obtaining with Railways. Respondents further contend that they have not discriminated the applicants against others. There are many others belonging to the different departments which are in the pay scale of Rs. 2375-3500, who have been classified as Group 'C'. The applicants, therefore, cannot claim higher status as a right and have rightly been classified in Group 'C'. The 4th Pay Commission in paras 26.50 and 26.52 observed that there were some exceptions to classification where the grouping does not strictly follow the pattern and as such recommended

that whenever there are deviation. In the existing classification for these posts, they may continue and the Government may review the classification in such as and when necessary, etc. etc.

5. After the arguments of Smt. Shyamala Pappu, the learned counsel for the applicants, Shri. K.T.S. Tulsi, counsel for the respondents prayed for filing an additional affidavit. He was permitted by us to file his additional affidavit. The applicants also filed their rejoinder affidavit. In the additional affidavit, the respondents contended that the classification of posts in Central Government/ Railways is not decided purely on the basis of pay scales alone, as contended by the applicants. There are various aspects to be looked into by administration, such as duties and responsibilities of the post, its position in the administrative set up/hierarchy, its reporting channels, the recruitment and selection criteria, the discipline and appeal powers / responsibilities etc. They further contend that immediately after the 4th Central Pay Commission Report was implemented, the labour federation in the Joint Consultative Machinery had taken up a similar item in the National Anomalies Committee, claiming that the classification of posts should be strictly on the basis of pay scales alone. The said Committee after consideration did not accept it in view of the fact that for conferment of gazetted status, there are certain established criteria for deciding whether a particular post should be declared as gazetted or not.

The Committee gave its findings that there is no anomaly and this position has been accepted by the Labour Federations (copy of extract Annex. I and II). It was also contended that if pay scale alone should be the guiding criteria for classification then there will be serious anomalies and administrative chaos, since in the present pay structure, for an employee in the scale of Rs 2375- 3500 (RPS) classified as Grade 'C' (non-gazetted), the next promotion grade is scale Rs.2000-3500 (RPS) is classified as Group 'B' (gazetted). Thus, the existing Group 'B' of Government of India of Rs. 2000 – 3500 will become irrelevant and will lead to demand on Government of India to replace the scale by other higher scale, outside the preview of Central Pay Commission. The respondents then cited examples with contention that scale of pay alone is not the criteria for, classification is also born(e) out by the fact that even in other sectors like education, there are instances on the subject e.g. Selection Grade PG Teachers have scale of Rs. 2200 – 4000 (similar to Grade 'A'), but these teachers are not classified as Grade 'A'/ not even 'B' but are classified as Grade 'C'. Head Master / Head Mistress of schools with a pay scale of Rs. 2000 –3500 which is a lower scale of pay are classified as Group as 'B'.

6. In the rejoinder to additional affidavit, the applicants repudiated the contentions of the respondents and alleged that the respondents in their earlier stand had taken the stand it is the pay scale applicable to a post that normally determines the grade to which it belongs and not the vice-versa. In the presents era of modernisation and adoption of advanced technology, the duties, functions and responsibilities of Technical Supervisors have tremendously increased particularly when the needs of the Railways is to enhance the speed of the trains with equal emphasis on the safety of the travelling public. The applicants further contend that Technical Supervisors apart from their duties of technical nature are also required to undertake the responsibility of disciplinary powers. In accordance with the Railway Servants (Discipline and Appeal) Rules, 1968. Thus they are required to hold disciplinary proceedings and trade tests of the staff working under them etc. etc.

7. We have heard Mrs. Shyamala Pappu, the learned counsel of the applicants and Shri K.T.S. Tulsi, learned counsel for the respondents. They have argued on the basis of their pleadings and cited plethora of case laws in support of contentions. We have also perused the documents of both the parties filed in support of their contentions. Without unnecessarily

burdening the judgment with the respective contentions of both the learned counsel, we proceed directly to decide the issues at hand.

8. Group 'B' status has been denied to the Senior Technical Supervisors (Grade Rs. 2000 – 3200 and Rs, 2375 – 3500) by Annexure A – 1, the Ministry's letter dated 21.5.86, while Accounts Officers in Grade 2375 – 3500 and Stenographers in Grade Rs, 2000 – 3200 have been classified in Grade 'B'. It appears that pay scales from the basis of classification of posts of the Central Government employees, Including those in the Railway as per recommendations of the 4th Pay Commission and the Government of India Notification dated 30.6.87 and 7.7.87 under Rule 6 of the CCS (CCA) Rules according to which those in the pay scale with maximum of above Rs.2300 but below Rs 4000, should be classified in Group 'B'. Though the counterparts of the applicants in C.P.W.D., M.E.S. and Telecommunications are all in Grade 'B', yet the applicants are denied the same although they are in the similar pay scale. Furthermore, it also appears that the applicants are also discriminated against, in respect of their avenues of promotion vis –a-vis their counterparts in other departments e.g. Junior Engineers in C.P.W.D., M.E.S., Telecommunication etc. get the Group 'A' status after crossing only two grades after joining service as Junior Engineers (Grade Rs.1400 – 2300 and Rs.1640 - 2900) whereas the Technical Supervisors on Railways with similar qualifications, duties and responsibilities rot in Group 'C' in their service career in 4 grades (Rs.1400 – 2300, Rs.1600 – 2660, Rs. 2000 – 3200 and Rs.2375 – 3500), with only 1 to 2 percent reaching Group 'B' status (Annex. I of Ad. Rejoinder Affidavit). Thus equality of promotional avenues to the applicants is denied which is violative of Art. 14 of the Constitution. In the case of Dr. Ms. O.S Hussain v.s U.O.I (AIR 1990 S.C. 311) their Lordships of the apex court observed:

"7. This court has on more than one occasion pointed out that provision for promotion increases efficiency of public service while stagnation reduces efficiency and makes the services ineffective. Promotion is thus a normal Incidence of service. There too is no justification why while similarly placed officers in other Ministries would have the benefit of promotion, the non – medical 'A' Group Scientists in the establishment of Director General of Health Service would be deprived of such advantage". It was directed in this case to the Ministry to frame appropriate rules providing promotional avenues for the 'A' category scientists in non-medical of the Directorate.

