

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL, CHENNAI BENCH**

O.A.NO: 1568 OF 2017

Indian Railways Technical Supervisors
Association (IRTSA),
Rep. by its Senior Joint General Secretary
Shri. K. V. Ramesh, Chennai
And 11 others ... Applicants

-Vs.-

Union of India,
Rep. by the Secretary,
Government of India,
Ministry of Railways,
Railway Board, New Delhi
And 4 others ... Respondents

**REJOINDER STATEMENT FILED
BY THE APPLICANTS**


M/s. K.M. RAMESH
S. APUNU &
M.G. MARTIN MANIVANNAN

Counsel for Applicants

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CHENNAI BENCH**

O.A.NO: 1568 OF 2017

1. Indian Railways Technical Supervisors Association (IRTSA), Rep. by its Senior Joint General Secretary Shri. K. V. Ramesh,
G3-LIKITH HOMES, 3-Lakshmanan Nagar
West Street, Peravallur, Chennai-600 082
2. V.P. Abdul Salam,
Son of Shri. V.P. Abu,
Working as SSE/BBQ/Chennai Divn.
Southern Railway,
Resident of RC Kamalam Apartments,
No.28, 3rd Street, Rajaji Nagar,
Villivakkam, Chennai – 600 049.
3. T.N. Unni,
Son of Shri. T. Narayanan,
Working as SSE/BBQ/Chennai Divn.
Southern Railway,
Resident of RC Kamalam Apartments,
No.28/D, 3rd Street, Rajaji Nagar,
Villivakkam, Chennai – 600 049.
4. Satyajeeet Prasad,
Son of Shri. Lt. S. Prasad,
Working as JE/Chennai Divn.
Southern Railway,
Resident of 143/A, S.O. Mathew's Railway
Colony, Park Town, Chennai – 600 003.
5. N. Manikandan,
Son of Shri. S. Neelakandan,
Working as JE/BBQ/Chennai Divn.
Southern Railway,
Resident of No.9, Village Street, 2nd Lane,
Manali, Chennai – 600 068.
6. Deepak. R.
Son of Shri. R. Ramu,
Working as SSE/CW/PER/S.Rly,
Resident of No.3, Madhava Nagar 2nd Street,
Vinayagapuram, Chennai – 600 099.
7. V.N.K. Chaitanya,
Son of Shri. Malleshwara Rao,
Working as SSE/CW/PER/S.Rly.
Resident of 4/15, Venkataraman
Canal Street, Perambur,
Chennai – 600 011.



K.V. RAMESH
Sr.Joint General Secretary
Indian Railways Technical
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8. S. Sonu,
Son of Shri. R. Sivan,
Working as JE/BBQ/Chennai Divn.
Southern Railway,
Resident of Flat No.3-C, 4th Block,
Kaveri Shiyams Thirth Apartment,
Villivakkam, Chennai - 600 049.
9. B. Manimaran,
Son of Shri. K. Balaraman,
Working as SSE/BBQ/Chennai Divn.
Southern Railway,
Resident of 32/B, Seeyalam Street,
Villivakkam, Chennai - 600 049.
10. P. Vishnu,
Son of Shri. K. Pankajakshan Nair,
Working as JE/BBQ/MAS Divn.
Southern Railway,
Resident of Deika, Vidya Nagar,
Perunna P.O. Changanacherry,
Kerala State - 686 102.
11. S. Nirmal Chandran,
Son of Shri. R.G. Sundaramurthy,
Working as SSE/BBQ/MAS Divn.
Southern Railway,
Resident of A-5, Sterling Lotus Apartments,
11th Street, Korattur, Chennai - 600 080.
12. E. Girish,
Son of Shri. G. Elumalai,
Working as SSE/EMU/AVD/MAS Divn.
Southern Railway,
Resident of 47/29, Kumarappa Street,
Nungambakkam, Chennai - 600 034.

... Applicants

-Vs.-

1. Union of India,
Rep. by the Secretary,
Government of India,
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi -110 001.
2. Secretary,
Ministry of Finance,
Expenditure,
Government of India,
North Block, New Delhi - 110 001.
3. Secretary,
Ministry of Personnel and Training,
Government of India,
North Block, New Delhi -110 001.


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Sr. Joint General Secretary
Indian Railway's Technical
Supervisors Association

4. The General Manager,
Integral Coach Factory,
Chennai – 600 038.
 5. The General Manager,
Southern Railway,
Park Town, Chennai – 600 003
- ... Respondents

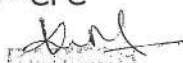
REJOINDER STATEMENT FILED BY THE APPLICANTS

1) The Applicants have gone through the Reply Statement filed by the Respondents and they hereby deny each and every one of the averments, statements and contentions set out therein except to the extent specifically admitted hereunder. The Respondents are put to strict proof of all such statements not specifically admitted herein below.

2) With regard to the Hon'ble Supreme Court's observations referred in page-2 of reply statement, it is submitted by the applicant that nature of work of JE & SSE in achieving out-turn targets, optimum productivity, quality control, safe & punctual train operation is very much primary and direct. Basic plea of the applicants is that value of responsibility, reliability and accountability shouldered by JE & SSE were not taken into consideration. It therefore requires interference by this Hon'ble Tribunal, since basic recommendations of 5th CPC & 6th CPC were altered without application of equal chance of justice to all. In para 54.36, 5th CPC (in Annexure-A-20 of OA) observed that:

"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."

The applicants submit that 5th CPC recommended a higher Pay Scale of Rs.5000-8000 for the JEs II – as against the scale of Rs.4500-7000 it recommended for Senior Technicians who work under JE-II. 6th CPC


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General Secretary
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recommended the Grade Pay of Rs.4200 for JE I & II (merged together) and the Grade Pay of Rs.2800 for the Senior Technicians who work under JEs.

3) With regard to page 2 & 3 of the Reply Statement, the Respondents have quoted the observation of the Hon'ble Supreme Court in the case between State of West Bengal Vs Hari Naryanan (1994) 4SCC 78) which is as below:

"The degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, disagreeableness of the task, hazard attendant on work and fatigue involved are, according to third pay commission, some of the relevant factors which should be taken into consideration in fixing pay scales. The method of recruitment, the level of which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualification prescribed for the post, the nature dealing with the public, avenues of promotion available and horizontal and vertical relativities with other jobs in same service or outside are also relevant factors."

The applicants submit that by considering all the facts mentioned by the respondents, 3rd CPC had recommended following scales for Technicians & Technical Supervisors in Railways.

TABLE-1

Scale Number *	Pay Scales for Artisans	
10	Skilled Artisan	260-400
19	Highly Skilled - II	330-480
22	Highly Skilled - I	380-560
25	Master Craftsman <i>(New scale created as incentive to highly skilled artisans to remain in their own line and not try to become Supervisors where their special skills cannot be productively utilised - allowed only as personal post)</i>	425-640
	Pay Scales for Technical Supervisors	
26	Chargeman 'B'	425-700
36	Chargeman 'A'	550-750
44	Foremen 'B' & Assistant Shop Superintendent	700-900
50	Foremen 'A' & Assistant Shop Superintendent	840-1040
51	Special Grade of Principal Foreman	840-1200

* Taken from Appendix to para 55 of Chapter 8 Recommendations on pay scales - 3rd CPC. (Recommendations of 3rd CPC on Pay Scales is attached as **Ann A-23**)

Pay scale of MCM Rs.425-640 was below the pay scale of Chargeman 'B' (now designated as Junior Engineer) Rs.425-700. (Chapter 19 (II) pertaining to Technical Supervisors, Chapter36 pertaining to Loco Foremen & Chapter 19 (I) pertaining to artisans of 3rdCPC recommendation is enclosed as **Ann A-24**)

4)It is submitted that respondents have not considered, the relevant factors mentioned in Hon'ble Supreme Court in the case between State of West Bengal Vs Hari Naryanan (1994) 4SCC 78)

"method of recruitment, the level of which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualification prescribed for the post, the nature dealing with the public, avenues of promotion available and horizontal and vertical relativities with other jobs in same service or outside"

HIERARCHY, PAY, RECRUITMENT QUALIFICATION, MODE OF FILLING UP OF TECHNICIANS & TECHNICAL SUPERVISORS ON INDIAN RAILWAYS

TABLE-2

Hierarchy	5 th CPC scale	Grade Pay in 6 th CPC	Pay level in 7 th CPC Pay Matrix	Recruitment Qualification & mode of filling up
Technician Gr-III	3050 – 4590	1900 in PB-1	Level - 2	Direct Recruit – ITI 1) 50% DR 2) 25% QSE 3) 25% Promotion by selection
Technician Gr-II	4000 – 6000	2400 in PB-1	Level - 4	100% promotion by trade test
Technician Gr-I	4500 – 7000	2800 in PB-1	Level - 5	100% promotion by trade test
Senior Technician	5000 – 8000*	4200 in PB-2 *	Level - 6	100% promotion by trade test
Junior Engineer	5000 – 8000 & 5500 – 9000	4200 in PB-2	Level - 6	Direct Recruit – Diploma in Engineering 1) 50% Direct Recruit – Diploma in Engineering + 12 months training 2) 25% LDCE+ 12 months training 3) 25% Promotion by selection + 4 months training
Section Engineer / Senior Section Engineer	6500 – 10500 7450 – 11500	4600 in PB-2	Level - 7	Direct Recruit – Graduate in Engineering 1) 20% Direct Recruit – Graduate in Engineering +12 months training 2) 80% by Promotion

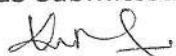
* 5th Pay Commission has recommended the scale of Rs.4500-7000 and 6th Pay Commission has recommended the Grade Pay of Rs.2800 to Senior Technicians, which are one level below the JEs. Government has made the improvement to Rs.5000-8000 and Grade Pay Rs.4200 after the implementation of fifth and sixth pay commission recommendations respectively.

