

2nd Meeting of the Joint Committee on MACPS
AGENDA ITEMS WITH COMMENTS

S. N.	ITEMS
1.	<p><u>Item No. 1</u></p> <p><u>Provide for Grade Pay of the Next Promotional Post under MACP</u></p> <p>The modification in the ACP Scheme providing for placement in the immediate next higher Grade Pay in the hierarchy of the Revised Pay Band and Grade Pay will not assure any career progression in as much as it would be a placement in the hierarchy of a Department.</p> <p>To assure real career progression the placement in the Pay Scale of Promotion post has to be provided for. It is therefore proposed that the modification in the earlier ACP of placement in the immediate next higher Grade Pay may be withdrawn and placement in the Grade Pay of the promotional post may be restored.</p> <p><u>Item No. 3- Option for Earlier ACP Scheme</u></p> <p>The MACP Scheme provides for placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay after 10, 20 and 30 years of service. On the other hand the earlier ACP Scheme provided for placement to higher Pay Scale of the next promotion post in the hierarchy of the pay scale after 12 and 24 years of service taken from date of induction in service.</p> <p>Under earlier ACP Scheme some Government employees in 12 and 24 years of service would be placed in much higher pay band and grade pay which would not happen under 10,20 or even 30 years and 3 MACP benefits. As such MACP Scheme is less advantageous to Government employees of certain Departments. It is therefore, proposed that an option to retain the benefits under earlier ACP Scheme may be provided even beyond 31.8.2008.</p> <p><u>Item No. 8 -ANOMALY ON INTRODUCTION OF MACP SCHEME</u></p> <p>The Junior Engineers of CPWD are in the old Pay Scale of Rs.5000-8000 (Revised Grade Pay 4200). As per their R R they are promoted to the post of Asstt. Engineer in the old Pay Scale 6500-10500 (Revised Grade pay 4600). Their Next promotion is to the post of Executive Engineer in the old Pay Scale of Rs.10000-15200 (Revised Grade Pay of Rs.6600 in PB – 3)</p> <p>Accordingly under old ACP Scheme continued or up to 31.8.2008 Junior Engineer was granted 2nd ACP in the old Pay Scale of Rs.10000-15200 (revised Pay Band 3 Grade Pay Rs.6600). he will be fixed in the aforesaid revised grade pay of Rs.6600. On completion of 30 years of service he will be placed in the grade pay of Rs.7600 under MACP.</p>

Another Junior Engineer who completes 20 years of service on or after 1.9.2008 as he had already got one ACP in the old pay scale of Rs.6500-10500 would be granted 2nd ACP in the Grade of Rs.4800 and on completion of 30 years service would be granted 3rd MACP in the Grade Pay of Rs.5400.

From the above it is apparent that one who gets 2nd ACP prior to 31.8.2008 goes to the pay scale of Executive Engineer with grade pay of Rs.6600 and on completion of 30 years of services is placed in the Pay Band P B 3 with grade pay of Rs.7600.

On the other hand one who completes 20/24 years of service on or after 1.9.2008 get under MACP second upgradation in the grade pay 4800 and on completion of 30 years the grade pay of Rs.5400 only. Obviously this is a very discriminatory financial upgradation and is, therefore quite anomalous and unjust dispensation. To undo this anomaly it is proposed that either the MACP may be based on promotion hierarchy (as in old ACP)

Or an option may be given to the affected Junior Engineer to opt old ACP even after 1.9.2008

Item No. 9

Promotions under MACP should be given on the basis of Cadre Promotions, i.e. according to Avenue of Promotions, and not on the basis of hierarchy of Grade Pay

Item No. 29 - MODIFICATION IN MACP SCHEME .

The MACP scheme introduced with effect from 1.9.2008 contains an improvement over the Old ACP Scheme in as much as it offers three financial up-gradation after rendering 10,20 and 30 years of service reckoned from the date of induction. However, by providing financial up-gradation in the next grade pay of the concerned pay band, whereas in old ACP provided financial up-gradation to pay scale of next promotional post, it has become disadvantageous There are cases in which three financial up-gradation would be the lower grade pay than what one would attain by two up-gradation on completion of 24 years of service.

