

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

9

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 175/95

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....*OA*.....Pg. 1.....to 8.....

2. Judgment/Order dtd. 12.2.97.....Pg. 1.....to 11. *deposited* *Com. record*
175, 209, 210, 211, 212, 224
225/95

3. Judgment & Order dtd.....Received from H.C/Supreme Court

4. O.A.....*175/95*.....Pg. 1.....to 20.....

5. E.P/M.P.....Pg.....to.....

6. R.A/C.P.....Pg.....to.....

7. W.S.....Pg. 1.....to 27.....

8. Rejoinder.....Pg.....to.....

9. Reply.....Pg.....to.....

10. Any other Papers.....Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

Signature
6.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 175 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISC.PETITION NO. OF 1995 (IN NO.)

..... Mr. C. R. Paul APPLICANT(S)

..... ^{-vs-} U. O. I. P.O.M.S. RESPONDENT(S)

For the Applicant(s) ... Mr. R. Dutta
 Mr.

Mr.
 Mr.

For the Respondent(s) Mr. B.K. Sharma

OFFICE NOTE	DATE	ORDER
<p>This application is in form of ... C. R. Paul ... dated ... 514544 Dated 21-4-95 [Signature] 14/9/95 [Signature]</p>	15.9.95	<p>Mr R.Dutta for the applicant. Mr B.K.Sharma for the respondents. The matter is regarding fixation of pay. Application is admitted. Issue notice to the respondents by registered post. Written statement on 20.10.95. List on 20.10.95 for written statement and further orders.</p>
<p>Requisites are ... no. 4157 of 20.9.95 19/9</p>	<p>pg 18/9</p>	<p>Learned counsel Mr R.Jutta is present for the applicant. Written statement has not been submitted. List on 1.12.1995 for written statement and further orders.</p>

[Signature]
 Member

Notice sent to all respondents.

12/11 w/statement by Mr. Sharma
 filed
 514544

[Signature]
 Member
 (contd.to Page No.2)

2

OFFICE NOTE

DATE

ORDER

1.12.1995

Learned counsel Mr R.Dutta for the applicant.

Written statement has not been submitted. Adjourned to 12.1.96 for written statement and further orders.

[Signature]
Member

pg

12.1.96

None present. Written statement has not been submitted. Adjourned to 16.2.96 for written statement and further orders.

[Signature]
Member

pg

16-2-96

Mr. R. Dutta is present for the applicant. Respondents have not submitted written statement. None is present for them. List of for hearing on 15-3-96. Meanwhile respondents may file written statement.

Copy of this order be sent to the official respondents.

[Signature]
Member

1m

15-3-96

Counsel of the parties are present. To be heard analogously with other similar cases on 19-4-96.

[Signature]
Member

1m

1) Service Reports are ~~not~~ ^{with} ~~not~~ ^{submitted} ~~not~~ ^{submitted}
if statement has not been filed.
as of 4/11

if statement has ~~not~~ ^{not} been filed.
as of 15/12

Order of 16-2-96 ^{and}
to all respts. vide
no-425-29 dt 20-2-96.
15-3-96.

[Handwritten signature]

[Handwritten signature]

19.4.96

None is present for the respondents. Leave note of Mr.R.Dutta learned counsel for the applicant.

Hearing adjourned to 15-5-96. In the meantime respondents may submit written statement with copy to the applicant.

[Signature]
Member

*Statement - has not been
filed
15*

lm

15-5-96

Learned counsel Mr.R.Dutta for the applicant. Learned counsel Mr.B.K. Sharma for the respondents.

Written statement has not submitted. Mr.Sharma seeks for time to file written statement.

List for hearing on 19-6-96. In the meantime respondents may submit written statement with copy to the applicant.

[Signature]
Member

lm

OFFICE NOTE

DATE

ORDER

19.6.96

Mr R. Dutta for the applicant. Mr B. K. Sharma for the respondents.

Written statement has not been submitted. List for hearing on 7.8.96.

Liberty to the respondents to submit written statement with copy to the counsel for the applicant.

[Signature]
Member

nkm

7-8-96

Learned counsel Mr.R.Dutta for the applicant. Learned counsel Mr.S.Sarma for Mr.B.K. Sharma Railway counsel. This case has been listed for hearing pending submission of Written statement. Mr.S.Sarma informs that written statement are in a stage of readiness for submission and he seeks adjournment for submission of written statement.

List for hearing on 26-8-96.

The respondents are directed to submit the written statement before the date ~~which~~ with copy to the counsel of the applicant.

[Signature]
Member

lm

[Signature]
21/8

26.8.96

Mr. R. Dutta for the applicant.

Mr. B.K.Sharma has submitted leave of absence

Written statement has not been submitted. Mr Dutta submits that this case requires urgent attention by the respondents as the applicant already retired from service. The submission of Mr. Dutta reasonable. It is desirable that this case be disposed of at an early date.

Contd....

*W/Statement by respondent
has been filed
6/8*

*1) Notice duly served
on Respondents no. 5.
2) W/Statement has not
been filed.
23/8*

4

5

O.A. No. 175/95

26.8.96

List for hearing on 16.9.96.

The respondent no. 4 Divisional Railway Manager, N.F.Railway may be informed accordingly.

Inform to the applicant & respondent No. 4 accordingly.

m
26/8/96

[Signature]
Member

trd

m
26/8

16.9.96

Learned counsel Mr. R. Dutta for the applicant.

Mr. S. Sarma for Mr. B.K. Sharma, learned counsel for the respondents, informs that written statement is ready and will be submitted in about one week time. He therefore prays for short adjournment.

Hearing adjourned to 3.10.1996. In the meantime the respondents may submit written statement with copy to the counsel of the applicant.

Statement to not seen (A.W)

10

[Signature]
Member

trd

m
10/9

12.2.97

Mr R.Dutta for the applicant. Mr B. K.Sharma for the respondents.

Judgment and order pronounced by common order in respect of the 23 Original Applications. All Original Applications except O.A.Nos.161/95, 235/95 & 238/95 are dismissed in terms of the order.

O.A.238/95, Jadu Gopal Chakraborty, is disposed of in terms of para 8 of the common order.

O.A.161/95, Dulal Kanti Deb and O.A. 235/95, Ajit Kumar Chakraborty, are disposed of in terms of para 9 of the common order. No order as to costs.

Place copy of the common order in all the 23 O.As.


Member

12.2.97
Copy of Judgment
sent to the applicant
respondents vide

Na

(6)

7

O.A.No.175/95

X

3.10.96

Learned counsel Mr R. Dutta for the applicant. None for the respondents.

Mr. Dutta is ready for submission. Mr S. Sarma for Mr B.K. Sharma, however, prays that the respondents may be given last opportunity to file written statement on 7.10.96 and adjourn the hearing. However, since Mr Dutta has come ready for his submissions and hearing, he is allowed to make his submissions in part. The hearing is adjourned to 9.10.96. In the meantime the respondents shall submit written statement with copy to the counsel of the opposite party on 7.10.96 positively.

Hearing adjourned to 9.10.96 as part heard.

[Signature]
Member

Wt statement - by next sum b/w.

trd

m/
3/10

8-10-96

9.10.96

Learned counsel Mr R. Dutta for the applicant. None for the respondents.

A consolidated written statement - in r/o OA 175/95, 221/95, 210/95, 212/95, 209/95, 230/95, 250/95, 225/95, 236/95, 228/95, 229, 237, 231, 232, 233, 224, 234, 239, 226, 227, 238, 761 & 235/95 filed by Union of India.

However, a common written statement for the applicants ~~has been~~ in O.A.161/175/95, 209/95, 224/95 to 240/95 and 210/95 to 212/95 has been submitted by the respondents. A copy of which has been served on Mr R. Dutta. Mr Dutta seeks time to file rejoinder. Allowed. Mr Dutta is directed to serve copy of the rejoinder on the respondents before the date of hearing.

List for hearing on 20.11.96 as part heard.

However, it has been prayed ^{leave} leave to file separate W/S in r/o of the cases as mentioned in para 1. pg. 3.

[Signature]
Member

pg
m/
9/10

1) Wt statement has submitted vide order dt. 9-10-96
2) Rejoinder has next sum filed.

8

20-11-96

Learned counsel Mr. R. Dutta for the applicant. Mr. M. K. Choudhury for Mr. B. K. Sharma, learned Railway Counsel.

List for hearing on 16-12-96 as part heard.

[Signature]
Member

nkm

[Signature]
20/11

*Respondent has not been
b.w.*

18.12.96

None present. List for hearing on 8.1.1997.

[Signature]
Member

7/1/97

nkm

[Signature]
19/1/97

8.1.97

Learned counsel Mr B.K. Sharma for the respondents.

Hearing adjourned to 10.1.97.

[Signature]
Member

*Respondent has not been
b.w.*

21/1/97

nkm

[Signature]
8/1

10.1.97

Learned counsel Mr R. Dutta for the applicant. Leave note of Mr B.K. Sharma, learned counsel for the respondents.

Adjourned for hearing on 24.1.97 as part heard.

[Signature]
Member

*List on 29.2.97
on 25/1*

lm

[Signature]
10/1

29.1.97

Mr R. Dutta, learned counsel for the applicant and Mr B.K. Sharma, learned Railway counsel for the respondents present.

Counsel of both sides have completed their submissions. Hearing concluded. Judgment reserved.

[Signature]
Member

10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 12th Day of February, 1997.

Shri G.L.Sanglyine, Administrative Member.

Original Application No.161 of 1995.

Shri Dulal Kanti Deb . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 175 of 1995
Shri Chitta Ranjan Paul . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A.No. 209 of 1995
Shri Manindra Lal Deb . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 210 of 1995
Shri Ranjit Kumar Dey . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 211 of 1995
Shri Krishna Pada Paul . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 212 of 1995
Smt Kali Rani Sarkar & Ors.
Legal heirs of late Jibon Krishna Sarkar . . . Applicants
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 224 of 1995
Shri Manilal Roy . . . Applicant
- Vs -
Union of India & Ors. . . Respondents
O.A. No. 225 of 1995
Shri Priyotosh Naha . . . Applicant
- Vs -
Union of India & Ors. . . Respondents

contd.....2

O.A. No. 226 of 1995
Shri Kalachand Saha . . . Applicant
- Vs -
Union of India & Ors.

O.A. No. 227 of 1995
Shri Arun Kanti Das . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

O.A. No. 228 of 1995
Shri Parimal Chandra Dey . . . Applicant
- Vs -
Union of India & Ors. . . Respondents

O.A. No. 229 of 1995
Shri Makhanlal Bakshi . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

O.A. No. 230 of 1995
Shri Mukunda Ch. Chanda . . . Applicant
- Vs -
Union of India & Ors. . . Respondents

O.A. No. 231 of 1995
Shri Kartick Chandra Dey . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

O.A. No. 232 of 1995
Shri Gopesh Chandra Dam . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

O.A. No. 233 of 1995
Shri Harendra Kumar Dey . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

O.A. No. 234 of 1995
Shri Dilip Kumar Mazumder . . . Applicant
- Vs -
Union of India & Ors. . . Respondents

O.A. No. 235 of 1995
Shri Ajit Kr. Chakraborty . . . Applicant
- Vs -
Union of India & Ors. . . Respondents.

2.2.97

12

O.A. No. 236 of 1995.
 Shri Ramendra Kumar Basak . . . Applicant
 - Vs -
 Union of India & Ors. . . Respondents

O.A. No. 237 of 1995
 Shri Rai Mohan Roy . . . Applicant
 - Vs -
 Union of India & Ors. . . Respondents

O.A. No. 238 of 1995 ✓
 Shri Jadhv Gopal Chakraborty . . . Applicant
 - Vs -
 Union of India & Ors. . . Respondents

O.A. No. 239 of 1995
 Shri Rebati Mohan Choudhury . . . Applicant
 - Vs -
 Union of India & Ors. . . Respondents.

O.A. No. 240 of 1995
 Shri Fanindra Kumar Baidya . . . Applicant
 - Vs -
 Union of India & Ors. . . Respondents.

Shri R.Dutta, Advocate for all the applicants.

Shri B.K.Sharma, Railway Advocate for all the respondents.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applications submitted by the 23 applicants under Section 19 of the Administrative Tribunals Act 1985 are disposed of by this common order for convenience. The respondents Railways have also submitted a common written statement in respect of all these applications.

2. The applicants were either holding the post of Fireman 'A' or Diesel Assistant Driver. They were subsequently promoted to their next promotional post of Shunter.

contd....4

13
For the purpose of ready reference and easier appreciation of facts the dates of promotion of each one of them to

Shunter or Fireman 'A' are given below as gathered from the respective applications under consideration :-

Sl.No.	Name of the applicant	Date of promotion
1.	Sri D.K. Deb	1.1.1986
2.	" C.R.Paul	1.3.1985
3.	" M.L.Deb	14.2.1985
4.	" R.K.Dey	11.2.1984
5.	" K.P.Paul	6.12.1985
6.	" J.K.Sarkar	7.6.1984
7.	" M.L.Roy	19.2.1985
8.	" P. Naha	1.3.1985
9.	" K. Saha	14.2.1985
10."	A.K.Das	14.12.1985
11."	P.C.Dey	1.6.1984
12."	M.L.Bakshi	14.2.1985
13,"	M.C.Chanda	13.6.1984
14."	K.C.Dey	22.1.1985
15."	G.C.Dam	1.3.1985
16."	H.K.Dey	14.2.1985
17."	D.K.Mazumder	11.3.1985
18."	A.K.Chakraborty	30.1.1986
19."	R.K.Basak	1.3.1985
20."	R.M.Roy	14.10.1985
21."	J.G.Chakraborty	8.12.1985
22."	R.M.Choudhury	31.5.1984
23."	F.K.Baidya	25.1.1989

3. The categories of employees known as Fireman 'A' and Diesel Assistant Driver are called running staff in the Railways. The applicants belonged to these categories as the case may be. Restructuring of all running staff categories were affected with effect from 1.1.1984 on proforma fixation and the monetary benefits consequent thereto were given with effect from 1.1.1985 but the categories of Fireman 'A' and Diesel Assistant Driver were not restructured. These categories were, however, given the benefit of Special Pay at the rate

contd...5

of Rs.15/- per month. This Special Pay was admissible to 30% of the posts in each category. This Special Pay was given in order of seniority in each category of post. The Special Pay was given with effect from 1.7.1985. This Special Pay was, however, abolished with effect from 1.1.1986 as a result of 4th Central Pay Commission but the same was allowed to be taken into account in the fixation of pay of Fireman 'A' and Diesel Assistant Driver. The grievance of the applicant is that many employees junior to the applicants as Fireman 'A' or Diesel Assistant Driver were drawing higher pay than the applicants because of fixation of pay due to merger of the Special Pay which was taken into consideration while fixing the pay of the juniors. They had made representation before the competent authorities of the respondents but their representations were rejected on the following grounds :

"If in the lower grades the junior employee drawn higher rate of pay than the senior employee due to advance increment or accelerated promotion etc., the stepping up of pay of senior employee will not be applicable."

They made further representations but no reply was given by the respondents. Hence this application.