5) It is submitted that, Differentiation between the posts of Junior Engineer & Senior Technicians further justified by the Railway Board's interim decision that "no open market recruitment will be undertaken for the posts of SSE and decided to add the vacancies of SSE already assessed as on 01.01.2018 and anticipated up to 31.12.2020 to that of JE vacancy of respective Zonal Railways & Production Units". Railway has initiated action to recruit 4302 direct recruitment SSE posts as JE. (Copy of Railway Board letter No. 2017/E(RRB)/25/19-Pt, 12.12.2018 is enclosed as **Ann-25**)

6) With regard to para 3 & 4 of page-3 of reply statement, it is submitted by the applicants that, in para 22.3 & 22.6 of the Judgement Hon'ble CAT Chandigarh in OA 060/00211/2014, it has been held that Railways is a multi-disciplinary operational system governed by separate pay rules and DAR rules and it is not governed by CCS & CCS classification, control & appeal rules. Railway servants specifically excluded from CCS rules 2008 as per explanatory memorandum. Due to unique nature, Railways stands in different footing than other Ministries of Central or State Governments. Hence it is submitted that, it is fallacious to say, any change in the pay scale of Railway employees will have direct impact on JEs in general, leading to substantial financial implications as claimed by the respondents.

7) With regard to para 3 of page-4 of reply statement, it is submitted by the applicant that, 2nd respondent (Ministry of Finance) has disposed of the case on very unjust and unreasonable grounds and by subverting basic facts of the case and ignoring the settled law as detailed in the OA.

8) With regard to para 4 of page-4 of reply statement, it is submitted by the applicant that, 6th Pay Commission had not accepted existence of feeder & promotion posts in the same pay scale and said that existence of the feeder and promotion posts in the same pay scale will constitute an anomaly. 6th CPC further said that, such existence of the feeder and promotion posts in the same pay scale have consistently been rejected by the various courts of this country. Hence it is submitted that feeder post of Senior Technician and promotion post of Junior Engineer need to be placed in different Pay Level as submitted


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in para 4.9(1) of OA. Relevant para 2.2.2 & 2.2.3 of 6th Pay Commission has been reproduced below,

2.2.2 The Fifth CPC had compressed many scales. The number of pay scales was reduced from 51 pay scales as on 31.12.1995 to 34 pay scales by the Fifth CPC. In many cases, this led to the promotion and feeder cadres being placed in an identical pay scale. Although Department of Expenditure issued orders that existence of the feeder and promotion posts in the same pay scale will not constitute an anomaly, however, these orders have consistently been rejected by the various courts of this country. The Commission, therefore, had two options:-

i) To evolve a new system of pay scales that would effectively address most of the existing anomalies.

Or

ii) To make sufficient modifications in the scheme of pay scales given by Fifth Central Pay Commission so as to ensure that various anomalies existing across various ministries / departments / organizations are removed.

2.2.3 The latter option was not feasible as the number of these anomalies was very large and the Commission continued to get references in this regard even though a period of more than 10 years had elapsed since the date of implementation of the Fifth Central Pay Commission pay scales. The difficulty became greater as the Commission's efforts were to reduce the number of scales even further. This was considered necessary for de-layering the Government with a view to hasten decision making and improving the existing delivery mechanisms for benefit of the citizens. Further, a mechanism of rewarding performers also had to be incorporated in the new system of pay scales. To achieve all this, the Commission has had to evolve a new system of pay bands.

9) With regard to para 5 of page 4 of reply statement, it is submitted by the applicant that, principle of ACP/MACPS is entirely different from principle of Pay Structure & Fixation. Further, there is no possibility that an artisan staff will reach the pay scale of a Junior Engineer in Railways through ACP/MACPS, because only after getting 3 promotions, can an artisan staff become Sr. Technician. Also, it is misleading to state that a junior (subordinate) may be drawing higher pay/pay scale as compared to his senior (supervisor). A junior may, by virtue of his length of service, draw higher pay than his senior. But as recommended by successive Pay Commissions, the pay scale of the senior (supervisor) should always be higher than his junior (subordinate).



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10) With regard to para 6 of page-4 continued on page 5 of reply statement, it is submitted by the applicant that, it is fallacious to say that 3rd Pay Commission recommended same/identical pay structure for Master Craftsman & Chargeman (Junior Engineer). In para 16 of Chapter 19, 3rd CPC recommended for creation of new grade of Master Craftsman in the scale of Rs.425-640 (scale no.25 of 3rd CPC). In para 44 of the same chapter higher pay scale of Rs.425-700 (scale no.26 of 3rd CPC) was recommended for Chargeman (Junior Engineer-II). (Chapter 19 (II) pertaining to Technical Supervisors, Chapter 36 pertaining to Loco Foremen & Chapter 19 (I) pertaining to artisans of 3rd CPC recommendation is enclosed as **Ann A-24**).

11) It is also submitted that 5th & 6th Pay Commissions recommended different Pay Scales/Grade Pays for Master Craftsman/Senior Technician and Junior Engineer Engineers. Respondent department -1 (Railways) with the approval of respondent department -2 (Ministry of Finance) upgraded the Pay Scale/Grade Pay of Senior Technician on par with Junior Engineer. These facts were explained in para 4.8(2)(a) to (m) of the OA. Respondents reply for the applicant statements are based on wrong facts.

12) With regard to para 2 of page-5 reply statement, it is submitted by the Applicants that, para 7.36.60 of 6th Pay Commission report is not part of its recommendations. 6th CPC recommendations for workshop staff other than supervisory categories were given in the table of para 3.8.27, in which 6th CPC had recommended Grade Pay Rs.2800 for Master Craftsman not Grade Pay Rs.4200 as claimed by respondents. In the foot note below the para it had been clearly mentioned that in future the post of Master Craftsman shall be operated in PB-1 with Grade Pay of Rs.2800. (Copy of para 3.8.27 of 6th Pay Commission recommendations is enclosed as Ann.A-11 of OA).

13) With regard to para 2 of page-5, para 3 of page-5 continued on page-6 and para 2 of page-6, it is submitted by the Applicants that, RBE No. 162/2008 dated 31.10.2008 produced as Annexure R-3 by the respondents itself is a proof for Senior Technician & Junior Engineers were recommended separate Grade Pay by 6th CPC. It is clear from

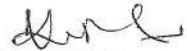

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Para 6 of this order that Government has decided to refer the recommendations of 6th CPC regarding pay scale of Master Craftsman (Sr. Technician) in the Railways to be reviewed by Fast Track Committee. It was only after the acceptance of recommendations of Fast Track Committee para 3.8.27 of 6th CPC recommendations were modified with regard to Highly Skilled workers and Master Craftsman as per Gazette Notification GSR 552(E) dated 28th July, 2009 marked as Annexure R-4 of reply statement.

14) It is further submitted that, 7th CPC in para 1.27 of its recommendations said that many of the anomalies placed before it have their roots not in the recommendations made by 6th CPC, but because of subsequent modification made by the Government and said that many of which could not be rectified till date.

Para 1.27 of 7th CPC recommendation:- A number of grievances or so called anomalies have been placed before the Commission. Many have their roots not in the recommendations made by the VI CPC, but in the subsequent modifications made by the government and the resultant orders issued by it. Often these resulted in anomalies, many of which could not be rectified till date. Wherever possible we have tried to remove these anomalies. We also suggest that an appropriate body may be created to look into anomalies, if any arising out of the implementation of the recommendations of the Seventh CPC. The body so created may be in position for a period of six months at least so that if any anomaly arises in implementation of the recommendation of this Commission, it can be immediately attended to and the affected persons need not wait for another decade.

15) With regard to para 3 of page-6 and para 4 of page-6 continued on page-7, it is submitted by the Applicants that, recommendations of 6th CPC for cutting down number of hierarchical levels and merger of pay scales Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 didn't disturb the hierarchical level of Technical Supervisors and Technicians. 6th CPC clearly told that it had done the merger where functional justification for maintaining two distinct levels as feeder and promotion post did not exist or where the operational efficiency was not impacted or is likely to actually improve by the merger (para 3.8.3.g of 6th CPC is given below). But function, duties & responsibilities of Senior Technician & Junior Engineer are entirely different.


