

Voice of Rail Engineers

Official Journal of

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

Vol. 13

Issue – 4

July-August, 2020

Price: Rs.20

Annual Subscription: Rs.100

1ST EVER VIRTUAL CEC MEETING OF IRTSA Expresses anguish over the long pending demands specific to the category

First ever virtual CEC meeting of IRTSA was conducted in most successful manner on 23rd Aug.

Welcome Address: Convener of the CEC meeting, Er.K.V.Ramesh welcomed Central President, General Secretary and all CEC members of IRTSA to the meeting which was conducted virtually due to Covid-19 pandemic. Er. M.Shanmugam, Central President presided over the meeting.

Homage to Soldiers who sacrificed their life and Covid-19 victims: CEC meeting begun with paying homage to the brave soldiers who sacrificed their lives to defend our border on Chinese aggression and Pakistan's sponsored intrusion and for the victims of Covid-19 pandemic.

Presidential Address: In his presidential address Er. M.Shanmugam complimented the office bearers of IRTSA for organizing first ever virtual CEC meeting of IRTSA. He condemned the adamant attitude of Finance Ministry for not accepting the proposal of Railways for upgrading the Grade Pay of SSE from Rs.4600 to Rs.4800. He also urged DoPT to accept the genuine demands in MACP scheme like inclusion of training period, implementation of MACPS w.e.f.01.01.2006, etc. He opposed the proposal of Corporatization by Production Units of Indian Railways. Production units of Indian Railways were established to stop import of rolling stocks from foreign countries and to stimulate industrial revolution in India. They are also instrumental in improving some of the most backward areas of the country. He explained installation and emergence of seven production units of Indian Railways and their ability to meet all the requirements of Indian Railways at cheaper cost. He also briefed about unprecedented massive agitations held at all seven production units.

Criticizing the decision of Railways for introduction of Passenger train operation by private operators, he said Indian Railways was made as full Government entity in early 1950s to serve the nation. Subsequent Governments further strengthened the hold on Railways to meet the social obligations. Indian Railways has been declared as infrastructure by the then Prime Minister Sri.A. B.Vajpayee. He said private train operators will only escalate the passenger fares. They cannot run their train at higher speed than IR trains and there will not be any appreciable addition of passenger amenities. He urged upon the Government to stop Corporatization of PUs and allowing private train operators.

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PPP IN PASSENGER TRAIN OPERATION IRTSA submitted detailed memorandum to Rly. Minister to reconsider the decision

Highlights of the memorandum

Indian Railways decided to introduce private operated passenger trains and published Request for Qualification (RFQ) & Project Information Memorandum (PIM) documents. The scope of private entities includes designing, procurement, financing, operation and maintenance of passenger trains on selected routes with the right to determine and collect the fares. Private entities will be required to offer share in the Gross Revenue.

According to PIM, the Private entity shall have the freedom to decide on the fare to be charged from its passengers and the configuration of each train as well as its coaches shall be determined by the private entities. Facilities now available free in IR trains, like preferred seat options, carrying luggage / baggage, Wi-Fi connection, bed roll, etc. can be charged by private entities.

IRTSA submitted detail memorandum highlighting the points which may adversely affect interest of Nation, Railways, Rail passengers and working class.

1) Profit making upper classes will be taken away by private trains, while railways will continue to bear social service obligations and law & order costs:

Private operators are free to operate only profit making classes of AC sleeper & AC Chair car. In the year 2018-19 out of 841 crore passengers originated, 55 crore passengers (only 6%) travelled in all reserved classes. Railway earned Rs. 32,159 crore (63% of total income through passenger business) from this 6% of all reserved passengers. Subsidized classes of sub-urban, ordinary second class & sleeper class will be left to Railways.

2) Private trains will be allowed to earn more by increasing fare & by compromising passenger carrying capacity:

The freedom to decide on the fare will be used as a tool to increase the fare by means of dynamic pricing etc. Combination of private trains will invariably be available for AC upper class travelers only; there won't be any non AC sleeper class or ordinary class. Facilities now available free in IR trains, such as preferred seat options, carrying luggage / baggage, Wi-Fi connection, bed roll etc. will be charged additionally. Private operators by running only upper class charging 30% more fare than IR's fare can earn more than IR trains by carrying less passengers.

3) Average speed of proposed private trains will remain more or less the same as of trains operated by IR. Line capacity will be compromised if speed of a few private trains is increased.

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"SUCCESS COMES TO THOSE WHO BELIEVE"



Editorial**PERIODIC REVIEW OF CENTRAL GOVERNMENT EMPLOYEES IS HARSHER & INSENSITIVE ORDER**

Periodic review of Central Government Employees for strengthening of Administration is an axe on the heads of Central Government Employees. In 1961, paper on "Measure for strengthening of Administration" was placed in both houses of Parliament. Recommendations had been made with the aim of developing responsible and efficient workers at all levels and to introduce efficiency, economy and speed in the disposal of Government functions.

O.M. was published by Home Ministry in the year 1969. Doubtful integrity and unfitness / incompetence to the present post held by the employee were the two criteria followed for premature retirement. Once a decision had been taken to retain the employees beyond the age of 55 years or on completion of 30 years of service, employees would continue to be in service till he attained the age of superannuation. If however it was felt at any time after the review that retention of employee will not be in the public interest, necessary action to retire the employee could be taken. Over the years amendments have been made to make it harsher and insensitive to good human resources management.

DoPT published OM dated 28th August 2020, to consolidate and reiterate the guidelines issued so far. For Group 'C' employees FR 56 (J) gives absolute right to Government to retire the employees after completion of 55 years of age and by the rule FR 56 (I) it can be done after 30 years of service. In Rule 48 (1) (b) of CCS (Pension) Rules, an employee can be retired at any time after completing 30 years of service. Quarterly schedule to be maintained for review of performance and a register has to be maintained. Non-adherence to the time-lines due to administrative exigencies shall not take away the powers of Appropriate Authority to pre-maturely retire a Government employee. There is also no bar on the Government to review the earlier decision to retain the officer. Review can be done again on account of changed circumstances, in public interest.

Broad Criteria to be followed by the Review Committee

- Doubtful integrity & ineffectiveness
- No employee can be retired for ineffectiveness, if the employee is retiring within one year. But, if there is a sudden and steep fall in the competence, efficiency or effectiveness of a Government servant, review for premature retirement can be done.
- No employee should ordinarily be retired on ground of ineffectiveness, if, the employee has been promoted in preceding five years on the basis of merit and his performance found satisfactory in the promoted post. For doubtful integrity this condition doesn't apply.
- The entire service record of employees should be considered at the time of review.
- Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

Five Supreme Court Judgments have been cited in the O.M that are intimidating to the employees and may discourage employees from seeking judicial remedies. Out of the five judgments, three were about state Government employees.

For instance, in the case of State of Gujarat Vs Umedbhai M. Patel cited in para 11.2, an Executive -

Engineer of State Government of Gujarat was placed under suspension in the year 1986 pending disciplinary proceedings. While the employee was continuing under suspension, the Government of Gujarat passed an order of compulsory retirement by invoking Bombay Civil Services Rules in the year 1987. It was stated that employee's service beyond the age of 50 and 55 years was reviewed. The employee was due to retire on superannuation by the end of August 1988.

The Division Bench of the High Court set aside the order of compulsory retirement. For the appeal, Supreme Court directed state Government of Gujarat to comply with the directions of the Division Bench. In this case Hon'ble Supreme Court cited nine judgments related to compulsory retirement, out of which six were about State Government employees. Parts of judgments cited by the Supreme Court against arguments of employees only were quoted in the DoPT O.M.

One of the Judgment cited by the Supreme Court said that Court may interfere if they are satisfied that the order is passed (a) mala fide or (b) that it is based on no evidence or (c) that it is arbitrary -- in the sense that no reasonable person would form the requisite opinion on the given material; in short, if it is found to be a perverse order. The judgement further said that compulsory retirement should be based on material and has to be passed on the subjective satisfaction of the Government. Very often, on enquiry by the Court, the Government may disclose the material. Spirit of this judgment was not reflected in any part of DoPT O.M.