4. The respondents have defended their case stating that the pay of Shunter/~~Fireman~~ 'A' promoted prior to 1.1.1986 were fixed at lower stages whereas the pay of those enjoying the Special Pay was fixed at higher stages on promotion as Shunter in the revised grade. Some of the applicants got their promotion to the post of Shunter/~~Fireman~~ 'A' before 1.7.1985, that is, the date of effect of Special Pay, and they did not enjoy the benefit of Special Pay as Fireman 'A' or Diesel Assistant Driver. As a result, there cannot be any question of stepping up of their pay while fixing their pay with effect

from 1.1.1986 consequent to the 4th Central Pay Commission. They further state that ^{in respect of} two applicants, namely, Dulal Kanti Deb and Shri Ajit Kr. Chakraborty who were promoted after 1.1.1986 the benefit of fixation of their pay after taking into consideration of special pay of Rs.15/-per month drawn by them had already been granted. Learned counsel Mr R. Dutta appearing for the applicants submitted that the stand of the respondents in rejecting the prayer of the applicants to step up their pay is not sustainable as it is not in accordance with FR 22 C and the Notification No.PC-IV/86/RSRP/1 dated 19.9.1986 issued by the Ministry of Transport, Department of Railways(Railway Board). Mr Dutta relies on Note 7 of Rule 7 thereunder and submitted that all conditions laid down under this Note were fulfilled by the applicants and as such their prayer is justified. Mr B.K.Sharma, learned counsel for the respondents, on the other hand opposes the contention of Mr Dutta.

5. The respondents have stated in the written statement that all the applicants except Jadhu Gopal Chakraborty (O.A.No.238/95), Dulal Kanti Deb (O.A.161/95) and Sri Ajit Kr. Chakraborty (O.A.235/95) were promoted as Shunter/~~Shunter~~ 'A' before 1.7.1985. Since this is the material date it has to be mentioned here that the dates of promotion to Shunter as given by the applicants K.P.Paul as 6.12.85, A.K.Das as 14.12.1985, R.M.Roy as 14.10.85 and J.G.Chakraborty as 8.12.85 are not same with the dates given by the respondents in a sheet at Annexure V to the written statement. These above mentioned cases are specifically mentioned because it will be relevant whether they were drawing Special Pay as Diesel Assistant Driver from 1.7.1985 to

contd... 7

2.97

the alleged date of their promotion to Shunter. In the case of all other applicants except the four mentioned and above/ A.Chakraborty, D.K.Deb and F.K.Baidya their dates of promotion to Shunter were before 1.7.1985. All these applicants were not therefore enjoying Special Pay of Rs.15/- per month as Diesel Assistant Driver/~~Fireman 'A'~~ he states that, Even in the case of K.P.Paul though/ he was Diesel Assistant Driver on 1.7.1985 he has not stated in his application that he was drawing Special Pay after 1.7.1988. Similar is the case of Shri J.G.Chakraborty. Sri A.K.Das and R.M. Roy also have not stated that they were drawing special pay from 1.7.85 to the dates of their promotion. In the case of F.K.Baidya, the question of drawing special pay of Rs.15/- per month does not arise as/ according to him, due to disciplinary proceeding he was removed from service in 1981 and was reinstated on 23.2.1989 and given promotion as Shunter on 25.1.1989. He has not stated in this application that he was paid arrear of Special Pay after reinstatement. Also if the date of 26.3.1985 was the date of his promotion to Shunter as stated by the respondents in Annexure-V the question of drawing Special Pay by him as Diesel Assistant Driver after 1.7.1985 does not arise.

6. Note 7 aforesaid reads as follows:

Note 7: In case, where a senior Railway servant promoted to a higher post before the 1st day of January, 1986 drawn less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 1986, the pay of the Senior Railway servant should be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Railway servant subject to fulfilment of the following conditions, namely,

contd...8

2-2-97

- (a) both the junior and the senior Railway servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre,
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) the anomaly should be directly as a result of the application of the provisions of Rule 2018B(FR22C) of Indian Railway Establishment Code Volume II or any other Rule or order regulating pay fixation on such promotion in the revised scale, If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provisions of this Note need not be invoked to step up the pay of the senior officer."

Mr Dutta submits that all the conditions mentioned above are fulfilled in his case and further that the last sentence "if even officer" does not apply to the present case of the applicants. Before proceeding further it is essential to reproduce here Rule 2018(B) of Indian Railway Establishment Code Volume II :

"2018-B (F.R. 22C)-Notwithstanding anything contained in these rules, where a railway servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities or greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued."

The subject matter in these applications is fixation of pay of the applicants in the grade of Shunter, in view of the fact that their juniors in the grade of Diesel Assistant Driver/ Fireman 'A' were drawing higher pay than them on their (junior) promotion to the post of Shunter.

fb

7. As indicated above Mr Dutta has relied on Note 7 of the Notification dated 19.9.1986 submitted by the respondents with their written statement in his submission though it is seen that this Notification does not find mentioned in any of the Original Applications under consideration. The employees junior to the applicants in the grade of Diesel Assistant Driver/Fireman 'A' who drew more pay than the applicants on promotion as Shunter are the following according to Annexure-V to the written statement.

<u>Sl.No.</u>	<u>Name</u>	<u>Date of promotion to Shunter</u>
1.	Sri Santosh Rn.Sarkar	16.1.86
2.	" Gopal Ch. Dey	9.1.86
3.	" Motilal Majumder	9.1.86
4.	" N.D.Chakraborty	8.10.88

Therefore all these juniors were promoted after 1.1.1986. The Special Pay of Rs.15/- per month which they were drawing between 1.7.1985 and 31.12.1985 was abolished with effect from 1.1.1986 but this Special Pay was taken into consideration for the purpose of fixation of their pay in the revised scale of pay of Diesel Assistant Driver as a result of the 4th Pay Commission. Consequently on their promotion as Shunter after 1.1.1986 they carried with them this benefit and their pay in the scale of Shunter was accordingly fixed. According to para 5 and 6 of the written statement of the respondents and Annexure-V thereto all the applicants except Jadu Gopal Chakraborty (O.A.238/95), Dulal Kanti Deb (O.A.161/95) and Ajit Kr. Chakraborty (O.A.235/95) were promoted as Shunter before 1.7.1985 and they did not draw their special pay of Rs.15/-per month which came into effect from 1.7.1985 in the scale of pay of Diesel Assistant Driver/Firemen 'A'. No rejoinder has been submitted by any

contd...10

h
2.2.98

of the applicants to these statements made by the respondents and they have not been sought to be controverted. It may also be mentioned here that although one common written statement has been submitted by the respondents in respect of the 23 applicants, the learned counsel for the applicants has chosen to proceed for hearing on the basis of this common written statement in respect of all the applications. Therefore, these statements of the respondents are taken to be correct. It is the contention of the respondents that stepping up of pay is permissible only when two persons are in the same grade, same pay scale and the anomaly arises in the same pay scale. It is seen from the facts stated above that the case of the 20 applicants who were promoted to Shunter before 1.7.1985 is not the same with that of the juniors. It is evident that the senior employees, namely the applicants, had not drawn the same pay as the juniors in the scale of pay of Diesel Assistant Driver/Fireman 'A' as the applicants were promoted before 1.7.1985 to Shunter and did not draw the Special Pay of Rs.15/-per month. These 20 applicants were not also in the same cadre of Diesel Assistant Driver/Fireman 'A' as the juniors as on and after 1.7.1985. In view of these facts there cannot be any anomaly in fixation of their pay in the scale of pay ~~in the scale of pay~~ of Shunter with reference to the pay of the juniors who were promoted after 1.1.1986 to Shunter and who stand in a different footing. In the light of the above the 20 applicants cannot succeed in their respective applications now under consideration.

8. In the case of Jadu Gopal Chakraborty (O.A.238/95) the respondents have stated in the written statement that he drew the Special Pay of Rs.15/-per month with effect from 1.7.1985 to 30.12.1985 as he was promoted to the post of Shunter on 31.12.1985. It appears that he was not allowed

contd...11

h
12.2.97

20

higher fixation of pay because he was promoted to Shunter on 31.12.1985. Note:7 aforesaid permits stepping up of pay of a senior employee promoted before 1.1.1986 with reference to the pay of a junior promoted on or after 1.1.1986 in the higher post subject to fulfilment of the conditions laid down thereunder. In view of this fact and the fact that Shri Chakraborty was drawing Special Pay of Rs.15/-per month till 30.12.1985, that is one day before his promotion, I consider that it will be fair to direct the respondents to re-consider his case with reference to the facts of his case and the Notification No.PC-IV/86/RSRP/1 dated 19.9.1986. They are therefore accordingly directed and they should do so on merit. They shall issue a final order within 3 months from the date of receipt of this order by respondent No.3, the Chief Personnel Officer, N.F.Railway, Maligaon, Guwahati. The application is disposed of accordingly.

9. In the case of Dulal Kanti Deb (O.A.161/95) and Ajit Kr.Chakraborty (O.A.235/95) the respondents have submitted that these 2 applicants were promoted after 1.1.1986 and their pay in the revised scale had since been refixed by taking into account Special Pay of Rs.15/-. Mr Dutta submits that the applicants had not actually received benefit of the refixation. The respondents are therefore directed to pay these 2 applicants their dues as a result of refixation of their pay within 3 months from the date of receipt of copy of this order by respondent No.3 if they had not already been paid. The O.A.Nos.161/95 & 235/95 are disposed of accordingly.

10. The Original Applications of other applicants excluding O.A.Nos.161/95, 235/95 and 238/95 are dismissed. No order as to costs.

Sd/-MEMBER (ADMN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 गुवाहाटी बेंच :: गुवाहाटी.

5 JUN 1995

Guwahati Bench
 गुवाहाटी बेंच

229

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUAHATI BENCH :: GUAHATI.

(- An application U/S 19 of the A.T.Act.)

O.A.No.175 of 1995.

Shri Chitta Ranjan Paul ... Applicant

VS

Union of India & Others ... Respondents.

INDEX

Sl. No.	Particulars	Annexure No	Page.
1.	Application		1 to 8.
2.	Rly. Board's letter No PC/III/84/UPG/19 dated 25.6.85.	A/1.	9 to 13.
3.	Chart showing the date of promotion, pay of the applicant and his juniors.	A/2.	14.
4.	Rly. Board's letter No PC/60/PP-1 dt. 19.3.66.	A/3.	15.
5.	Applicant's representation dated 9.5.93.	A/4	16.
6.	Senior Divisional Personnel Officer's D.O. Letter No E/41/1/LM(Restr) dated 8.11.93.	A/5	17.
7.	Divisional Railway Manager (P) letter No E/UI/1/LM(Restr.) dated. 9.7.94	A/6.	18.
8.	Applicant's representation to Chief Operating Manager, N.F.Railway, Maligaon dated 29.8.94.	A/7.	19 & 20.

.....

21
 Filed by
 R. J. J. (Admin) 2/6/95
 Maligaon, Guwahati-781011

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(An application under Section 19 of the
Administrative Tribunal Act 1985)

Original Application No. 175 of 1995.

Shri Chitta Ranjan Paul, Son of Late Sarath
Chandra Paul, resident of Luming, C/o. Subash
Chandra Paul, Swagat Hotel, Jyoti Cinema, ^{Post,} Luming,
Dist.-Nagaon, PIN-783447, Assam. -- Applicant.

Vs

1. Union of India represented by
General Manager, N.F. Railway,
Maligaon, Guwahati-781011.
2. Chief Operating Manager, N.F. Railway,
Maligaon, Guwahati-781011.
3. Chief Personnel Officer, N.F. Railway,
Maligaon, Guwahati-781011.
4. Divisional Railway Manager, N.F. Rly.,
Luming, Pin-782447.
5. Senior Divisional Personnel Officer,
N.F. Railway, Luming, PIN-782447,
Dist.-Nagaon, Assam. -- Respondent.

1. Subject matter of the Application:
Stepping up of Pay of the applicant.

Contd./---p2

22
File by
R. L. ...
Maligaon, C/o ... 17.11.11

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation:

The applicant submits that application is within the period of limitation.

4. Facts of the Case:

4.1) That, the applicant is a citizen of India and is entitled to rights and privileges available to citizen of India.

4.2) That, the applicant was appointed on 23-10-64 as Engine Cleaner in the Mechanical Department of N.F. Railway and was posted at Lumding Loco Shed. That he was promoted to the post of Diesel Assistant Driver (in short DAD), on 7-10-83 in scale Rs.290-350/-.

The applicant was promoted as Shunter in scale Rs.290-400/- on 1-3-85 and was further promoted to the post of Goods Driver in scale Rs.1350-2200/- on 19-2-88.

4.3) That, on completion of 30 years service the applicant took voluntary retirement from service with effect from 31-10-94.

4.4) That, the Railway Board, vide letter No. PG/III/84/UPG/19 dtd. 25-06-85 issued Orders for Cadre review and restructuring of Group 'C' and Group 'D' staff. In respect of Fireman 'A' and DAD the special

pay @ Rs.15/- per month to the extent of 30% of the post in each category was sanctioned. With the introduction of the revised scale of pay with effect from 1-1-86 the element of special pay was taken into account in the fixation of pay of Fireman and DAD. The above benefit of fixation and the payment of arrears were made to the concerned Staff vide Bill No.450-HR/No.1166 dt.14-6-93.

A copy of the Railway Board's letter No.PC/III/94/UPG/19 dtd.25-6-85(relevant portion) is annexed as Annexure-A/1.

4.5) That, although the applicant was promoted from the post of DAD in scale Rs.290-400/- on 1-3-85 yet he was not given the benefit of this special pay and subsequent fixation as had been given to his juniors.

4.6) That, Shri N. B. Chakraborty, Shri Moti Lal Mazumdar, Shri Gopal Dey-II, Shri Santosh Sarkar and many other who are junior to the applicant as DAD and were drawing pay of Rs.302/- on 10-10-83 when the applicant pay as DAD was also Rs.302/-. But due to merger of special pay, of the juniors were fixed at Rs.1680/- with effect from 9-4-94 whereas the applicant's pay was Rs.1640/- on 9-4-94.

A comparative chart showing the pay, date of promotion of the

applicant and his juniors is
annexed herewith as Annexure-A/2.

4.7) That, in the year 1966 Railway Board under letter No.PC/60/PP-1. dt.19-03-66 communicated sanction of the President that when a Railway servant promoted or appointed to a higher post on or after 01-04-61 draw a lower rate of pay in that post than another Railway servant junior to him in the lower grade and promoted or appointed subsequently to another identical post. The pay of the senior employee in the higher post should be stepped up to a figure equal to the Pay as fixed for the junior employee in that higher post from the date of promotion or appointment of the junior employee. An extract of the said letter has been published in the RAILWAY ESTABLISHMENT MANUAL LAW and Practice by Shri M. L. Jand, Assistant Professor, Railway Staff College, Badodara.

An extract of the said letter as published in the above publication is annexed herewith as Annexure-A/3.

4.8) That, as the pay of the juniors of the applicant were higher than that of ^{him} the applicant represented to the Divisional Railway Manager(R), N.F.Railway, Lunding(Respdt.No.4) dt.09-05-93 for stepping up of his pay to the stage where his juniors pay has been fixed on being promoted as Shunter and

Driver.

A copy of the said representation is annexed herewith as Annexure-A/4.