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6th CPC para.3.8.3.g). As a measure of de-layering, the Commission has recommended merger of the pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500. In a large number of cases, posts in these pay scales have existed as feeder and promotion posts. While the Commission has tried to ensure that the promotion post is normally placed in a higher pay scale, however, in many cases, the same has not been done. Consequently, for a few categories, the erstwhile feeder and promotion posts have been merged. This is a conscious decision of the Commission and has been resorted to in cases where functional justification for maintaining two distinct levels as feeder and promotion post did not exist or where the operational efficiency was not impacted or is likely to actually improve by the merger. In all such cases, the interests of personnel in the erstwhile promotion grade have been protected by ensuring that their seniority as well as higher pay is kept intact in the revised running pay bands being recommended by the Commission.

16) Consciously 6th CPC recommended for continuance of hierarchy between Technical Supervisors and Technicians as shown in column (3) & (4) of table given below. It is only the modification done by the respondents thereafter disturbed the hierarchy in these vital safety categories.

TABLE-3

Hierarchy	5 th CPC scale	6 th CPC recommendation GP	Pay Band	Modified by Govt after 6 th CPC
(1)	(2)	(3)	(4)	(5)
Technician Gr-III	3050 – 4590	Rs.1900	PB-1	No change.
Technician Gr-II	4000 – 6000	Rs.2400	PB-1	GP Rs.2400. % for distribution of posts with GP 2800 was modified as 50%
Technician Gr-I	4500 – 7000	Rs.2800	PB-1	GP Rs.2800. % for distribution of posts with GP 2400 was modified as 50%
Senior Technician	5000 – 8000*			GP Rs.4200. Sr Technician recommended GP of Rs.2800 PB-1 was upgraded to GP Rs.4200 PB-2
Junior Engineer-II	5000 – 8000	Rs.4200	PB-2	No change.
Junior Engineer-I	5500 – 9000			
Section Engineer	6500 – 10500	Rs.4600	PB-2	No change.
Senior Section Engineer	7450 – 11500			

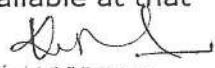
* 5th Pay Commission has recommended the scale of Rs.4500-7000. Government has made the improvement to Rs.5000-8000.


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Supervisors Association

17) With regard to para 2 of page-7 of reply statement, it is submitted by the Applicant that on promotion from Senior Technician to Junior Engineer apart from promotional pay fixation, employees have to be placed in next higher GP/Pay Level as per the recommendations of 6th & 7th Pay Commissions as explained in para 8(2) (i) and 8(2) (n) iii to v respectively.

18) With regard to para from 3 of page-7 to para 2 of page-11 of reply statement and Ministry of Railways O.M. dated 13.04.2015 on the issues raised by 7th CPC letter dated 28.10.2014 relating to Group 'C' Engineers, given as Annexure R-6 to reply statement, it is submitted by the Applicants that, many points discussed by Railways in their O.M. dated 13.04.2015 were not based on actual facts which are refuted by the applicants in the following para,

- a) With regard to para 1 of the O.M. respondent Railways briefed gist of main demands made by the associations & federations. It is submitted that, applicant Association Indian Railway Technical Supervisors Association (IRTSA) submitted detailed memorandum, supplementary memorandum & oral evidence on the demands of Technical Supervisors in Railways. From Table-1 of the O.M. it is understood that demands submitted by the applicant association were not considered by Railways.
- b) With regard to para 3.2 of O.M of the respondent Railways, para 3.8.27 of 6th Pay Commission recommendation Grade Pay Rs.2800 for all future Master Craftsman was reproduced.
- c) With regard to para 3.3 of O.M of the respondent Railways, it is submitted that, for workshop staff other than supervisory categories, 6th Pay Commission recommended minimum Grade Pay Rs.1800 for Unskilled to maximum Grade Pay Rs.2800 for Master Craftsman not Grade Pay Rs.4200 as claimed by respondents.
- d) With regard to para 3.4 of the O.M of the respondent Railways, respondent Railways put up wrong facts to 7th Pay Commission. Para 7.36.60 (Railways) was not a recommendation of 6th Pay Commission. It was only the cadre structure available at that


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time. Normal replacement scale of Rs.5000-8000 was not recommended for Master Craftsmen as claimed by respondent Railways. Para 3.8.27 (elsewhere) of 6th Pay Commission clearly recommended that, Master Craftsman in the scale of Rs.5000-8000 shall be merged in the cadre of Chargeman 'B'. In future, the posts of Master Craftsman shall be operated only in pay band PB-1 along with Grade Pay Rs.2800.

- e) From the Para 3.5 of O.M. it is clear that, based on the recommendations of Fast Track Committee as accepted by Government, it was decided to allot revised pay structure for Master Craftsman (Sr. Technician) vide Board's letter dated 25.11.2009. It is submitted that Grade Pay of Rs.4200 for Sr. Technician was not recommended by 6th CPC, it was only granted by respondents by modification done after the implementation of 6th CPC recommendations.
- f) Through para 3.6 of its O.M. respondent Railways again put up wrong facts to 7th CPC. It is submitted that 3rd Pay Commission not recommended same/identical pay structure for Master Craftsman & Chargeman (Junior Engineer). In para 16 of Chapter 19, 3rd CPC recommended for creation of new grade of Master Craftsman in the scale of Rs.425-640 (scale no.25 of 3rd CPC). In para 44 of the same chapter higher pay scale of Rs.425-700 (scale no.26 of 3rd CPC) was recommended for Chargeman (Junior Engineer-II). (Chapter 19 (II) pertaining to Technical Supervisors, Chapter 36 pertaining to Loco Foremen & Chapter 19 (I) pertaining to artisans of 3rd CPC recommendation is enclosed as Annexure A-24)
- g) It is also submitted that 5th Central Pay Commission in paras 54.33, 54.34, 54.35, 54.36, 54.37 & 54.38 of its report, specifically dealt with the problem of supervisor and supervised being placed in the same scale of pay and removed the anomaly by recommending the pay scale of Rs.4500-7000 to Master Craftsman and Rs. 5000-8000 for Technical Supervisors / Chargeman-B (since re-designated as Junior Engineer-II). But later Railways upgraded the scale of Master Craftsman (since re-

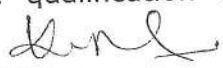
designated as Senior Technicians) without correspondingly upgrading the scale of Chargeman (Junior Engineer) contrary to the principle of natural justice thereby disturbing the vertical relativity recommended by 5th Central Pay Commission.

- h) It is also submitted that, respondent Railways also failed to highlight the basic recommendations of 6th CPC in para 2.2.11 of its report, which recommended that, "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 one additional increment". (para 2.2.11 of 6th Pay Commission recommendation is enclosed as Ann.A-12 of O.A)
- i) Thus it is submitted that, allowing pay fixation benefit of one increment in the same Grade Pay in the situation of promotion of Master Craftsmen as Junior Engineer vide Railway Board's letter dated 12.09.2013 is violation of recommendation of 6th Pay Commission recommendations.
- j) With regard to para 4.1.1 to 4.1.5 of the O.M, it was accepted by the respondent Railways that relativity between Technical Supervisors vis-à-vis SO/SSO was disturbed from 3rd CPC to 6th CPC. Table-6 in para 4.1.3 of the O.M. clearly explains the disturbance of relativity. SO/SSO in 3rd CPC pay scale of Rs.500-900 were given Grade Pay of Rs.4800 in 6th CPC, whereas Senior Section Engineer's 3rd CPC pay scale of Rs.840-1040 were given only Grade Pay Rs.4600 in 6th CPC.
- k) It is also submitted that respondent Railways failed to highlight in their O.M about introduction of Engineering Graduate Entry in the category of Technical Supervisors (as SE/SSE) in Group 'C' after the period of 3rd CPC scales, whereas entry qualification for other categories remain the same in all Pay Commissions.
- l) With regard to para 5.1 of its O.M. the respondent Railways detailed the justifications submitted by staff side for placing Technical Supervisors in higher Grade Pay based of superior


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recruitment conditions and multifarious responsibilities shouldered by them as well as disturbance of relativity with accounts department, for which respondent Finance Ministry has not replied.