8. Respondents have opposed the prayer of the applicant mainly on the following grounds.

1. National Anomalies Commission has rejected the demand of grant of Group 'B' status to those in the scale of Rs. 2375 – 3500.

2. Irrespective of pay scale, the 4th Pay Commission had recommended for continuance if Group 'C' for those who were in Group 'C' prior to the said Commission.

3. Pay scale alone was not the sole criteria for determining the Class or Group to which a post should belong. Other factors like duties, responsibilities and other allied factors have to be kept in view.

4. Certain guidelines have been laid by the Government for giving Group 'A' and 'B' (gazetted) status in Annex.. II of Add. Affidavit of Respondents.

It appears that pay has been held as the determining factor for deciding class or Group of post as is apparent from the stand of the respondents in the case S.K. Srivastava (1971S.L.R. (2) 453) and Direct Recruit Assistants Association (1991 A.T.C. 891). National Anomalies Commission has concluded, as appears from the Add. Affidavit of Respondents, that individual

cases could, however, be examined as on merits. All exceptions referred to in Para 26.50 of Pay Commission's Report to the general pay limits of classification have all been classified in a higher Group than would have been as per pay scale. Hence, Pay Commission merely provided them with a protection from being, downgraded to a lower classification. No doubt exceptions have also been provided. It can also be observed that the 4th Pay Commission in the Penultimate lines of 26.52 had recommended that "Government may, however, review the classification in such cases (of exception) as and when necessary." It can thus easily be concluded that Anomalies commission or Pay Commission did not create any bar against changing the classification.

9. The stand of the respondents stands negatived by the apex court in the case of M.M.R Khan & Ors. (JT 10 (3) S.C.1) where it was observed:

"If by virtue of all these facts, that they are entitled to the status of Railway employees and that cannot be deprived of that merely because some other employees similarly or dissimilarly situated may also claim the same status. The argument to say the least can only be described as any other argument of the kind has to be disregarded."

A classification made between the employees on the same pay scale would be unreasonable. Benefit attached to the post cannot be denied merely on the ground that the other class performs differently though both the classes are on the same scale. Where all relevant considerations are the same, persons holding identical posts in the same pay scale and discharging similar duties should not be treated differently. Pay scales do not depend upon mere classification of a post but it depends upon duties actually performed. A Bench of this Tribunal, in the case Central Secretariat Direct Recruit Assets. Association (1991) (16) ATC 891) observed:

"Rule 6 of the CCS (CCA) Rules 1965 requires) that every civil post should be classified by a general or special order. The factor used for classification has always been the maximum of the pay scale. The stipulation in respect of each Group is either that the maximum of the pay of scale should not be less or should be more than a particular amount but not more than particular amount. This yardstick has perhaps been chosen because it is the only factor, which is common to all posts unlike other factors like educational qualifications, method of recruitment, etc. which vary widely. Further it is pay scale, which distinguished each post in terms of its duties and responsibilities and facilitates an arrangement in a hierarchical order of posts. It is this classification, which follows the pay scale of a post on the basis of its duties and responsibilities and not vice – versa".

Thus, it is the criterion of pay to distinguish one class or grade of service or post from another. In fixing the pay of a particular post or the scale of pay of a particular service, this Government considers the status attached to a particular post or class or class of services. It is the pay that determines the class to which a post belongs. It proves that the factor used for classification has always been the maximum of the pay scale.

10. Government has always applied the criterion of pay to distinguish one class or grade of the service or post from another. A Division Bench of the Delhi High court in the case of S.K. Srivastava vs. U.O.I. (1991 SLR 453) has observed:

"The pay itself is determined by the Govt, after taking into account the nature of duties involved in the post. As the Govt. would have already taken into account the nature of duties responsibilities and the status of different posts before classifying them would have indicated the classification by the fixation of different salaries or any scales, the courts should be well

advised in regarding the any scale of pay of a post as the principal criterion to determine the rank of the post. Further, the courts are not in the same position as this government is in determining the status of a particular post and in comparing those with the nature of duties of, responsibilities and status of another post. It would not be advisable therefore, for the courts to ignore the classification made by the Govt. as indicated by the emoluments fixed by the Govt. to try to determine afresh rank of a particular post by having regard to considerations other than the pay especially because these considerations have already been taken into account by the Govt. fixing the pay or the pay scale of a particular post."

11. We also place reliance in another judgment of this tribunal rendered in the case of A.M. Srivastava (O.A.No.17/89 dated 31.7.91. While there may be some weight in the stand taken by the respondents that there is no specific discrimination with the category or group to which the applicants belong, yet we are clearly of the view that there exists no justification for the exception made as there appears no rational behind it nor there appears any nexus with the objects sought to be achieved. It is significant that the 4th Pay Commission Report has been accepted by the Govt. of India as per Department of Personal & Training Notification dated 30th June, 1978 (even No. Dated 7th July 1987); Ministry of Personal & Public Grievances and Pension by O.M. dated 1.3.88 has placed Stenographers in the non – secretariat organizations by which they have classifieds as Group 'B' (gazetted). In Railway Board's letter dated 21.5.76 has accepted that a post carrying a pay scale like that of the applicants will be classified as Group 'B' subjects to exception as may be made Railway Ministry.