4.9) That, the Senior Divisional Personnel Officer, N.F.Railway, Lunding (Respdt. No.5) made a proposal for stepping up of the Senior persons including the applicant and submitted the same to Accounts branch for vetting but the Accounts branch returned the proposal suggesting submission of papers to Chief Personnel Officer, N.F.Railway, Maligaon for clarification. Accordingly Senior Divisional Personnel Officer, N.F.Rly., Lunding (Respdt. No.5). Sought the clarification of the Chief Personnel Officer, N.F. Rly., Maligaon (Respdt. No.3) vide D.O. letter No.E/41/1/LM(Restr.) dtd.8-11-93.

A copy of the said letter No.E/41/1/LM(Restr.) dtd.8-11-93 is annexed as Annexure-A/5.

4.10) That, the Divisional Railway Manager, N.F.Rly., Lunding vide letter No.E/UI/1/LM(Restr.) dt.7-7-94 informed the applicant and other employee who made similar representation that a reference was made to Head Quarter for clarification and General Manager (P), Maligaon has passed the order as follows -

" If in the lower grades the junior employee draws higher rate of pay than the senior employee, due to advance increment or accelerated promotion etc., the stepping up of pay of senior employee will not be applicable. "

A copy of the said letter dated 7-7-94 is annexed as Annexure-A/6.

4.11) That, as the clarification gives by the General Manager(P) was not based on correct interpretation of the Presidential orders, the applicant made a further representation to the Chief Operating Manager(P), N.F. Railway, Maligaon (Respdt.No.2) for reexamination of the applicant case as in its true perspective and to set right ~~ka~~ the injustice caused to the applicant. But no reply was received by the applicant.

A copy of the said representation dated 4-8-94 is annexed herewith as Annexure-A/7.

5. Ground for relief:

5.1) That, as the pay of the applicant's juniors was fixed at a highest stage than that of the applicant, the applicant is entitled to ^{be}~~the~~ fixed at the stage where his juniors were fixed at the time of their promotion in as much as the applicant and the juniors belong to same cadre and held the same post of DAD but the pay of the juniors were fixed at a higher stage of the pay scale due to their promotion at a later date.

5.2) That, the applicant was holding the post of Diesel Assistant Driver (DAD) on 1-4-84 the date from which the restructuring of the Cadre was made effective.

5.3) That, the applicant is being paid less Pension due to respondents refusal to step up the pay of the applicant.

6. Details of remedies exhausted:

The applicant has represented to the Divisional Railway Manager (P), N.F.Rly., Lunding and the Chief Operating Manager (P), N.F.Rly., Maligaon as stated & earlier.

7. That, the applicant declares that he has not previously filed any application, writ petition or suit in respect of the subject matter of the application in any other bench of the tribunal nor any such application, writ petition is pending before any of them.

8. Relief Sought:

On the facts and circumstances submitted above the applicant humbly prays for:-

Issue of a direction to the respondents for refixation of his pay on the basis of stepping up rule, and refixation of his Pension thereafter and for payment of the arrears thereto with interest.

9. Interim Relief:

NIL.

10. Particulars of the application fees:

An I.P.O. No.514544 for Rs.50/- (Rupees fifty only) in favour of the Registrar, Central Administrative Tribunal, Guwahati is enclosed.

V E R I F I C A T I O N

I, Shri Chitta Ranjan Paul, Son of late Sarath Chandra Paul, aged about 49 year at present residing at Luming, C/o. Shri Subhash Chandra Paul, Hotel Swagat, Jyoti Cinema Road, P.O.-Luming, Dist.-Nagaon, Assam, do hereby verify that contents of paras 4, 6, 7 and 10 of the application are true to my knowledge and belief and the rest are my submissions before the Tribunal to the Hon'ble Tribunal and I have not suppressed any material facts.

Date: 25.5.95

Place: Luming

Signature of the applicant.

Chitta Ranjan Paul.

ANNEXURE-A/2.

R.B.F. No. 181/85

Subject: Cadre Review and Restructuring of Group 'C' and 'D' Staff.

No. PCIII/84/UPG/19, dated 25-6-1985.

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the Staff in the Committee of the Departmental Council of the JCM(Railways) for sometime. The Ministry of Railways have decided with the approval of the President to restructure certain categories of Group 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the footnote under the different categories should be strictly and carefully adhered to.

3. For the purpose of restructuring the cadre strength as on 1-1-1984 will be taken into account and will include Rest Giver and Leave Reserve posts.

4.1 The staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-E(FR-22-C)-RII w.e.f. 1-1-1984 on proforma basis with current payments w.e.f. 1-1-1985. The benefit of fixation will be applicable to the chain/resultant which arise from restructuring.

4.2 The posts of Shunting Drivers scale Rs.330-560/- will be filled from Shunters grade Rs.290-400/- on the basis of seniority-cum-suitability. The posts of Driver Grade 'C' scale Rs.330-560 will however, be filled as per extant orders for promotion of Shunters to Driver Grade 'C'. Fixation of pay of Shunters grade Rs.290-400/- appointed as Shunting Driver Grade Rs.330-560/- will be regulated under 2018A R-II (FR-22C). Shunting Drivers grade Rs.330-560/- appointed as Driver 'C' scale Rs.330-560 will have their pay fixed under Rule 2017(a)(11)-RII(FR-22(a)(11)).

4.3 The benefit of retrospective fixation from 1-1-1984 and current payment from 1-1-1985 will not be applicable to such of those employees who are promoted against vacancies existing on the date of restructuring. They will be granted benefits only from the date of promotion as per normal rules.

Alleged
[Signature]

5.1 The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-Selection", as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual Railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. Under this procedure, the categorisation 'Outstanding' will not exist.

5.2 In case, however, as a result of these restructuring orders, an individual Railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post); the second and subsequent promotions, if any, will be based only of the normal rules relating to filling in of 'Selection' or 'Non-selection posts', as the case may be.

5.3 Vacancies existing on 1-1-1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

(i) from panels approval on or before 30-6-1985 and current on that date; and

(ii) balance in the manner indicated in paras 5.1 & 5.2 above.

5.4 For such of the posts in the Annexures to this letter as fall in "Safety categories", the instructions contained in this Ministry's letter No.E(NG) 1-83-PM2-8, dated 7-10-83 will apply mutatis mutandis in respect of promotions against vacancies covered by these restructuring orders.

6. The restructuring orders visualise grant of special pay to certain categories. The grant of special pay will be effective from 1-7-1985 only.

6.1 The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

Alleged
11/12/83
(11/12/83)

7. The Non-functional selection grade posts, if any, existing in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such as personal to them till the next review.

7.1 Sanction for grant of non-functional selection grade posts for the category of Driver 'A' Special, Guard 'A' Special and Assistant Guard will issue separately.

8. In the case of running staff readjustment in running allowances consequent to restructuring will be done separately.

9. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic functions, duties and responsibilities, attached to these posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

10. The Board desire that restructuring and posting of staff after due process of selection as provided for in these orders, should be completed expeditiously.

11. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1985-86 and include them in the Revised Estimates for 1985-86 and Budget Estimates for 1986-87 by telegraphic advice to Addl. Director, Finance (B), Railway Board.

ANNEXURE-1

Subject: Statement indicating restructuring of certain Group 'C' and 'D' cadres on Railways.

No. PC III/84/UPG/19, dated 25-6-1985.

I. Loco Running Staff:

1. Passenger Driver 'A'
(Rs. 550-700/-)

All Passenger Train Drivers 'A' having a run of 250 Kms. and above to be upgraded from Driver 'A' (Rs. 550-700/-) to Driver 'A' Spl. (550-750/-).

All Leave Reserve for 'A' Spl. and 'A' Drivers to be kept in Grade only.

Revised

- | | Percentage |
|--|---|
| (1)
2. Goods Driver Gr. 'B'
(Rs. 425-640/- - 40%) | Goods Driver
Gr. 'B' Rs. 425-640/- 60 |
| (11) Goods Driver Gr. 'C'
(Rs. 330-560/- - 60%)
(10% of the Gr. 'C'
posts operated as
Selection Grade
posts in Rs. 425-600). | Goods Driver
Gr. 'C' Rs. 330-560/- 40
Selection Grade
Rs. 425-600 to be
discontinued. |
| 3. Shunters
(Rs. 290-400) | 30% of Shunters to be
upgraded as Shunting
Drivers Rs. 330-560/-. |
| 4. Fireman 'A'/Diesel
Asstt./Asstt. Elec.
Loco Driver (Rs. 290-350/-) | 30% of posts to be given
special pay @ Rs. 15/- p.m. |
| 5. Fireman 'B' (Rs. 260-350/-) | Leave reserve posts for
Fireman 'A' hitherto kept
in Fireman 'B' to be
upgraded to Fireman 'A'. |
| 6. Fireman 'C' (Rs. 210-270/-) | 30% of Fireman 'C' to be
upgraded to scale Rs. 260-350/-(L). |
| (L) Note: 30% of Fireman 'C' scale Rs. 210-270/- who are upgraded to scale Rs. 260-350/- will remain designated as Fireman 'C' and utilized as far as possible on Mail, Express and Passenger Trains. The further avenue of promotion of Fireman 'C' in scale Rs. 210-270/- and Rs. 260-350/- will remain unaltered. | |
| 7. Motromen on EMU Trains | 50% on Western Railway
and 40% on Central, Northern,
Eastern, Southern and S.E.
Railways to be upgraded as
Driver 'A' Spl. in scale
Rs. 550-750/-. |

II. Traffic Running Staff:

1. Passenger Guard 'A' (1)
(Rs. 425-600)
 - (1) All Passenger Train Guards having a run of 250 Kms. and above to be upgraded to Guard 'A' Spl. Rs. 425-640/-.
 - (11) Leave Reserve for 'A' Spl. and 'A' Guard to be kept in 'A' Grade only.

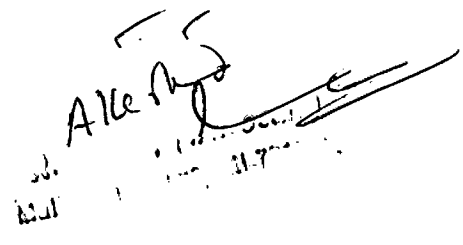
			Revised Percentage
2. (1)	Goods Guard Gr. 'B' (Rs. 330-560/- - 40%)	Goods Guard Gr. 'B' Rs. 330- 560/-.	60
(11)	Goods Guard Gr. 'C' (Rs. 330-530/- - 60%)	Goods Guard Gr. 'C' Rs. 330- 530/-.	40
III.	Accounts Staff;	
IV.	Cash & Pay Office Staff;	
V.	Tool Checkers;	
VI.	Tracers (Rs. 260 - 430/-);	
VII.	Permanent Way Matos to Permanent Way Mistris;		
VIII.	Messagos Checkers (for Central Western & Eastern Railways only);		

ANNEXURE-II

Railway-wise distribution of Supervisory Staff of
Cash & Pay Department;

- I. Separate Cadre
 - Payment Side;
 - Combined Cadre;
 - Summary (Both separate & combined cadre);

— X —



 sub. A/c No. 15

C.R. Paul, Driver/ Goods..

<u>19.2.88</u>	<u>19.2.89</u>	<u>19.2.90</u>	<u>19.2.91</u>	<u>19.2.92</u>	<u>19.2.93</u>	<u>19.2.94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1600/-	1640/-

N.D. Chakraborty

<u>18.6.91</u>	<u>18.6.92</u>	<u>18.6.93</u>	<u>18.6.94</u>
1480/-	1520/-	1640/-	1680/-

P.K. Goswami

<u>11.3.88</u>	<u>11.3.89</u>	<u>11.3.90</u>	<u>11.3.91</u>	<u>11.3.92</u>	<u>11.3.93</u>	<u>11.3.94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

G.C. Dey-II

<u>9.4.88</u>	<u>9.4.89</u>	<u>9.4.90</u>	<u>9.4.91</u>	<u>9.4.92</u>	<u>9.4.93</u>	<u>9.4.94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

S.R. Sarkar

<u>9.4.88</u>	<u>9.4.89</u>	<u>9.4.90</u>	<u>9.4.91</u>	<u>9.4.92</u>	<u>9.4.93</u>	<u>9.4.94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

Motilal Majumder

<u>9.4.88</u>	<u>9.4.89</u>	<u>9.4.90</u>	<u>9.4.91</u>	<u>9.4.92</u>	<u>9.4.93</u>	<u>9.4.94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

J. Uddin

<u>6.3.89</u>	<u>6.3.90</u>	<u>6.3.91</u>	<u>6.3.92</u>	<u>6.3.93</u>	<u>6.3.94</u>
1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

B.D. Roy

<u>10/4/88</u>	<u>10/4/89</u>	<u>10/4/90</u>	<u>10/4/91</u>	<u>10/4/92</u>	<u>10/4/93</u>	<u>10/4/94</u>
1410/-	1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

K.C. Roy.

<u>6/3/89</u>	<u>6/3/90</u>	<u>6/3/91</u>	<u>6/3/92</u>	<u>6/3/93</u>	<u>6/3/94</u>
1440/-	1480/-	1520/-	1560/-	1640/-	1680/-

Attest
R. ...
...

Annexure - 2, A/B

STEPPING UP

Fixation of pay on promotion or appointment to higher posts -- anomalies arising out of the application of rule 2018-B (F.R. 22-C)-R-II.

1. The question of removing certain anomalies arising as a result of fixation of pay of railway servants promoted or appointed to higher posts after the introduction of rule 2018-B(F.R. 22C)-R-II has been under the consideration of the Board for sometime past.

2. By a strict application of the above rule, it may happen that a railway servant promoted or appointed to a higher post on or after 1-4-1961 may draw a lower rate of pay in that post than another railway servant, junior to him in the lower grade and promoted or appointed subsequently to another identical post.

3. In order to remove this anomaly the President is pleased to decide and in such cases the pay of the senior employee in the higher post should be stepped upto a figure equal to the pay as fixed for the junior employee in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior employee and will be subject to the following conditions, namely -

- (a) Both the Junior and Senior employees should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre ; and
- (b) The scale of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) the anomaly should be directly as a result of the application of rule 2018-B(F.R. 22-C)-R II. For example, if even in the lower post the junior employee draws from time to time a higher rate of pay than the senior by virtue of fixation of pay under the normal rules say due to grant of advance increments or due to accelerated promotion etc. the provisions contained in this letter will not be invoked to step up the pay of the senior employees.

4. The orders refixing the pay of the senior employees in accordance with the provisions of this letter shall be issued under rule 2023 (F.R. 27)R-II. The next increment of the senior employees will be drawn on completion of the requisite qualifying service w.e.f. the date of refixation of pay.

5. These orders take effect from 2-1-66. Cases of seniors drawing less pay than juniors in respect of promotions occurring on or after 1-4-61 may also be regulated under these orders but the actual benefit would be admissible from 2.2.1966.

1966

101

Alexis

R. Dutta, Director

Calcutta, Guwahati-751011.

To,

The Div. Rly. Manager(P),
N.F. Railway, Lunding.

Sir,

Sub:- Stepping up of Pay.

With due respect I beg to state the following few lines for favour of your kind consideration & sympathetic orders please.