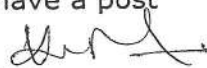
- m) It is submitted that, the respondent Railways failed to communicate to the 7th CPC about the decision taken by Railways in its Departmental Anomaly Committee, DAC item No.3 of O.M.No.PC VI/2009DAC/1(Pt2) dated 11.06.2010, for placing Technical Supervisors in pre-revised scales Rs.5000-8000 and Rs.5500-9000 in Grade Pay Rs.4600 and Technical Supervisors in pre-revised scales Rs.6500-10500 and Rs.7450-11500 in Grade Pay Rs.4800.
- n) With regard to para 6.1 of the O.M of the respondent Railways, it is submitted that all categories mentioned in Table-8 of the O.M don't have a post working under them placed in the same grade pay, violating the settled law of "*Promotion' implies advancement to a higher grade; & Supervisor should be in a scale higher than Supervised*"
- o) With regard to para 6.1.1 of the O.M. of the respondent Railways, it is submitted that relativity discussed was very much general in nature and not specific on Technicians and Technical Supervisors working in Technical departments.
- p) With regard to para 6.1.2 of the O.M. of the respondent Railways, it is submitted that so for the perennial problem of lack of promotional avenue for Technical Supervisors is not addressed. Incumbents of the post of Senior Section Engineer (SSE) in Rs.2375-3500 of 4th CPC scale, Rs.7450-11500 scale of 5th CPC, PB-2 Grade Pay Rs.4600 of 6th CPC and Pay Level-7 of 7th CPC never given any upgradation. Cadre Restructuring of Group 'C' posts in Railways were done 4 times in 30 years, i.e. 1984, 1993, 2003 and 2013, besides merger of posts / change of structure recommended by Pay Commissions. SSE is the only category left out of any upgradation over the years, despite of having direct recruitment element with the qualification of Degree in Engineering.


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- q) Technicians working under Technical Supervisors and Group 'B' & 'A' officers above them were either given pay upgradation or increased promotional avenue or both. The situation of not getting justified pay or lack of promotional avenue for Technical Supervisors demonstrates unscientific handling of issues of Technical Supervisors by the respondents which has created serious discontentment among Technical Supervisors.
- r) With regard to para 6.1.3 of the O.M. of the respondent Railways, it is submitted that disturbance of relativities between Group 'B' officers of accounts department & Group 'B' Officers of non-accounts department was only discussed, not the disturbance of relativities between senior promotional post of Technical Supervisors and junior feeder post of Technicians working under Technical Supervisors, the anomaly which was created after the implementation of 6th CPC recommendations by the modification done in the Grade Pay of Sr. Technician.
- s) It is submitted that, 7th CPC in para 1.27 of its recommendations said that many of the anomalies placed before it have their roots not in the recommendations made by 6th CPC, but because of subsequent modification made by the Government and said that many of which could not be rectified till date.

20) With regard to para 3 of page 11 of the reply statement it is submitted by the Applicant that, there is a disturbance of vertical relativity between senior promotional post of Junior Engineer and junior feeder post of Technicians working under Junior Engineer, which is in violation of 6th CPC basic recommendations. In para 2.2.11 of its report, 6th CPC recommended that, "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 one additional increment".

21) It is submitted that table given page 11 & 12 of the reply statement of the respondents don't give the real picture of the relativity. All categories mentioned in the table don't have a post

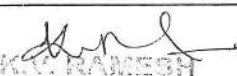

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working under them placed in the same grade pay in violation of settled law - "Promotion' implies advancement to a higher grade; & Supervisor should be in a scale higher than Supervised"

Complete cadre hierarchy for some of the categories given in Railway Board Letter No PC-III/2013/CRC/4 dated 08-10-2013 is reproduced below,

TABLE-4

Category	Cadre Hierarchy	
Traffic Department		
Station Master	Pay Band	Grade Pay
	PB-2	4600
	PB-2	4200
	PB-1	2800
Traffic Controllers	PB-2	4600
	PB-2	4200
Train clerks	PB-2	4200
	PB-1	2400
	PB-1	1900
Shunting Master	PB-2	4200
	PB-1	2400
Cabinmen	PB-1	2400
	PB-1	1900
Shnutmen	PB-1	1900
	PB-1	1800
Goods Guard & Asst Guard	PB-2	4200
	PB-1	2800
	PB-1	2400
	PB-1	1900
Cooks	PB-1	2400
	PB-1	1900
	PB-1	1800
Loco Pilot	PB-2	4200
	PB-1	2400
Commercial Department		
Commercial clerks	PB-2	4600
	PB-2	4200
	PB-1	2800
	PB-1	2000


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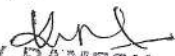
Enquiry cum reservation clerks	PB-2	4200
	PB-1	2800
	PB-1	2000
Ticket Checking staff	PB-2	4600
	PB-2	4200
	PB-1	2400
	PB-1	1900
Commercial Inspectors	PB-2	4600
	PB-2	4200
Signal & Telecommunication department		
Telephone operators	PB-2	4600
	PB-2	4200
	PB-1	2400
	PB-1	1900
Staff common for more than one department		
Ministerial Staff	PB-2	4600
	PB-2	4200
	PB-1	2800
	PB-1	1900
Typist	PB-2	4600
	PB-2	4200
	PB-1	2400
	PB-1	1900

TABLE-5, Cadre hierarchy of Technical departments in Railways

All Engineering departments including workshops		
Technical Supervisors	PB-2	4600
	PB-2	4200
Technicians	PB-2	4200
	PB-1	2800
	PB-1	2400
	PB-1	1900

22) It is submitted that categories listed in Table-4 are having cadre hierarchy without disturbing vertical relativity between feeder posts and promotional posts. Whereas in the cadre hierarchy of Technical departments listed in Table-5 vertical relativity between feeder posts and promotional posts are disturbed.

23) It is submitted that applicants have no grouse over upgrading the grade pay of Sr. Technicians to Rs.4200. It is only refusal act of respondents to place the Junior Engineers above the Sr. Technician aggrieved the applicants.


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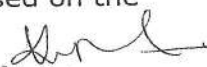
24) With regard to page 12 & 13 of the reply statement, it is submitted by the Applicant that, upgradation of pay scales for Accounts Staff in Railways had been done out of Pay Commission recommendations - even though, originally, the Accounts staff in the Railways were granted normal replacement scales in terms of Railway Board's letter No. PC-V/97/I/RSRP/1 dated 16.10.97 in pursuance of the recommendations of 5th Central Pay Commission in para 83.235 of its report. Upgrading of pay scales for Accounts staff had been given vide Board's letter No. PC-V/98/I/11/23 (RBE No.48/2003) dated 7.3.2003 (RBE No.48/2003 is enclosed as Ann.A-17 of O.A). It is also submitted that successive Pay Commissions recommended that the pay scale of the senior (supervisor) should always be higher than his junior (subordinate).

25) With regard to pages 14 & 15 of the reply statement, it is submitted by the Applicant that, job of Technical Supervisors (JE) is supervisory in nature and that of Sr. Technician is skill pertaining to one particular trade, thus both posts of JE & Sr. Technician cannot be placed in same pay scale / grade pay.

26) Respondent Railways consciously made the decision vide its O.M dated 11.06.2010 to upgrade the Grade Pay of JE from Rs.4200 to Rs.4600 and SSE from Rs.4600 to Rs.4800 based on functional justifications of superior recruitment conditions, duties and multifarious responsibilities to ensure out-turn targets, optimum productivity, quality control, safety, material management, optimum utilization of man-power, machinery, equipment, rolling stock and other resources for effective train operation.

27) With regard to last para in page-15 continued in page-16 of the reply statement, it is humbly submitted by the Applicant that, second respondent Ministry of Finance had rejected the proposal of First respondent Railways as well as the submissions of the Applicants - by not only falsely negating the facts but also referring to extraneous factors to deviate from the core issues involved in the matter.

28) With regard to para 2 in page-16 of the reply statement, it is submitted by the Applicant that, respondent Railways made a decision to place 29,721 posts of SSE in Grade Pay Rs.4800, based on the


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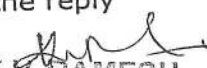
recommendations of 7th Pay Commission in para 11.40.113 pertaining to Technical Supervisors of its report, recommending that Ministry of Railways should consider enhancing the number of posts in the next higher level. (Ministry of Railway's proposal & its annexure are enclosed as Ann. A-19 of O.A.). But the issue was complicated by making it as common proposal along with other categories of all non-accounts department, even though the 7th CPC recommendation is very specific for Technical Supervisors.

29) With regard to para 3 in page-16 of the reply statement, it is submitted by the Applicant that, 2nd respondent Finance Ministry has asked the 1st respondent Railways to re-consider the proposal on administrative issues specific to departments/cadres/posts.

30) It is further submitted that, O.M. dated 23.12.2016 enclosed as Annexure R-10 of reply statement has not consider the following facts,

- a) 6th CPC recommendations in para 2.2.2, not agreeing for existence of the feeder and promotion posts in the same pay scale, since it have been consistently rejected by the various courts of this country has not been consider by respondents.
- b) 7th CPC recommendations in para 1.27 on many of grievances or so called anomalies placed before it have their roots not in the recommendations made by 6th CPC, but the subsequent modifications made by the Government and the resultant orders issued by it. Often these resulted in anomalies, many of which could not be rectified till date.
- c) 7th CPC recommendations in para 5.1.23 that, "when the employee receives a promotion or a non-functional financial upgrade, he/she progress one level ahead on the horizontal range.
- d) 7th CPC recommendations in para 11.40.113 (pertaining to Technical Supervisors) that, Railway Board should consider enhancing the number of posts in next higher level of SSE in grade pay Rs.4800.

