

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

"In pursuit of justice for Rail Engineers since 1965"
(Estd. 1965, Regd. No.1329, Website <http://www.irtsa.net>)

M. Shanmugam, Central President,
4, Sixth Street, TVS Nagar, Chennai- 600050.
Mob: 09443140817



Harchandan Singh, General Secretary,
C.Hq. 32, Phase 6, Mohali, Chandigarh-160055.
Email-gsirtsa@yahoo.com
(Ph:0172-2228306, 9316131598).

No: IRTSA/Memo / 2012-20

Date: 3-10-2012

1. Secretary Finance Revenue, GOI, Ministry of Finance, GOI, North Block, New Delhi
2. Secretary Personnel & Training, Ministry of Personnel, GOI, North Block, New Delhi
3. Chairman & Secretary, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi

Subject: i) Grade Pay of Technical Supervisors (Sr. Section Engineers & Junior Engineers) on Railways - (Kept at par with staff working under them – In Violation of the settled Law that "AN EQUAL CANNOT BE OVER AN EQUAL")"

Ref:- i) Gazette notification No.470, Ministry of Finance G.S.R. 622(E) dated 29-8- 2008
ii) Railway Service (Revised Pay) Rules, 2008 (RBE 103, RBE 108, RBE 124)

Dear Sir,

1. We seek your benign intervention in a matter of serious concern - wherein Technical Supervisors (JEs & SSEs) on the Railways have been placed in the same Grade Pay as that of the employees working under them, which violates the basic principle of law of natural justice upheld by the Hon. Supreme Court of India on many occasions that - "AN EQUAL CANNOT BE OVER AN EQUAL".
2. Technical Supervisors on Indian Railways have not been able get justice so far in spite of numerous representations at various levels - in respect of serious injustice done to them (vide orders cited above - after the Sixth Pay Commission) regarding the Grade Pay of Rs.4200 granted to Junior Engineers (JEs) which at par with Senior Technicians (MCM) working under them; and Rs.4600 granted to Senior Section Engineers (SSEs) which is par with Office Superintendent working under them on the Railways.
3. Hierarchy in the Technical Departments of Indian Railways in Group-C is as under:

| | |
|--|--|
| Senior Section Engineer (SSE) (GP – 4600, PB-2) ↑ | Around 52000 Technical Supervisors are responsible for safe and efficient running of Trains through front line supervision and management of production, repair, maintenance of Rolling Stock, Locomotives, Permanent Way, Works & Bridges, Signal & Telecommunication and traction distribution, etc. Around 8.2 lakh Senior Technicians and Technicians I, II & III work under JEs & SSEs, besides a large number of Stores Clerk, Office Clerk and Office Superintendents who work directly under the JEs & SSE and are supervised by them in execution of the above said work |
| Junior Engineer (JE) (GP – 4200, PB-2) | |
| Senior Technician (GP – 4200, PB-2) ↑ | |
| Technician Gr-I (GP – 2800, PB-1) ↑ | |
| Technician Gr-II (GP – 2400, PB-1) ↑ | |
| Technician Gr-III (GP – 1900, PB-1) | |

4 Supreme Court of India - as in reported in 1996 (1) S.C.C. 562, has held as under:

"8. The High Court, in our opinion, was not right in holding that promotion can only be to a higher post in the Service and appointment to a higher scale of an officer holding the same post does not constitute promotion. In the literal sense the word "promote" means "to advance to a higher position, grade, or honour";. So also 'promotion' means "advancement or preferment in honour, dignity, rank, or grade" (See: *Webster's Comprehensive Dictionary, International Edn., p.1009*). **'Promotion' thus not only covers advancement to a higher position or rank but also implies advancement to a higher grade.**

(See: *Union of India vs. S.S. Ranade (1 995) 4 SCC 462 at page 468*)