That Sir, I am working as goods driver from 27.3.88 & my Pay was fixed to ₹;1560/- in Scale ₹;1350/- to 2200/- but ^{it} is ~~is~~ surprised that the junior drivers who have been promoted later on have more basic Pay than to me. The same occurrence was made in case of Sri Ramendra Kr. Basak, goods driver who have applied dt: 21/1/93 but no action has yet been made taken.

Therefore, you are requested to take necessary action early or permit me to take help from COURT OF LAW & oblige thereby.

Yours faithfully,

Lilla Ranjan Pral.
Goods Goods/Land

Dated, Lunding

The /1993.

*Recd
10/5/93*

A. K. Singh
D.
...

11/11/93

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
D. R. M. (P)/LUMDING

A. P. Barua
Sr. DPO/LMG

D. O. No. E/41/1/LM(Restr.)

Dt. 8/11/93.

Dear Sri Chakraborty,

Subj:- Stepping up of pay of seniors.

In terms of Rly. Board's letter No. PC-III/84/UPG/19 dated 25-6-85 and 13-8-85 circulated under CPO/MLG's letter No. E/205/73/Pt. IV DATED ~~10-7-85~~ 10-7-85 and 29-8-85 except the categories of Fireman 'A' and DAD all other running categories were re-structured w.e.f. 1.1.84 on proforma fixation and w.e.f. 1.1.85 with monetary benefit. The categories of Fireman 'A' and DAD, which were not re-structured, were however given the benefit of special pay of Rs. 15/- p.m. to the extent of 30% of posts in each category and accordingly, spl. pay was sanctioned in favour of the seniormost persons in each category.

With the introduction of revised scale w.e.f. 1.1.85 (4th P.C.), the element of spl. pay Rs. 15/- was done away but the same was allowed to be taken into account in the fixation of pay of Fireman and DAD in terms of Rly. Board's letter No. PC-IV/86/RCRP/1 dt. 19.9.84 received under OM(P)/MLG's No. E/205/III/43(M)- dated 29/7/81. This exercise created anomalies whereby the pay of shunter promoted prior to 1.1.84 was fixed at lower stages whereas the pay of those enjoying the spl. pay was fixed at higher stages on promotion as shunter in the revised grades.

Consequent on the above, now the senior persons drawing lower pay than their juniors have claimed stepping up of their pay to the extent of their juniors. A proposal for stepping up of the pay of senior persons was sent to Accounts for vetting but Accounts has returned the proposal about with following observations:

" It is seen from the case No. E/41/1/LM(Restr.) at PP-4 that junior goods drivers are drawing more pay than their seniors on account of fixing of pay after taking special pay of Rs. 15/- into account.

In similar cases Rly. Bd.'s decision has been obtained. But it seen that Bd.'s decision varies according to merits of individual cases. Hence the case may kindly be referred to CPO/M.F. Rly./Maligaon for obtaining clarification from Rly. Board."

In view of the above, it is requested that necessary clarification may please be communicated for the purpose at an early date since this issue is most likely to be raised in the PNM also.

This may please be treated as urgent by communicating early decision.

With regards,

Yours sincerely,

(AP. Barua)

To:
Sri N. R. Chakraborty,
CPO/Admn/Maligaon.

R. Barua
Manager, Maligaon

81

N.F. Railway.

No. E/UL/I/R (Restr.)

Office of the
Divil. Rly. Manager/I,

Landing, dtd: 7/7/94.

To
Shri Chitta Ranjan Paul,
Goods Driver/Landing and Others

(Through LF/Landing.)

Sub:- Stepping up of pay

Ref:- Your letter dtd: 9/5/93.

.....

In reference to your letter quoted above, this is to inform you that in connection with the above subject a reference has been made to HQ for clarification and GM(P)/MLG vide his letter No. E/233/III/59 (M) Loose, dtd: 3/6/94 has passed the orders as follows:-

" If in the lower grades the junior employee draws higher rate of pay than the senior employee, due to advance increment or accelerated promotion etc., the stepping up of pay of senior employee will not be applicable."

SR
S. N. Roy
APO/II

for Divil. Rly. Manager (P),
N.F. Rly. Landing.

TK1/77 94,

Alleged

R. B. Ad...

To
The Chief Operating Manager(P)
M.F.Railway, Maligaon.

JD

Thro. Proper channel

Sir,

Sub:- Wrong interpretation and implementation of Mly.Bd's orders - deprivation and hardship arising thereof.

Ref:- GM(P)/MLO's clarification vide his No.E/283/III/59(M)Loose dated 3.6.94 communicated under DRM(P)/LMG's No. E/UI/1/LM(Restr) dated 2.2.94.

Respectfully, I beg to submit the following factual positions which appear to have not been taken into consideration while clarifications as sought for by the Sr.DPO/LMG vide his D.O.letter No.E/41/1/LM(Restr) dated 8.11.93 had been extended by GM(P)/Maligaon vide his letter under reference.

That Sir, while the Sr.DPO vide his D.O.letter mentioned above had correctly explained the background of the case, the emphasis had wrongly been laid on 'Stepping up of pay of seniors to the level of the Juniors drawing higher pay' instead of on removing the anomalies in pay arising out of wrong interpretation and implementation by the DRM(P)/LMG of the Bd's orders regarding grant of Spl.pay to seniormost Fireman'A'/DADs as mentioned in para-1 of the aforesaid D.O.letter of Sr.DPO/LMG.

That Sir, even if, the matter is considered as a case of 'stepping up' in the light of the clarification given by the GM(P)/MLO, it may be pointed out that I am being paid lower pay not because my juniors enjoying higher pay had been granted (i) advance increment or (ii) accelerated promotion but simply because my junior colleagues like S/Sri N.S. Goshal, Mahi Majumdar, S/Sri Dey U. Chakrabarti, S/Sri had been wrongly granted with the special pay of Rs.157-30 which when considered at the time of fixation of RSRP '86 scale of pay w.e.f.1.1.86 raised their pay to higher stage than me inspite of myself being senior to above named and also having been promoted to higher grade earlier to these junior colleague. Had the Spl.pay been granted to the seniormost only as desired by the Mly.Board, the anomaly and consequential deprivation being suffered by me would not have arisen at all.

contd...2

OC

Alleged

Annexure A/7 Contd
41

That Sir another aspect of the wrong interpretation and implementation of the Bd's orders in regard to the grant of Spl.pay in question as indulged in by the DRM(P)/Lunding need also to be clearly pointed out which is as under:-

That, some of the senior incumbents including myself has been declared promoted on and from 16/3/85 (Ref.SL.No. R/O of seniority list for shunter/B, circulated under DRM(P)/LMG's No.E/235/I/LM dtd: 25.5.86 showing the position as on 1.4.85) while the restructuring benefit to Loco Running staff other than F/man-A & DADs as well as Special pay to 30% seniormost among the F/man-A & DADs had been granted wef. 1.1.84 with financial benefit wef. 1.1.85. But inspite of having been in the Grade of F/man 'A' / DAD up to 15.2.85 (the preceeding day of my promotion to the Grade of Shunter/B, I was not awarded with the benefit of Spl. pay and although I had been senior in the Grade of F/man-A /DAD to the junior colleagues as above mentioned. Had the benefit of Spl. pay been awarded to me as had been due as per Board's orders my pay on promotion as well as at the time of fixation of pay from 1.1.86 in terms of 4th CPC award, would have been much higher than what I had actually been paid with. / ***

Under the above circumstances I would humbly pray for your kind intervention, a thorough re-examination of my case in it's true perspective and set-right the wrong done to me causing immense financial deprivation and consequential hardship. And for such an act of your kindness I shall feel much obliged.

I would also like to mentioned here that unless my above justified prayer receives your favourable consideration and remedial action within a reasonable time of 3 months at the most, I will be left with no other alternative but to seek justice through the judiciary. I, however, hope that you would not push me to such a circumstantial compulsion.

With best regards,

Yours faithfully.

Shri. Rajan Paul
Dd. Goods Lf/Secy.

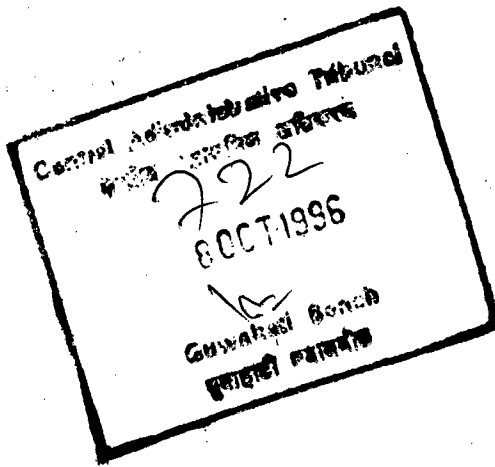
Dt. 04.08.94

*** Para-6 of Board's circular No.PC III /E+/UPG/19 dtd: 25/6/85 reads as under:-

" The restructuring orders visualise grant of special pay to certain categories. The grant of Spl.pay will be effect from 1.7.85 only."

Recd
15/8/94

A K Singh
B.



(2)

File 3 ni number 17
through
Dr. M. L. Bakshi
Dr. S. K. Basak
R.A.

32
Dr. S. K. Basak (R.A.)
11/10/96
Dr. S. K. Basak
Dr. M. L. Bakshi
Dr. S. K. Basak

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

IN THE MATTER OF :

1. OA No. 175/95 ✓
Chitta Rn. Paul Vs. U.O.I. & Ors.
2. OA No. 211/95
K.P. Paul Vs. U.O.I. & Ors.
3. OA No. 210/95
Ranjit Kr. Dey Vs. U.O.I. & Ors.
4. OA 212/95 ✓
Jiban Krishna Sarkar Vs. U.O.I. & Ors.
5. OA No. 209/95 ✓
Manindralal Deb Vs. U.O.I. & Ors.
6. OA No. 230/95
M.C. Chanda Vs. U.O.I. & Ors.
7. OA No. 250/95
F.K. Baidya Vs. U.O.I. & Ors.
8. OA 225/95
Priyotosh Naha Vs. U.O.I. & Ors.
9. OA No. 236/95
R.K. Basak Vs. U.O.I. & Ors.
10. OA No. 228/95
Parimal Ch. Dey(II) Vs. U.O.I. & Ors.
11. OA No. 229/96
M.L. Bakshi Vs. U.O.I. & Ors.

Expire

Recd
20/10/96
4/10/96

- 2 -

12. OA No. 237/95

Rai Mohon Roy Vs. U.O.I. & Ors.

13. OA No. 231/95

Kartick Ch. Dey Vs. U.O.I. & Ors.

14. OA No. 232/95

Gopesh Ch. Dam Vs. U.O.I. & Ors.

15. OA No. 233/95

Harendra Kr. Dey Vs. U.O.I. & Ors.

16. OA No. 224/95

Mani Lal Roy Vs. U.O.I. & Ors.

17. OA No. 234/95

Dilip Kr. Majumder Vs. U.O.I. & Ors

18. OA No. 239/95

R.M. Choudhury Vs. U.O.I. & Ors.

19. OA No. 226/95

Kala Chand Saha Vs. UOI & Others.

20. OA No. 227/95

Arun Kanti Das Vs. U.O.I. & Ors.

21. OA No. 238/95

Jadu Gopal Chakraborty Vs. U.O.I. & Ors.

22. OA No. 161/95

Dulal Kanti Deb Vs. U.O.I. & Ors.

23. OA No. 235/95

Ajit Kr. Chakraborty Vs. U.O.I. & Ors.

AND

IN THE MATTER OF :

Short and consolidated written statement
in respect of the above noted cases.

Ctd....3

Paid

*Relief given
Arrear not
given.*

22

49

Chakraborty
1/10/96
N. F. Chakraborty, L.L.M.

The answering respondents beg to state as follows :-

1. That the answering respondents have gone through the copies of the applications and on the basis of which the above noted cases have been registered and numbered. Since the issues involved in all the cases are analogous, the instant short and consolidated written statement has been filed for the sake of convenience. However, the respondents crave leave of the Hon'ble Tribunal to file separate written statements in respect of the cases. The instant consolidated written statement has been filed to avoid repetition in all the cases and with a view to apprise the Hon'ble Tribunal the real issue involved in all the cases. However, as stated above, the respondents may be permitted to file separate written statement in each and every case dealing with the individual cases.

2. That in terms of Railway Board's letter No. PC-III/84/UPG/19 dt 25.6.85 and 13.8.85 circulated under CPO/Maligaon's letter No. E/205/73/Pt.IV dtd 10.7.85 and 29.8.85, except the categories of Fireman 'A' and Diesel Asstt. Driver (DAD) all other running categories were restructured w.e.f.

1.1.84 on proforma fixation and monetary benefit was given w.e.f. 1.1.85. The categories of Fireman 'A' and DAD which were not restructured were however given the benefit of Special Pay @ Rs. 15/- P.M. to the extent of 30% of posts in each category and accordingly Special Pay was sanctioned in favour of the seniormost persons in each category w.e.f. 1.7.85

Ctd....4

24

45
1/10/96

A copy of Rly. Board's letter dtd 25.6.85 circulated under GPO's letter dtd 10.7.85 and also Copy of Rly. Board's letter dtd 13.8.85 circulated under GPO's letter dtd 29.8.85 are annexed as ANNEXURES I & IA respectively.

3. That with the introduction of revised scale w.e.f. 1.1.86 (Central 4th Pay Commission), the element of Special Pay Rs.15/- was done away but the same was allowed to be taken into account in the fixation of pay of Fireman and DAD in terms of Railway Board's letter No. PG-IV/86/RSRP/1 dtd 19.9.86 received under GM(P)/Maligaon's letter No. E/205/III/43/M/L dtd 29.7.91. The pay of Shunters promoted prior to 1.1.86 were fixed at lower stages whereas the pay of those enjoying the Special pay was fixed at higher stages on promotion as Shunter in the revised grades.

A copy of Railway Board's letter dtd 19.9.86 circulated under GPO's letter dtd 29.7.91 is annexed herewith as ANNEXURE II.

4. That thereafter, the matter was referred to Hd. Qrs. for clarification by DPO/Lunding's DO letter and accordingly the matter was clarified to DRM(P)/Lunding vide GM(P)/Maligaon's letter No. E/283/III/59(M) Loose dtd 3.6.94 as "If in the lower grades the junior employee draws higher rate of pay than the senior employee due to advance increment or accelerated promotion etc., the stepping up of pay of senior employee will not be applicable".

A copy of DO letter dtd 8.11.93 and a copy of GM(P)/Maligaon's letter dtd 3.6.94 are annexed herewith as ANNEXURES III & IV respectively.

5. That in view of the above, all the applicants No. 1 to 20 as mentioned in the list (ANNEXURE V) got their promotion as Shunter before 1.7.85 and accordingly, the benefit of Special Pay is denied to them as it is effective from 1.7.85 to Fireman 'A' and DAD.

6. That applicant No. 21 in the list as above was given the Special pay @ Rs.15/- B.M. w.e.f. 1.7.85 to 30.12.85 as on 31.12.85. He was promoted as Shunter in scale of Rs. 290-400/-. Applicant Nos. 22 and 23 in the list as above viz. Sri Dulal Deb and A.K. Chakraborty's pay in the revised scale have been refixed by taking into account of special pay Rs.15/- vide DRM(P)/Lunding's letter No. BD/24 dtd 31.10.95 and BA/34 dtd 12.12.95 respectively, copy of which as annexed as ANNEXURE VI.