31) With regard to last para in page-16 to 3rd para in page-17 and O.M. dated 08.02.2017 enclosed as Annexure R-11 of the reply


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statement, it is submitted by the Applicant that, respondent Railways stick to its old stand of revision pay scales for senior Supervisors in Group 'C' of all departments as compared to their counterparts in the accounts departments. Respondent Railways didn't deal the issue of Technical Supervisors on the facts of historical background and on recommendations of 5th, 6th & 7th Pay commissions particularly/exclusively for Technical Supervisors.


32) It is humbly submitted that respondent Railways claim for establishing parity between accounts & non-accounts officer cadres and between accounts & non-accounts senior supervisory cadres of all departments is different from that of plea of applicant claiming higher Grade Pay / Pay Level for Technical Supervisors based on the recommendations of pay commissions and based on the settled law - "*Promotion' implies advancement to a higher grade; & Supervisor should be in a scale higher than Supervised*".

33) With regard to para 4 of page-17 of the reply statement, it is submitted by the Applicant that, decision need to be taken on the merit, historical background, pay commissions recommendations, etc.

34) With regard to last para of page-17 to first para of page-19 of the reply statement, it is submitted by the Applicants that, respondents again rely upon wrong facts. 3rd CPC recommended Pay Scale of Rs.425-640 for Master Craftsmen (Sr. Technicians) below the pay scale of. Chargeman 'B' (now designated as Junior Engineer) Rs.425-700. 5th & 6th Pay Commissions have also recommended separate pay scales / grade pays for Sr. Technician & Junior Engineers. It is clearly explained in para 1.14(1) to (8) of O.A as well as in the forgone para of this rejoinder statement.

35) With regard to the 2nd para and sub-para thereof in page-19 of the reply statement, it is submitted by the Applicants that, second respondent Ministry of Finance has disposed of the case on very unjust and unreasonable grounds and by subverting basic facts of the case and ignoring the settled law.

36) With regard to 1st para in page-20 of the reply statement, it is submitted by the Applicants that, there are violation of articles 14, 16, 21 and 39 of Constitution of India.


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37) With regard to para 2, 3 & 4 in page-20 of the reply statement, it is submitted by the Applicants that, 6th CPC recommended (para7.36.77) merging of pay scales of Technical of Supervisors as given below in the Table-6

TABLE-6

5 th Pay Commission		6 th Pay Commission		
Junior Engineer-II	5000 – 8000	Junior Engineer	Rs.4200	PB-2
Junior Engineer-I	5500 – 9000			
Section Engineer	6500 – 10500	Senior Section Engineer	Rs.4600	PB-2
Senior Section Engineer	7450 – 11500			

38) It is also submitted that, 6th CPC recommended (para3.8.27) for merging the pay scales of Technicians given below in the Table-7

TABLE-7

Designation	Present Pay Scale	Recommended Pay Scale	Corresponding Pay Band & Grade Pay (Rs)	
			Pay Band	Grade Pay
Unskilled	2550-3200	2750-4400	PB-1	1800
Semi Skilled	2650-4000	2750-4400	PB-1	1800
Skilled	3050-4590	3050-4590	PB-1	1900
Highly Skilled	4000-6000	4000-6000	PB-1	2400
Master Craftsman	4500-7000	4500-7000	PB-1	2800 #

Master Craftsman presently in the scale of Rs.5000-8000 shall be merged in the cadre of Chargeman 'B'. In future, the post of Master Craftsman shall be operated only in pay band PB-1 of Rs.4860-20200 along with the grade pay of Rs.2800 (4500-7000)

7.36.60 The present cadre of Technicians is as under:-

Skilled Artisan Gr III	Rs.3050-4590
Skilled Gr II	Rs.4000-6000
Skilled Gr I	Rs.4500-7000
Master Craftsmen	Rs.5000-8000

7.36.71 The Commission has separately considered the category of artisan staff as one of the common categories. The recommendations made therein shall equally apply to artisan staff in Ministry of Railways. No separate recommendations are, therefore, being made regarding pay structure of these categories in this chapter.

39) It is clearly evident from Table-6 & Table-7 and para 7.36.71 of 6th CPC recommendations given in earlier para that 6th CPC recommended separate grade pays for Technical Supervisor category and Technician category working under them to maintain the vertical relativity between supervisory category and artisan category.


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40) With regard to last para in page-20 continued in page-21 & Annexure R-12 of the reply statement, it is submitted by the Applicants that, anomaly created by respondent Railway's order dated 24/11/1998 having RBE No.296/98 was removed by 6th Pay Commission vide para 7.36.71 and 7.36.77 given in earlier para.

41) It is also submitted that, modification done by the respondents after the implementation of 6th CPC recommendations in the Grade Pay of Sr. Technician without further modifying the Grade Pay of Technical Supervisors made the anomaly to resurface. Respondent Railways in its DAC Item No.3 made decision to place Junior Engineers in Grade Pay Rs.4200 to Rs.4600 and Senior Section Engineer from Rs.4600 to Rs.4800 and asked for the approval respondent Finance Ministry vide its O.M dated 11.06.2010 (Ann.A-4 of O.A). Since respondent Finance Ministry delayed its decision, the applicant approached this Hon'ble Tribunal vide O.A/310/00706/2013. Hon'ble Tribunal gave its direction to the respondent Finance Ministry to consider the O.M. PC VI/2009/DAC/1(pt2) dated 11.06.2010 on 21.07.2016. When an RTI query was raised by the applicant on the action taken on the judgement of Hon'ble Tribunal, Respondent Railways through its letter dated 13.01.2017 conveyed the negative decision taken by Finance Ministry on the judgement on O.A. Hence it is humbly submitted that there is no delay from the applicants as claimed by the respondents.

42) With regard to the Hon'ble Supreme Court Judgements enclosed as Annexure R-13 of the reply statement, it is humbly submitted by the Applicants that, para 12 of the case of S.C.Chandra and Ors. Vs State of Jharkand and Ors. justify the arguments of applicant of this O.A. The apex Court said that, "For application of the principle of equal pay for equal work, there shall be total identity between both groups i.e. the teachers of the school on the one hand and the clerks of the State Government or of the BCCL". It was further held in the case State of Haryana & Ors. Vs Charanjit Singh & Ors that the principle of "equal pay for equal work" must satisfy the test that the incumbents are performing equal and identical work as discharged by employees against whom the equal pay is claimed.

43) It is humbly submitted that, Junior Engineer need to be placed in Pay Level / Grade Pay higher than Sr. Technician, since, Sr. Technician


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in the category of artisan are not performing equal and identical work of Junior Engineer in the category of Technical Supervisors. Junior Engineer is senior promotional post carrying more responsibilities; where as Senior Technician is junior feeder post of working under Junior Engineer.

44) With regard to from para 2 in page-21 to first para in page-24 of the reply statement, it is submitted by the Applicants that, 7th Pay Commission in para 11.40.113 pertaining to Technical Supervisors of its report, recommended that Ministry of Railways should consider enhancing the number of posts in the next higher level of SSE in Grade Pay Rs.4800. Respondents never made such exclusive proposal for Technical Supervisors, but made proposal common for all non-accounts Supervisors.

45) With regard to para 3 & 4 in page-24 of the reply statement, it is submitted by the Applicants that, the applicant has explained their arguments in para 28, 29 & 30.

46) With regard to the Hon'ble Supreme Court's Judgement referred in page-24 of the reply statement, it is humbly submitted by the Applicants that, Government for its own administrative needs or situation arising out of Hon'ble Court's intervention modified the recommendations of Pay Commissions in the past.

47) In continuation to the aforesaid the applicants humbly submit the following justifications in brief,

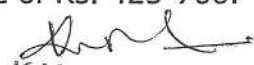
- a) *Senior Section Engineers (SSEs) & Junior Engineers (JEs)* on the Railways have been unjustly placed in the Grade Pay of Rs.4600 and Rs.4200 respectively which are the same as those of the employees working under them, which violates the basic principle of law of natural justice - upheld by various Court including by the Hon'ble Supreme Court of India that -

"An equal cannot be over an equal"

'Promotion' implies advancement to a higher grade; &

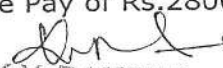
Supervisor should be in a scale higher than Supervised.

- b) 3rd CPC kept the pay scale of Master Crafts Man (now Senior Technician) Rs.425-640 below than JE Pay scale of Rs. 425-700.


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Considering the degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, avenues of promotion available and horizontal and vertical relativities, etc 3rd CPC recommended higher pay scales to JE & SSE.