- 5.1 Junior Engineers (JEs)** who supervise the work of Senior Technicians and responsible for their output are at present placed in the same Grade Pay of Rs.4200 which leads to the hierarchical confusion. Promotion from Senior Technician to JE also happens in the same Grade Pay after qualifying through stringent departmental selection, and they have to shoulder higher responsibilities as JEs.
- 5.2** Third Pay Commission kept the scales the Apex scale of Technicians Rs.425-640) - below the pay scale of Junior Engineers (then Chargeman-B) Rs.425-700.
- 5.3** Fourth Pay Commission Senior Technicians (then MCM) allotted the scale of Rs.1400-2300 at par with JEs and the then Mistries / Supervisors.
- 5.4** CAT New Delhi accepted the contention of the Petitioners that directions to grant higher scale to JEs as ‘*an equal cannot be over an equal*’ (vide OA No. 1527/1990 IRTSA-vs-UOI) – This direction was duly considered and accepted by Fifth CPC while deciding the Pay scale of JEs – and recommended a higher Pay Scale of Rs.5000-8000 for the JEs (whowere then designated as Chargemen)- as against tge scale of Rs.4500-7000.
- 5.5** Fifth Pay Commission in para 54.36 of its Report, while specifically dealing with the problem of supervisor and supervised being placed in the same scale of pay, removed the anomaly by recommending different pay scales to Master craftsman (Rs.4500-7000) and Chargeman (Rs.5000-8000). But later Government / Railways upgraded the scale of Master Craftsman (Senior Technicians) without correspondingly upgrading the scale of Chargeman (Junior Engineer). contrary to the principle of natural justice, thus creating an anomaly. .
Para 54.35, 54.36, 54.37 & 54.38 of Fifth Pay Commission recommendations - Annexure-I.
- 5.6** To circumvent the problem of supervisors being placed in the same scale as that of the employees working under them, Railway Board through its letter No. E[NG]/I/99/PM7/3 (RBE No.31/2005), dated 22-2-2005 (Annexure-II) made the impracticable preposition of the work of Sr. Technicians in grade Rs.5000-8000 will be supervised by JE grade I scale Rs.5500-9000 instead of JE-II scale Rs.5000-8000 – even though the Railway Labour Tribunal (1969) – headed by Justice Miabhoj - had held that the work in a section could not be segregated and also in most cases post of JE grade I was not available at the same working area.
- 5.7** The anomaly of “supervisor” in the same scale as that of the “supervised” was again removed by Sixth Pay Commission by recommending the Grade Pay Rs.2800 for Senior Technician & Rs.4200 for JEs. But later on the Railways upgraded only the scale of Senior Technicians without correspondingly upgrading the scale of Junior Engineers.
- 5.8** Now the impracticable order dated 22-2-2005 (Annexure-II) has become more irrelevant (as the JE-II in the pre-revised scale of Rs.5000-8000 and JE-I in the pre-revised scale of Rs.5500-9000 have been merged and granted the Grade Pay of Rs.4200. Work of Senior Technicians in the Grade Pay of Rs.4200 are being supervised by the Junior Engineers in the same Grade Pay of Rs.4200. The Junior Engineers (JEs) and Senior Technicians have been placed in the same Grade Pay of Rs.4200 – even though the Junior Engineers (JEs) supervise the Senior Technicians, which is totally in violation on principle of natural justice as well as against the settled law (by the Apex Court) that an “equal cannot be over an equal” – in keeping with the provisions of Article 39 of the Constitution of India.
- 5.9** This order of dated 22-2-2005 (Annexure-II), is also in violation of the principle defined by the **Sixth CPC (Para, 2.2.11) – “Grade pay will determine the status of a post** with a senior post being given higher grade pay. Grade pay being progressively higher for successive higher posts, the employees **on promotion will get monetary benefit on promotion in the form of the increased grade pay apart from the benefit of one additional increment.**
- 5.1 Senior Section Engineers (SSEs)** who are now in Grade Pay of Rs.4600 have to supervise the work of Stores Clerk, Office Clerk and Office Superintendents (besides that of a very large number of JEs, Technicians and Senior Technicians). Office Superintendents working under the SSE, are also placed in the Grade Pay of Rs.4600 at par with SSEs – in disregard to the settled law that “*an equal cannot be over an equal*”.
- 5.2** Apex pay scale of Technical supervisors (SSE) has traditionally been higher than pay scales of Supervisors of other departments in Railways. After the Third Pay Commission highest pay scale of Rs.840-1200 was allotted to the apex scale of Technical supervisors ie. Senior Section Engineer