12. In view of the above, we direct the respondent to consider the question of classification so as to do away with the amorally of the type indicated above. Consequently, it is directed that the respondents reconsider the matter of placing the members of the Association in the grade of Rs.2000 – 3200 and Rs. 2375 – 3500 in Group 'B' as has been done in the case of other Government servants like Accounts Officers (Rs.2375 – 3500) on Railway and Stenographers Grade Rs. 2000 – 3200 in the Central Secretariat in the same scales within a period of four months from the date of receipts of a copy of this judgments. With these observations the O.A stands disposed of finally. There shall be no order as to costs.

(P.S. HABEEB MOHAMED)
MEMBER (A)

(RAM PAL SINGH)
VICE – CHAIRMAN (J)

**Annexure, A-10**

## HIGHLIGHTS OF RECOMMENDATIONS OF THE PAY COMMISSIONS

1. Third pay commission recommended Group 'B' (Gaz) status to posts having the maximum of the scale not less than Rs 900 but less than Rs 1300. The pay scale of Asst. Shop Supt. (SE) at that time was Rs 700-900 and that of Shop. Supt (SSE) was Rs.840-1040.

2. Fourth pay commission recommended Group 'B' (Gaz) status to Central Civil Posts carrying a pay or scale of pay with maximum of not less than Rs.2900- but less than Rs.4000. The pay scale of Asst. Shop Supt. (SE) at that time was Rs.2000-3200 and that of Shop. Supt (SSE) was Rs 2375-3500.

3. Even though Fifth pay commission expressed a different view in classification of staff and clubbed the above grades of Technical Supervisors also with the group of gazetted officers, the Government issued orders for classification of staff on the basis of pay ranges, which are not implemented in Railways. Vide letter no 13012/1/98/Estt. (1) dt 20/04/1998 and then vide letter no 13012/1/98 Estt 911 dt 12/06/1998 Deportment of personnel and Training instructed that the posts with the pay scale in which maximum of pay scale is not less than Rs.9000 and but less than Rs.13500 be classified in Group 'B'. The DOP letter also mentioned that the order should be implemented within three months from the date of issue of the order.

4. Sixth Pay Commission in para 2.2.8 recommended that, … Four distinct running pay bands are being recommended – on running band each for all categories of employees in Group 'B' and 'C' (posts in the scale of Rs.5000-8000 (Grade Pay Rs.4200) have, as a result of delaying and elongation of certain scales, been placed in Group-B) with 2 running pay bands being given for all Group-A posts …..

**Annexure, A-11**

**RECOMMENDATIONS OF THE RAILWAY ACCIDENT INQUIRY COMMITTEE (1968) ON THE STATUS AND GRADES OF TECHNICAL SUPERVISORS.**

Following are some of the recommendations made by the Railway Accident Inquiry Committee (1968) headed by Justice K.N. Wanchoo. (These recommendations were also subsequently supported by RAIC (1978) headed by Justice Sikri) :-

"During our tour of the various Railways and discussions with the heads of the administration and other senior officers it was repeatedly pointed out to us that while supervisors have a vital role to play in the efficient and smooth functioning of the Railways, their status, prestige and authority have suffered greatly in recent years, they have generally become ineffective and a feeling of helplessness and frustration has overcome most of them. They feel that they are not able to take work from the staff or enforce discipline…..

"Practically all the Railways drew pointed attention to the fact that senior supervisors today have inadequate scales of pay and poor prospects of promotion, and advocated revision of their pay scales and a review of the channel of promotion. They said that the present scales of pay supervisors are not commensurate with their workload and responsibilities and that for want of adequate channel of promotion there is great stagnation……

"Yet another point which came to our notice was that at present there are a large number grades of supervisors. Most of these grades are overlapping in as much as the top of one grade is well above bottom of the next grade. …

"The enquiries which we made in regard to the existing scales of pay of supervisory categories revealed considerable multiplicity of grades. It was pointed out to us that in course of time, the number of grades has gone up. …

"We are entirely in agreement with the Railway administration that to strengthen the measure and quality of supervision over the working of staff, it is essential that the position and authority of senior supervisors should be restored. … we have already recommended that senior supervisors should be recognized as junior members of management and that their organization in separate association should be fostered. We would offer the following further suggestions for consideration:

(i) It is desirable that senior supervisors are always consulted in regard to the promotions and transfer of staff in their charge. This will not only be a

step in the right direction, in as much as the supervisors, who know the men in their charge and their capabilities most closely, would be in a position to help the administration to match the men with their jobs but will also lead a great deal to the strengthening of discipline and respect for supervisors among the staff.

(ii) The number of grades of senior supervisors should be reduced. As far as possible, most of the grades of senior supervisors should be selection grades. They should be so devised that the top of one grade is well below the starting point of the next grade so that when a person is promoted to the next grade he gets a substantial rise in emoluments. The present grades were last considered by the second pay commission a decade ago. … We would like to suggest that the grades of senior supervisors should be appropriately raised keeping in view present day conditions as also the scales of senior supervisors in comparable posts elsewhere.

(iii) To improve the status of senior supervisors, to impart them greater self-confidence and to broaden their channels of promotion, we consider that wherever there is a large concentration of staff working under a senior supervisor, the post should be upgraded to gazette status, Class II. …"

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(We would like to point out that the views of the RAIC (1968) hold true even today.)

**Annexure, A-12**

# CENSUS
# OF
# CENTRAL GOVERNMENT EMPLOYEES

## (AS ON 31ST MARCH, 2008)

**GOVERNMENT OF INDIA**
**MINISTRY OF LABOUR & EMPLOYMENT**
**DIRECTORATE GENERAL OF EMPLOYMENT & TRAINING**
**SURVEY & STUDY DIVISION**
**3/10, JAM NAGAR HOUSE, NEW DELHI**

**JUNE, 2011**

# HIGHLIGHTS

(1). As per the result of Census Enquiries, the total regular employment under Central Government as on 31st March, 2008 was 31.12 lakh as against 31.16 lakh on 31st March, 2006. The employment has, thus, recorded a decline of 0.13% in 2008 over 2006.