- c) 5th CPC accepted that the identical pay scales of Master craftsman, Mistry and Chargeman (now JE) have resulted in a large number of court cases.
- d) Based on ruling of Principal Bench of CAT New Delhi in OA No. 1527/1990, 5th CPC in para 54.33, 54.34, 54.35, 54.36, 54.37 & 54.38 of its report, specifically dealt with the problem of supervisor and supervised being placed in the same scale of pay and removed the anomaly by recommending the pay scale of Rs.4500-7000 to Master Craftsman and Rs. 5000-8000 for Technical Supervisors / Chargeman-B (since re-designated as Junior Engineer-II). But later Government / Railways upgraded the scale of Master Craftsman without corresponding upgrading of the scale of JE - in contravention of the principle of natural justice thereby disturbing the vertical relativity recommended by Fifth Central Pay Commission.
- e) 6th CPC (in Para, 2.2.11 of its Report) - recommended that - "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".
- f) 6th CPC recommended that promotion & feeder cadres being placed in identical pay scale is anomalous and recommended that 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.
- g) 6thCPC recommended Grade Pay of Rs.4200 for JE I & II (merged together) vide para 7.36.77 and placed Senior Technician below JE by recommending the Grade Pay of Rs.2800


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vide para 7.36.71 & 3.8.27. By upgrading the Grade Pay of Senior Technician to Rs.4200 on par with JEs, Basic recommendation of 6th CPC that "Seniority of a post will depend on the grade pay drawn. This will invariably be more for a higher level post" got violated, by placing the Grade Pay of both junior post (Sr. Technician) and Grade Pay of promotional post (JE) as Rs.4200.

- h) Senior Technicians placed in the Grade Pay of Rs.4200 made the situation that JE I (Pre-revised scale of Rs.5500-9000) two grades above Senior Technician, have since been placed in the same Grade Pay of Senior Technician.
- i) Railway Board's impracticable proposition that the work of Senior Technicians in grade Rs.5000-8000 will be supervised by JE grade-I in the scale Rs.5500-9000 instead of JE-II in the scale Rs.5000-8000 (letter No. E[NG]/I/99/PM7/3 (RBE No.31/2005), dated 22-2-2005 in Ann A-13) is also violated after modification done in 6th CPC recommendations
- j) Many categories who were in the pay scale Rs.425-700 on par with JE-II are now placed in pay level-7 of 7th CPC Pay matrix, whereas JE-I pay which was Rs.550-750 above all these categories is placed only pay level-6 of 7th CPC Pay matrix.
- k) 7th CPC in Para 5.1.23 recommended that "*when the employee receives a promotion or non-functional upgrade, he/she progress one level ahead on the horizontal range*"
- l) 7th CPC in para 1.27 also recommended that anomalies that were created after 6th CPC could not be rectified till date. Also suggested that an appropriate body may be created to look into anomalies, if any arising out of the implementation of the recommendations of the Seventh CPC.
- m) In para 22.3 & 22.6 of the Judgement Hon'ble CAT Chandigarh in OA 060/00211/2014, it has been held that Railways is a multi-disciplinary operational system governed by separate pay rules and DAR rules and it is not governed by CCS & CCS classification, control & appeal rules. Railway servants specifically excluded from CCS rules 2008 as per explanatory


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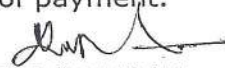
memorandum. Due to unique nature, Railways stands in different footing than other Ministries of Central or State Governments.

- n) Railways consciously made the decision vide its O.M dated 11.06.2010 to upgrade the Grade Pay of JE from Rs.4200 to Rs.4600 and SSE from Rs.4600 to Rs.4800 based on functional justifications, etc.
- o) Railways made a decision to place 29,721 posts of SSE in Grade Pay Rs.4800, based on the recommendations of 7th Pay Commission in para 11.40.113 pertaining to Technical Supervisors of its report, recommending that Ministry of Railways should consider enhancing the number of posts in the next higher level.
- p) Railways' claim for establishing parity between accounts & non-accounts officer cadres and between accounts & non-accounts senior supervisory cadres of all departments is different from that of plea of applicant claiming higher Grade Pay / Pay Level for Technical Supervisors based on the recommendations of pay commissions and based on the settled law.

48) In fine, the Applicants reiterate all their contentions raised in the O.A. In view of the foregoing submissions, the Applicants humbly pray that this Hon'ble Tribunal may be pleased to allow the O.A. and grant the following relief to the Applicants as prayed for in the OA and render justice to them.

i) To issue direction to the respondents to enhance the Grade Pay / Pay Level of Junior Engineers on Railways to at least higher than those of the Senior Technicians working under them; And

ii) To enhance the Grade Pay of Senior Section Engineers on Railways to adequately above the Grade Pay / Pay Level of Junior Engineers and the Chief Office Superintendents working under them, with all the consequential benefits of arrears of pay and allowances with interest @ 18% per annum from the date the amount became due to the actual date of payment.


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iii) To pass any other order or direction deemed fit and proper in the facts and circumstances of the case; and thus render justice.

Dated at Chennai, this the 22nd day of July, 2019.

VERIFICATION

I, K. V. Ramesh, Senior Joint General Secretary of Indian Railways Technical Supervisors Association (IRTSA), aged about 51 years, residing at G3-LIKITH HOMES, 3-Lakshmanan Nagar West Street, Peravallur, Chennai-600 0821, the 1st Applicant herein, do hereby verify that the contents of the Rejoinder Statement is true to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Date: 22.07.2019

Place: Chennai



K. V. Ramesh,
Senior Joint General Secretary,
Indian Railways Technical Supervisors
Association (IRTSA)
SIGNATURE OF THE 1ST APPLICANT

COUNSEL FOR APPLICANTS

Pay Scales Recommended by 3rd Pay Commission.

APPENDIX

PROPOSED SCALES OF PAY (REFERRED TO IN PARAGRAPH 55)

Rs.	Rs.
1. 160-2-170	41. 650-30-740-35-880-EB-40-960
2. 185-2-193-3-205-EB-3-220	42. 650-30-740-35-880-EB-40-1040
3. 190-3-208-4-220-EB-4-232	43. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200
4. 190-3-208-4-220-EB-4-240	44. 700-30-760-35-900
5. 200-3-212-4-240-EB-5-260	45. 700-40-900-EB-40-1100-50-1300
6. 200-3-212-EB-4-240-EB-5-280	46. 700-40-900-EB-40-1100-50-1250-EB-50-1600
7. 225-5-260-6-290-EB-6-308	47. 740-35-880
8. 225-5-260-6-326-EB-8-350	48. 775-35-880-40-1000
9. 260-6-326-EB-8-350	49. 775-35-880-40-1000-EB-40-1200
10. 260-6-290-EB-6-326-8-366-EB-8-390-10-400	50. 840-40-1040
11. 260-8-300-EB-8-340-10-380-EB-10-430	51. 840-40-1000-EB-40-1200
12. 260-8-300-EB-8-340-10-360-12-420-EB-12-480	52. 900-40-1100-EB-50-1400
13. 290-6-326-EB-8-350	53. 1050-50-1600
14. 290-6-326-8-350-EB-8-390-10-400	54. 1050-50-1500-EB-60-1800
15. 290-8-330-EB-8-370-10-400-EB-10-480	55. 1100-50-1500
16. 290-10-350-EB-12-410-EB-15-500	56. 1100-50-1600
17. 290-8-330-10-380-EB-12-500-EB-15-560	57. 1100-50-1500-60-1800
18. 320-6-326-8-390-10-400	58. 1200-50-1600
19. 330-8-370-10-400-EB-10-480	59. 1200-50-1700
20. 330-10-380-EB-12-500-EB-15-560	60. 1200-50-1500-60-1800
21. 380-12-500-15-530	61. 1200-50-1300-60-1600-EB-60-1900-100-2000
22. 380-12-500-EB-15-560	62. 1300-50-1700
23. 380-12-440-EB-15-560-EB-20-640	63. 1500-60-1800
24. 425-15-530-EB-15-560-20-600	64. 1500-60-1800-100-2000
25. 425-15-560-EB-20-640	65. 1650-75-1800
26. 425-15-500-EB-15-560-20-700	66. 1800-100-2000
27. 425-15-500-EB-15-560-20-640-EB-20-700-25-750	67. 1800-100-2000-125/2-2250
28. 425-15-500-EB-15-560-20-700-EB-25-800	68. 1850 Fixed
29. 440-15-515-EB-15-560-20-700-EB-25-750	69. 2000-125/2-2250
30. 455-15-560-EB-20-700	70. 2000-125/2-2500
31. 470-15-560-20-580	71. 2250-125/2-2500
32. 470-15-530-EB-20-650-EB-25-750	72. 2250-125/2-2500-EB-125/2-2750
33. 500-20-700-EB-25-900	73. 2500 Fixed
34. 530-15-560-20-620	74. 2500-125/2-2750
35. 550-20-650-25-700	75. 2500-125/2-3000
36. 550-20-650-25-750	76. 2750 Fixed
37. 550-20-650-25-800	77. 3000 Fixed
38. 550-25-750-EB-30-900	78. 3000-100-3500
39. 600-25-750	79. 3250 Fixed
40. 650-30-710	80. 3500 Fixed

Annexure A-2

REPORT OF THIRD CENTRAL PAY COMMISSION – 1973

Volume – I

CHAPTER 19

WORK SHOP STAFF

(Including Workshop Supervisory Staff)

II. TECHNICAL SUPERVISORS IN RAILWAY WORKSHOPS

30. We now turn to consider Technical supervisors in the Railway, Defence, and P&T Workshops. The Railways have a large number of workshops for carrying out repair and maintenance of rolling stocks (locomotives, coaches, and wagons), electrical and signalling equipment, plant and machinery and other items. These shops, though primarily intended for carrying out regular and periodically repairs and maintenance of rolling stocks and other assets, are also partly used to manufacture components and even rolling stock. In addition, there are three main production units namely Chittaranjan locomotive works (CLW), Diesel Locomotive works (DLW) and Integral coach factory (ICF) for the manufacture of electric and diesel locomotives and passenger coaches respectively.