To obviate these anomalies it is demanded that MACP Scheme for pre 01.09.2008 employees may be providing three financial up-gradation on completion of 10,20,30 years of service in the pay scales of the next promotional post subject to same condition as were prescribed for ACP of August, 1999. The MACP Scheme as introduced with effect from 1.9.08 may be applied only to those employees who have jointed service on or after 1.9.2008 as also to the pre 1.98.08 employees who opt for it.

Item No. 46.

Provision of non-existence grade pay in promotional hierarchy in MACP Scheme

While next grade of promotion was being granted under previous ACP Scheme. But in the MACP Scheme, grade pay which does not exist in the promotional hierarchy of a particular category is being granted. This is causing not only financial loss to the beneficiaries but also resulting in serious frustration and resentment amongst the employees.

This being also a serious anomaly needs to be rectified and grade pay of promotional hierarchy should be granted to the incumbents as was being done in the previous ACP Scheme. For example, a Clerk in GP Rs.1900 when gets normal promotion as Sr. Clerk gets GP Rs.2800. However, under MACP Scheme, GP Rs.2000 is granted after 10 years of service, in case he does not get normal promotion as Sr. Clerk. Similar is the situation with other categories.

2. **Item No. 2 - Issues Arising on introduction of Modified ACP Scheme**

DATE OF EFFECT

The modified ACP Scheme has been introduced with effect from 1.9.2008 i.e. 32 months after the Revised Pay Structure had been enforced and implemented. The result is that those who have retired during the period 1.1.2006 to 31.8.2008 though having been fixed in the Revised Pay Scale have been deprived of the benefit of 3rd MACP though they had completed 30 years of service.

That the VI CPC in para 6.5.407 their report justified the prospective effect to their recommendations relating to Allowances on the plea that retrospective effect from 1.1.2006 will give unintended benefits and may also, in some instances, cause loss to the employees as in the case of city Compensatory Allowance. However no reasons / grounds for prospective effect of their recommendations relating to other facilities, benefits and conditions of service has been given. As by giving prospective effect to recommendation of MACP which Government has further liberalized by allowing 3rd MACP on completion of 30 years of service, there is going to be a deprivation in the case of those who retired between 1.1.2006 to 30.8.2008. It is therefore proposed that the date of effect of MACP scheme may be 1.1.2006.

Item No.10

MACP Scheme is effective from 1.9.2008. Since implementation of 6th CPC is effective from 1.1.2006 MACP should also be effective from 1.1.2006.

Item No.48 Date of effect of MACP Scheme

Para 8 of Railways Board's letter No. PC-V/2009/ACP/2 dated 10.6.2009(RBE No.101/2009) stipulates that the MACP Scheme would be operational w.e.f. 1.9.2008. Since MACP Scheme is also an outcome of the recommendations of the VI CPC, which were implemented w.e.f. 1.1.2006, MACP Scheme envisaged under Board's letter *supra* should also take effect from 1.1.2006 in place of 1.9.2008.

Item No. 7 - Grant of financial upgradation between 1.1.2006 to 31.8.2008.

Para 9 of DOPT OM No.35034/3/2008-Estt (D) dated 19.5.2009 provides that earlier ACP Scheme will continue to operate for the period from 1.1.2006 to 31.8.2008.

Under para 6 of Annexure I to the aforesaid OM dated 19.5.2009 option has been given to the employees either to have their pay fixed in the revised pay with effect from 1.1.2006 or w.e.f. the date of the financial upgradation under earlier ACP (of August 1999) with reference to the pre-revised pay scale granted under ACP.

An employee who has exercised the option to have his pay fixed in the Revised Pay Band on 1.1.2006 is not been granted financial upgradation under earlier ACP though he has completed 24 years during the period from 1.1.2006 to 31.8.2008. It may be clarified that employees who have opted fixation of pay in the Revised Pay Band Grade Pay on 1.1.2006 will also be granted ACP (under earlier ACP Scheme) if they have completed 12/24 years of service between 1.1.2006 to 31.8.2008.