(2). Employment in Ministry of Railways was the highest (44.81%) followed by the Ministry of Home Affairs (23.76%), Defence civilian (11.72%), Communications & IT (7.25%) and Finance (3.48%). Other Ministries/Departments collectively shared about 9% of the total Central Government regular employment.

(3). Out of 31.12 lakh regular employees, 3.14 lakh were women. The proportion of women in the total employment shows an increasing trend except marginal decrease in the year 2008. It is 10.09% in 2008 against 10.28% in 2006, 7.53% in 2001 and 9.68% in 2004.

(4). About 95% of regular Central Government employees were Non-Gazetted. The overall ratio of Gazetted to Non-Gazetted employees was 1:20. In Ministry of Railways, ratio, however, was 1:114.

(5). Amongst regular Central Government employees, 59.69% were holding Group-'C' posts and 29.37% were in Group-'D' posts. About 8% were holding Group-'B' posts whereas employees holding Group –'A' posts were only about 3%.

(6). About 19% of the regular Central Government employees were found to be in pay range of Rs. 3500-4499/- and only 0.42% employees were in highest bracket of pay range with drawing basic pay of Rs. 18,400/- & above.

(7). Amongst regular Central Government employees, 15.47% were working at offices located in 'A-1' class cities, 10.47% in 'A' class cities, 4.04% in B-I class cities and 15.23% in B-2 class cities. The percentage of employees in 'C' class and other unclassified cities was 54.80%.

(8). Amongst States and Union Territory Administrations, the highest number of regular Central Government employees was in the State of West Bengal (10.50%) followed by Uttar Pradesh (9.82%), Maharashtra (8.97%), Delhi (6.55%), Andhra Pradesh (5.97%) and Tamil Nadu (4.42%). In remaining States/U.Ts the proportion was less than 4%.

**Annexure, A-13**

**RTI MATTER**

No. 28034/1-198/2012-Estt.(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi.
Dated: 22nd October, 2012

To

Sh Harchandan Singh
General Secretary, IRTSA
32, Phase 6, Mohali
Chandigarh – 160055.

Subject: Information sought under the RTI Act, 2005.

Sir,

Reference is invited to your RTI application dated 11.10.2012 on the abovementioned subject forwarded by RTI Cell, DOPT on 16.10.2012 for sending information.

2. As regards your query, a copy of criteria related to grant of gazetted status to employees / posts under Govt. of India is enclosed. Regarding classification of posts, a copy of O.M. No. 11012/7/2008-Estt.A dated 17.4.2009 and DOPT's Order dated 9th April, 2009 is enclosed for information. The Administrative Ministries / Departments may issue necessary orders relating to posts belonging to those Ministries and its subordinate and attached offices accordingly as per the norms / guidelines of DOPT, as contained in the above Order dated 9th April, 2009. Copy of notings of file no. 11012/7/2008-Estt.A is enclosed in this regard.

3. The particulars of the appellate authority in respect of the above information are as under:-
Shri P. Prabhakaran, Director (E)
Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions
Room No. 279, North Block,
New Delhi – 110001.

Yours faithfully,

(U.S. Chattopadhyay)
Under Secretary to the Government of India

Copy to:
1. SO (RTI), DOPT w.r.t. Dy. No. 6022/RTIC/12 dated 16.10.12.

[Para 3 of Home Deptt. Letter No. 1838-Public, dt. 16.07.1921].

~~Late~~ Home Department O.M. No. 12 (6)/46-Ests. Dt. 16th August, 1946 requires that all newly created posts, whether permanent or temporary, should be classified, as soon as created in consultation with the Home Department. These instructions were reiterated in the Ministry of Home Affairs (now Department of Personnel & Training) O.M. No. 12/60/50-Ests., dt. 21st November, 1950 that in all cases relating to classification of posts or conferment of gazetted status, prior concurrence of the Ministry of Home Affairs (now Deptt. Of Personnel & Trg.) should invariably be obtained in future. Proposal for conferment of gazetted status on newly created posts should therefore be considered by the administrative Ministry and, where justified, should be referred to the Department of Personnel and Training in the form of self-contained Office Memoranda.

The main criteria for deciding whether a particular Government should be declared as gazetted are indicated below :-

(1) whether the pay and duties of the officer holding the post approximate to those of Central Services Class I or Central Service Class II;

(2) whether the duties involved require the officer to be in contact with other gazetted officers of Central or State Governments either personally or through correspondence;

(3) whether the officer is periodically left in-charge of the office during the absence of his gazetted superior on tour and has to dispose of office work on his behalf;

(4) whether the post is included in Service from which large-scale recruitment to higher and senior administrative posts is made;

(5) whether the officer was already enjoying gazetted status before appointment to the post in question;

(6) whether the officer has Commissioned or gazetted officers under his orders or administrative control;

(7) whether the officer performs duties of a technical character requiring special qualifications;

(8) whether the conferment of gazetted rank on the particular post will not unduly deflate the value of gazetted status;

(9) whether the gazetted status to be conferred is likely to result in increase of charges on the Central or State revenues, due to certain concessions being admissible to holders of such appointments under the pension rules etc.

## GAZETTED STATUS

**Criteria :-**

(i) Group A posts and Group B non-ministerial and executive posts should ordinarily be given gazetted status.

(ii) Group B ministerial posts may be given gazetted status only on very special considerations, such as, the following :-

(a) The officer already had gazetted status before appointment.
(b) The officer has commissioned or gazetted officers under his orders.
(c) The officer performs duties of a technical character requiring special qualifications.
(d) The officer is periodically left in charge of the office during the absence of his superior on tour and has to dispose of business and to deal with gazetted officers or businessmen/on behalf of his superior.