7. That the answering respondents state in the instant cases there is no question of stepping up of pay as has been sought to be attracted by the applicants. In the instant cases as explained above, the cadre restructuring scheme came into being w.e.f. 1.1.84. However, for Fireman and DAD there was no scheme and they were not within the purview of restructuring scheme. Restructuring w.e.f. 1.1.84 was on proforma basis but actual monetary benefits were given w.e.f. 1.1.85.

For Fireman and DAD special pay @ Rs.15/- was entitled to 30% of the strength. This was also provided

Ctd....6

in the restructuring scheme and the same was given effect to w.e.f. 1.7.85. 30% of the staff was identified in order of seniority. The Pay Commission revised pay scale when came into effect w.e.f. 1.1.86, the special pay was not added to the revised scale. On 1.1.86 those who were holding Rs.15/- as special pay, instructions were issued for pay fixation adding the element of special pay, i.e. Rs.15/- for the 30% of the Fireman 'A' and DAD.

The applicants were promoted as Shunter in scale Rs. 290-400/- before 1.1.86. Pay scale of Fireman 'A' and DAD was Rs. 290-350/-. Persons who were junior to them and promoted after 1.1.86 are getting more pay because of benefit of pay fixation w.e.f. 1.1.86. Thus, the ~~stepping~~ ~~up~~ stepping up of pay is permissible in the same pay scale when 2 persons are in same grade, same pay scale and anomaly arose in the same pay scale. But in the instant cases, pay fixation of juniors were done w.e.f. 1.1.86 in a lower grade i.e. Fireman and DAD by which time seniors were already promoted to higher grade. So by virtue of promotion of those persons on or after 1.1.86, they got more pay. Thus, there is no question of stepping up of pay.

Those who got promotion before 1.7.85 as Shunter, for them there is no question of special pay because they were not covered by the restructuring scheme.

8. That in view of the above position, the applicants in the above noted cases are not entitled to

any relief and there is no question of stepping up of pay. The applicants are not entitled to stepping up of pay under the rules. Accordingly, all the applications are liable to be dismissed with cost.

VERIFICATION.

I, Shri C. Saikia, aged about 32 years, by occupation Railway Service, working as Deputy Chief Personnel Officer of the N.F. Railway administration, do hereby solemnly affirm and state that the statements made in paragraph 1 are true to my knowledge, those made in paragraph 2 to 7 are true to my information derived from the records of the case which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal.

C. Saikia
1/18/96
(C. Saikia)

DEPUTY CHIEF PERSONNEL OFFICER
NORTHEAST FRONTIER RAILWAY
MAILGAON :: GUWAHATI
FOR & ON BEHALF OF
UNION OF INDIA.

By. Chief Personnel Officer N.F.
N. F. Railway, Mailgaon

...

28
~~Doc. No. 1~~

Annexure - T

NORTHEAST FRONTIER RAILWAY.

Office of the
Chief Personnel Officer,
Gauhati-11, Assam.

Dated 10.7.85.

RP-441
No. E/205/73 (PC) Pt. IV

To:-- All Heads of Departments,
All DRMs,
All District & Asstt. Officers of
non-divisionalised offices.

The General Secretary/NFRMU/PNO with 40 s/copies
-do- /NFRMU/PNO with 40 s/copies.

Sub:-- Cadre Review and Restructuring of
Group 'C' & 'D' staff.

A copy of Rly. Board's letter No. PCIIL/84/UPG/19 dt. 25.6.85
on the above subject is forwarded herewith for information, guidance and
necessary action please.

Controlling Officers are requested to restructure the categories
as mentioned in the enclosed Annexure I & II and complete the implementa-
tion of upgradation posts expeditiously as desired by the Board. The progress
of implementation should be sent to SPO/PCM/MLG immediately after done with.

[Signature] 10/7/85
for Chief Personnel Officer.

Copy of Rly. Board's letter No. PCIIL/84/UPG/19 dated 25.6.85.

Sub:-- Cadre Review and Restructuring of Group 'C'
and 'D' staff.

Restructuring of certain 'C' & 'D' cadres have been under
consideration in consultation with the Staff Side in the Committee
of the Departmental Council of the JCM (Railways) for sometime. The
Ministry of Railways have decided with the approval of the President
to restructure certain categories of Groups 'C' & 'D' as detailed in
the Annexures enclosed.

2. While implementing these orders specific instructions given
in the foot note under the different categories should be strictly and
carefully adhered to.

contd...2.

3. For the purpose of restructuring the cadre strength as on 1.1.1984 will be taken into account and will include Rest Giver and Leave Reserve posts.

4.1 The Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(FR-22C)-RII w.e.f. 1.1.1984 on Proforma basis with current payments w.e.f. 1.1.1985. The benefit of fixation will be applicable to the chain/resultant vacancies which arise from restructuring.

4.2 The posts of Shunting Drivers scale Rs.330-560 will be filled from Shunters grade Rs.290-400 on the basis of seniority-cum-suitability. The posts of Driver Grade 'C' scale Rs.330-560 will, however, be filled as per extant orders for promotion of Shunters to Driver Grade 'C'. Fixation of pay of Shunters grade Rs.290-400 appointed as Shunting Driver Grade Rs.330-560 will be regulated under 2018 B R-II(FR-22C). Shunting Drivers grade Rs.330-560 appointed as Driver 'C' scale Rs.330-560 will have their pay fixed under Rule 2017(a) (i)-RII (FR-22a(ii)).

4.3 The benefit of retrospective fixation from 1.1.1984 and current payment from 1.1.1985 will not be applicable to such of those employees who are promoted against vacancies existing on the date of restructuring. They will be granted benefits only from the date of promotion as per normal rules.

5.1 The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-Selection" as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or vice-voce test. Under this procedure, the categorisation 'Outstanding' will not exist.

5.2 In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post); the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or Non-selection posts as the case may be.

5.3 Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i) from panels approved on or before 30.6.1985 and current on that date; and
- ii) balance in the manner indicated in paras 5.1 & 5.2 above.

29

10

-3-

5.4 For such of the posts in the Annexures to this letter as fall in "Safety categories", the instructions contained in this Ministry's letter No. E(NG) L-83-PM2-8 dated 7.10.83 will apply mutatis-mutandis for promotions against vacancies covered by these restructuring orders.

5.5 Instructions contained in this Ministry's letter No. E(NG) L-84/PM1-11(NFIR) dated 28.6.84 allowing, as an one time exception, relaxation of conditions attendant on refusal of promotion will apply mutatis-mutandis in respect of promotion against vacancies covered by these restructuring orders.

6. The restructuring orders visualise grant of special pay to certain categories. The grant of special pay will be effective from 1.7.1985 only.

6.1 The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. The Non-functional selection grade posts, if any, existing in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review.

7.1 Sanction for grant of non-functional selection grade posts for the category of Driver 'A', Special, Guard 'A' Special and Assistant Guard will issue separately.

8. In the case of running staff re-adjustment in running allowances consequent to restructuring will be done separately.

9. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic functions, duties and responsibilities, attached to those posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

10. The Board desire that restructuring and posting of staff after due process of selection as provided for in these orders, should be completed expeditiously.

11. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1985-86 and include them in the Revised Estimates for 1985-86 and Budget Estimates for 1986-87 by telegraphic advice to Adml. Director, Finance(B), Railway Board.

rk. 9/7.

No. PCTII/84/UPG/19 dated 25.6.85.

Statement indicating restructuring of certain Group 'C' & 'D' cadres on Railways.

I. LOCO RUNNING STAFF

1. Passenger Driver 'A'
(Rs.550-700)

All Passenger Train Drivers 'A' having a run of 250 Kms and above to be upgraded from Driver-'A' (Rs.550-700) to Driver 'A' Spl. (Rs.550-750).

All Leave Reserve for 'A' Spl. and 'A' Drivers to be kept in 'A' Grade only.

2. (i) Goods Driver Gr. 'B'
(Rs.425-640) 40%

Goods Driver	Revised %age
Goods Driver Gr. 'B' Rs.425-640	50
Goods Driver Gr. 'C' Rs.330-560	40

ii. Goods Driver Gr. 'C'
(Rs.330-560) 60%

Goods Driver Gr. 'C' (Rs.330-560) to be upgraded to Selection Grade Rs.425-640 to be discontinued.

(10% of the Gr. 'C' posts operated as Selection Grade posts in Rs.425-640)

3. Shunters (Rs.290-400)

30% of Shunters to be upgraded as Shunting Drivers Rs.330-560.

4. Fireman 'A'/Diesel Asstt. / Asstt. Elec. Loco Driver (Rs.290-350)

30% of posts to be given special pay @ Rs.15/- p.m.

5. Fireman 'B' (Rs.260-350)

Leave reserve posts for Fireman 'A' hitherto kept in Fireman 'B' to be upgraded to Fireman 'A'.

6. Fireman 'C' (Rs.210-270)

30% of Fireman 'C' to be upgraded to scale Rs.260-350 (£).

(£) NOTE:- 30% of Fireman 'C' scale Rs.210-270 who are upgraded to scale Rs.260-350 will remain designated as Fireman 'C' and utilized as far as possible on Mail, Express and Passenger Trains. The further avenue of promotion of Fireman 'C' in scale Rs.210-270 and Rs.260-350 will remain unaltered.

7. Motomen on EMU Trains (Rs.550-700)

50% on Western Railway and 40% on Central, Northern, Eastern, Southern and S.E. Railways to be upgraded as Driver 'A' Spl. in scale Rs.550-750.

12
30
53
II. TRAFFIC RUNNING STAFF

✓ 1. Passenger Guard, 'A'
(Rs. 425-600)

- i) All Passenger Train Guards having a run of 250 Kms and above to be upgraded to Guard 'A' Spl. Rs. 425-640.
- ii) Leave Reserve for 'A' Spl. and 'A' Guard to be kept in 'A' Grade only.

Revised %age.

2. (i) Goods Guard Gr. 'B'
(Rs. 330-560 - 40%)

Goods Guard Gr. 'B' Rs. 330-560 60

ii) Goods Guard Gr. 'C'
(Rs. 330-~~530~~ 530 - 60%)

Goods Guard Gr. 'C' Rs. 330-~~530~~ 530 40

III. ACCOUNTS STAFF

Clerks Grade I to be aggregated with Selection Grade Clerks Grade I, Sub-Heads and Selection Grade Sub-Heads and placed in the following %age:-

Clerks Gr. I 55%
(330-560)

Sub-Heads 45%
(Rs. 425-700)

- NOTE:-
- 1. Posts of Selection Grade Clerks Grade I Rs. 425-700 to be discontinued.
 - 2. Selection Grade Sub-Heads will continue as per extant orders.
 - 3. Sub-Heads to work as Clerical hands as required by the Administration.

IV. CASH & PAY OFFICE STAFF

The cadre of Shroffs to be placed in the following %ages:-

(a)	Head Shroff	Rs. 425-640	20%
	Senior Shroff	Rs. 330-560	40%
	Junior Shroff	Rs. 260-400	40%

(b) Cashiers to be placed in the following %ages:-

	Rs. 455-700	40%
	Rs. 425-640	40%
	Rs. 330-560	20%

(c) Upgradation effected to posts in Supervisory cadre as under:-

<u>Scale (Rs.)</u>	<u>Existing</u>	<u>Revised</u>
700-900	55	107
530-750	134	146
455-700	37	Nil
<u>TOTAL</u>	226	253 (+27 posts upgraded from Hd. Shroff scale Rs. 425-640)

(The detailed distribution of Supervisory Cadre Railway-wise is given in Annexure-II)

contd...3.

V. TOOL CHECKERS.

1. CLW & DLW: The existing cadre of Tool Checkers in CLW & DLW will be restructured as under:-

<u>Scale (Rs)</u>	<u>Revised Percentage</u>
260-400	40%
330-560	30%
425-700	20%
550-750	10%

The CLW and DLW Administrations should take action for introducing direct recruitment in the cadre of Tool Checkers on the standard pattern applicable to other Ministerial cadres and merge with the appropriate Ministerial cadre.

2. Eastern Railway: The Tool Checkers on Eastern Railway will also have the grades Rs.425-700 and Rs.550-750 and the same percentage structure as laid down for CLW and DLW in Item 1 above with the proviso that upgradation of posts to scale Rs.550-750 forming part of 10% of the cadre will be effected only after the existing staff promoted to scale Rs.425-700 in terms of these restructuring orders complete one year of service in that grade from the date of physical promotion. The Railway should take action to merge the cadre of Tool Checkers with the appropriate Ministerial cadre and introduce direct recruitment as per existing pattern applicable to the Ministerial cadre.

VI. TRACERS (Rs.260-430)

The existing regular incumbents of the post of Tracers in all the four disciplines of the Engg. Departments viz. Civil Engg., Mechanical Engg., Signal & Telecommunication Engg. and Elec. Engg. Departments will be promoted in the following manner:-

- (i) Those who possess the diploma in Draftsmanship from recognised institutions will be upgraded as junior Draftsman scale Rs.330-560.
- (ii) Those who do not possess diploma in Draftsmanship but have completed 5 years of service as on 1.1.84 will be upgraded as junior Draftsman in scale Rs.330-560.
- (iii) The balance non-qualified Tracers will be progressively promoted by upgrading their posts as junior Draftsman (Rs.330-560) as and when they complete 5 years of service or acquire the necessary qualification. The review will be done every six months commencing from 1.7.86.
- (iv) The vacancies which occur in the normal course in scale Rs.330-560 will continue to be filled as per existing pattern.

contd...4.

14

31

5

(v) After the entire cadre of the Tracers has been fully accommodated in the higher grade post of junior Draftsman, in scale Rs.330-560, future vacancies in scale Rs.330-560 will be filled cent percent by direct recruitment of diploma holders in Draftsmanship. Detailed instructions will follow.

NOTE:

The existing cadre of Tracers is to be frozen and actual requirements reviewed and determined with Board's approval within six months. In this connection, reference is invited to Ministry of Railways letter No.E(NG)IL-85/RC-2/7 dated 27.2.85. Once the cadre of the Junior Draftsman in scale Rs.330-560 is fixed finally, it will be taken into account for percentage distribution applicable to the Drawing Office staff vide item 6 of Annexure to this Ministry's letter No.PCIII/84/UFG/9 dated 16.11.84 in the subsequent annual cadre reviews.

VII. PERMANENT WAY MATES TO PERMANENT WAY MISTRIES.

- (i) 20% of posts of Permanent Way Mates in scale Rs.260-400 to be upgraded to Permanent Way Mistries in scale Rs.380-560
- (ii) 50% of vacancies arising on or after 1.1.85 in scale Rs.380-560 should be filled by candidates who have passed 12th Standard with Maths and Science.
- (iii) Direct recruitment of PWI-grade III in scale Rs.425-700 will be reduced from 75% to 66-2/3% for vacancies arising in that category after the date of restructuring as proposed in item VII(i) above. For promotion of directly recruited PW-Mistries scale Rs.380-560 to PWI Grade III in scale Rs.425-700, a minimum of three years service as PW Mistries will be required including Training period.