Even though the system of periodic review is there for many years, purpose of intimidating the employees is well served by the O.M of DoPT. Judgments accepting the arguments of employees' side were not cited in DoPT O.M. Positive selections undergone by all Technical Cadres in Railways for their promotions, mandatory periodic refresher courses & periodic medical fitness for Technical cadres, running staff, operation staff, employees' performance in meeting the prescribed bench marks and many more vital criteria, indicative of performance of employees to the required level of efficiency have not found place in the O.M.

DoPT's O.M can not only be used for victimisation, but it will also be a weapon in the hands of Government to reduce the staff strength. Government need to understand the basic principle of human resources management by positive motivation. Negative motivation by intimidation will lead to disaster not only for the employees, but for the Public Interest as a whole, failing the intended purpose of periodic review.

Readers, Zones & Sub-units - Please send Annual Subscription @ Rs.100 PA for "Voice of Rail Engineers"

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VIRTUAL CEC MEETING OF IRTSA**Continued from Page – 1**

General Secretary's Report: General Secretary, Er. Harchandan Singh in his report said that virtual CEC meeting is convened to keep ourselves in the best of the stride to face the challenges ahead before the category, as well as part of working class. He said, It is sad that the government is going ahead with a plan to privatize the train operations, which is an unprecedented step in India and which is a failed experiment the world over. Almost seven countries privatized the railways, but later on all of them have taken it back and nationalized their railways working step by step. GS IRTSA briefed about the memorandums submitted by IRTSA to Railway & Finance Ministry on this subject with the detailed justification for not going ahead.

Similarly, on the corporatization of the Production Units, IRTSA represented continuously to the Government with justification for stopping this process of corporatization of production units and with the alternative proposal to raise funds and raise production, he said. GS IRTSA also condemned unprecedented action of freezing of the dearness allowance and Dearness pension for the central government employees and the pensioners. He demanded for ex gratia payment to the families of the Central Government employees who died due to covid-19. He also highlighted issues like MACPS, NPS, etc. He appealed to the members to strengthen the organization at grass root level and to raise fund adequately through collection of membership, legal fund and for "**Voice of Rail Engineers**".

Patron Address: Er. K.V.Surendranathan, founder member and Patron said that IRTSA has been able to make many achievements through continuous persuasion, representations and consistent struggle over the last 55 years. It has also been able to resolve many of the day to day problems of Rail Engineers by reducing victimization by the administration, and frequent cases of manhandling and misbehavior by workers etc. through unity, greater awareness and better Industrial Relations with the administration and the Unions at large.

Address by Working President: Er. DarshanLal, Working President in his address said that, Government sectors & PSUs are backbone of the country as proved from time to time. In the Covid-19 pandemic Government organizations are standing tall in serving the country. Indian Railways played a crucial role in transporting food grains and other essential items for maintaining the supply chain throughout the country without any interruption. Operation of Sharmik trains & Covid-19 specials at the time Covid-19 pandemic could not be possible by any private entities. Indian Railway workshops & depots made 5000 coaches ready as corona isolation ward in minimum possible time. He said that by the proposed private train operation and Corporatization of PUs nation will lose a Government sector which is serving the nation throughout the year in all seasons and in many difficult conditions.

Er.K.Gobinath Working President & Zonal Secretary ICF in his report said that IRTSA/ ICF zone is one of the vibrant units functioning actively & effectively under the Dynamic leadership of Er.M.Shanmugam, CP/IRTSA. The Zonal General Body Meeting of IRTSA/ICF unit was held on 22.02.2020 at North Colony Welfare Center, ICF, Chennai. Against the proposal of Corporatization of PUs, IRTSA/ICF unit has taken various initiatives jointly with all other trade unions under the banner of Joint Action Council (JAC)/ICF.

IRTSA/ICF has participated in the various programmes including Gate meetings, Protest day, Mass meetings & submitting memorandums in coordination with JAC/ICF. He listed the issues taken by IRTSA/ICF concerning the Supervising Engineers independently and on certain common issues along with all unions. On 07.02.2020, IRTSA/ICF Team under the leadership of Er.M.Shanmugam met GS/NFIR on his visit to Chennai and discussed various issues concerning the Supervising Engineers and on the proposal of Corporatization of PUs of IR. He also mentioned about handing over of a Cheque of Rs. 1,50,000- towards Tamilnadu Chief Minister's Relief Fund.

Address by Senior Vice President: Er. B.Inbanathan, Senior Vice President highlighted important issue of surrender of 50% vacancies in non-safety categories. He said that when existing sanctioned strength of Technical Supervisors & Technicians in ICF and all PUs are enormously inadequate to achieve targets any further reduction in the strength of SSE, JE & Technicians will hamper the production and quality of the rolling stocks.

Central Treasurer Report: Central Treasurer Er.O.N.Purohit briefed on the financial position of Central Body of IRTSA.

Brief on Court Case: Briefing about OA 1568/2018 between IRTSA and Union of India demanding higher Pay Level for SSE and JE, K.V.Ramesh Senior JGS said that, reply statement for the petition of IRTSA has been filed by the respondents and IRTSA filed rejoinder statement for it. But arguments couldn't be held because of non-availability of Judicial member at CAT for a long time and at present because of Covid-19 pandemic court is not functioning.

Zonal Secretary's Report:

Er. Ashoke Chowdhury Zonal Secretary CLW in his report said that many issues concerning Technical Supervisors were settled through meetings and discussions with officers and departments. Issues like MACPS, Special Pay and Promotion etc. of Technical Supervisors are being regularly taken up. During lockdown, IRTSA/CLW Unit provided food and other provisions to about 200 families inside CLW Township who were in dire needs, with the generous support from our members. Joint Action Committee in CLW conducted some very successful protest programmes against Corporatization of Production Units.

Er. V.P.Abdul Salam Zonal Secretary Southern Railway in his report said that apart from the severe hardship of Pandemic being faced by country as a whole, Railway men particularly Rail Engineers are in severe strain due to recent orders and decision of Government pertaining to Railways and other important issues. Gazetted status to SSE and higher Pay level for JE and SSE are still elusive in spite of genuine justification and lot of persuasion by IRTSA. In the pandemic period Railways is running Goods services, parcel specials, passenger specials with tireless services of Rail Engineers risking their health. IRTSA Southern Railway submitted memorandum to General Manager Southern Railway stating that facilities provided at Southern Railways hospitals need to be improved, General Manger Southern Railway immediately acted on our memorandum and conditions in hospitals were improved. In the open line because of the policy of Railway Board there are huge vacancies in safety categories, putting lot of pressure on the existing Technical Supervisors and Technicians. He also condemned the attitude of Railway Board not addressing the genuine demands of Technical Supervisors as done for other categories.

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VIRTUAL CEC MEETING OF IRTSA**Continued from Page – 3**

Er. MayankBhatnagar Zonal Secretary RCF briefed about large scale agitation held under the umbrella of RCF Bachao Sanghrash Committee, Kapurthala since the proposal of CRB on 18.06.2019 on Corporatization of Production Units and private passenger train operation. He said that IRTSA RCF Zone has donated rupees One lakh towards Punjab Chief Minister's Covid Care Relief Fund apart from contribution from PMCARE. He said that IRTSA RCF Zone is quite ready to unfurl the flag of 56th All India Annual Conference and Central General Body of IRTSA at RCF Kapurthala as and when the situation permits.

Er. Mruthyunjaya Bapat Zonal Secretary Rail Wheel Factory briefed about Participating in Protest, Dharna and Gate meeting organised by Federations to send a strong message to Ministry of Railways against Privatization / Corporatization of PU's. He said that IRTSA members made generous contribution to provide food kits to the needy people. He also mentioned about representation made to GM / RWF for classification of posts in PU's as Safety category and not to initiate action for 50% downsizing of posts.

Er. N.V.Ramanamurthy Zonal Secretary SC. Railway in his report highlighted participation of IRTSA in Gate meetings, protests etc. organized by Federations against privatization of Train operation. He appreciated all the members of IRTSA for making contribution for Prime Ministers Covid-19 relief fund.