(iii) Group C and Group D posts to be treated as a rule, as non-gazetted.

**No.11012/7/2008-Estt. (A)**
**Government of India**
**Ministry of Personnel, Public Grievances and Pensions**
**(Department of Personnel and Training)**

.....

North Block,
New Delhi,
Dated the 17th April, 2009

## OFFICE MEMORANDUM

Subject : Classification of posts under the CCS (CCA) Rules, 1965

Under the Central Civil Services (Classification, Control and Appeal) Rules, 1965, all Central Government posts are classified into four categories, viz., Groups "A", "B", "C" and "D". This classification at present is based on the norms prescribed by the Department of Personnel and Training vide S.O. 332(E) dated 20.04.1998 published in the Gazette of India Extraordinary.

2. As per clause (4) of the Central Civil Services (Revised Pay) Rules, 2008 notified vide notification No G.S.R. 622(E) dated 29.8.2008, the **pay band** and **grade pay** or the **pay scales**, as applicable, of every post/grade specified in column 2 of the First Schedule thereto shall be as specified against it in columns 5 and 6 thereof. Consequent upon the notification of the said rules, it has become necessary to prescribe revised norms for categorization of posts into the abovementioned four categories based on the pay band and grade pay or the pay scales as applicable, as approved by the Government. Accordingly, an Order classifying the various Central Civil Services posts into Group "A", "B", "C" and "D" based on the revised norms of pay has been notified in the Gazette of India Extraordinary vide S.O. 946 (E) dated 09.04.2009. A **copy** of the Order is enclosed. All posts in the Central Civil Services would now stand classified strictly in accordance with the norms of pay band and grade pay or pay scales as prescribed in the said Order.

4. In some Ministries/Departments, posts may exist which are not classified as per the norms laid down by this Department. If, for any specific reason, a Ministry/Department proposes to classify the posts differently,

it would be necessary for that Department to send a specific proposal to Department of Personnel and Training giving full justification in support of the proposal **within three months** of this O.M. so that the exceptions to the norms of classification laid down in S.O .946 (E) dated 09- 04 - 2009 can be notified.

**( P.PRABHAKARAN )**
**Deputy Secretary to the Government of India**

All Ministries/Departments of the Government of India.

Copy forwarded to

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat/Vice-President's Secretariat/ Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. Chief Secretaries of all State Governments/Union Territory Administrations.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Ministry of Personnel, PG and Pensions.
12. NIC (DOPT) with the request that this O.M. may be placed on the Department's website **(www.persmin.nic.in).**

(100 spare copies).

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

**(Department of Personnel and Training)**

**ORDER**

New Delhi, the 9th April, 2009

**S.O. 946(E).**—In exercise of the powers conferred by the proviso to article 309 and clause 5 of article 148 of the Constitution read with rule 6 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Department of Personnel and Training number S.O. 332(E) dated the 20th day of April, 1998, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, except as respects things done or omitted to be done before such supersession, the President hereby directs that with effect from the date of publication of this order in the Official Gazette, all civil posts under the Union, shall be classified as follows :—

| Sl. No. | Description of Posts | Classification of posts |
|---|---|---|
| (1) | (2) | (3) |
| 1. (a) | A Central Civil post in Cabinet Secretary's scale (Rs. 90000- fixed), Apex Scale (Rs.80000-fixed) and Higher Administrative Grade plus scale (Rs. 75500-80000); and | Group A |
| (b) | A Central Civil post carrying the following grade pays :— Rs. 12000, Rs. 10000, Rs. 8900 and Rs. 8700 in the scale of pay of Rs. 37400-67000 in Pay Band-4, and Rs. 7600, Rs. 6600 and Rs. 5400 in the scale of pay of Rs. 15600-39100 in Pay Band-3 | |
| 2. | A Central Civil post carrying the following grade pays :— Rs. 5400, Rs. 4800, Rs. 4600 and Rs. 4200 in the scale of pay of Rs. 9300-34800 in Pay Band-2. | Group B |
| 3. | A Central Civil post carrying the following grade pays :— Rs. 2800, Rs. 2400, Rs. 2000, Rs. 1900 and Rs. 1800 in the scale of pay of Rs. 5200-20200 in Pay Band-1. | Group C |
| 4. | A Central Civil post carrying the following grade pays :— Rs. 1300, Rs. 1400, Rs. 1600, Rs. 1650 in the scale of pay of Rs. 4440-7440 in 1S Scale | Group D (till the posts are upgraded) |

**Explanation :** For the purpose of this order Pay Band, in relation to a post, means the running Pay Bands specified in Part-A, Section 1 of column 5 of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008.

[F. No. 11012/7/2008-Estt. (A)]

C. B. PALIWAL, Jt. Secy.

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**Department of Personnel and Training**
**(Estt.A)**

.....

This case relates to issuance of an Order under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 regarding classification of posts consequent upon notification of Central Civil Services (Revised Pay) Rules, 2008.

2. Under the CCS (CCA) Rules, 1965, all Central Government posts are classified into four categories, viz., Groups "A", "B", "C" and "D". This classification is based on the norms prescribed in Department of Personnel and Training's Order issued vide S.O. 332(E) dated 20-04-1998 published in the Gazette of India Extraordinary.