VIII. MESSAGE CHECKERS (for Central, Western & Eastern Railways only)

Message Checkers will be restructured as under:-

Grade (Rs.)	Central		Western		Eastern	
	Extg. cadre	Revd. cadre	Extg. cadre	Revd. cadre	Extg. cadre	Revd. cadre
260-430	5	4	8	7	4	3
330-560	4	3	6	5	3	3
425-640	1	2	1	2	2	2
550-750	-	1	1	1	-	1
700-900				1		
<u>TOTAL</u>	<u>10</u>	<u>10</u>	<u>16</u>	<u>16</u>	<u>9</u>	<u>9</u>

rbh 2/7.

...

No. PCIII/84/UPG/19-dated 25.6.85

Railway-wise distribution of Supervisory Staff of Cash & Pay Department.

I. Separate Cadre

Payment Side:

Railway	Rs. 700-900		Rs. 550-750		Rs. 455-700		Receipt Side.	
	Exis-ting.	Revi-ting. sed.	Exis-ting.	Revi-ting. sed.	Exis-ting.	Revi-ting. sed.	Rs. 550-750	No. of posts
Southern	5	8	8	17	12	-	3	4
Central	5	10	10	8	3	-	2	5
Northern	7	13	22	19	3	-	-	6
Western	6	10	12	10	2	-	4	2
S.E.	6	11	17	16	4	-	3	4
S.C.	4	9	15	11	1	-	3+	3
	33	61	84	81	25	-	4	15
							15	26
							2	22

2 posts operated in scale Rs. 455-700.

II. Combined Cadre.

Railway	Rs. 700-900		Rs. 550-750		Rs. 455-700		Posts upgraded from Staffs Cadre.
	Exis-ting.	Revi-ting. sed.	Exis-ting.	Revi-ting. sed.	Exis-ting.	Revised.	
Eastern	9	14	13	15+	2	-	5
M.E.	6	10	15	17	6	-	-
H.F.	3	7	9	7	2	-	-
	18	31	37	39	10	-	5

SUMMARY (BOTH SEPARATE & COMBINED CADRE)

Scale (rs)	Existing	Revised	Difference
700-900	55	107	+52
550-750	134	146	+12
455-700	37	-	-37
	226	253	27

dt: 10/7.

27 posts upgraded from staffs cadre.

Spof LMG

16

Annexure - A

NORTHEAST FRONTIER RAILWAY.

Office of the
Chief Personnel Officer,
Gauhati-11, Assam.

RP-151
No. F/205/73 (PC) Pt. IV

Dated 29.9.85.

To:- All Heads of Departments,
All DEAs,
All Distt. & Asstt. Officers of
Non-divisionalised offices.

Sub:- Cadre review and restructuring of
Group 'C' and 'D' Staff.

A copy of Rly. Board's letter No. PCIII/84/UPG/19 dt. 13.9.85
on the above subject is forwarded herewith for information, guidance and
necessary action please.

Board's earlier letter dated 25.6.85 referred to in their present
letter was circulated under CPO's No. RP-441 dt. 10.7.85.

DA: As above.

for Chief Personnel Officer.

Copy of Rly. Board's letter No. PCIII/84/UPG/19 dated 13.9.85.

Sub:- As above.

CORRIGENDUM.

Please read the existing items I.1 and II.1 Annexure I to this
Ministry's letter of even number dated 25.6.85 as revised below:-

Annexure I

EXISTING

I. LOCO RUNNING STAFF.

1. Passenger Driver 'A'
(Rs. 550-700).

All Passenger Train Drivers 'A' having
a run of 250 Kms and above to be upgr-
ded from Driver 'A' (Rs. 550-700) to
Driver 'A' Spl. (Rs. 550-750)

II. TRAFFIC RUNNING STAFF

1. Passenger Guard 'A'
(Rs. 425-600)

i) All Passenger Train Guards having a
run of 250 Kms and above to be
upgraded to Guard 'A' Spl. (Rs. 425-610).

contd...2.

Copy

119

Hejee
217

Handwritten signature

Handwritten signature
119

17

REVISED

I. LOCO RUNNING STAFF.

1. Passenger Driver 'A'
(Rs. 550-700)

.. All Drivers 'A' scale Rs. 550-700 working passenger trains having a run of 250 kms and above to be upgraded from Driver 'A' - (Rs. 550-700) to Driver 'A' Spl. (Rs. 550-750).

II. TRAFFIC RUNNING STAFF

1. Passenger Guard 'A'
(Rs. 425-600)

.. i) All Guards 'A' scale Rs. 425-600 working passenger trains having a run of 250 kms and above to be upgraded to Guard 'A' Spl. (Rs. 425-640).

rlm. 29/3.

mg

- 1. OS/BM *20/9*
- 2. OS/ET *20/9*
- 3. OS/EF *20/9*
- 4. CE/Elect *20/9*
- 5. CE/AT *20/9*
- 6. Ho/md *20/9*
- 7. He/E *20/9*

18
7/8/91

18

37

Amesbury

9

NORTHEAST FRONTIER RAILWAY:

NA: C/205/III/43(1) L

Maligson, dated 29-7-91

To
DIR(P)/K III, APDS, LMG, TSK

Sub:- Anomalies in the fixation of pay of Fireman 'A' & Diesel Asstt. in scale Rs. 250-350/- drawing spl. pay of Rs. 15/-P.M.
-0000-

Enclosed please find herewith a copy of the letter No. AU/C/5/91 dated 1-6-91 of CS/NFRMU/PND. In the letter the Union have complained that while fixing pay in revised scale u.o.f. 1-1-86 in the cases of Fireman 'A' and DAD who were in receipt of spl. pay of Rs. 15/-P.M. in terms of Railway Board's letter No. PC-III/84/UPG/19 dated 25-6-85, the spl. pay of Rs. 15/- was taken into account although the same should be taken into account in fixing their pay in terms of the Board letter No. PC-IV/86/RSRP/1 dated 19-9-86.

You will please furnish names of such F/Man 'A' & DAD of your Division if any as complained by the Union with detailed remarks.

This may please be treated as URGENT.

DA as above.

26/7/91

Per GENERAL MANAGER (P)
NORTHEAST FRONTIER RLY:RLG:

DS

200
3/0
C. M. (P)
25/8

APDH
05/EM
7/8/91
ms
7/8

not

jjc/EE

hishu

20 19

34 60
Annexure-II 9

TO BE PUBLISHED IN PART 2, SECTION 3(i) OF THE GAZETTE OF INDIA (EXTRAORDINARY)
MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
(RAILWAY BOARD)

2/86

MACHINE NO.
PC-IV/RG/01/11/1

REF/S.No.166/86

No. PC-IV/86/RSHP/1

NEW DELHI-110001 Dated: September 19, 1986.
Bhadra, 1908 (Saka).

N O T I F I C A T I O N

G.S.R. No.1099(E) In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:-

1. Short title and commencement -
 - (1) These rules may be called the Railway Services (Revised Pay) Rules, 1986.
 - (2) They shall be deemed to have come into force on the 1st day of January, 1986.
2. Categories of Railway servants to whom the rules apply -
 - (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to Railway Services.
 - (2) These rules shall not apply to :-
 - (a) Railway servants in a Group 'A' service or holding a Group 'A' post;
 - (b) Permanent employees of former Indian States absorbed in Railway Services so long as such persons continue to be governed by the pre-absorption conditions of service under the Railway Services;
 - (c) Persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
 - (d) persons not in whole-time employment;
 - (e) persons paid out of contingencies;
 - (f) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
 - (g) persons employed on contract except where the contract provides otherwise;
 - (h) persons re-employed in Railway service after retirement;
 - (i) any other class or category of persons whom the President may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.
3. Definitions:- In these rules, unless the context otherwise requires:-
 - (1) "basic pay" means pay as defined in Rule 2003(21)(a)(1) of the Indian Railway Establishment Code, Volume II;
 - (2) "existing scale" in relation to a Railway Servant means the present scale applicable to the post held by the Railway servant (or as the case may be, personal scale applicable to him) as on the 1st day of January, 1986 whether in a substantive or officiating capacity.

Jky
2.11.86
C.M. No. 101/86

(AP. Barua)

Explanation:- In the case of a Railway servant, who was on the 1st day of January, 1986 on deputation out of India or on leave or on foreign service, or who would have on that date, officiated in the or more lower posts but for his officiating in a higher post, "existing scale" includes the scale applicable to the post which he would have held but for his being on deputation out of India or on leave or on foreign service or, as the case may be, but for his officiating in a higher post;

- (3) "present scale" in relation to any post specified in column 2 of the First Schedule means the scale of pay specified against that post in column 3 thereof;
- (4) "revised emoluments" means the basic pay of a Railway servant in the revised scale and includes the revised non-practising allowance, if any, admissible to him, in addition to the pay in the revised scale;
- (5) "revised scale" in relation to any post specified in column 2 of the First Schedule means the scale of pay specified against that post in Column 4 thereof unless a different revised scale is notified separately for that post;
- (6) "Schedule" means a schedule annexed to these rules.

4. Scale of pay of posts - As from the date of commencement of these rules, the scale of pay of every post specified in column 2 of the First Schedule shall be as specified against it in column 4 thereof

5 Drawal of pay in the revised scales - Save as otherwise provided in these rules, a Railway servant shall draw pay in the revised scale applicable to the post to which he is appointed;

Provided that a Railway servant may elect to continue to draw pay in the existing scale until the date on which he earns his next or any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale.

Explanation 1:- The option to retain the existing scale under the proviso to this rule shall be admissible only in respect of one existing scale.

Explanation 2:- The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January, 1986, whether for the first time in Railway Service, or by transfer or promotion from another post and he shall be allowed pay only in the revised scale.

Explanation 3:- Where a Railway servant exercises the option under the proviso to his rule to retain the existing scale in respect of a post held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that scale under Rule 207(F.R.22) or Rule 207 (F.R.31) of Indian Railway Establishment Code Volume II or any other rule or order applicable to that post, his substantive pay shall be the substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

6. Exercise of Option :-

- (1) The option under the proviso to rule 5 shall be exercised in writing in the form appended to the Second Schedule so as to reach the authority mentioned in sub rule (2) within three months of the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within three months of the date of such order:

Provided that -

- i) in the case of a Railway servant who is, on the date of such publication or, as the case may be, date of such order, out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India; and
 - ii) Where a Railway servant is under suspension on the 1st day of January, 1986, the option may be exercised within three months of the date of his return to his duty if that date is later than the date prescribed in this sub-rule.
- (2) The option shall be intimated by the Railway servant -
- (a) if he is a non-gazetted Railway servant, to the Head of his office;
 - (b) if he is a gazetted Railway servant, to his Accounts Officer.
- (3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the Railway servant shall be deemed to have elected to be governed by the revised scale of pay with effect on and from the 1st day of January, 1986.
- (4) The option once exercised shall be final.

Note: 1:- Persons whose services were terminated on or after the 1st January, 1986 and who could not exercise the option within the prescribed time limit, on account of death, discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, are entitled to the benefits of this rule.

Note: 2:- Persons who have died on or after the 1st day of January, 1986 and could not exercise the option within the prescribed time limit be deemed to have opted for the revised scales on and from the 1st day of January, 1986 or such later date as is most beneficial to their dependents, if the revised scales are more favourable and in such cases, necessary action for payment of arrears should be taken by the Head of Office/Accounts Officer.

7. Fixation of initial pay in the revised scale:-

- (1) The initial pay of a Railway servant who elects, or is deemed to have elected under sub-rule(3) of rule 6 to be governed by the revised scale on and from the 1st day of January, 1986, shall, unless in any case the President by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely:-

(A) In the case of all employees, -

- (i) an amount representing 20 per cent of the basic pay in the existing scale, subject to a minimum of Rs.75/-, shall be added to the "existing emoluments" of the employee;
- (ii) after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage next above the amount thus computed:

Provided that -

(a) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;

(b) if the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

Explanation - For the purpose of this clause "existing emoluments" shall include,-

(a) the basic pay in the existing scale;

(b) dearness pay, additional dearness allowance and ad hoc dearness allowance appropriate to the basic pay admissible at index average 608(1960=100); and

(c) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale;

(B) in the case of employees who are in receipt of special pay in addition to pay in the existing scale and where the existing scale with special pay has been replaced by a scale of pay without any special pay, the pay shall be fixed in the revised scale in accordance with the provisions of clause (A) above except that in such cases "existing emoluments" shall include -

(a) the basic pay in the existing scale;

(b) existing amount of special pay;

(c) dearness pay, additional dearness allowance and ad hoc dearness allowance appropriate to the basic pay and special pay admissible at index average 608(1960=100) under the relevant orders; and

(d) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and special pay under the relevant orders;

(C) in the case of employees who are in receipt of special pay in addition to pay in the existing scales and in whose case special pay continues with the revised scale of pay either at the same rate or at a different rate, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above with reference to existing emoluments calculated in accordance with the Explanation thereto, after excluding the existing special pay and the amounts admissible thereon with reference to dearness pay, additional dearness allowance and ad hoc dearness allowance, and in such cases special pay at the new rate shall be drawn in addition to the pay so fixed in the revised scale;

Existing emoluments

- (D) in the case of Railway medical officers who are in receipt of non-practising allowance, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above except that in such cases the term "existing emoluments" shall include only -
- (a) the basic pay in the existing scale;
 - (b) dearness pay, additional dearness allowance and ad hoc dearness allowance appropriate to the basic pay and non-practising allowance admissible at index average 608(1960=100) under the relevant orders; and
 - (c) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and non-practising allowance under the relevant orders, and in such cases, non-practising allowance at the new rates shall be drawn in addition to the pay so fixed in the revised scale.

NOTE-1: Where a Railway servant is holding a permanent post and is officiating in a higher post on a regular basis and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only, and the pay so fixed shall be treated as substantive pay.

The provisions of this Note shall apply, mutatis mutandis, to Railway servants holding in an officiating capacity posts on different existing scales which have been replaced by a single revised scale.

NOTE-2: Where the existing emoluments as calculated in accordance with Clause (A), Clause (B), Clause (C) or Clause (D), as the case may be, exceed the revised emoluments in the case of any Railway servant, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

NOTE-3: Where in the fixation of pay under sub-rule (1) the pay of Railway servants drawing pay at more than five consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, the pay in the revised scale of such of these Railway servants who are drawing pay beyond the first five consecutive stages in the existing scale shall be stepped up to the stage where such bunching occurs, as under, by the grant of increment(s) in the revised scale in the following manner, namely:-

- (a) for Railway servants drawing pay from the 6th upto the 10th stage in the existing scale - By one increment,
- (b) for Railway servants drawing pay from the 11th upto the 15th stage in the existing scale, if there is bunching beyond the 10th stage- By two increments,
- (c) for Railway servants drawing pay from the 16th upto the 20th stage in the existing scale, if there is bunching beyond the 15th stage- By three increments.

If by stepping up of the pay as above, the pay of a Railway servant gets fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a Railway servant who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short that of the former.

To:
Sri N. K. Chakraborty,

(AP. Barua)

24

NOTE -4: Where in the fixation of pay under sub-rule (1) pay of a Railway servant, who, in the existing scale was drawing immediately before the 1st day of January, 1986 more pay than another Railway servant junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior, his pay shall be stepped upto the same stage in the revised scale as that of the junior.