Er. R.B.Singh Zonal Secretary Western Railway paid his condolences to all brother Rail Engineers who have left to heavenly abode due to the Covid pandemic. He shared important activities carried out in Western Railway & Central Railway.

Er. Vinod Kumar Zonal Secretary SWR said that during the Covid-19 pandemic meetings are conducted through electronic media. He said that among various issues PCO allowance for cadre of PCO Technical Supervisors and staff are taken up by IRTSA along with the recognized Federation. He applauded the unity shown by Rail Engineers when one of their colleagues was manhandled, as a result of which Administration has initiated DAR action against the delinquent employee.

Er. Akilesh Viswakama Zonal Secretary NR stated that CGB & CEC Meeting-2019 was successfully conducted in Lucknow with the help of a number of Technical Supervisors who gave time and energy to organize the programme. He said that units of IRTSA have been opened in MCF/Raebareli and RDSO/Lucknow even during this turbulent period. He also said that problems of Engineers are being solved at local level, in coordination with Federation leaders also, if required.

Er.O.N.Purohit Zonal Secretary NWR said that IRTSA NWR needs to be strengthened further for enrolment of more membership and for other activities. He said that recognition of IRTSA and grant of Group 'B' (Gaz) to all SSEs need to be persuaded on top priority.

Resolutions on main demands: Er. K.V. Ramesh Sr.JGS proposed resolutions on main demands. CEC IRTSA draw the kind attention of the Government and Ministry of Railways and urged upon them to consider the genuine and long pending demands of the Technical Supervisors on Indian Railways, for better Pay Levels commensurate with their duties & responsibilities, to provide adequate avenues of promotion to remove rampant stagnation amongst them and improve their service conditions. CEC IRTSA urged the Government to withdraw the decision of allowing private passenger train operators on Railways and Corporatization of Pus.

Resolutions on main demands of the category is placed separately.

Discussion by Members:

Er. E.Ramesh, Vice President highlighted the shortcomings in the conducting this virtual CEC meeting and desired it to be according to the latest standard. He also expressed the requirements of successfully conducting this type of virtual meetings. He raised the issue of indiscriminate outsourcing being done in all PUs and need to have a control over quantum of outsourcing. All the technical knowhow of new developments introduced in Rolling stocks should be made available to Railway PUs.

Er. Rajaprabakar demanded Counting of training period of Junior Engineers (JEs), Senior Section Engineers (SSEs) and other Technical non-gazetted staff for the purpose of financial upgradation under MACPS.

Er. Sunil Kumar (Electrical) said that Technical Supervisors are the only category stagnated without promotional avenue. He highlighted the issue of insufficient employees qualifying for Group 'B' posts in Electrical department of Southern Railway, obstructing meager promotional avenue available to SSE & JE. In Southern Railway Electrical department SSE & JE are not able to get even available meager promotion chances. From the year 2012, 70% & 30% selections for Group 'B' posts in Electrical department was conducted for total 73 vacancies. But only 26 (31.5%) Technical Supervisors qualified in these selections. He urged for modifications in the selection procedures and publishing comprehensive question bank.

Er. Sekar demanded that Promotion through LDCE (Intermediate Apprentice JEs) should be counted as initial appointment for Financial up-gradation under MACPS.

Er. G. Aranganathan urged CEC IRTSA to pressurize the Government to revise the insurance amount in Central Government Employee Group Insurance Scheme (CGEGIS) to Rs.15 lakh, Rs.25 lakh and Rs.50 lakh as recommended by 7th CPC, but with the nominal monthly deduction.

Er. A. Ganesh Babu JGS said as of now "**Voice of Rail Engineers**" is uploaded in the website of IRTSA, facebook, Whatsapp, etc. and limited number of hard copies are circulated to CEC office bearers. In the past on average 3000 printed copies were used to be circulated among the members across the country. It is observed that printed copies are more effective than the soft copies in propagating the activities of IRTSA. So, circulation of more printed copies are need to be restored.

Er. Zaheer Hussain President GOC workshops, Southern Railway said that, non-technical works of maintaining contracts for cleaning, painting etc. are increasing in multifold, but the strength of Technical Supervisors are getting reduced putting the category in severe strain, so either non-technical work should be removed from the category or additional staff may be given for carrying out non-technical works.

Er. R. Raghupathy demanded that considering the responsibility & accountability of Technical Supervisors and Technicians of Railway Production units on the safety aspects of train operation which is primary in nature, they may be included in the list of safety categories along with workshop & open line staff.

Er. B. Saravanan demanded that the Design & Drawing Engineers in Workshops & Production Units be treated as part of Planning wings of PCO & paid either the PCO Allowance or Incentive Bonus at par with their counterparts working in PCO / Shop floor. **Continued on page-5**

VIRTUAL CEC MEETING OF IRTSA**Continued from Page – 4**

Er. Jayachandran (Balakrishnan) requested that MACPS may please be implemented from 1.1.2006 since MACPS is part of pay structure – as recommended by 6th CPC and as held by the Apex Court.

Er. Jagadeesh Kumar demanded that, If employees got infected by Covid-19 in performance of their duties, they may be given quarantine leave instead of debiting their own leave and Ex-gratia compensation of Rs.50 lakh to the families of Railway employees who died due to Covid-19 infection caught up in performance of their duties.

Er. S.K.Hira of South Central Railway briefed some of the issues of open line Engineers. No replacement is provided for the retirement of staff and Technical Supervisors. LHB coaches are having more maintenance schedules, but insufficient manpower and non-availability of spares put the safety at stake. Failure of contractors in completion of work adds to the problem since the left out works have to be completed with limited number of staff.

Er. Mahalingam said that strength of staff and Technical Supervisors is getting reduced every year even though production target is getting increased. In the scenario of more outsourcing, workload of PCO department has increased many fold, hence JE & SSE working in PCO organization should be either paid PCO allowance equal to incentive bonus or PCO organization may be attached with shop floor.

Er. Vertivel Secretary BBQ Depot Southern Railway briefed about the activities at Chennai Division during Covid-19 pandemic. He said that Southern Railway decided to issue ID cards uniformly with Government of India emblem after IRTSA's representation to PCPO Southern Railway.

Er. Suresh Kumar said that non-technical duties like linen management being managed by Technical Supervisors should be taken away, since it is basically a commercial activity.

Er. Gopi of open line depot said that workload and hardship of open line Engineers are increasing day by day and demanded special allowance or incentive for additional workload. He also urged the CEC to vigorously pursue for grant of Hardship Allowance for open line Engineers.

Er. K.N. Perumal of Car Shed said that IRTSA should vigorously fight for promotional avenue of Technical Supervisors and to initiate legal action against freezing of rates of DA.

Er. G .Rajagopalan of Stores expressed full solidarity with IRTSA. He said that filling up of vacancies particularly in Technical Cadre need to be done on top priority.

Er. Sheffin Gorge said that suspending the recruitment of Graduate Engineers as SSE will harm Railways in long run. He also said that because of this already recruited direct SSEs are not able to get inter divisional or inter railway transfer.

Er.KrishnaBabu Secretary JTJ/Freight Depot said that for calculation of man hours to maintain closed circuit rakes (BOXN/BOXNHL) minimum men required for a shift need to be considered also.

Er. Mothilal of Liluah workshop said that grant of MACPS to the JEs selected through LDCE quota need to be persuaded further.

PPP in Passenger Train Operation: Er. K.V.Ramesh, Sr.JGS IRTSA, briefed about proposal of Government on PPP in Passenger Train Operation and concluded that, operation of private trains may not achieve financial, operational & technological objectives projected by Government. Passenger fares for proposed private trains will be high and at the same time subsidies for lower classes operated by IR will also remain high. No transfer of technology or updation will happen. Level of passenger satisfaction will come down. Capacity addition may not happen at the expected level. Production Units, Workshops & maintenance depots will lose their workload. Most of the work force will be daily wage earners. Indian Railways setup will be fragmented. Hence it is requested that the Government may withdraw the decision of allowing private passenger train operators.