(of the then Foreman). In the categories of teachers, nurses and accounts the apex scale were allotted two or three grades below the SSEs. After the implementation of Sixth Central Pay Commission scales the post of SSE with the direct recruitment element of Degree in Engineering had been allotted with the Grade Pay of Rs.4600, whereas the apex scales of categories mentioned above were placed in the Grade Pay of Rs.4800. Rs.5400 and even higher.

5.3 Fifth CPC had adopted a Common Multiple Factor of 3.25 for all categories of Staff from S 1 to S 34 - except S-13 scale. If the same common multiple factor of 3.25, had been applied by the Fifth CPC to the scale of SSE (S-13), they should have been given the Pay scale of Rs 8000-13500 by the Fifth CPC and consequently their grade pay should have been Rs.5400 after the Sixth CPC as per the norms adopted by it.

5.4 Direct Recruitment: In the case of Senior Section Engineer direct recruitment is for those with Degree in Engineering in Grade Pay of Rs.4600 PB-2 with training period of one year. In Accounts cadre Direct recruitment is in PB-1 with Grade pay of Rs.2800, in Clerical cadre with the Grade Pay of Rs.2800, in the Station Master cadre it is in Pay Band - 2 with the Grade Pay of Rs.4200. But still those of Accounts cadre have been allotted higher Grade Pay.

Recruitment Qualifications and Training period are given in the Annexure-III

5.4 It is, therefore, requested that

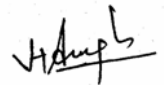
- i) Grade Pay of Rs.4800 in PB-2 may please be granted to the Junior Engineers (JEs) on the Railways;**
- ii) Grade Pay of Rs.5400 in PB-3 may please be granted to the Senior Section Engineers (SSEs) on the Railways.**

Hoping for an early favourable decision. With kind regards,

Thanking You

Encls: Three Annexure

Yours' faithfully,



**Harchandan Singh,
General Secretary, IRTSA**

Copy for information & favourable consideration to:

- 1. Member Staff, Railway Board, New Delhi**
- 2. Additional Member/Staff, Railway Board, New Delhi**
- 3. Advisor Industrial Relations, Railway Board, New Delhi.**
- 4. Executive Director Pay Commission, Railway Board, New Delhi.**
- 5. Secretary (Establishment), Railway Board, New Delhi.**

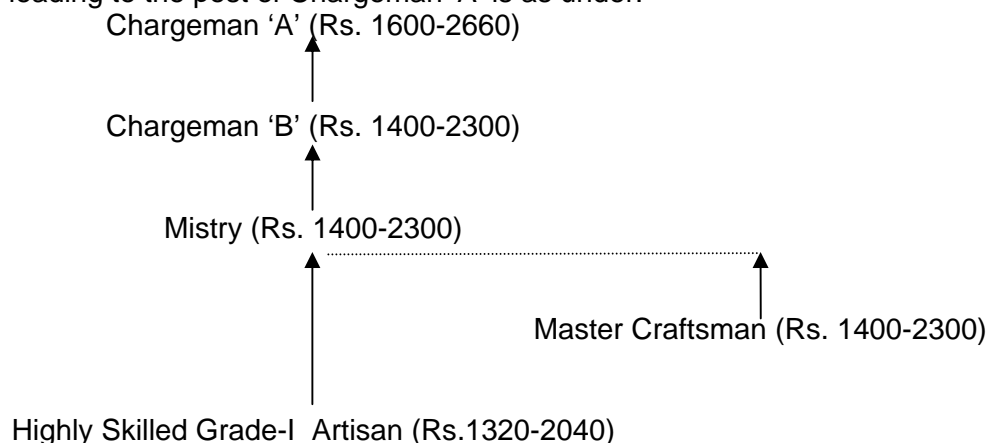
Fifth Pay Commission addressed the problem of “Supervisors and Supervised in same scale of pay” and recommended a higher pay Scales for Technical Supervisors.