3. **Item No. 4**

Applicability of MACP Scheme to Group 'D' employees who have been placed in the Grade Pay of Rs. 1800 in PB-1.

Group D employees in the pay scales S-1 to S-3 (including S-2 A) have been brought on to the Group C pay scale (S-4) in PB-1 with grade pay Rs.1800.

From the details of the MACP scheme and conditions for grant of financial upgradation under the scheme (vide Annexure I to DOPT OM No.35034/3/2008-Estt (D) dated 19.5.2009) it is not clear whether Group 'D' employees brought on to pay scale (S-4) PB-1 Grade Pay 1800 would be eligible for financial upgradation and the past service rendered by them in the Group 'D' Pay Scales (S-1 to S-3) would be taken into account for this purpose. In para 4 of aforementioned Annexure I illustration has been given in respect of direct recruit in the grade pay of 1900 in PB-1. From this it is inferred that.

Whereas a future direct recruit in PB 1 Grade Pay 1800 may be covered under MACP scheme but not the group 'D' employees who had been brought on to lowest Group 'C' post in PB-1 Grade Pay 1800.

It has been clarified by DOPT vide their OM No.35034/3/2008-Estt (D) dated 18.11.2009 that promotions earned or upgradations granted under ACP scheme of August 1999 in the post to four Pay Scales (S-1, S-2, S-2A and S-3) which now carry the grade pay of Rs.1800

shall be ignored for the purpose of MACPS.

What has not been clarified is whether the entire service rendered in these pay scales (S-1 to S-3) from the date of induction would be reckoned for MACPS. It may be that on PB-1 grade Pay 1800 has rendered 30 years of service. Will he be given all the three MACP with effect from 1.9.2008 or not.

This is also required to be clarified.

Item No.26

In case of Group 'D' employees getting less benefits compared to Group 'C', in such cases, status of Group 'D' is improved to Group 'C', but the services rendered by them in Group 'D' is not counted as Group 'C'. Therefore, period of service rendered in Group 'D' should be treated as Group 'C' service and counted for the purpose of MACP.

4. Item No. 5

Counting 50% of service rendered by casual labour who attained temporary status for reckoning the 10,20 and 30 years of service under MACP scheme.

Orders already exist for treating 50% of Temporary Status Service for reckoning 12 and 24 years of service under earlier ACP Scheme. It is therefore proposed that similar provision may be made in the conditions of MACP scheme as well.

It has been mentioned in the DOPT OMNo.35034/3/2008-Estt (D) dated 5.11.2009 that Casual employees (Including those granted Temporary status) shall not qualify for benefits under the MACP Scheme. This may suitably be modified that Temporary Status Casual employees who have been given regular appointment as group D / C employees are eligible for benefits under MACP Scheme and 50% of service rendered as temporary status casual labour would be reckoned as regular service.

Item No.23

In case of Casual Labours, only 50% of the services from the grant of Temporary Status and regularization is counted on Indian Railways. It is noticed that many a time, lot of delay is taking place in granting of Temporary Status to casual labours in Construction and Projects. Therefore, their full services should be counted for the benefit of MACP.

5. Item No. 6 - Supervised staff placed in higher Grade Pay than that of the supervisor.

As a result of grant of 3rd MACP supervised Staff have been placed in higher Grade Pay on or after 1.9.2008 whereas their supervisor is still in the lower Grade pay as he has not completed even 10 years of service.

By way of illustration the following case is presented below:-

Mr. X – Accountant in IA&AD / Organised Accounts Supervised by Section Officer Mr. Y.

Date of Appointment		1.10.1979
In the Pay Scale of	300-560	
Revised to 1200 w.e.f 1.1.86		
Further revised to	4000-6000	w.e.f. 1.1.1996

-do- 4500-7000 -do- 1.1.1996

Date of placement in the pay
Scale of Senior Accountant 1.4.1987

In the Pay Scale of Rs.1400-2600 w.e.f. 1.1.1986
Rs.5000-8000 w.e.f. 1.1.1996
Further Rs.5500-9000 w.e.f. 1.1.1996
PB-2 Grade Pay 4200 w.e.f. 1.1.2006

Date on which 2nd MACP granted 1.10.2003
In the pay scale of Rs.6500-10500 w.e.f. 1.1.1996
PB-2 Grade Pay Rs.4800 w.e.f. 1.1.2006

Date on which 3rd MACP granted 1.10.2009
PB-2 Grade Pay of Rs.5400

Mr. Y Section Officer
Date of appointment 1.1.2004

In pay scale of Rs. 6500-10500
PB-2 Grade Pay of Rs.4800 w.e.f 1.1.2006

Mr. 'Y' is not only the supervisor of Mr X he has qualified in S.O.G Examination whereas Mr. X has not qualified in such examination.