Adoption of Resolution of Demands, Line of Action & follow-up of Main Demands

CEC agreed on Adoption of Resolution of Demands, Line of Action for pursuance of Demands be taken as per local conditions, joining Railway men in protest against Privatization of Trains & Corporatization of PUs and authorized President & GS IRTSA to follow-up with the Govt. for acceptance of Main Demands.

Programme for 56th Annual Conference & CGB Meeting of IRTSA

CEC IRTSA accepted the proposal of conducting 56th Annual Conference & CGB Meeting of IRTSA at RCF in April, 2021 (or on normalization of Covid-19 conditions).

Conclusion of CEC Meeting

In his concluding speech Er. M. Shanmugam, Central President congratulated Er. K.V. Ramesh & Er. Ashoke Chowdhury for successfully conducting historic first ever virtual CEC meeting. He requested all CEC members to go through statistics given by him in his inaugural speech and give their opinion to him. He said the all the issues raised by each and every member will be considered with due care. He urged the members to be more vigorous in the hour of crisis, particularly when Government is pushing through it's agenda during the period of Covid-19.

In his vote of thanks address General Secretary IRTSA said that first ever virtual CEC meeting is one of the most successful, not only in respect of number of participants but every member were able to express their views. He said all the views of the members on demands will be presented to Railway Board and concerned authorities in the form of charter of demand. He said that memorandums submitted by Federation carried all the points raised by IRTSA. GS thanked every member for adopting resolution of demands, line of action, etc. He assured all the cadre of the IRTSA for persuasion of demands of IRTSA at all levels. He urged all Zones and sub units to go for full-fledged membership and send the central quota earlier.

GS IRTSA highly thanked Er. K.V. Ramesh & Er. Ashoke Chowdhury for conducting the virtual CEC meeting in most successful manner as well as doing other regular work of IRTSA. **Long live IRTSA. Jai Hind !!!**

**All Zones & sub units to send the details of
Central Quota to the Central Treasurer
ER O. N. PUROHIT, 106, SURAJ NAGAR,
JODHPUR-342008**

PPP IN PASSENGER TRAIN OPERATION

Continued from Page-1

4) Restriction on introduction of new trains by IR: “No new similar scheduled train will depart the originating station in the same origin destination route within 60 minutes of the Scheduled departure of the private trains”

5) Terminal capacity constraints not addressed – will have adverse impact on punctuality of trains: Without improving the terminal facilities particularly without adequate platforms, addition of new private trains will only affect the punctuality of trains.

6) Benefits of commissioning of dedicated freight corridor (DFC) and focused capacity additions in high density network (HDN) & highly utilised network (HUN) will all go to the private train operators leaving Indian Railways in shambles: Benefits of Rs.1.12 lakh Crore seamless investment for capacity addition in HDN & HUN are going into the hands of Private train operators.

7) Maintenance depots will lose their workload & space, no scope for improvement in IR’s train maintenance activities.

8) Bitter experience of privatization of catering and coach cleaning activities in Railways: IR couldn’t address large passenger complaints in catering, coach cleaning and bed rolls that are handed over to contractors. Passenger satisfaction in contract managed catering and cleaning activities has come down drastically.

9) Railway Production Units & Workshops will lose their workload.

10) Design and Development of new rolling stocks will stagnate, since private entities not going to own production facilities.

11) Private entities failures & incapacities will have impact on entire IR system: Any one inefficient private managed cluster will have serious implications in operation of trains in high density route in which the cluster is positioned. Any failure or accident happening to private train will adversely affect the punctuality of IR trains.

12) Loss of employment opportunities in Indian Railways & quality of employment will come down: Outsourcing of maintenance and other activities have only increased inadequately paid unorganized temporary staff even for technical work, diminishing the chances of continuing existing permanent technical jobs available in Railways. Basic social & monetary security even for qualified Engineers will be at stake, not to mention about technical staff and supporting staff. Most of the workforce will be turned into daily wage earners.

13) Bitter past experience of privatization of telecom industry: In telecom sector when private players were allowed Department of Telecommunication was converted into corporations by splitting them as BSNL, MTNL and VSNL. VSNL has already met its end, MTNL is about to be wound up and BSNL is limping for its survival. It is not justified to blame the efficiency of the employees of BSNL, MTNL and VSNL for loss in their business. Losses were on account of Corporatizations of the Telecom department and promotion of Corporate sector in Telecom to grow many fold at the cost of BSNL, MTNL and VSNL.

14) CONCLUSION

Private trains may not achieve financial, operational & technological objectives projected by Government. Passenger fares for proposed private trains will be high and at the same time subsidies for lower classes operated by IR will also remain high. No transfer of technology or updation will happen.

Level of passenger satisfaction will come down. Capacity addition may not happen at the expected level. Production Units, Workshops & maintenance depots will lose their workload. Most of the workforce will turn into daily wage earners. Indian Railways setup will be fragmented.

15) For the reasons explained above, keeping the interest of the Nation, Railways, Rail passengers and working class in view, Government is requested to withdraw the decision of allowing private passenger train operators on Railways.

IRTSA MEMORANDUM TO RAILWAY BOARD FOR CLASSIFICATION OF SSE/JE AS SAFETY POSTS & FILLING OF ALL EXISTING VACANCIES

Sub: Filling up of non-gazetted posts in Railways – Classification of posts as Safety Categories in Electrical and Mechanical department & Review of policy on creation of posts- in the Production Units.

Ref: 1) Railway Board’s letter No. E(NG)I-75/PM 1/44 dated 31.05.1982.

2) Railway Board’s letter No. E(NG)I/2010/PM1/19, (RBE No.02/2020), dated 6th Jan 2020.

3) Railway Board’s letter No. E(MPP)2018/1/1, dated 02/07/2020. (**Review of Policy on creation of posts**)

Kind attention is drawn towards the issue of surrendering of 50% of existing vacancies, in other than Safety Category and Classification of technical posts as Safety Categories in Railway in the Production Units. Railway Board in its letter cited in at Sl. No. 3 above, regarding “**Review of Policy on creation of posts**” has directed all Zonal Railways and Production Units for “**Surrendering 50% of existing vacancies, in other than Safety Category**”.

1) Classification of posts of Technical Supervisors and Technicians in PUs as Safety Categories.

1.1) List of Safety Categories in Railways were prepared in the year 1982, vide Railway Board letter No. E(NG)I-75-PM 1/44 dated 31.05.1982, when there were only three Production Units (CLW, ICF & DLW) available in Indian Railways and no posts of Production Unit was covered under Safety Category, but no reason for the same was indicated therein for this exclusion of PUs from the same.

1.2) Profile of Indian Railway Production Units have changed considerably since 1982. Seven PUs of Indian Railways, namely CLW, ICF, DLW, RWF, DMW, RCF & MCF have direct responsibility in safe functioning and quality control of latest designs and specifications of Locomotives, Coaches and Wheel & Axles produced by these PUs. The said PUs shoulder more responsibility to ensure safety since many of the products are designed by the PUs themselves. Responsibility is not only of manufacturing of safety items, but their design, drawing, specification, vendor approval etc. are also carried out by PUs.

1.3) “**Report of the high level Safety Review Committee-2012**” in Chapter-IV said that passenger train speed is increased from 80 kilometers per hour to 100-110 kilometers per hour for express trains and 130-150 kmph for Shatabdi and Rajadhani Express with LHB formation. The committee recommended many measures to be adopted by the Production Units to improve the safety of train operations.

..... **Continued on page - 7**

CLASSIFICATION OF SSE/JE AS SAFETY POSTS

Continued from page - 6

1.4) "Report of the Railway Safety Review Committee-1998" in para 3.9 observed that Safety of Railway System depends as much on the quality and upkeep of its rolling stocks. The Committee recommended many measures/developments to be adopted for Locomotives and Coaching & Goods Stock at the manufacturing stage itself by Production Units in para 3.10, 3.11 and their sub para.

1.5) **Justice Wanchoo Accident Inquiry Committee & Justice Sikri Accident Inquiry Committee** had also recommended series of improvements, which were adopted by the Production Units to improve the safety in train operation.