54.35 Mistries in Railway Workshops and Production Units are in the same scale of pay (Rs.1400-2300) as Chargeman ‘B’ which is a promotion post for them. The Federations of Railwaymen have contended that the Mistries who are promoted from ranks after long years of service and experience work like Chargemen ‘B’ as supervisors and technical advisors to the technicians. The Federations have, therefore, demanded that Mistry be redesignated as Chargeman ‘B’. The Ministry of Railways has explained that the Mistries were in the scale of pay of Rs.330-560 which was lower than that of Chargeman ‘B’ (Rs.425-700) before the 4th CPC report. We have recommended a slightly higher pay scale of Rs. 1600-2660 for the Chargeman ‘B’. Accordingly, the Mistry, being lower than Chargeman ‘B’ can not be redesignated as Chargeman ‘B’. We recommend that the pay scale of the Mistries be retained at the present level of Rs.1400-2300. The Ministry of Railways in consultation with the recognised Federations of Railwaymen, has recently changed the designation of the ‘Mistry’ as ‘Supervisor’ without any change in duties, responsibilities and pay scale. We suggest that the Ministry may consider the revision of designation of ‘Mistry’ to ‘Master Technician’ without any change in status.

54.36 The Technical Supervisors in Defence and Railway industrial establishments are in the four standard pay scales of Rs. 1400-2300, Rs. 1600-2660, Rs.2000-3200 and Rs.2375-3500. The initial pay scale of the Technical Supervisors is the same as that of for Master Craftsmen and Mistries (in Railways). This anomalous situation has arisen due to merger of the pay scales of Rs.425-700 (Chargeman), RS.380-500 (Mistry, Highly Skilled Grade-I) and Rs.425-640,(Master Craftsman) by the 4th CPC and replacement of these scales with a common scale of pay of Rs. 1400-2300. We have been informed that the identical pay scales of Master craftsman, Mistry and Chargeman have resulted in a large number of court cases. The New Delhi Bench of the Central Administration Tribunal in a case.O.A. No. 1527/1990 has directed the Ministry of Railways to refer such cases to the 5th CPC.

54.37 The Ministry of Railways has submitted following facts for our consideration:

(i) The avenue of promotion leading to the post of Chargeman ‘A’ is as under:



The posts of Master Craftsmen are filled from artisans in Highly Skilled We-I by converting an equal number of posts of artisans to the Grade of Master Craftsmen. The post reverts to High Skilled Grade-I after the Master craftsman vacates the post. The promotion of artisans to the grade of Master Craftsman is thus personal in nature. The fitness as Master Craftsman does not give any advantage to the Highly Skilled Artisan in seniority for promotion as Mistry.

(iii) The Master Craftsmen have to seek promotion as Mistries who in turn get promotion to the posts of Chargeman ‘B’.

(iv) The posts of Chargeman ‘B’ are in technical supervisory cadre and those of Mistry are specifically excluded from this cadre.