3. The classification of posts in terms of the aforementioned Order dated 20.4.1998 is as follows:-

| S.No. | Description of Posts | Classification of posts |
|---|---|---|
| 1. | A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs. 13,500 | Group A |
| 2. | A Central Civil post carrying a pay or a scale of pay with a maximum of not less than Rs. 9,000 but less than Rs. 13,500 | Group B |
| 3. | A Central Civil post carrying a pay or a scale of pay with a maximum of over Rs. 4,000 but less than Rs. 9,000 | Group C |
| 4. | A Central Civil post carrying a pay or a scale of pay the maximum of which is Rs. 4,000 or less | Group |

4. As per clause (4) of the CCS(Revised Pay) Rules, 2008 notified vide notification No.G.S.R. 622(E) dated 29.8.2008, the **pay band** and **grade pay** or the pay scales, as applicable, of every post/grade specified in column 2 of the First Schedule thereto shall be as specified against it in columns 5 and 6 thereof. Consequent upon the notification of the said rules, there is a need for specifying the description of posts and classification thereof in the CCS(CCA) Rules, 1965.

5. The case has been considered in consultation with the Ministry of Finance (Department of Expenditure) and Ministry of Law, (Department of Legal Affairs and Legislative Department). A draft Order has been finalized on the basis of the draft vetted by Legislative Department. The classification proposed in this draft Order is as follows:-

| Sl.No. (1) | Description of Posts (2) | Classification of posts (3) |
|---|---|---|
| 1. (a) | A Central Civil post in Cabinet Secretary's scale (Rs. 90000- fixed), Apex Scale (Rs.80000-fixed) and Higher Administrative Grade plus scale (Rs. 75500-80000); and | Group A |
| (b) | A Central Civil post carrying the following grade pays :-<br><br>Rs. 12000, Rs. 10000, Rs. 8900 and Rs. 8700 in the scale of pay of Rs.37400-67000 in Pay Band-4, and Rs, 7600, Rs. 6600 and Rs. 5400 in the scale of pay of Rs. 15600-39100 in Pay Band-3 | |
| 2. | A Central Civil post carrying the following grade pays :<br><br>Rs. 5400, Rs. 4800, Rs. 4600 and Rs. 4200 in the scale of pay of Rs. 9300-34800 in Pay Band-2. | Group B |
| 3. | A Central Civil post carrying the following grade pays :-<br><br>Rs. 2800, Rs. 2400, Rs. 2000, Rs. 1900 and Rs. 1800 in the scale of cpay of Rs. 5200-20200 in Pay Band-1. | Group C |
| 4. | A Central Civil post carrying the following grade pays: - Rs. 1300, Rs. 1400, Rs. 1600, Rs. 1650 in the scale of pay of Rs. 4440-7440 in 1S Scale | Group D (till the posts are upgraded) |

**Explanation:** - For the purpose of the proposed order, Pay Band, in relation to a post, means the running Pay Bands specified in Part-A, Section I of column 5 of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008.

6 The draft Order was also sent to the Office of the Comptroller and Auditor General of India for concurrence in the issue of the same in regard to its applicability to persons serving in Indian Audit and Accounts Department. The Office of the C&AG has expressed no objection to the revised classification of posts as proposed in the draft Order. That Office has stated that their Department supports inclusion of the post Sr. A.O. in Group 'A' and that they would need some time to streamline procedures for implementation of new classification of Sr. AOs. The Office of the C&AG has -

**(a)** proposed that a general purpose proviso may be built in the body of the proposed order that gives departments an option to propose

exclusion of certain posts or categories of posts from the groups to which they would ordinarily relate to; **and**

**(b)** urged emphatically that no specific exceptions should be built in the body of Government Order or otherwise, to deny, per-se, Group 'A' status to Sr. AOs of that department unilaterally.

**7.** In this connection, it may be stated that the Order proposed to be issued by the DOPT under rule 6 of the CCS (CCA) Rules, 1965 is intended to notify the general frame of classification of posts under the CCS (CCA) Rules, 1965. By its very nature, such an order under the Statutory Rules has to state only the essentials leaving the exceptions thereto to be clarified in the form of executive instructions. The last notification on this subject was issued vide S.O. 332(E) dated 20.04.1998 outlining the classification of posts. Subsequently, instructions were issued to all Ministries/Departments etc. vide DOPT's O.M. No. 13012/1/1998-Estt. (D) dated 12.06.1998 to the effect that if for any specific reason a Department proposed to classify the posts on a basis different from the norms prescribed in that Order, that Department would be required to send a specific proposal to DOPT giving full justification in support of the proposal within three months of the date of that O.M. so that exception to the norms of classification laid down in the Order could be notified. If the same approach is now followed, it would not be necessary to include in the proposed Order a general proviso giving an option to the Departments to propose exclusion of certain posts ~~or categories of posts~~ from the groups to which they would ordinarily relate to. Issuance of executive instructions immediately after the publication of the proposed Statutory Order in the Gazette of India Extraordinary would take care of the concerns expressed by the Office of the C&AG.

**8.** We may accordingly solicit the approval of MOS (PP) to notify the new classification of posts under the CCS (CCA) Rules, 1965 as per the **draft Order** (DFA-I) and to issue instructions to all Ministries/Departments etc. as per the **draft O.M.** (DFA-II).

(A. BALARAM)
Under Secretary (Estt.A)
01.04.2009

D.S.(E)

JS(E)

2/4/09

For kind approval.