1.6) Production Units are continuously improving the performance of safety items they produce by continuous interaction and coordination with user Zonal Railways, Workshops, RDSO, Railway Board, etc.

1.7) "Train-18" designed and manufactured by ICF has achieved the speed of 160 kmph incorporating many safety features besides passenger amenities. Conversion of Diesel Locomotives to Electric, make in India 12,000 horse power Electric Locomotive and other new modern trains/coaches are recent achievements of IR PUs.

1.8) In recent time PUs turned out Tejas, DEMU Rakes for Sri Lanka, Air conditioned EMUs, Air conditioned Kolkata Metro Rakes, Covid-19 Coaches, AC Hot Buffet Cars, WAG9 9000 HP Locomotives and others incorporating many safety features.

1.9) Senior Section Engineer (SSE) and Junior Engineer (JE) working in PUs are responsible & accountable for train safety in design, manufacture, quality control etc. of Locomotives, Coaches and wheel & axles manufactured/processed by the PUs. Similarly Technicians working in PUs are responsible & accountable for the quality & performance of safety items produced by them.

1.10) Responsibility & accountability of Technical Supervisors and Technicians of Railway Production Units on the safety aspects of train operation is primary in nature and they may be included in the list of Safety Categories along with Workshop & Open Line staff.

2) Impact of proposed surrendering of 50% of existing vacancies in PUs

2.1) Rolling Stock requirement of Indian Railways is very high. Requirement will further increase steeply after commissioning of Dedicated Freight Corridor (DFC) and completion of capacity additions in identified super critical projects and critical projects of High Density Network (HDN) and Highly Utilized Network (HUN) across Indian Railways.

2.2) Production Units of Railways always have pre-fixed production targets every year. In the production year 2020-21, target of 8675 coaches of 52 varieties and 725 Electric Locomotives are fixed for Production Units. Target for the year 2020-21 is 20% more for Electric Locomotive and 44% more for coaches compared to the target achieved in the year 2018-19.

2.3) Exponential increase in the annual target of PUs is not matched with increase in strength of Technicians and Technical Supervisors. In fact staff strength is getting reduced. Manpower availability is reduced further because of lockdown / restriction imposed for Covid-19 pandemic.

2.4) ICF lost eight working days (2.7% of total working days) from 23.03.2020 to 31.03.2020 last (financial) year due to complete lockdown for Covid-19. In the current production year loss of working days due to Covid-19 lockdown -

- restrictions will be equal to 87 working days (30% of total working days).

2.5) CLW has lost 83 working days which is 28% of total working days. Similarly RWF has lost 48 working days which is 16% of total working days for the current production year. Similar was the condition with RCF, MCF, DLW and DMW.

2.6) Even though production target initially fixed for all PUs are reduced due to Covid-19 lockdown, outturn in terms of coaches/locomotives in proportion to available working days is higher than last year's targets.

2.7) While existing sanctioned strength of Technical Supervisors & Technicians in PUs is inadequate to achieve the target, it will not be appropriate to surrender 50% existing vacancies. Further it is requested to create additional posts for additional load.

It is, therefore requested that,

a) **Junior Engineers, Senior Section Engineers and Technicians working in all Production Units may please be classified as Safety Categories. Accordingly changes may please be made in Sl.No 2 & 3 of RBE No.02/2020, dated 6th Jan 2020.**

b) **No surrender of vacancies may please be done in the categories of Technical Supervisors and Technicians in PUs, and Railway Board's letter No. E(MPP)2018/1/1, dated 02/07/2020 may please exclude Technical Supervisors and Technicians in PUs from the categories marked for surrendering 50% of existing vacancies.**

c) **Additional posts may please be created in the category of Technical Supervisors and Technicians in proportion to additional load and new infrastructure.**

DoP&T order No 23/39/2020-EO(ACC), Dated 02 09 2020 The Appointments Committee of the Cabinet (ACC) has approved the following

(i) Re-organisation of Railway Board on functional lines as per the decision of the Union Cabinet as under

i)	Chairman & Chief Executive Officer(CEO)	Shri Vinod Kumar Yadav, IRSEE Railway Board
ii)	Member (Infrastructure) Railway Board	Shri Pradeep Kumar, IRSSE
iii)	Member (Traction & Rolling Stock(T&RS))	Shri P.C Sharma, IRSS Railway Board
iv)	Member (Operations & Business Development (O&BD), Railway Board	Shri P.S Mishra, IRTS
v)	Member (Finance), Railway Board	Ms. Manjula Rangarajan, IRAS

(ii) Re-designation of Shri Rajesh Twari, IRSEE, Member (Traction) as Officer on Special Duty (OSD) (Safety) by utilizing the existing vacant post of Director General (Safety) in apex scale as an interim measure for adjusting him till superannuation of Shri P.C. Sharma, IRSS on 30.09.2020

(iii) Appointment of Shri Rajesh Tiwari, IRSEE as Member (Traction & Rolling Stock(T&RS)) on superannuation of Shri P.C.Sharma, IRSS (proposed for re-designation as Member, Traction and Rolling Stock (T&RS) on 30.09 2020 vice Shri P.C. Sharma, IRSS

(iv) Surrender of three apex level posts i.e. Member (Staff), Member (Engineering) and Member (Materials Management) in Railway Board and utilization of the post of Member (Rolling Stock) for creation of the post of Director General (HR) in apex grade as per Cabinet Decision.

RAILWAY BOARD ORDERS**Railway Board letter No N(G)2020/LE2/1 dated 03.09.2020 Interim procedure order for regularization of absence during Covid-19**

- 1) An employee remained in HQ but could not attend office due to lock down, disruption of public transport of being in containment zone. - Duty
- 2) An employee was asked to remain in quarantine on the return from outstation duty. - Special Casual Leave.
- 3) An employee remained in quarantine due to Central / State Govt instructions. - Special Casual Leave.
- 4) An employee was advised by Railway Medical Authority to remain in quarantine - Special Casual Leave.
- 5) An employee choose to remain in quarantine as a precaution. - Special Casual Leave.
- 6) An employee worked from home due to co-morbidity or underlying medical conditions as per Central/State Govt instructions. – Duty only after permission of cadre controlling authority. Otherwise leave as per normal rule.
- 7) An employee who was in HQ but did not turn up for duty on being called. – Absent, the period & pay may be decided as per normal rules.
- 8) An employee has left the headquarters without permission and latter informed the office that he/she is not able to reach back to office due to lockdown. - Special Casual Leave.
- 9) An employee stayed at home as precautionary measure and later found to be Covid-19 positive. - Special Casual Leave.
- 10) An employee, who has refused to attend office and insisted on working from home, despite his/her name is figuring in the roster and no underlying medical conditions. – Duty only after permission of cadre controlling authority. Otherwise treat the period as absent / leave as per normal rules.

- Regularization of the above mentioned leave will require the counter signature of atleast JAG level officer.
- The ceiling of maximum Special Casual Leave may be limited to 30 days.

Railway Board letter No E(NG)I-2020/PM1/9(RBE No.49/2020), dated 06.07.2020.**General Departmental Competitive Examination (GDCE) for filling up of 25% net direct recruitment quota vacancies in Group 'C' categories – Extension of currency upto 31.03.2020.**

It has been decided by the competent authority that currency of the GDCE Scheme may be extended for a period of two years i.e. upto 31.03.2020.

No. F(B)I/2020/AL-28/6 (RBE No.56/2020), dated 23.07.2020**Sub: Revised admissibility to travel by Taxi/ reimbursement of Taxi hire charges for using one's own car for local official journeys at or near Headquarters.**

In terms of Board's letter No. F(E)I/2009/AL-28/42, dated 19.08.2010 (RBE.No. 23/2010), post 6th CPC instructions regarding admissibility to travel by Taxi /reimbursement of Taxi hire charges for using one's own car for local official journeys at or near Headquarters were issued.