54.38 We find that the direct recruitment qualification for the initial pay scale of technical supervisors in Workshops is Diploma in Engineering of relevant discipline or Graduation in Science. We have, as a general principle decided to improve the remuneration of Diploma Engineers in Government. In

accordance with this general approach, we recommend following grade-structure for technical supervisors in Workshops:-

| | Existing (Rs) | Recommended (Rs) | Revised Designation in Railways (#) Decided by the ministry in July'96 | Remarks |
|--|---------------|------------------|--|--|
| Chargeman-B / Charegeman | 1400-2300 | 1600-2660 | Junior Engineer Gr-II | Higher scale due to the Engineering Diploma entry at this level |
| Chargeman-A / Senior Chargeman | 1600-2660 | 1640-2900 | Junior Engineer Gr-I | Due to feeder grade upgraded |
| Assistant Shop Superintendent / Deputy Shop Superintendent | 2000-3200 | 2000-3500 | Section Engineer | Higher scale due to rationalization as also the degree in engg at this level |
| Shop Superintendent / Foreman | 2375-3500 | 2375-3750 | Senior Section Engineer | Due to rationalization |

(*)Part Direct Recruitment of Engineering Graduates in Railways

(#) Other Departments may revise designations, if necessary, in consultation with representatives of organised labour.

Copy of Railway Board's letter No. E(NG)/I/99/PM7/3 dated 22-2-2005 (RBE No.31/2005)

Sub: Filling up of promotion quota vacancies in the category of JE Gr. II scale Rs.5000-8000 consequent upon implementation of V Pay Commission scales of pay.

The avenue of promotion of Mistries (Redesignated as Supervisors) and Master Craftsmen (Redesignated as Sr. Technicians) to the post of JE Gr.II scale Rs. 5000-8000 has been laid down in this Ministry's letters No. E[NG]/I/87/PM7/9 dated 29-9-1987 and No. E[NG]/I/86/PM7/8 dated 17-10-1990. In terms of these instructions, the then existing Gr. I Artisans as on 29-9-1987, till such time they remain available for promotion, along with Master Craftsmen and Mistries are eligible to be considered for promotion by selection as JE Gr.II based on their integrated seniority with reference to their date of entry on regular basis in the category of Skilled Gr.I Artisans and Mistires, keeping in view the stipulations that:-

- i) by reason only of his opting for and getting fitted in as Master Craftsman, a Skilled Gr.I Artisan will not gain in seniority over others who opt to continue as Skilled Gr. I Artisans or fail to qualify as Master Craftsman; and
- ii) If a Gr. I Artisan is not found suitable for the post of Mistry in future or does not avail of the chance of promotion as Mistry he will be considered junior to a Gr. I Artisan who may qualify for the post of Mistry and be promoted thereto.

1.1 The stipulation at (i) above is based on the consideration that the scheme of introduction of the category of Master Craftsman vide para 1(iii) of this Ministry's letter No. PC-III/82/PS3/10 dt. 14-02-1986 provides that the scale of pay attached to the post will be personal to the incumbent.

2. Consequent upon the implementation of V Pay Commission scales of pay in which while Senior Technicians (erstwhile MCMs) and JE-II came to be placed in the identical scales of pay though the former continued to be held as personal by Skilled Gr.I Artisans, the Mistires were placed distinctly in the lower scale of pay Rs.4500-7000 plus Rs.100 as special allowance, the question of revision of the basis of filling up the promotion quota posts of JE-II has been under consideration of this Ministry in consultation with the recognised federations. The federations have, however, been insisting on the question of upgradation of posts of Mistires, being decided in the first instance. The posts of Supervisors (erstwhile Mistires) have since been upgraded in all departments except P.Way Mistires in Civil Engineering Department as JE-II vide instructions contained in this Ministry's letter No. PC-III/2003/CRC/6 dt. 9-10-2003. Accordingly the question as to what should be the basis for promotion of Master Craftsmen to the post of JE Gr.II, has been considered afresh by the Ministry of Railways.