NOTE- 5: Where a Railway servant is in receipt of personal pay on the first day of January, 1986, which together with his existing emoluments as calculated in accordance with Clause (A), Clause (B), Clause (C) or Clause (D), as the case may be, exceeds the revised emoluments, then the difference representing such excess shall be allowed to such Railway servant as personal pay to be absorbed in future increases in pay.

NOTE- 6: In the case of employees who are in receipt of personal pay for passing Hindi Pragya, Hindi Typewriting, Hindi Shorthand and such other examinations under the "Hindi Teaching Scheme", or, on successfully undergoing training in cash and accounts matters prior to the 1st day of January, 1986, while the personal pay shall not be taken into account for purposes of fixation of initial pay in the revised scales, they would continue to draw personal pay after fixation of their pay in the revised scale on and from the 1st day of January, 1986 or subsequently for the period for which they would have drawn it but for the fixation of their pay in the revised scale. The quantum of such personal pay would be paid at the appropriate rate of increment in the revised scale from the date of fixation of pay for the period for which the employee would have continued to draw it.

Explanation:- For the purpose of this Note, "appropriate rate of increment in the revised scale" means the amount of increment admissible at and immediately beyond the stage at which the pay of the employee is fixed in the revised scale.

NOTE 7: In cases, where a Senior Railway servant promoted to a higher post before the 1st day of January, 1986 draws less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 1986, the pay of the Senior Railway servant should be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Railway servant subject to fulfilment of the following conditions, namely,

- (a) both the junior and the senior Railway servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre, ✓
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and ✓
- (c) the anomaly should be directly as a result of the application of the provisions of Rule 2018B(FR22C) of Indian Railway Establishment Code Volume II or any other Rule or order regulating pay fixation on such promotion in the revised scale. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior officer by virtue of any advance increments granted to him, provisions of this Note need not be invoked to step up the pay of the senior officer. ✓

4

25

37

66

The orders relating to refixation of the pay of the nonior officer in accordance with the above provisions should be issued under Rule 2023(PR 27) of Indian Railway Establishment Code Volume II and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

(2) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the stage next above the substantive pay.

8. Date of next increment in the revised scale -

The next increment of a Railway servant whose pay has been fixed in the revised scale in accordance with sub-rule (1) of rule 7 shall be granted on the date he would have drawn his increment, had he continued in the existing scale:

Provided that in cases where the pay of a Railway servant is stepped up in terms of Note 3 or Note 4 or Note 7 to sub-rule (1) of rule 7, the next increment shall be granted on the completion of qualifying service of twelve months from the date of the stepping up of the pay in the revised scale;

Provided further that in cases other than those covered by the preceding proviso, the next increment of a Railway servant, whose pay is fixed on the 1st day of January, 1986 at the same stage as the one fixed for another Railway servant junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier;

Provided also that in the case of persons who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 1986, next increment in the revised scale shall be allowed on the 1st day of January, 1986;

Provided also that in the case of Railway servants who were in receipt of an ad hoc increment on their stagnating for more than two years at the maximum of the existing scale of pay as on the 1st day of January, 1986, one more increment in the revised scale shall be allowed to them on the 1st day of January, 1986, in addition to the increment already allowed under the preceding proviso.

NOTE 1: Wherever the pay has been fixed in terms of the above provisos the efficiency bar will become operative only with reference to such bars in the revised scale, irrespective of whether a railway servant had crossed or not crossed or had been held up at the efficiency bar in the existing scale.

NOTE 2: The benefit of additional increment under the fourth proviso will also be nationally admissible to a Railway servant in the scale in which he would have got an ad hoc increment on his stagnating for more than two years at the maximum of the existing scale of pay as on the 1st day of January, 1986 but for his holding higher officiating post, subject to the maximum of the revised scale not being exceeded, irrespective of whether he was actually in receipt of the ad hoc increment or not.

67
NOTE 3: Where by the grant of two additional increments in terms of the third and fourth provisos, in the revised scale applicable to the substantive post, the substantive pay of a Railway servant exceeds his officiating pay at any time, the Railway servant may be allowed, in addition to officiating pay, the difference between the officiating pay and substantive pay as personal pay to be absorbed in future increments for the periods during which the substantive pay exceeds the officiating pay.

NOTE 4: In cases where two existing scales, one being a promotional scale for the other, are merged, and the junior Railway servant, now drawing his pay in the lower scale, is receiving personal pay for stagnating in that scale, and happens to draw more pay in the revised scale due to grant of additional increment under Notes 2 and 3 above, than the pay of the senior Railway servant in the existing higher scale, the pay of the senior Railway servant in the revised scale shall be stepped up to that of his junior from the same date and he shall draw next increment after completing the qualifying period from the date of such stepping up of pay.

9. Fixation of pay in the revised scale subsequent to the 1st day of January, 1986:- Where a Railway servant continue to draw his pay in the existing scale and is brought over to revised scale from a date later than the 1st day of January, 1986, his pay from the later date in the revised scale shall be fixed under the Railway Fundamental Rules and for this purpose his pay in the existing scale shall have the same meaning as of existing emoluments as calculated in accordance with clause (A), clause (B), clause (C) or clause (D), as the case may be, of sub-rule(1) of rule 7 except that the basic pay to be taken into account for calculation of those emoluments will be the basic pay on the later date aforesaid and where the Railway servant is in receipt of special pay or non-practising allowance, his pay shall be fixed after deducting from those emoluments an amount equal to the special pay or non-practising allowance, as the case may be, at the revised rates appropriate to the emoluments so calculated.

10. Fixation of pay on reappointment after the 1st day of January, 1986 to a post held prior to that date -

A Railway servant who had officiated in a post prior to the 1st day of January, 1986 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of the proviso to Rule 2017(FR22) or of the Fourth proviso to Rule 2018B(FR22C) of Indian Railway Establishment Code Volume II, as the case may be, to the extent it would have been admissible had he been holding that post on the 1st day of January, 1986 and had elected the revised scale of pay on and from that date.

11. Mode of payment of arrears of Pay:- Notwithstanding anything contained in these rules, the arrears of pay to which any Railway servant may be entitled in respect of the relevant period under these rules shall be paid to the Railway servant either in cash or by crediting the same to the provident fund account of the Railway servant or by crediting the same to a special savings account to be opened in the

27

96
5/8

name of the Railway servant or partly in cash and partly by all or any of the other modes aforesaid, as the President may, by order, determine in this behalf.

Explanation : For the purposes of this rule -

- (a) "arrear of pay", in relation to a Railway servant, means the difference between -
 - (i) the aggregate of the pay and allowances to which he is entitled on account of the revision of his pay and allowances under these rules, for the relevant period; and
 - (ii) the aggregate of the pay and allowances to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised;
- (b) "relevant period" means the period commencing on the 1st day of January, 1986 and ending with the 30th day of September, 1986.

12. Overriding effect of Rules :- The provisions of the Railway Fundamental Rules, the Railway Services (Revision of Pay) Rules, 1947, the Railway Services (Authorised Pay) Rules, 1960 and Railway Services (Revised Pay) Rules, 1973 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

13. Power to relax :- Where the President is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

14. Interpretation :- If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Railway Board for decision.

28

THE FIRST SCHEDULE
(SEE RULES 3 & 4)

69

Revised scales for posts carrying present scales in Group (D), 'C' & 'B' except posts for which different revised scales are notified separately in the Offices of - (1) Railway Board Secretariat, (2) Research Design & Standards Organisation, Lucknow, (3) Railway Staff College, Vadodara, (4) Railway Rates Tribunal, Madras, (5) Railway Liaison Office, New Delhi, (6) Rail Movements (Coal), Calcutta, (7) All Railway Recruitment Boards, (8) Indian Railways Institute of Signal Engineering & Telecommunication, Secunderabad, (9) Indian Railways Institute of Advanced Track Technology, Pune.

S.No.	Posts	Present scale 3 (Rs.)	Revised scale 4 (Rs.)
1.	All posts in the present scales specified in col.3.	a. 196-3-220-EB-3-232 b. 200-3-212-4-232-EB-4-240(SG)	750-12-870-EB-14-940
2.	-do-	a. 200-3-212-4-232-EB-4-240 b. 200-3-206-4-234-EB-4-250	775-12-955-EB-14-1025
3.	-do-	a. 210-4-250-EB-5-270 b. 210-4-226-EB-4-250-EB-5-290	800-15-1010-EB-20-1150
4.	-do-	225-5-260-6-290-EB-6-308	825-15-900-EB-20-1200
5.	-do-	260-6-326-EB-8-350	950-20-1150-EB-25-1400
6.	-do-	a. 290-6-326-EB-8-350 b. 260-6-290-EB-6-326-8-366-EB-8-390-10-400	950-20-1150-EB-25-1500
7.	-do-	260-8-300-EB-8-340-10-380-EB-10-430	975-25-1150-EB-30-1540
8.	-do-	330-8-370-10-400-EB-10-480	1200-30-1440-EB-30-1800
9.	-do-	330-10-380-EB-12-500-EB-15-560	1200-30-1560-EB-40-2040
10.	-do-	a. 380-12-500-15-530 b. 380-12-500-EB-15-560	1320-30-1560-EB-40-2040
11.	-do-	a. 380-12-440-EB-15-560-EB-20-640 b. 425-15-530-EB-15-560-20-600	1350-30-1440-40-1800-EB-50-2200
12.	-do-	a. 425-15-560-EB-20-640 b. 425-15-500-EB-15-560-20-700 c. 455-15-560-EB-20-700	1400-40-1800-EB-50-2300

existing

29

29

70

4

- 2 -

1	2	3	4
13.	All posts in the present scales specified in Col.3.	a. 425-15-500-EB-15-560-20-640-EB-20-700-25-750 b. 425-15-500-EB-15-560-20-700-EB-25-800 c. 470-15-530-EB-20-650-EB-25-750	1400-40-1600-50-2300-EB-60-2600
14.	-do-	a. 550-20-650-25-750 b. 550-20-650-25-800	1600-50-2300-EB-60-2660
15.	-do-	a. 500-20-700-EB-25-900 b. 550-25-750-EB-30-900	1640-60-2600-EB-75-2900
16.	-do-	a. 650-30-740-35-880-EB-40-960 b. 650-30-740-35-880-EB-40-1040 c. 700-30-760-35-900 d. 775-35-880-40-1000	2000-60-2300-EB-75-3200
17.	-do-	650-30-740-35-810-EB-35-880-40-1000-EB-40-1200	2000-60-2300-EB-75-3200-100-3500
18.	-do-	a. 840-40-1040 b. 840-40-1000-EB-40-1200	2375-75-3200-EB-100-3500
19.	Senior Personal Assistant (Railway Board & R.D.S.O. only) Private Secretary (Railway Board only)	650-30-740-35-880-EB-40-1040 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200	2000-60-2300-EB-75-3200-100-3500

- Instructions:-
- (1) The revised scales of pay are applicable for all categories of Railway servants irrespective of their designations strictly on the basis of the existing scales of pay except those who are covered by Sl.No.19.
 - (2) Except as otherwise provided, in the case of an employee drawing pay in the Selection Grade before the date of publication of these rules, his pay shall be fixed in the revised scale corresponding to such Selection Grade and the said pay shall be personal to such employee.
 - (3) The existing classification of Railway servants in Group 'A', 'C' & 'B' on the basis of the existing scales of pay will continue in the revised scales till further orders. No change in the classification should be made in the revised scales.

71

THE SECOND SCHEDULE

Form of Option

[See Rule 6(1)]

*(i) I _____ hereby elect the revised scale with effect from 1st January, 1986.

*(ii) I _____ hereby elect to continue on the existing scale of pay of my substantive/officiating post mentioned below until:

- * the date of my next increment
- the date of my subsequent increment raising my pay to Rs. _____
- I vacate or cease to draw pay in the existing scale.

Existing scale _____

Signature _____
 Name _____
 Designation _____
 Office in which employed _____

Date:
Station _____

*To be scored out if not applicable

ACKNOWLEDGEMENT

Received from Shri _____ S/o _____ Designation _____
Office/Station _____ an Option: _____

- *(i) electing the revised scales of pay for all the posts from 1st January, 1986.
- *(ii) electing to continue on the existing scale of pay of his substantive/officiating post mentioned below until
- * the date of his next increment
- the date of his subsequent increment raising his pay to Rs. _____
- he vacates or ceases to draw pay in the existing scale.

Existing scale _____

Signature _____
 Designation _____
 Office in which employed _____

Date:
Station _____

*To be scored out if not applicable.

The First Schedule relates to only posts in the Office of the Railway Board and its attached and subordinate offices. The schedule in respect of posts on Railways, Production Units, Projects and other offices is being issued separately under executive orders.

A.N. Wanchoo

(A .N. WANCHOO)
Secretary, Railway Board.

not to be typed

15/7/88

31

W
22
23

MEMORANDUM EXPLANATORY TO THE RAILWAY SERVICES (REVISED PAY)
RULES, 1986.

Rule 1 - This rule is self-explanatory.

Rule 2 - This rule lays down the categories of employees to whom the rules apply. Except for the categories excluded under clause (2), the rules are applicable to all persons under the rule making control of the President serving under the administrative control of the Railway Board.

Rule 3 - This rule is self-explanatory.

Rule 4 - In respect of such employees as are presently in Group 'B' or Group 'C' and for whom the Pay Commission has recommended scales as applicable to any category of Group 'A' employees, this rule shall not apply till such time as the scales applicable to such employees are notified.

Rule 5 - The intention is that all Railway servants should be brought over to the revised scales except those who elect to draw pay in the existing scales.

Those who exercise the option to continue on the existing scales of pay will continue to draw the dearness pay, dearness allowance, ad hoc dearness allowance and interim reliefs, at the rates in force on the 1st January, 1986 and the dearness pay will count towards house rent and compensatory allowances, emoluments for pension, etc. to the extent it so counted on the said date.

If a Railway servant is holding a permanent post in a substantive capacity and officiating in a higher post or would have officiated in one or more posts but for his being on deputation etc., he has the option to retain the existing scale only in respect of one scale. Such a Railway servant may retain the existing scale applicable to a permanent post or any one of the officiating posts. In respect of the remaining posts he will necessarily have to be brought over to the revised scales.

Explanation 3 to Rule 5.- As a Railway servant will have the option to retain the existing scale in respect of only the substantive or any officiating post, a Railway servant who retains the existing scale in respect of his officiating post will be brought over to the revised scale in respect of his substantive post. In the revised scale of substantive post DP/ADA/Ad hoc DA stands merged in the revised pay, whereas in the officiating scale he will be allowed the existing rates of dearness pay and ADA/Ad hoc DA. If his pay were to be refixed in the existing scale of the higher officiating post with reference to the pay on the revised scale in the substantive post, it will give him the benefit of dearness allowance, dearness pay and interim relief twice over. The explanation is designed to avoid such unintended benefit.