The result is that Mr. X not only in the higher Grade Pay than that of Mr. Y, he is drawing higher rate of transport Allowance and is getting higher class of travel (Air Fare) and higher rate of Daily Allowance when on tour with Mr. 'Y'.

This is certainly a grave anomaly. To rectify this anomaly it is proposed that as has been done in the case of section Officer of Central Secretariat, Section Officer (Mr Y) may also be granted the PB-3 Grade Pay of Rs.5400 on completion of 4 years of service.

To sum up it suggested that an exception may be made in the MACP Scheme whereby in the event of a supervised personnel gets fixed at a higher Grade Pay under MACP, the supervisors (concerned) should automatically be granted non functional Grade Pay in which the supervised staff is fixed.

6.

Item No.11

In case of Indian Railways, there are number of promotions given in identical scales (now Grade Pay), in which responsibility is increased, but they have not given benefit of one increment at the time of promotion or FR-22 fixation. In such cases, it should not be treated as promotion and such promotion should be ignored for the purpose of MACP.

Item No.15

In case of railway employees, promotions in non-functional selection grade, such as G/man to Sr. G/man, Goods Driver to Sr. Goods Driver, ALP to Sr. ALP, Goods Guard to Sr. Goods Guard, Pass. Guard to Sr. Pass. Guard, etc. is counted as a promotion. But according to Avenue of Promotion, they can be promoted from one post to other post without touching non-functional post. In their cases, the benefit of FR-22 is given for fixation of their pay on promotion to non-functional post, but in case of promotion to cadre post benefit of FR-22 is not given. In other words, the benefit of fixation is given only once. Such promotions should not be counted for the purpose of MACP.

Item No.22

As per Railway Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009 (para 8.1), Grade Pay Rs.5400 is in two Pay Bands, i.e. PB-2 and PB-3. The Grade Pay of Rs.5400 in PB-2 and PB-3 has to be treated as separate though the GP is same. It is resulting in not getting financial benefit on promotion because of overlapping of total salary. It is noticed that in case of an employee who is appointed in PB-2 with GP Rs. 5400, their pay becomes much more than the pay in PB-3 with GP 5400 till they became due for MACP after completion of 10 years. Therefore, though GP Rs.5400 is in separate Pay Bands, it should not be counted separately. In such cases, financial upgradation should be given to next GP Rs.6,600/=.

ITEM No. 39

Denial of Benefit on Account of Para 8.1 of MACPS

Para 2 of the MACPS contained in DOPT O.M. No. 35034/3/2008-Estt. (D) dated 19.5.2009 envisages merely placement in the next higher pay. In terms of this para, the staff in certain departments who are already in Grade Pay of Rs. 5400/- should legitimately be placed in the next Grade Pay of Rs. 6600/- in PB-3 on fulfilment of the stipulated years of regular service.

However vide Para 8.1 of the MACPS it has been stated that the Grade Pay of Rs. 5400/- in PB-2 and PB-3 shall be treated as separate Grade Pay for grant of financial upgradation. This stipulation has resulted in denial of benefit to those who are placed in Grade Pay of Rs. 5400/-.

It would therefore be necessary to suitably amend or delete para 8.1 of the MACPS.