31. The supervisory staff in the workshop comprises Mistries, chargemen, and foremen the table below the number and scales of pay.

Designation	Scale of pay	Number of posts in each department				
		mechanical	electric	civil	Signal&tel	total
Shop Superintendent	450-575+150 spl pay	760	338	24	22	1164
Foreman 'A'/ Asst. Shop Superintendent	450-575	-	-	-	-	-
Foremen 'B'	370-475	781	274	-	26	1081
Foremen 'B' (civil engg)	335-485	-	-	64	-	64
Foremen 'C'	335-425	2130	624	-	28	2782
Chargemen 'A'						
Chargemen 'B'	250-380	2385	732	79	60	3256
Chargemen 'C'	205-280	3079	1814	155	85	5133
Mistry Grade I	150-240	6013	1398	738	160	8279
Mistry Grade II	130-212	459	154	268	56	937
Total		15607	5354	1328	407	22696

The posts of Chargemen in Mechanical Workshops are distributed on percentage basis

Chargeman 'A'	28%
Chargeman 'B'	35%
Chargeman 'C'	37%

32. **Mistries:** This category constitutes the base of the supervisory grade. The posts of mistries are filled by promotion of the artisan staff in the skilled or highly skilled grade II. The mistries are in turn eligible for promotion along with artisan in highly skilled grade I to 20 percent of the vacancies of charge men 'C'. The mistries are in charge of subsection and are responsible for supervision and guidance of the artisan staff working under them, for work and for proper out-turn.

33. The main grievance of this category is that their grade (Rs. 150-240) is lower than that of the highly skilled worker Grade I (Rs 175-240) whom they supervise. During the course of oral evidence the Railway Board conceded that the Mistries had often to allocate work to the highly skilled staff and also to coordinate flow of material to them. In the circumstances we recommended for Mistries the same scale as recommended for highly skilled workers grade I viz. Rs 380-560. We wish to emphasize here that whatever the post of a Master Craftsman is created it should be ensured that the Mistries do not supervise their work in any manner.

34. We are informed that there are some Mistries in the scale of Rs 130-212 who are skilled artisans and in addition are responsible for supervising a certain number of staff. They are however classified as supervisory but are treated as skilled artisans staff for the purpose of eligibility of over time under the Factory Act and other matters, unlike the Mistries in Rs 150-240 grade who are treated as wholly supervisory. Since the mistries in the lower grade do not obviously supervise the work of highly skilled grade I workmen we consider that the scale of Rs 330-480 would be appropriate for them.

35. **Chargemen:** charge men are in three grades. There is direct recruitment to the lowest grade to the extent of 50 percent from candidates who are diploma holder and are below 30 years. They are trained for a period of two years. 25 percent of the vacancies are reserved for skill artisans who are already in service and fulfill the educational qualifications of matriculations and are below 33 years. The remaining 25 percent of the vacancies are filled by promotion of Mistries and highly skilled artisans grade I the charge men in the lowest grade have promotional avenues to the higher grades if charge men for Foremen. There is provision for 125 percent direct recruitment of engineering graduates to the grade of charge men 'A' (Rs 335-425).

36. The chargemen are responsible for the efficient working of the sections under control and have the special responsibility in incentive shops for the maintenance of production at the required level by proper distribution of work and supply of material, tools, drawings, etc in time

37. **Foremen** : In the repair & maintenance shops where the incentive schemes are in force there are at present of foremen namely foremen B (Rs 370-475) and foremen A (Rs 450-575) In the three production units however the scale of assistant superintendents has been revised from Rs 370-475 to Rs 450-575. Shop superintendents are also in the same scale (Rs 450-575) but they are entitled to a special pay of Rs 150 per month. In the civil engineering workshops Foremen B are in the grade of Rs 335-485

38. The duties of foremen are similar to those of charge men except that they are a wider jurisdiction and have overall responsibility for the efficient operation of the shops as a whole. They are also responsible for stores accounting and for ancillary establishments' matters.

39. Above the Mistry level there are thus at present five levels – three for chargemen and two for foremen. Both the railway federations have suggested those two grades of chargemen and two grades of Foremen. The association representing technical supervisors has suggested three levels namely, chargemen, assistant superintendents and superintendents. During the evidence the official witness told us those two grades of chargemen and two grades of Foremen were necessary. Having regard to all relevant factors we consider that four levels two each for chargemen and two grades of Foremen should suffice for meeting the present supervisory needs.

40. The Technical supervisors Association has claimed higher rates of remuneration on the grounds of increase in the range of their function due to modernization of rolling stock, increased sophistication and range of equipment and introduction of incentive schemes. It has also referred to the unsatisfied demand in the engineering industry for the services of experience and capable workshop supervisors and in support has given statistics of supervisors who have left the railways for more lucrative employment in the private and public sectors. We understand that 102 workshop supervisors left the railways during the period 1966-71. Further the association has drawn attention to the recommendations (Kunzru and Wanchoo committees) regarding the need for improving the pay scales and status of all supervisory categories on the Railway.

41. Before we proceed to recommend the pay scales for the group, it appears desirable to discuss a related matter. The second pay commission had recommended that in production workshops as distinguished from repair workshops the maximum of the scale of the Foremen should be raised to Rs 650 with an efficiency bar at Rs 575. In their opinion the foremen vital role in production units and the fact that there was considerable demand outside of the services experienced and competent technical supervisors justified the higher maximum they are recommending. The Railway Board did not accept the recommendations for a higher scale of pay in the interest of preserving a uniform pattern of pay scale of all the Railway department. Instead, they decided to grant a special pay of Rs 150 which was already in force in the Chittaranjan Locomotives works. They also decided to upgrade the pay scale of Assistant shop superintendents in production units from Rs 370-475 to Rs 450-575. Both the National Federation of Indian Railway men (NFIR) and the Technical supervisor association have pressed the claim of Foremen 'A' and 'B' in repair shops for a grant of special pay on the ground that the work done in the repair shop is no less important or arduous than in the production units. Further it has been urged that most of the repair shops in the railways are also engaged in manufacturing of components and some of them

are also producing wagons tower cars cranes etc. which used to be procured from outside in the past.

42. We find that the grant of special pay to Foremen in the repair shops had been raised by the NFIR before the Miabhoy Tribunal. The Tribunal findings are that the work and responsibility of Foremen 'A' and 'B' in repair shops do not materially differ from the work and responsibility of their counterparts in the production units who are designed as shop superintends and assistant shop superintends. the tribunal has accordingly recommended that foremen 'A' in Railway workshop should also be granted a special pay of Rs150 per month and that the Foremen 'B' should be given a higher grade of Rs 150-575 on the analogy of similar treatment accord to the assistant shop superintendents in production units. This recommendation has since been accepted by government.

43. Apart from the question of parity in pay scales or emulations between the Foremen in the repair shop and the production units, our attention has been drawn to another aspects which is also causing difficulties .The exclusion of the Foremen from the incentive scheme introduced in the production units and in the workshop has led to distortion in the pay structure. Supervisors up to the level off chargemen 'A' are entitled to incentive earnings as well as overtime and as a consequence their total emulations generally exceed those of Foremen 'B' by Rs 80 to Rs 100 per month. And sometimes even those of Foremen 'A'. Improvements in the pay scales of Foremen or the lines decided by the Tribunal will help in rectifying this imbalance to some extent. If a more satisfactory solution is considered administratively essential, it may be necessary also to modify the incentive schemes and the hourly rates within the framework of the revised pay structured. Official witness in the course of the evidence agreed in general with the need for improving the emulations of the Foreman in view of the introduction of the incentive scheme but they preferred a scheme of the special pay to higher scales of pay. We, however would prefer a higher scale of pay to special pay as the addition to work or responsibilities in these posts is of a permanent nature which would justify placing them in a higher grade. Further, the incumbents of these posts are not normally liable to transfer to non-workshop posts. Yet another reason is that a system of special pay generally works out to be more and not less expensive than a higher scale of pay.

44. Taking into account the demands and suggestions of the Federations and Associations the views of the official witness and the verdict of the Miabhoy Tribunal, we recommend the following scales of pay for the technical supervisors both in the repair workshops and production units.

Designation	Existing scales	Proposed scales
Chargemen 'C'	205-280	425-700
Chargemen 'B'	250-380	
Chargemen 'A' / Foremen 'C'	335-425	550-750
Foremen 'B'(civil engineering)	335-485	700-900
Foremen 'B' / Assistant shop	370-475	

superintendents(production units)	450-575	
Foremen 'A' / Shop superintendents(production units)	450-575 450-575+spl. Pay Rs 150	840-1040

It would be necessary to redistribute these posts in the civil engineering workshop in the revised scales as shown above. This is a matter which can best be decided by the Railway administration.