2. In supersession to the above mentioned instructions dated 19.08.2010, it has now been decided with the approval of DG/HR & Board (FC & CRB) that Group 'B' & 'C' Railway servants may be allowed reimbursement of scooter or bus fare as the case may be and Group 'A' Railway servants may be allowed reimbursement of taxi or scooter or bus fare, as the case may be, for local official journeys at or near Headquarters.

3. These orders will come into force with immediate effect.

Railway Board letter No. E(NG)II/2008/SB/19/BP/TADK/Pt. A (RBE No 64/2020) Dated 06.08.2020.**Sub: Policy of Appointment of TADK on the Railways.**

The issue regarding appointment of TADK is under review in Railway Board. It has therefore, been decided that any appointment of fresh face substitutes as TADK should not either be processed or made with immediate effect. Further, all cases approved for such appointments since 1st July 2020 may be reviewed and position advised to Board. This may be complied with strictly in all Railway establishments.

Railway Board letter No. E(MPP)2018/1/1 (RBE No.48/2020) Dated. 02/07/2020**Sub: Review of Policy on creation of posts.**

Ref: 1.Board's letter no. E(MPP)2018/1/1 dtd. 04/04/2018 (RBE No. 52/2018)

and E(MPP)2018/1/11 dated 19/12/2018 (RBE No. 198/2018).

2. FC's D.O. no 2015-B-235 dated 19/06/2020 to GMs Indian Railways.

Board (CRB,FC) has approved following in an Action plan for Economic Measure and Rationalization of Expenditure:

- a) Freezing new posts creation except safety, till further orders;
- b) Reviewing of posts created in last two years and if, recruitment has not been done against these posts, reviewing the same for surrendering; and
- c) Surrendering 50% of existing vacancies, in other than Safety category.

2. The aforesaid decision of Board is hereby communicated for strict compliance.

3. Instructions regarding review of pending indents(non safety) with RRB is being issued separately.

Railway Board order No PC-VII/2020/HRMS/6, dated 14.08.2020**Sub: Guidelines for e-Privilege Pass/PTO Module of HRMS**

With a view to promote digital/paperless ticketing, E-Privilege Pass/PTO Module of HRMS has been launched on 10.08.2020 and the same has been operationalised across all Indian Railways. In order to facilitate the same, data entry in two modules of HRMS, Employee Master and E-SR has almost been completed across all Zonal Railways.

2. The salient features of E-Privilege Pass/PTO module are as under :-

- (i) E- Privilege Pass/PTO module shall be available initially to all serving employees of Indian Railways w.e.f. 24.08.2020 and privilege pass/PTO generated through digital mode can be utilised for booking physical tickets across PRS/UTS counters and online tickets through IRCTC.
- (ii) The user guidelines and SOP of this module provided by CRIS are enclosed herewith.
- (iii) No convenience fee shall be levied by IRCTC in case of online booking of tickets using E-Privilege Pass/PTO.
- (iv) The provision of physical passes shall also be there upto 31.10.2020. Employees who wish to avail privilege Pass/PTO in the physical form can avail the same during this period. However, from 01.11.2020 onwards, Privilege Passes/PTOs will be available only in the digital form.
- (v) The Complimentary passes for retired employees in digital mode will be available tentatively w.e.f. 1.10.2020. The details of the scheme will be circulated in due course.

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Railway Board orders continued from page-8

(vi) Those employees who have once switched to E-Privilege Pass/PTO module shall not be able to avail physical passes.

(vii) There will not be any restriction on using the physical pass availed till 31.10.2020 for booking the tickets through PRS/UTS counters till the validity of physical privilege pass/PTO. Since as per extant instructions validity of privilege Passes/PTOs is five months, w.e.f. 01.04.2021, there shall be no booking on physical passes across computerised Passenger Reservation System (PRS)/Unreserved Ticketing(UTS) counters.

(viii) For reserved journey, ticket should be taken from PRS counter/IRCTC website. For unreserved journey, ticket should be taken from UTS counter/UTS Mobile App.

(ix) All rules pertaining to booking of ticket, revalidation, usage, charging etc. regarding privilege pass/PTOs in case of physical passes/PTOs shall remain same in e-privilege passes/PTO, with minor operational amendments, where ever required.

3. Necessary instructions may be issued to all concerned. The user guidelines and the SOP of this module may please be circulated amongst all concerned through all possible modes including e-mail, Notice Board etc. to create awareness.

Railway Board order No. E(MPP)/ 2020/3/1(re opening), dated: 31/07/2020

Sub: Standard Operating Procedures (SOP) for functioning /reopening of Multidisciplinary Zonal Training Institutes (MDZTI) and Specialised Training Institutes after COVID-19.

Ref: (i) DoPT OM No. 19011/1/2020-TFA dated 03.07.2020.

(ii) 2020/E(Trg)/36/2 dated 18.07.2020.

DoP&T vide their OM referred to at (i) above, have issued Standard Operating Procedure (SOP) for functioning/re-opening of Training Institutes of the Central and State/UT Governments.(copy enclosed).

2. Accordingly, Railway Board vide letter dated 18.07.2020, have issued instructions regarding measures to be taken for reopening of CTIs(copy enclosed).

3. For re-opening of MDZTIs and Specialised Training Institutes, following measures may be taken:

(i) Training programme as far as possible should be in online/virtual mode. Detailed instructions for conducting all feasible trainings online have already been issued vide Railway Board's letter no. E(MPP)/2020/3/15 dt. 19.06.2020);

(ii) The re-opening and functioning of Multidisciplinary Zonal Railway Training Institutes and Specialised Training Institutes will be under an officer(not below the level of SAG) to be nominated by the respective General Manager. The nominated officer will supervise the facilities/infrastructure at these training institutes and ensure that guidelines/SOP issued by the DOP&T are strictly complied with.

4. While reopening these training institutes the following guidelines issued by Ministry of Home Affairs vide Order No. 40-3/2020-DM-I(A), dated 29.07.2020 may also be strictly kept in view :-

Section - 55 of the Disaster Management Act, 2005:- "55. Offences by Departments of the Government – (1) Where an offence under the Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence....."

Highlights of DoPT OM No.25013/03/201 9-Estt.A-IV, Dated 28.08.2020

Sub: Periodic Review of Central Government Employees for strengthening of administration under Fundamental Rule (FR) 560(1)(I) and Rule 48 of CCS (Pension) Rules, 1972.

Premature retirement of Government servants under these rules is not a penalty. It is distinct from 'Compulsory Retirement', which is one of prescribed penalties under CCS (CCA) Rules, 1965.

The objective is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of Government functions.

The Appropriate Authority has the absolute right to retire a Government servant under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be, if it is necessary to do so in public interest.

FR 56(j) - to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice :-

(i) If he is, in Group 'A' or Group 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) In any other case after he has attained the age of 55 years.

FR 56(l) - right to retire a Government servant in Group C service, after he has completed thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice

Rule 48 (1) (b) of CCS (Pension) Rules, 1972 :- At any time after a Government servant has completed thirty (30) years' qualifying service, he may be required by the Appointing Authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension, provided that the Appointing Authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

Maintenance of Register:- A register of the Government servants who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained.

Non-adherence to the timelines due to certain administrative exigencies shall not take away the powers of appropriate authority to prematurely retire a government servant.

There is also no bar on the Government to review any such case again where it was decided earlier to retain the officer.