Item No.47 - Denial of financial upgradation in case of promotion in identical scale/grade pay

In a number of cases in the Railways, lateral promotions are given in the identical scale/grade pay, whereby responsibilities get increased with mere change of designation. No financial benefit accrues in such lateral promotions to the incumbents and they have to

shoulder higher responsibilities not only without any monetary gain. Para 8 of the Annexure contained in Railway Board's letter No.PC-V/2009/ACP/2 dated 10.6.2009(RBE No.101/2009) is wrongly interpreted in the Zonal Railways and such promotions are being treated as regular promotions, taking financial upgradation under MACP Scheme, which is absolutely unjustified. Such clarification needs to be issued, facilitating the benefit of MACP Scheme in such cases, as the beneficiaries have not enjoyed any financial gain in such lateral promotions.

Item No.51

Denial of financial upgradation under MACP Scheme in case of promotions against non functional Selection Posts

In some categories, viz. Trackman to Sr. Trackman, Goods Driver to Sr. Goods Driver, Asstt. Loco Pilot to Sr. Asstt. Loco Pilot, Goods Guard to Sr. Goods Guard, Passenger Guard to Sr. Passenger Guard etc., promotions are done in non-functional Selection grades. But these non-functional promotions are being treated as normal promotions, taking the benefit under MACP Scheme, which is highly irregular. Such promotions should not, therefore, be accounted for the purpose of financial upgradation under MACP Scheme.

7. **Item No.12**

Railway employees selected under LDCE Scheme/GDCE Scheme, they should be treated as direct recruit. In such cases, their earlier promotions and services rendered should be ignored.

Item No.30- IMPROVEMENT IN MACP SCHEME

There are cases in which an employee recruited in the lower post of clerk is appointed to the higher post of Senior Clerk / UDC as he was graduate and had qualified in Limited Departmental Competitive Examination in such cases clarification has been issued under the old ACP scheme that appointment to the higher post would be treated as initial appointment and for purposes of ACP his service from date of appointment to the higher post would be taken into account.

The benefit of the above dispensation has not been extended under MACP Scheme.

It is therefore requested that the above dispensation may be made applicable in the MACP Scheme as well.

Item No.49 - Computation of 10, 20, 30 years service in case of the employees

selected under LDCE / GDCE Scheme

In the Indian Railways, serving Railway employees are selected to the posts for which they possess academic/professional qualification against LDCE/GDCE Scheme. It is seen that direct recruits on such posts promotions earned by them before getting selected under LDCE/ GDCE Scheme are being accounted for to deprive them financial upgradation under MACP Scheme. In such cases, promotions earned by them and service rendered before being selected under LDCE/GDCE Scheme should be ignored to extend them benefit under this scheme.

Item No.13

As per ACP-1999, any railway employee reverted from higher post to lower post at his own request in such cases, services rendered by him in higher grade was counted for the benefit of ACP as per Board's letter No.EC/V/2004/ACP/1 dated 13.12.2004; whereas in MACP it is not permitted. Therefore, same benefit should be extended under MACP also.

ITEM No. 38 - Financial Upgradation under MACPS in the cases of staff joined another Unit/Organisation on request

Under the old ACP Scheme which was effective from 1.10.09, the regular service rendered in the previous organisation shall be counted alongwith regular service in the new organisation in those cases of staff joined another post/organisation on own request even in lower post.

But in the MACPS such benefit of financial upgradation (hitherto allowed) is not admissible. This needs to be reviewed and the extant provision suitably amended facilitating continuance of financial upgradation benefit.

Item No.14

As per ACP-1999, any employee either from lower grade or from higher grade appointed in grade where direct recruitment element is there, in such cases, their service and promotions rendered prior to his appointment in that post was ignored and he was given the benefit after joining that post. It is not available under MACP. It should also be extended under MACP. Para 8 of Board's letter No.PC-V/99/1/1/1 dated 11.5.2000 (RBE 87/2000)

Item No.16

In case of second appointment given to railway employee, (in case of resignation or without proper resignation) there is no clarification whether services rendered prior is to his re-appointment are to be counted or not to be counted. In our view, the services rendered prior is to his re-appointment should be counted for the purpose of MACP.

Item No.17

In case of employees removed/dismissed under DAR and subsequently on their appeal, they are reinstated. In their cases, services rendered prior to reinstatement should be counted for the purpose of MACP or otherwise needs to be clarified.

ITEM No. 36 - COUNTING OF SERVICE RENDERED IN STATE GOVT/PSUs ETC.