2.4.09
RAHUL SARIN
SECRETARY (P)

MOS(PP)

2.4.09

**Annexure, A-14**

# INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

***"In pursuit of justice for Rail Engineers since 1965"***

***(Estd. 1965, Regd. No.1329, Website http://www.irtsa.net)***


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32, Phase 6, Mohali, Chandigarh-160055.
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*(Ph:0172-2228306, 9316131598).*


**No:IRTSA/Memorandum/ 23-2011** **Date: 29-12-2011**

**Shri Dinesh Trivedi,**
**Hon'ble Minister of Railways,**
**Railway Board Rail Bhavan, New Delhi**

**Respected Sir,**

**Subject: i) Classification of posts of Senior Technical Supervisors (SSE), CMS, CDMS (in *Grade pay of Rs.4600)* in Group-B Gazetted on Indian Railways *(at par with Ordnance Factories, CPWD, DGQA etc & as per orders of DOP).***

**ii) Classification of posts of Junior Engineers (JE), CMA and DMS - in Grade Pay of Rs.4200 in Group B (Non-Gazetted) - *(at par with Ordnance Factories, CPWD, DGQA etc & as per orders of DOP).***

**Reference: i) DOP *S.O. 946(E)*, dated 9th April, 2009**

**ii) RBE No.5/2010, No.PC/VI/2009/I/RSRP/4, dated 08/01/2010.**

**iii) Related circulars / Orders of *Ordnance Factories, CPWD, DGQA etc & as per orders of DOP – (Copies attached).***

**1.** We respectfully seek your kind intervention towards the following issue which has been hanging fire since long without a proper redressal – causing serious frustration amongst the Senior Technical Supervisors on the Railways on account of denial of justice and discrimination in respect of grant of Group-B Gazetted status to Senior Technical Supervisors - SSE, CMS, CDMS in the Grade Pay of Rs.4600; and Group-B (Non-Gazetted) to JE/CMA/DMS in the Grade Pay of Rs.4200.

**2.** **PROMOTIONAL PROSPECTS FOR RAIL ENGINEERS - JUST ONE PROMOTION IN ENTIRE LIFE TIME:**

a) Majority of Technical Supervisors on the Railways – *including Senior Section Engineers (SSEs), Chemical & Metallurgical Superintendents (CMS) & Chief Depot Material Superintendents (CDMS)* - retire in the supervisory cadre itself with just one promotion (from JE to SSE) in-spite of vast experience and expertise even though they can be valuable assets to the administration as Gazetted officers.

b) Technical Supervisors is the only category on the Railways, which gets just one promotion in their entire career after joining as J.Es. (Junior Engineers) with 3 years Diploma in Engineering as recruitment qualification & 1½ years of induction Training. Those joining as SSE (Senior Section Engineers) with Engineering Degree (B.E. / B.Tech) and 1 year induction training – do not get even one promotion in their entire career. Similar is the case with CMAs of Labs & DMS of Stores.

**3.** **JE/CMA/DMS on Railways** – are recruited with Diploma in Engineering as recruitment qualification and one or one and half year induction training get only one promotion in their entire career.

4. **SSE/CMS/CDSM** – are recruited with Engineering Digree recruitment qualification and one year induction training, have to rot in the entry grade with out any promotional chance.

5. In their entire service span majority of Technical Supervisors are not able reach even the base level of Group-B Gazetted posts. Absence of career planning, sluggish promotional avenue and lack of any motivation or incentive has resulted in wide spread frustration amongst them.

6. **Ratio of Gazetted to Non-Gazetted employees:** According to the census of Central Government Employees published by Ministry of Lobour and Employment, the overall ratio of Gazetted to Non-Gazetted employees is 1:20. In Railways - ratio was 1:114. The ratio of Gazetted to non-Gazetted in Ministry of Railways should also be improved on par with other Ministries to fully meet with the job requirements of the posts Technical Supervisors / Rail Engineers on Railways.

7. **DOP order** (***S.O. 946(E)*, dated 9th April, 2009** cited above) granted Group-B Gazetted status to the posts carrying the Grade Pays of Rs.5400, Rs.4800, Rs.4600 and Rs.4200 in Rs.9300-34800 in PB-2 - have not been implemented in Railways.

8. **Combined Cadre Restructuring of Group A, B & C OR Time bound promotion** and upgradation of adequate number of Group C posts to Group A & B are the only solutions to provide adequate avenues of promotion as well as to meet with the job requirements of the Technical Cadres on the Railways in the changed scenario of technology.

9. **Ordinance Factory Board**, Ministry of Defence vide its Authority: M of D ID No. PC 34 (19)/08/D (Fy-II) dated 18.01.2011 (copy placed as **Annexure-I**) has granted **Group-B Gazetted to all Foremen & AFO in the Grade Pay of Rs.4600 (pre-revised scale of Rs.6500-10500 & 7450-11500).**

10. **CPWD** vide its Office Order No. 12/30/2009-EC.IV(SC), dated 25th October, 2010 (copy placed as **Annexure-II**) has clarified that the DOP notification dated 9.4.2009, cited in reference-ii above, has to be implemented in toto.

11. **DGQA (**Director General of Quality Assurance), Department of Defence Production, vide its notification S.R.O 69, dated 16.11.2011 & A/92163/VICPC/DGQA/Adm-7B, dated 9.11.2011 (copy placed as **Annexure-III**) have classified Junior **Technical Officer (Scientific), Scientific Assistant, Assistant Foreman & Chief Draftsman in the Grade Pay of Rs.4600 as Group-B Gazetted**.

12. **CPWD, MES and Depts. of Posts & Telecommunication** have upgraded the posts in **Grade Pay Rs.4600 to Group B Gazetted** and posts of **Junior Engineer** in Grade Pay of Rs.4200 to Group-B Non-gazetted. (Part of SSC selection notification in **Annexure-IV**)

13. **State Governments** who followed the Sixth Central Pay Commission recommendations have also followed the DOPT order in regard to classification of posts. (Gazete No.36, dated 15.09.2010 of Government of Tamilnadu is placed as **Annexure-V)**

14. **CAT judgement:** CAT New Delhi - *(in O.A. No: 835 of 1989, T.A. No: 199 - Indian Railways Technical Supervisors' Association – Versus - Union of India)* – had held that the existing classification of Senior Technical Supervisors in Group-C as anomalous and had directed the respondents (UOI / MOR) to reconsider the matter for placing the members of the Association in the (then existing) Scales of Rs.2000-3200 and Rs.2375-3500 in Group-B as had been done in the case of other Government servants like Accounts Officers (Rs.2375-3500) on Railways and Stenographers Grade Rs.2000-3200 in the Central Secretariat in the same scales. Railways did not accept the said judgement of the CAT. *(Extracts from the Judgement of CAT/New Delhi placed as **Annexure-VI**)*