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All Zones & sub units deposit the Central Quota in the Bank Account of IRTSA: State Bank of India, Jodhpur, Account No. 10083429358 IFSC: SBIN0004913

STATUS POSITION OF LEGAL CASE OA 1568/2017 IRTSA Vs UOI in CAT Chennai Pleading Higher Pay Level for JE & SSE CAT Bench could not function due to COVID-19 lockdown. CAT is Expected to open in the month of October 2020

Periodic Review of Central Government Employees

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Broad Criteria to be followed by the Review Committee

- i) Government servant having doubtful integrity
- ii) Government servant found to be ineffective - fitness/competence to continue in the post held.
- iii) No employee can be retired for ineffectiveness, if the employee is retiring within one year. But, if there is a sudden and steep fall in the competence, efficiency or effectiveness of a Government servant, review for premature retirement can be done, but not on the ground of doubtful integrity.
- iv) No employee should ordinarily be retired on ground of ineffectiveness, if, the employee has been promoted in preceding five years on the basis of merit and his performance found satisfactory in the promoted post. For doubtful integrity this condition doesn't apply.
- v) The entire service record of employees should be considered at the time of review.
- vi) Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

Important judgments of Supreme Court

In the judgment in the case of UOI & Col. J.N.Sinha (1571 SCR (1) 791), to the express words of Fundamental Rule 560), - "... one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bona fide forms that opinion, the correctness of that opinion cannot be challenged before courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision"

The observations of the Supreme Court with regard to Integrity and conduct unbecoming of a Government servant in the case of S Ramchandra Raju Vs State of Orissa {(1 994) 3 SCC 424} "...The entire service record or character rolls or confidential reports maintained would furnish the backdrop material for consideration by the Government or the Review Committee or the appropriate authority. On consideration of the totality of the facts and circumstances alone; the Government should form the opinion that the Government officer needs to be compulsorily retired from service. Therefore, the entire record more particularly, the latest, would form the foundation for the opinion and furnish the base to exercise the power under the relevant rule to compulsorily retire a Government officer".

The judgment of the Apex Court in the case of K. Kandaswamy vs Union Of India & Anr, 1996 AIR 277, 1995 SCC (6) 162 – "The appropriate Government or the authority would, therefore, need to consider the totality of the facts and circumstances appropriate in each case and would form the opinion whether compulsory retirement of a Government employee would be in the public interest. The opinion must be based on the material on record; otherwise it would amount to arbitrary or colourable exercise of power."

Judgment of the Hon'ble Supreme Court in State of U.P. and Others Vs Vijay Kumar Jam, Appeal (civil) 2083 of 2002: "If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest."

Representation against Premature Retirement: After issue of the orders of premature retirement, the concerned Government servant may put up representation within three weeks from the date of serving of such notice / order and the matter may be placed before

Representation Committee. The examination of the representation should be completed by the Cadre Authorities within two weeks from the date of receipt of representation.

Railway Board letter No. E(NG)II/2020/TR/2, 07.08.2020**Sub: Cancellation of Periodic Transfer of Staff.**

Reference Board's letter of even no dated 12.05.2020, vide which Railways were advised that the unimplemented periodical transfer orders of the staff working on sensitive posts be reviewed and pended till 31.07.2020 due to the extra ordinary situation created by the pandemic Covid-19.

2. In view of the ongoing pandemic situation, on request from both the Federations i.e. AIRF & NFIR, the matter has been further reviewed by the Board, and it has been decided by the Competent Authority that the periodical transfer orders of the staff working on sensitive posts be pended till 31st March, 2021.

Railway Board letter No. E(NG)II/2020/RC/09, 19.08.2020**Sub: Appointment on compassionate ground – Acquisition of higher qualification.**

Consequent to the decision to permit candidates to postpone CGA for completion of higher EQ, made within two years from attaining majority as contained in Board's letter No.E(NG)II?22003/RC-1/GenI/4 dated 19.06.2019 (RBE No.100/2019), clarification has been sought by zonal Railways about the authority competent to grant such permission. Generally, DRMs/CWMs/HODs are the competent authority to approve Compassionate Ground Appointment upto level-6 while cases for level-7 require approval of GM. However, in order to maintain uniformity, it has been decided that approval for candidates to postpone CGA for completion of higher EQ, made within 2 years from attaining majority may be considered at DRMs/CWMs/HODs level, since compassionate ground appointment cases usually arise at their level. However for all other cases including old cases where approval of GM may be required, such approval should be taken at the GM level.

Railway Board letter No.E(NG)II/2020/PM1/11, Dated 24.8.2020**Sub: Grant of promotion with retrospective effect to the empanelled / selected staff against existing vacancies.**

NFIR has raised the issue that due to total lockdown on account of Covid-19, the staff promotion have been delayed on Zonal Railways, etc. although vacancies existed and staff entitled for promotion against vacancies. The Federation has requested that such staff may be granted promotion with retrospective effect.

It may not be a practical solution to offer promotion with retrospective effect, Zonal Railways have been requested that the selection process may be expedited to the extent feasible, taking any special measures during the lockdown etc.

OM No. Z 15025/12/2020/DIR/CGHS Dated 24.09.2020, Ministry of Health & Family Welfare**Sub: Reimbursement of cost of OPD Medicines: Special Sanction in view of COVID-19- till 30th September 2020- regarding**

In view of the Corona Virus Disease (COVID-19), all out efforts are made by the Government to contain its impact by instituting measures at community as well as at individual level.

2. In this regard the undersigned is directed to draw attention to the OM of even number dated 27.03.2020, 29.04.2020 and 29.05.2020 vide which an option has been provided to

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Reimbursement of cost of OPD Medicines

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CGHS beneficiaries getting medicines for Chronic diseases, to purchase medicines based on the prescription held (prescribed by CGHS Medical Officers/CGHS Specialists /other Govt. Specialists/Specialist of empanelled hospital) till 31st July 2020, irrespective of Non-Availability certificate from CGHS or otherwise. However, several representations are received in the Ministry seeking extension of the period in view of the continued 'Lock Down'.

3. The matter has been reviewed by the Ministry and it is now decided, in continuation of the earlier OM on the subject, that CGHS beneficiaries getting medicines for Chronic diseases shall be permitted to purchase medicines based on the prescription held (prescribed by CGHS Medical Officers/CGHS Specialists/other Govt. Specialists/Specialist of empanelled hospital) till 30th September 2020 on the same conditions as per the earlier OM dated 27.03.2020. It is also clarified that the CGHS Wellness Centres are functional and CGHS beneficiaries also have the option to collect medicines through CGHS Wellness Centres as per normal practice, instead of purchasing from market.

RULES RELAXED FOR DIVORCED DAUGHTERS & HANDICAPPED CHILDREN TO RECEIVE FAMILY PENSION, BANKS TO COLLECT LIFE CERTIFICATE FROM DOORSTEP OF INFIRM PENSIONERS: DR. JITENDRA SINGH MOS

Rules have been relaxed for divorced daughters to receive Family Pension and now a daughter will be entitled to receive the Family Pension even if the divorce had not finally taken place but the divorce petition had been filed by her during the lifetime of her deceased parent employee/pensioner. Earlier Rule provided for Family Pension to a divorced daughter only if the divorce had taken place during the lifetime of deceased parent pensioner or his spouse. Orders have also been issued for grant of Family Pension to a Divyang child or sibling even if the Disability Certificate is produced after the death of the pensioner parent but the disability had occurred before the death of the parents. Similarly, to bring ease of living for the Divyang pensioners, DrJitendra Singh said, the Attendant Allowance for the helper has been increased from Rs. 4,500 per month to Rs.6,700 per month.

Disclosing this while briefing the media about some of the important reforms brought in by the Department of Pension and Pensioners' Welfare, Union Minister of State (Independent Charge) MoS PMO, Personnel, Public Grievances, Pensions, DrJitendra Singh said, one of the most noteworthy initiatives taken by the Pension Department is with regard to the Digital Life Certificate. Keeping in view the difficulty faced by the senior citizens who have gone and settled abroad with their children after retirement, he said, circular has been brought out on Consolidated Instructions on Life Certificate and commencement of Family Pension for those living abroad vide which the concerned Bank Branch abroad and the Indian Embassy/ Consulate/High Commission have been instructed to provide Life Certificate and commencement of Family Pension there itself.

At the same time, DrJitendra Singh said, all Pension Disbursing Banks have been instructed to provide doorstep Life Certificate to those pensioners who are unable to visit the bank.

OM No.18/1/2020-P&PW(C)-6681 Dated:11.09.2020

Ministry of Personnel, Public Grievances & Pension Subject: - Extension of period for submission of Life Certificate from October 2020 till December 2020.

Every Central Government pensioner has to submit life certificate in the month of November for further continuation of his/her pension. It has been observed that a large number of Central Government pensioners physically visit bank branches for this purpose.