As per para 10 of Annexure "I" to DOP&T OM dated 19th May 2009 past service rendered by an employee in a State Government / Statutory Body/Public Sector organization before appointment in the Central Govt shall not be counted towards regular service. This will discourage meritorious and talented persons from switching over from State Govt/PSUs/ Statutory bodies to the Central Govt as the said provision harshly affect their service life. Therefore, past service rendered by an employee in a State Govt/Statutory Body/Public Sector organization before appointment in the Central Govt may be counted towards regular service as is done in the case of employees declared surplus and appointed in new organization.

ITEM No. 37 - PROBATION AND REGULATION OF MACPs

Para 9 of Annexure "I" to DOP&T OM dated 19th May 2009 stipulates that "*past continuous regular service in another Government Department in a post carrying same grade pay prior to regular appointment in a new Department, without a break, shall be counted towards*

qualifying regular service for the purposes of MACPS. However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post". This affects harshly against the employees seeking absorption by method of transfer/re-employment in the same grade pay. It is stated that every employee is subjected to probation in a post and if an employee has already completed probation satisfactorily, he should be granted MACPs, *if otherwise eligible*, without insisting for completion of satisfactory probation in the new post/organization subject to the condition that such a transfer/absorption/re-employment is in the same grade pay what was drawn by him immediately before transfer/ absorption/ re-employment. Where there is a change in the grade pay, MACPs may be granted only after completion of probationary period in the new post.

ITEM No. 42 - Application of MACPS to the Surplus Staff Re-deployed to lower posts in other Cadres/Organisations.

The extant provision in the MACPS is not clear in regard to counting of service in the previous post/cadre in the case of surplus staff re-deployed in the lower grade posts. Clear clarification is needed for reckoning the previous service and equally for protecting their pay.

Item No.50 - Non-accountal of period of services rendered in previous seniority unit in case of transfer on a lower post on request/option

Para 24 of the annexure of Railway Board's letter *ibid* dated 10.6.2009 stipulates that -

"in case, an employee after getting Promotion/ACP seeks unilateral transfer on a lower post or lower scale, he will be entitled only for second and third financial upgradations on completion of 20/30 years of regular service under the MACPS, as the case may be, from the date of his initial appointment to the post in the new organization."

This provision deprives the employees who seek transfer on request, even by reversion to a lower post or lower scale of first financial upgradation under MACP Scheme by computing entire service rendered by them in the previous seniority unit. This is highly unjustified and needs to be rectified.

Item No.52 - Accountal of the services rendered before Removal/Dismissal from service under D&AR and subsequent reinstatement in service for the purpose of MACP Scheme

Railway Board's letter dated 10.6.2009 does not specify, as to whether the period of services rendered by an employee before his/her Removal/Dismissal from service under D&AR would be counted for the purpose of extending financial benefit under MACP Scheme. But his/ her subsequent reinstatement to service, previous period of service before Removal/Dismissal from service should also be counted for the purpose of MACP Scheme.

9. **Item No.18**

In case of employees on medical de-categorisation, there is no clarification, whether their earlier services or promotions are to be counted or ignored. We demand that In case of medical de-categorisation and surplus staff, they should be given the benefit of MACP after joining the new post by ignoring all his/her earlier promotions and service rendered prior to his new appointment.

ITEM No. 41 - Staff re-deployed in other Cadres/Organisations consequent upon their Medical De-categorisation:

There are medically de-categorised (Railways) re-deployed in the lower posts in other cadres/departments. Under the 2 ACP concept, the previous service in the higher grade is allowed to be counted for ACP benefit. In the present MACPS, there is no such provision. Suitable amendment to MACPS be made for extending the benefit of financial upgradation to the medically de-categorised employees re-deployed in lower grade posts. Clear clarification is needed for reckoning the previous service and equally for protecting their pay.

Item No.54.-Clarification in case of medical de-categorisation

In case of employees on medical de-categorisation, there is no clarification, whether their earlier services or promotions are to be counted or ignored. We demand that in case of medical de-categorisation and surplus staff, they should be given the benefit of MACP Scheme after joining new post by ignoring all their earlier promotions and service rendered prior to their new appointment.