15. **RECOMMENDATIONS OF RAILWAY ACCIDENT INUIRY COMMITTEES & RAILWAY REFORMS COMMITTEE:** Railway Accident Inquiry Committees (RAIC) had recommended for upgrading of Senior Supervisors to Group-B Gazetted so as to

have the status and powers to ensure Safety and discipline on the Railways. RRC (Railway Reforms Committee) had recommended that a Diploma Holder (joining as Junior Engineer) should be able to get promoted to Junior Administrative (JA) Grade in their service span of 30 years – with 5 years to spare at the highest level. But it is unfortunate that the Railways did not accept either the recommendations of the Railway Accident Inquiry Committees or the Railway Reforms Committee.

16. **RECOMMENDATIONS OF PAY COMMISSIONS & ORDERS OF DOP:**

**a) Third, Fourth and Fifth Pay Commissions** had all recommended that the posts in the Pay scales above Rs.700-900 (3rd CPC), Rs.2000-3200 (4th CPC) & Rs.5500-9000 (5th CPC) should be classified in Group-B. The Government / DOP had accepted these recommendations and issued the orders accordingly. All other Departments implemented the orders – except the Railways. Accordingly, the Senior Technical Supervisors on the Railways continued to be deprived of the status – even though placed in even in higher scales of Rs.840-1040 / Rs840-1200(by 3rd CPC), Rs.2375-3500 (by 4th CPC) and Rs.7450-11500 (by 5th CPC).

**b) Sixth Pay Commission in Para 2.2.8** had recommended, "Four distinctive running Pay Bands are being recommended – one running Pay Band for all categories of employees. Posts in the scale of Rs.5000-8000 (Grade Pay Rs.4200) have, as a result of delaying and elongation of certain scales, been placed in Group-B.

**c) Government of India** accepted the recommendations of the above Pay Commissions and directed all Departments of the Government to upgrade the posts to Group-B Gazetted. DOP vide *S.O.946(E)*, dated 9th April 2009 up grading the posts in the scale equal to the Grade Pay of Rs.4200 and Rs.4600 to Group-B Gazetted. All Departments of Government of India including Ministry of Defence (except Railways) have implemented the DOP's order and upgraded the posts in the Grade Pay of Rs.4600 to Group-B Gazetted and Ministry of Defence granted Group-B (non-Gazetted) to the Junior Engineers (JE) in the grade pay of Rs.4200.

*(Recommendations of Pay Commission on classification of posts placed in **Annexure-VII**)*

17. **COMMITMENT TO FEDERATIONS:** Railway Board had long back agreed and assured the two Federations, to upgrade at least some (15%) of the posts in the pre-revised scale of Rs.7450-11500 (now in Grade Pay Rs.4600 after Sixth CPC) to Group-B Gazetted and directed the Establishment Directorate to make a quick review to reduce the number of streams, for its effective implementation. But the matter did not proceed further from there onwards.

18. **MACPS NO SUBSTITUTE FOR PROMOTION:** Modified Assured Career Progression Scheme (MACPS) is no substitute for promotion as it does not provide the improvement in status – which is one of the primary requirement for job satisfaction – as per basic principles of Management. The decision of the Railway Board of not granting Group-B Gazetted status to the Senior Technical Supervisors on Railways is the main cause of dejection and frustration of the entire Technical Supervisor Cadre whose promotion channels in the present pattern is very bleak.

19. **TALENTED YOUNGSTERS AVOIDING JOINING RAILWAYS:** With virtually no career planning and hardly any avenues of promotion even till retirement, no new recruits with merit is aspiring to join the Railways as a Technical Supervisor/Rail Engineer; and many of those who had already joined (unaware of theier fate) are very keen to leave the Railways – but are at times are held back only due to fear of loosing their benefit of the service rendered by them for retirement benefits.This will become a major handicap for the Railways in the future - adversely affecting safety and efficiency on the Railways.

20. **We, therefore, request you that – *keeping in view the facts stated above and to bring about a parity with Ministry of Defence, Telecommunication & CPWD and the Railways – and a uniformity for the technical cadres in all government***

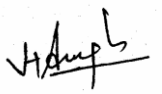
***departments and in the larger interest of both administration and the staff concerned:***

**i) All posts of Senior Technical Supervisors - presently in the Grade pay of Rs.4600 -** ***including Senior Section Engineers (SSEs), Chemical & Metallurgical Superintendents (CMS) & Stores Engineers Chief Depot Material Superintendents (CDMS) of all technical departments*** **- be classified in Group B (Gazetted);**

**ii) All posts of Junior Engineers (JE), CMA and DMS - in the Grade Pay of Rs.4200 be classified in Group B (Non-Gazetted).**

**With kind regards,**

**Yours' faithfully,**



**Harchandan Singh,**
**General Secretary, IRTSA**

***Encl:*** ***6 Annexures***

***Copy for information & favourable consideration to:***

1. **Chairman, Railway Boar,Rail Bhavan, New Delhi**
2. **Member / Staff, Railway Board, Rail Bhavan, New Delhi**
3. **Member / Mechanical, Railway Board, New Delhi**
4. **Member / Engineering, Railway Board, New Delhi**
5. **Member / Electrical, Railway Board, New Delhi**
6. **Additional Member / Staff, Railway Board, New Delhi.**
7. **Additional Member / IR, Railway Board, New Delhi.**
8. **Secretary (Estt.), Railway Board, New Delhi**