45. Above Foremen 'A' we recommend a special grade of Principle Foremen for whom the upper segment of class II scales viz. Rs 840-1200 will be suitable. In recommending the introduction of this special grade we have taken into account the high level of emoluments which are available to the highest grade of Foremen outside government services. Moreover, there are likely to be

Foremen who through excellent in their own line on the shop floor might be found unsuitable for promotion as officers in the administrative or managerial lines. We are not conceiving of a specified number of posts being created in this grade. On the other hand, the posts in this grade should be created on a personnel basis as reward for specially meritorious work and proven efficiency in improving output and maintaining discipline safeguards should be introduced to ensure that these posts do not degenerate into normal promotional posts but reserved for a select band of outstanding Foremen

46. The Technical supervisors who are in charge of repair and maintenance of locomotives in the loco sheds may be dealt with on the same lines as recommended above, as their method of recruitment, qualifications and duties are similar to those of their counterparts in the workshop. We understand that the differences such as exist between the loco sheds and the workshops are generally unfavorable to the former.

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CHAPTER 36

MINISTRY OF RAILWAYS

196. **Loco Foremen-** Loco foreman are in charges of Loco sheds which differ greatly in size and importance. The duties of Loco Foremen cover a wide spectrum including supply of locomotives, mechanical maintenance, and custody of stores, establishment and general work. They are responsible for control over locomotives usage, booking of running staff, maintenance of safety records and investigating the causes of accidents.

197. The posts of loco foremen are filled partly from Drivers Grade 'B' and partly from the fitter charge men. There is also interchangeability between loco foremen and loco/fuel inspectors. The posts of loco foremen (Rs 450-575) are promotion posts for loco/fuel inspectors or loco foremen in Grade Rs 370-475 and in exceptional circumstances they are filled from Drivers' A' Grade who volunteer for such appointments. On the basis of their duties and responsibilities we however feel that there is strong justification for betterment in their pay scales. We accordingly suggest that they should be placed on the following scales:-

Existing scales	Proposed scales
335-425	550-750
370-475	550-750
450-570	700-900

198. In respect of these supervisory categories we would also recommended that a certain number of posts to be identified on the basis of their worth and importance (i.e. number of locomotives based and staff controlled etc) and may be granted the higher scale of Rs 840-1040 proposed by us for workshop supervisory staff.

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Volume – I

CHAPTER 19

I. WORK SHOP STAFF

(Including Workshop Supervisory Staff)

13. It has also been urged before us that the pay scales of a skilled artisans should be comparable to that of Lower divisional clerks. Such equivalence has already become well established in organizations which have only one scale at this level. We therefore recommended the following revised scales in replacement of the existing scales

Existing scales	Proposed scales
110-131	260-350
110-139	
110-143	
110-155	
125-155	
130-185	320-400
140-175	
140-180	
150-180	
110-180	200-400
125-180	
130-175	
130-205	

The posts which are on the existing scales (Rs 100-130 and 100-142) should be suitably reclassified into semi skilled or lower skilled grades after a assessment of the jobs. Pending such reclassifications they should be allotted the scales of Rs 225-308 similarly posts in the scale of Rs 130-205 should also be properly classifies either into the upper skilled grade or into highly skilled grade II pending this they should be fixed as shown above.

14. We have considered it necessary to improve the scales of the highly skilled category for two reasons. Firstly the highly skilled grade marks the apex grade for skilled workmen and it should thus be comparable to the grade of upper division clerks .secondly we have recommended an improved scales for the ministries in the workshops and if a corresponding improvements is not made for highly skilled staff there would be a tendency to gravitate to supervisory posts .This might results in losing the highly skilled workers and

getting an indifferent supervisor. We accordingly propose the following scales to replace the existing rules

Existing scales	Proposed scales
130-212	330-480
150-205	
150-240	380-560
175-240	
205-240	

15. It has been suggested to us by some technical experts that new trades and processes requiring higher skills and new equipment with high degree of precision and sophistication have been developed and introduced in the field of electronics, instrumentation, automatic cutting tools etc. during the last decade or so. These developments call for a much higher level of operative skill and technical knowledge than before. Further much of the new equipments being highly sophisticated is also expensive and required to be handled with care as defective operations can causes heavy damage. For efficient use the machines have to be fully utilized during working hours and this adds to the work load and responsibility of the operator. The pay structure should reflect these additional requirements. Other considerations advanced in support of the proposal are that the creation of a new grade of master's craftsman would be an incentive to the highly skilled artisans to remain in their own line and not try to become supervisors where their special skills cannot be productively utilized in operational job. It would also help the government to retain the highly skilled staff in many critical trades for which there is considerable demand outside.

16. We accept the force of these arguments and recommend the creation of a new grade of Master craftsman in the scale of Rs 425-640. In order to avoid the new scale suggested by us for the Master Craftsman becoming a normal promotion level. We suggest the following criteria for allotment of this grade:-

(i) Trades where this grade would be useful should be identified in advance. Even in these trades the posts in this grade should be allowed only as personal to the incumbent who is adjudged to possess the requisite skill;

(ii) Work norms and standards of precision and operative skill should be laid down for the Master craftsman's grade and should of course be higher than for the highly skilled Grade I; and

(iii) Elevation to Master Craftsman's grade should be subject to the passing of the trade test to ensure that criterion at (ii) above is satisfied.

We further suggest that in order to ensure a uniform approach and standards in the matter an inter department committee should work out further detailed criterion for the allotment of the grade.



**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)**

No.2017/E(RRB)/25/19-Pt

Dated 12.12.2018

Shri N.Swaminathan, PCPO/CR, Mumbai.	Shri Sukhbir Singh, PCPO/SECR, Bilaspur
Ms. Aruna Nayar, PCPO/ER, Kolkata	Shri V. Rajeevan, PCPO/SWR, Hubli
Shri Shailendra Kumar, PCPO/ECR, Hajipur	Shri Sanjay Suri, PCPO/WR, Mumbai
Shri P.C. Nayak, PCPO/ECOR, Bhubaneswar	Shri G.L. Meena, PCPO/WCR, Jabalpur
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Ms. Nisha Tiwari, PCPO/NCR, Allahabad	Ms. Renu B. Sharma, PCPO/RDSO, Lucknow
Shri L.B. Rai, PCPO/NER, Gorakhpur	Dr. Shri Prakash, PCPO/CLW, Chittaranjan
Shri D.P. Gabriel, PCPO/NFR, Maligaon	Shri Pradeep K. Singh, PCPO/DLW, Varansi
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Shri N.V.R. Reddy, PCPO/SCR/Secunderabad	Shri Sudhir Kr. Singh, PCPO/RCF, Kapurthala
Ms. Z.G. Firdausi, PCPO/SER, Kolkata	Shri Jaidev Kumar, PCPO/MCF, Rae Bareilly
Shri Satya Prakash, PCPO/CORE/ALD	Shri K. Harikrishnan, PCPO/RWF, Bangalore

Sub: -Generation of Recruitment Indents for JE, CMA and DMS

Board has decided that the vacancies already assessed by the Railways, as on 01.01.2018 and anticipated up to 31.12.2020, for Technical Supervisors categories should be considered for open market recruitment. It was also decided that as an interim measure, the open market recruitment in SSE may be discontinued and the vacancies of SSE may be added to those of JEs for the purpose of direct recruitment and instructions in this regard were issued vide letter No.E(NG)II/2018/RR-1/31 dated 25.10.2018 (RBE No.166/2018).

In view of the above directives, no recruitment is being undertaken for the posts of SSE, CDMS and CMS category. Accordingly, Railways are required to add the vacancies of SSE, CDMS and CMS already assessed as on 01-01-2018 and anticipated up to 31.12.2020 to that of JE, DMS and CMA vacancy of the respective units. In case, Vacancy has been assessed only for a Level 7 posts in a unit, then the recruitment indent for this vacancy may be made for the corresponding Level 6 post. The Railway wise category wise vacancies as approved by full Board for the above categories in Level-6 and Level-7 are attached at Annexure-I. The Railways are required to furnish the indents as per the vacancies advised.

For submission of the recruitment indents, the Online Indenting and Recruitment Management System(OIRMS) portal shall be live from 13.12.2018 to 20.12.2018.

Railways are advised that they have to comply with 4% reservation for Persons with Benchmark Disabilities(PWBD) as per instructions issued vide Board's letter No. E(NG)II/2017/RC-2/1 dated 16.02.2018 (RBE No.23/2018). For ready reference, the details of various disabilities and the percentage of vacancy to be reserved are as under:-

- (a) Blindness and low vision - 1.0%
- (b) Deaf and hard of hearing - 1.0%
- (c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy - 1.0%
- (d) Autism, intellectual disability, specific learning disability and mental illness - 0.50%;
- (e) Multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities: - 0.50%

Compliance of the above statutory requirement must be ensured.