Rule 6 - This rule prescribes the manner in which option has to be exercised and also the authority who should be apprised of such option. The option has to be exercised in the appro-

appropriate form appended to the rules, It should be noted that it is not sufficient for a Railway Servant to exercise the option within the specified time limit but also to ensure that it reaches the prescribed authority within the time limit. In the case of persons who are outside India at the time these rules are promulgated, the period within which the option has to be exercised is three months from the date they take over charge of the post in India. In the case of Railway Servants the revised scales of whose posts are announced subsequent to the date of issue of these rules, the period of three months will run from the date of such announcement.

Persons who have retired between 1st January, 1986 and the date of issue of these rules are also eligible to exercise option.

Rule 7(1) - This rule deals with the actual fixation of pay in the existing scales on 1st January, 1986. A few illustrations indicating the manner in which pay of Railway servants should be fixed under this sub-rule subject to stepping up of pay under Notes below rule 7(1) are given below:-

Illustration No.1:

1. Existing scale of pay	- Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400
2. Proposed scale of pay	- Rs.950-20-1150-EB-25-1500
3. Existing basic pay	- Rs.342.00
4. DP/ADA at index average 608	- Rs.662.50
5. Two instalments of interim relief	- <u>Rs.110.00</u>
6. Existing emoluments	- Rs.1114.50
7. Add 20% of basic pay subject to minimum of Rs.75/-	- <u>Rs. 75.00</u>
Total	- <u>Rs. 1189.50</u>

Pay to be fixed in proposed scale - Rs.1200/-

Illustration No.2

1. Existing scale of pay	- Rs.650-30-740-35-810-EB-35-880-40-960 plus special pay Rs.100/-.
2. Proposed scale of pay	- Rs.2375-75-3200-EB-100-3500(without any special pay)
3. Existing basic pay plus special pay	- Rs.845.00 + Rs.100.00
4. DP/ADA at index average 608 on basic pay and special pay	- Rs.1390.60
5. Two instalments of interim relief	- Rs.155.00
6. Existing emoluments	-Rs.2490.60
7. Add 20% of basic pay	- <u>Rs.169.00</u>
Total	- <u>Rs.2659.60</u>

Pay to be fixed in proposed scale - Rs.2675.00(without any special pay)

:- 3 -:

Illustration No.3

1. Existing scale of pay	- Rs.210-4-250-EB-5-270 with special pay of Rs.10/-
2. Proposed scale of pay	- Rs.800-15-1010-EB-20-1150 with special pay of Rs.20/-.
3. Existing basic pay.	- Rs.230/-
4. DP/ADA at index average 608	- Rs.463.50
5. Two instalments of interim relief	- Rs.100.00
6. Existing emoluments	- Rs.793.50
7. Add 20% of basic pay subject to a minimum of Rs.75/-	Rs.75.00
Total	- Rs.868.50

Pay to be fixed in proposed scale of pay-Rs.875/- plus special pay of Rs.20/-.

Rule 7(2): This follows the provisions of Rule 2027(2)(FR 31(2) of the Indian Railway Establishment Code Volume II. It should be noted that the benefit of this rule is not admissible in cases where a Railway servant has elected the revised scale in respect of his substantive post, but has retained the existing scale in respect of an officiating post.

Rule 8 - This rule prescribes the manner in which the next increment in the new scale should be regulated. The provisos to this rule are intended to eliminate the anomalies of junior Railway servants drawing more pay than their seniors by the operation of the substantive part of this rule and also taking care of the Railway servants who have been drawing pay at the maximum of the existing scale for more than one year as on 1.1.1986 and also those Railway servants who have been stagnating at the maximum of the existing scale and are actually in receipt of stagnation increment on ad hoc basis.

Rule 9 to 14 - These rules are self-explanatory.

Explanatory Memorandum:

The Railway Services (Revised Pay) Rules, 1986 have been made to implement the recommendations made by the Fourth Pay Commission with respect to the pay scales of Group 'B', Group 'C' and Group 'D' employees of the Railways. Even though the Commission has suggested the revision of pay scales from 1st April, 1986 the Government has decided to give effect to such recommendations from 1st January, 1986 in order to provide greater benefit to the Government servants in general. Accordingly, the rules are being given retrospective effect from 1st January, 1986. It is certified that the retrospective effect being given to these rules will not affect adversely any employee to whom these rules apply.



(A.N. WANCHOO)
Secretary, Railway Board.

M
Pt III 11p XXXI-R11
New Delhi, Dated September 19, 1986

Copy forwarded to :-

1. All Ministries of Government of India.
2. Cabinet Secretariat.
3. The Comptroller & Auditor General of India, New Delhi.
4. The General Managers, All Indian Railways, C.L.W., D.L.W., L.C.F., Metro Railway, Calcutta and Wheel & Axle Plant, Bangalore.
5. The General Managers (Construction), Northeast Frontier Railway, Maligaon and Southern Railway, Bangalore.
6. The Chief Administrative Officer (Construction), Central Railway, Bombay.
7. The Director General, R.D.S.O., Lucknow.
8. The Officer on Special Duty, Rail Coach Factory (Kapurthala), BMC Chowk, Mahay Market, Jalandhar City (Punjab).
9. The Chairman, Railway Recruitment Boards, Allahabad, Bombay, Calcutta, Madras, Muzaffarpur, Secunderabad, Gauhati, Bangalore, Patna, Trivandrum, Bhopal, Bhubaneswar, Chandigarh, Ajmer, Ahmedabad, Jammu, Malda, Ranchi and Gorakhpur.
10. The Chief Administrative Officer (R), COFMOW, New Delhi.
11. The Additional General Manager, Railway Electrification, Allahabad.
12. The Chief Project Managers, Railway Electrification, Kota, Mathura, Vadodra, Nagpur and Ranchi.
13. The Chief Administrative Officers (R), Metropolitan Transport Project (Railways), Delhi, Bombay and Madras.
14. The Principal, I.R.I.S. & T.E., Secunderabad.
15. The Principal, I.R.I.A.T.T., Pune.
16. The Principal, I.R.I.M. & E.E., Jamalpur.
17. The Principal, Railway Staff College, Vadodra.
18. The Secretary, Railway Rates Tribunal, Madras - 28.
19. The Railway Liaison Officer, New Delhi.
20. The Director (Movement) Railways, 17 - N.S. Road, Calcutta.
21. The Joint Director, Rail Movement, Mughalsarai.
22. The Chief Administrative Officer (R), D.C.W., Patiala.
23. The Joint Director, Iron & Steel, 3-Koilaghat Street, Calcutta.
24. The Chief Administrative Officer, Central Organisation for Freight, Operational Information Centre, Lok Nayak Bhavan, New Delhi.
25. The Chief Project Administrator, Central Organisation for Operation Information System, Delhi Safdarjung Railway Station, Chanakyapuri, New Delhi - 110021.
26. The Chief Project Administrator, Central Organisation for Freight Operations & Central System for I.R. (BG), 9th Floor, 'A' Wing, Lok Nayak Bhavan, Khan Market, New Delhi 110003.

35
Amman-III

NORTHEAST FRONTIER RAILWAY.

A. P. Barua
Sr. DPC/MLG

OFFICE OF THE
D. R. M. (P)/LUNING

D. O. No. E/41/1/LM(Restr.)

Dt. 8/11/93.

Dear Shri Chakraborty,

Subj: - Stepping up of pay of seniors.

In terms of Rly. Board's letter No. PC-III/84/UPG/19 dated 25-6-85 and 13-8-85 circulated under CPC/MLG's letter No. E/205/73/Pt. IV DATED ~~10-7-85~~ and 29-8-85 except the categories of Fireman 'A' and DAD all other running categories were re-structured w.e.f. 1.1.84 on proforma fixation and w.e.f. 1.1.85 with monetary benefit. The categories of Fireman 'A' and DAD, which were not re-structured, were however given the benefit of special pay @ Rs. 15/- p.m. to the extent of 30% of posts in each category and accordingly, spl. pay was sanctioned in favour of the seniormost persons in each category.

With the introduction of revised scale w.e.f. 1.1.86 (4th P.C.), the element of spl. pay Rs. 15/- was done away but the same was allowed to be taken into account in the fixation of pay of Fireman and DAD in terms of Rly. Board's letter No. PC-IV/86/RSRP/1 dt. 19.9.86 received under GM(P)/MLG's No. E/205/III/43(M)- dated 29/7/91. This exercise created anomalies whereby the pay of shunter promoted prior to 1.1.86 was fixed at lower stages whereas the pay of those enjoying the spl. pay was fixed at higher stages on promotion as shunter in the revised grades.

Consequent on the above, now the senior persons drawing lower pay than their juniors have claimed stepping up of their pay to the extent of their juniors. A proposal for stepping up of the pay of senior persons was sent to Accounts for vetting but Accounts has returned the proposal about with following observations:

" It is seen from the case No. E/41/1/LM(Restr.) at PP-4 that junior goods drivers are drawing more pay than their seniors on account of fixing of pay after taking special pay of Rs. 15/- into account.

In similar cases Rly. Bd.'s decision has been obtained. But it seen that Bd.'s decision varies according to merit of individual cases. Hence the case may kindly be referred to CPC/N.F. Rly./Maligaon for obtaining clarification from Rly. Board."

In view of the above, it is requested that necessary clarification may please be communicated for the purpose at an early date since this issue is most likely to be raised in the PNM also.

This may please be treated as urgent by communicating early decision.

With regards,

Yours sincerely,

(AP. Barua)

To:
Sri N. R. Chakraborty,
Dy CPC/Adm/Maligaon.

Received by
Hd. on 12.11.93.
Action in case No.
E/1227/1/LM(Restr.)

36
N. F. Railway.

No. E/233/III/50(M) Loose. Malignan, dtd: 3/6/94

To
DHM(P)/Sampling.

Sub:- Stepping up of pay of seniors.

Ref:- Sr. DPO/IMG's D.O. No. E/41/1/D(Rostr)
dtd: 8.11.93.

Verbatim comments of FA & CAO on the above case is as under:-

✓ "The President's decision No. 3 under rule 131b (FR)-22-c) as well as CPO/PNO's circular No. E/205/OP IX(C) dtd: 6.4.79 has clearly spelt out the circumstances under which the stepping up of pay of senior to the extent of junior is admissible.

In the instant case, the juniors are getting more pay than the senior staff due to fixation of their pay by taking into account the spl. pay in fixation at the time of promotion to the higher posts while the pay of the senior staff has been fixed at a lower tone without taking account the spl. pay into fixation due to spl. pay not being granted to them and thereby they are getting less pay than the juniors.

Again Rule quoted under CPO's letter No. E/205/0 Pt. IX(C) dated: 6.4.79 has also clearly stated: "If in the lower grades the junior employee draws higher rate of pay than the senior employee, due to advance increment or accelerated promotion etc., the stepping up of pay of senior employee will not be applicable."

In view of the above clear instruction, there is no justification for stepping up of pay of the seniors to the extent of their juniors in the above circumstances.

Sd/-

for GENERAL MANAGER (P),
N.F.Rly. M.I.C.

TKM201094,

37

43
Annexure-V

Date of promotion from Fireman 'A' & Diesel Assst. Driver to the next higher grade 100 Shunter.

SN.	Name	Case No.	Date of promotion.
<u>S/Shri.</u>			
1.	Chitta Rn. Paul,	OA 175/95	16-3-85.
2.	K.P. Paul,	OA 211/95	28-6-85.
3.	Ranjit Kr. Dey,	" 210/95	11-2-84.
4.	Jiban Krishna Sarkar,	" 212/95	7-6-84.
5.	Manidralal Deb,	" 209/95	9-3-85.
6.	M.C. Chanda,	" 230/95	8-6-84.
7.	F.K. Baidya,	" 240/95	26-2-85.
8.	Priyotosh Naha,	" 225/95	17-3-85.
9.	R.K. Basak,	" 236/95	15-3-85.
10.	Parimal Ch. Dey (II),	" 228/95	13-6-84.
11.	M.L. Bakshi	" 229/95	26-2-85.
12.	Raj Mohon Roy,	" 237/95	11-3-85.
13.	Kartick Ch. Dey,	" 231/95	22-1-85.
14.	Gopesh Ch. Das,	" 232/95	19-3-85.
15.	Harendra Kr. Dey,	" 233/95	24-3-85.
16.	Mani Lal Roy,	" 224/95	19-2-85.
17.	Dilip Kr. Majumder,	" 234/95	11-3-85.
18.	R.M. Choudhury,	" 239/95	31-5-84.
19.	Kala Chand Saha,	" 226/95	26-2-85.
20.	Arun Kanti Das,	" 227/95	26-2-85.
21.	Jadu Gopal Chakraborty,	" 238/95	31-12-85.
22.	Dulal Kanti Deb,	" 161/95	2-1-86
23.	Ajit Kr. Chakraborty,	" 235/95	18-12-86.

Referred in the Plaintiff's application

}	24.	Santosh Rn. Sarkar	16-1-86
	25.	Gopal Ch. Dey	9-1-86
	26.	Motilal Majumder	9-1-86
	27.	N.D. Chakraborty	8-10-88

38

Amexum - V

N. F. RAILWAY.

Office of the
Divisional Rly. Manager(P),
Lumding.

79

MEMORANDUM.

The pay of Sri Dulal Kanti Deb, Crew Controller/LMG in revised scale has been re-fixed as under by taking into account of SPI. Pay Rs. 15/- as voted by Accounts.

Previously fixed.

1290/- on 1.1.86 as Shunter
 1320/- on 1.1.87.
 1350/- on 1.1.88.
 Pay as promotion as Goods Driver fixed at Rs. 1410/- in scale Rs. 1350-2200/- w.e.f. 12.4.88.
 1440/- on 1.4.89.
 1480/- on 1.4.90
 1520/- on 1.4.91
 1560/- on 1.4.92
 1600/- on 1.4.93
 1640/- on 1.4.94
 1680/- on 1.4.95
 Pay fixed on promotion as Crew Controller at Rs. 2180/- in scale Rs. 2000-3200/- wef 30.1.95.
 Pay fixed on option at Rs. 2240/- wef 1.4.95 as CC from the date of accrual increment in sub. grade.
 This issues in supercession of earlier fixation.

Now fixed.

1275/- on 1.1.86 as DAD
 Pay fixed at Rs. 1320/- wef 2.1.86 on promotion as Shunter in scale Rs. 1200-2040/-
 1250/- on 1.1.87.
 1380/- 1.1.87
 Pay fixed at Rs. 1440/- on promotion as goods Driver wef 12.4.88 in scale Rs. 1350-2200/-
 1480/- 1.4.89.
 1520/- 1.4.90.
 1560/- 1.4.91.
 1600/- 1.4.92.
 1640/- 1.4.93.
 1680/- 1.4.94.
 1720/- 1.4.95.
 Pay fixed on promotion as Crew controller at Rs. 2240/- in scale Rs. 2000-3200/- wef 30.1.95.
 Pay fixed on option at Rs. 2300/- wef 1.4.95 as CC in scale Rs. 2000-3200/- from the date of accrual increment in sub. grade.

NO. RD/94 dt 31-10-95

for Divisional Rly. Manager(P),
N. F. Railway : Lumding.

Copy to OS(EM) Bill end staff concerned thro. CPIC/LMG.

for Divisional Rly. Manager(P),
N. F. Railway : Lumding.

'naha' 311095

Bill Sec. R

28/11/95

28/11/95