2. Earlier, as a measure to enable additional dedicated time to very senior pensioners, this department, vide its OM No. 1/20/2018-P&PW(E), dated 18.07.2019, allowed the pensioners in the age group of 80 years and above, to submit Life Certificate from 1st October onward instead of 1st November, every year.

3. In view of the ongoing Covid-19 pandemic and keeping in view of the vulnerability of elderly population to Corona Virus, it has now been decided to extend the existing timeline for submission of Life Certificate. This year, all Central Government pensioners may submit Life Certificate from 1st November, 2020 onward, till 31st December 2020. However, the pensioners in the age group of 80 years and above, can submit Life Certificate from 1st October, 2020 onwards, to 31st December, 2020. During this extended period, the pension will be continued to be paid by the Pension Disbursing Authorities (PDAs) uninterrupted.

4. Further, in the line of RBI notification no. RBI/2019-20/138, dated January 9, 2020, which permits Video based Customer Identification Process (V-CIP) as a consent based alternate method of establishing the customer's identity, PDAs may also explore the said methodology for obtaining a Life Certificate from the pensioner, to the extent permitted by RBI guidelines, in order to avoid rush at the branches.

5. The above measures are expected to avoid rush at branches and maintain social distancing, while obtaining Life Certificates from the elderly this year. PDAs shall also ensure proper arrangements and social distancing measures at the branches and prevent overcrowding.

6. All Pension Disbursing Authorities are requested to take note of this OM for compliance and give wide publicity to the same amongst the pensioners.

This issues with the approval of the competent authority.

Railway Board letter No. E(W)2020/PS5-1/3 (RBNo.74/2020), dated 31.08.2020

Sub: Modification in the 'All India Leave Travel Concession' (AILTC) Scheme to facilitate unblocking of Privilege Pass Account in exceptional circumstances.

Ref: Board's letter No. E(W)2017/PS5-1/3 dated 10.09.2018. The Scheme of AILTC, as notified vide Board's above referred letter, does not contain any provision for unblocking/reopening of Privilege Pass Account (PPA), after issuance of Privilege Pass Surrender Certificate (PPSC)/Confirmation Note(CN). Consequent to the national lockdown to contain the spread of COVID-19 pandemic and suspension of tourism activities, the Railway Servants who have surrendered their Privilege Passes and obtained PPSC could not avail AILTC. Requests are being received from the affected employees for cancellation of their PPSCs and to reopen their PPA.

2. In order to mitigate the difficulties being faced in this regard by the Railway Servants, it has been decided with the approval of the Competent Authority to modify the

.... Continued on page-11

Modification in AILTC.....Continued from page-10 restrictive provision contained in Para 4(viii) of Board's letter cited under reference, by substituting the same as follows:-

"4(viii) Request for cancellation of PPSC and re-opening of PPA will be entertained only in exceptional cases. In such case, the applicant will submit an application to PIA, explaining the reasons for non-availing of AILTC with supporting documents, if any. The application must accompany the original PPSC and a Certificate to the effect that "the applicant has not drawn any LTC Advance or returned the advance drawn in full in accordance with the Rules regarding grant of LTC advance and adjustment thereof, as contained in CCS (LTC) Rules, 1988" from the Section handling LTC Claims. A decision on the request will be taken on the grounds whether the circumstances stated by the applicant are beyond his/her control or otherwise and by an officer of SAG level in the Personnel Department overseeing the Pass Section as Competent Authority. If approved by the Competent Authority, the PPSC as well as CN (wherever applicable), may be treated as 'cancelled' and PPA unblocked/reopened for the respective year. In such cases where both husband and wife are Railway Servants and their PIAs are different, decision taken will also be intimated to PIA who has issued "Confirmation Note" to facilitate unblocking of PPA of the spouse. Request for issue of a fresh PPSC/CN will not be entertained in the same calendar year."

5. Zonal Railways and PUs may note the above procedure and dispose of the requests, if any, accordingly.

Railway Board letter No. F(E)II/2008/PN1/20, (RBE No.73/2020) dated 25.08.2020

Subject:- Grant of disability pension, comprising service element and disability element to pre-2006 disability pensioners, who were boarded out from service, with less than 10 years of qualifying service, due to an injury/disability, attributable to Govt. service — regarding.

Ref: O.M.No.1/7/2017—P&PW (F), Ministry of Personnel Public Grievances and Pensions, Dept of Pension and Pensioners Welfare, dated 28.07.2020

The undersigned is directed to say that, considering the hardship being faced by the disabled Government servants, covered under the provisions of CCS (EOP) Rules, the Government had decided to dispense with the minimum service required for earning service element of disability pension, with effect from 01.01.2006 and orders were issued vide OM No.33/5/2009-P&PW (F). dated 10.12.2010.

2. A doubt has been raised whether the provision of the aforesaid OM, dated 10.12.2010, would be applicable to the Government servants who were boarded out of service, prior to 01.01.2006, with a qualifying service of less than ten years.

3. The matter has been examined and it is clarified that Central Civil Government servants who were boarded out, prior to 01.01.2006, with a qualifying service of less than ten years and were in receipt of only the disability element of disability pension, would also be eligible for the service element of disability pension, w.e.f. 01.01.2006, in addition to the disability element.

4. For calculating the disability pension w.e.f. 01.01.2006, the disability pension comprising, both the service element and the disability element, will be notionally fixed from the date of boarding out and the same will be notionally revised in accordance with the orders for revision of disability pension, issued from time to time. The actual payment of such revised disability pension would be payable only w.e.f. 01.01.2006. No arrears on account of grant of service element, for the period prior to 01.01.2006, would be admissible. The amount of service gratuity, if any paid, to the Government servant at the time of boarding out would be adjusted from the arrears of pension accruing as a result of these orders.

5. This issues with the concurrence of the Ministry of Finance, Department of Expenditure, vide their ILD. Note No. 1(9)/EV/2019 dated 25/06/2020.

6. In their application to the persons belonging to Indian Audit and Accounts Department, these orders are issued under Article 148(5) of the Constitution and after consultation with the Comptroller and Auditor General of India.

7. The Administrative Divisions of all Ministries/Department & attached/subordinate offices are requested to bring the contents of these instructions to the notice of all concerned for compliance.

Railway Board letter No. D-43/43/2020-F(E)III (RBE No. 58/2020) 28.07.2020

Subject: Provisional release of retirement benefits as per Rule 91 of Railway Services (Pension) Rules, 1993

A copy of Department of Pension & Pensioners' Welfare (DOP&PW's) O.M. No. 12/9/2020-P&PW(C)-6450 dated 17th July, 2020 along with proforma for sanction of provisional pension and provisional gratuity is enclosed herewith for compliance and guidance. These instructions shall apply mutatis mutandis on the Railways also. Rule 64 and Rule 72(5) of the Central Civil Services (Pension) Rules, 1972 correspond to Rule 91 and Rule 16(5) of the Railway Services (Pension) Rules, 1993 respectively. Also, Form 5 and Form 3 of the Central Civil Services (Pension) Rules, 1972, referred to in the aforesaid O .M. dated 1st July, 2020, correspond to Form 8 and Form 6 of the Railway Services (Pension) Rules, 1993, respectively.

Para 3(f) of the proforma for sanction of provisional pension and provisional gratuity will also include the provision of Rule 16(8) of the Railway Services (Pension) Rules 1993 in cases of railway servant who have been allotted railway quarters and are in occupation of that at the time of retirement.

Railway agrees on IRTSA's suggestion for adding parcel vans to Rajdhani Express trains

Railway Board letter No.2017/chg/23/14/Lease parcel rakes, dated 07.07.2020

Board desires that Parcel vans (LVPHs) be attached to Rajdhani Express trains, wherever there is demand, in order to attract parcel traffic. The attachment of LVPH to Rajdhani Express trains is permitted on end to end basis subject to the condition that the LVPH stock has sanction for speed equal to the maximum permitted sectional speed of Rajdhani Express trains on their entire route. All Zonal Railway Concerned shall issue sanction for the LVPH to run at 130 KMPH, wherever required, for attachment to Rajdhani services.