It has now been decided as under:

- i) The post of MCM (redesignated as Sr. Technician) in the scale of pay Rs.5000-8000 will no longer be personal to Technician Gr.I but will constitute a part of the regular hierarchy in the artisan cadre thereby making it as a normal / functional channel of promotion for Technician Gr. I. Accordingly, the Railway should review the existing duties and responsibilities of Sr. Technicians and prescribe additional duties and responsibilities which are of greater importance than those of existing Sr. Technicians 9MCMs) and Artisans Gr.I,
 - ii) The post of Sr. Technician will be filled from amongst Technician Gr. I on the basis of seniority-cum-suitability,
 - iii) The post of JE-II earmarked for promotion by selection will be filled from amongst Sr. Technicians in identical grade Rs.5000-8000 subject to the condition that the existing Technician Grade I as may be senior to those fitted as Sr. Technician as per procedure in force until now will also be considered for selection for promotion as JE-II,
 - iv) Sr. Technicians on their promotion as JE-II though in the identical scale of pay may be allowed the benefit of fixation of pay under Rule 1313FR 22(1)a(1) R-II (erstwhile FR22C),
- v) The work of Sr. Technicians in grade Rs.5000-8000 will be supervised by JE grade I scale Rs.5500-9000 instead of JE-II scale Rs.5000-8000.**

3.1 Para 3(iv) above also disposes of Staff Side demand in the DC-JCM.

These instructions shall come into force from the date of issue of this letter

This issues in consultation with and concurrence of Finance Directorate of the Ministry of Railways.

RECRUITMENT QUALIFICATIONS AND TRAINING OF SSE

Senior Section Engineers (in the Grade pay of Rs.4600)

20% of posts of Section Engineers now merged with Senior Section Engineers in the present Grade pay of Rs.4600 are filled by Direct recruitment of Engineering Degree Holders.

- Graduate Engineers inducted in Railways as SSE, after stringent selection and scrupulous training in Railway working system.
- They have the highest entry qualification in the entire Group-C cadres.
- Undergoes one year on the job training.
- SSE are trained not only in respective field but also in other Technical fields besides Establishment & Finance rules, Stores procedures, DAR rules, Factories act, HOER, etc
- They perform Managerial, Technical and non-technical duties.
- Entered the Railways with great hope that they will have a career with respect and dignity. But their hopes were totally destroyed and they are working without motivation and spirit which is not good either for growth of Railways or their homes.
- Graduate Engineers, though came out from universities with flying colors, and joined Railways only to get demoralized in their career.
- Whereas their counterpart Engineers came out from same universities who are appointed elsewhere have prosperous career.
- Due to this peculiar situation, graduate Engineers inducted in Indian Railways have not only lost their official status but also their social status.
- Induction of Graduate Engineers in Group "C" has been done for the purpose of bringing in the talented fresh knowledge group to manage & complement the modernizations and sophistications in Railways. To excel in the higher grade posts with the good experience in field level management.
- But, by allowing the Graduate Engineers to rot at the recruitment scale itself the basic purpose of induction of Graduate Engineers gets defeated.
- Pay Grades of Graduate Engineers in Railways are humiliatingly low.
- Supporting department staff like accounts, Teachers and Nurses given higher Grade Pay.
- All Group "C" categories have been equated to the SSE with the Grade Pay of Rs.4600, despite of their less recruitment qualifications, minimum/nil training, lesser duties and responsibilities, holding no assets, no risk element, no passenger safety issues and no Punctuality.
- Categories working under SSE also given the same Grade Pay.

RECRUITMENT QUALIFICATIONS AND TRAINING OF JEs

Junior Engineers (in Grade pay of Rs.4200)

i) 50% posts of JEs (*Junior Engineers*) in the Grade pay of Rs.4200 are filled up by direct recruitment through Railway Recruitment Boards with Diploma in (Mechanical / Electrical / Civil / Electronics) Engineering as qualifications. They are further given intensive practical & theoretical training for one year in Systems Technical Schools & Training Centers with practical training in Workshops, Sheds, Depots and Production Units etc.

ii) 25% are promoted from Senior Technicians having long years of practical experience after passing a positive selection (including a written test and interview).

iii) 25 % are selected as "Intermediate Apprentices" from qualified and experienced Technicians through Limited Departmental Selection and given a further training of one year in System Technical Schools and Workshops / Sheds and Depots including four theoretical and practical sessions etc.