10 **Item No.19**

There are cases in which seniors are given the benefit of ACP-1999 and juniors were given benefit under MACP. In such cases, seniors are getting less pay and juniors are getting more pay. Our demand is that in such cases, stepping up should be permitted.

ITEM NO. 33 - STEPPING-UP OF PAY OF SENIOR INCUMBENTS AT PAR WITH JUNIOR INCUMBENTS GRANTED ACP/MACPS

This issue was raised by the Staff Side in the National Council (JCM) in 2007 and it was hoped that suitable instructions would be issued by DOP&T so as to ensure stepping-up of pay of the senior incumbents at par with their juniors. But the same is yet to be resolved. Hence, this point is raised afresh as follows. Govt of India's decision No.23 published below FR-22 provides for removal of anomaly by stepping-up of pay of senior on promotion drawing less pay than his junior. Further, DOP&T's OM dated 09th Aug 1999 on ACP Scheme stipulates that there shall be no additional up-gradation for the senior employee on the ground that the junior employee in the grade has got higher pay scale under the ACP Scheme.

DOP&T in their OM ibid read with their clarification No.27 of DOP&T's OM dated 10th Feb, 2000, only clarifies that if a junior incumbent, *being a direct recruit and having not been granted promotion (s) even after completion of 12/24 years of service*, is granted ACP in a higher scale, the senior incumbent who is not similarly circumstanced is not entitled for any additional financial up-gradation in such a higher scale.

To illustrate that under Ministry of Defence/MES, a good number of senior Mazdoors/Chowkidars/Safaiwalas in the pay scale of Rs.750-940 (Rs.2550-3200 under RPR 1997) were promoted to the grade of Mate/Valveman in the pay scale of Rs.800-1150 (Rs.2650-4000 under RPR 1997) prior to 09 Aug 1999. Due to non-availability of vacancies, junior Mazdoors/Chowkidars/Safaiwalas continued to remain in the same post. However, as they have completed more than 12 years of service without any promotion, they have been granted 1st ACP w.e.f. 09/8/1999 in the pay scale of Rs.2650-4000 (*Replacement scale for Rs.800-1150*). Consequent on their pay fixation under ACP Scheme, such junior Mazdoors/Chowkidars/Safaiwalas have been drawing more pay than their erst-while senior Mazdoors/Chowkidars/Safaiwalas who were promoted to Mate/Valveman prior to 09/8/1999.

The cases of above said seniors were taken up by the units concerned with audit authorities for stepping-up of pay. But they had rejected the same on the plea that as per ACP Rules no stepping-up is allowed in such cases. In this connection, we have to state that ACP Rules cited above read with FR 22 does not prohibit stepping-up of pay of senior incumbents to that of juniors in the same pay scale. It only implies that senior will not be granted additional financial up-gradation in the higher scale that may be granted to juniors who are stagnated in the same pay scale for 12/24 years. Therefore, the view taken by the audit authorities is not correct and the same is not supported by the existing rules. It is pertinent to highlight that if the seniors referred to above were not promoted to higher grade prior to 09/8/1999, they would have been granted ACPs and would not have been subjected to draw less pay than their juniors who continue to be in the feeder grade itself.

It is stated that as per stepping-up rules, stepping-up of pay of a senior should be done with effect from the date of promotion/appointment of the junior in the higher grade (here higher scale identical to that of the senior) and therefore the pay of all seniors ibid should be stepped-up at par with their juniors from the date they have been drawing more pay after having been granted 1st ACP. In view of these facts, DOP&T may kindly look into the matter so as to issue a clarification for allowing stepping-up of pay of seniors from the date their juniors in the feeder grades were granted ACPs in the circumstances of above nature.

Item No.53 - Provision of stepping-up of pay at par with the junior in MACP Scheme

Consequent upon merger of pre-revised grades, providing identical replacement grade pay, there have been a number of situations where the seniors who were promoted on regular

basis much before their juniors and the juniors who could not get promotions due to non-availability of vacancies in higher grades and are granted financial upgradation under MACP Scheme, pay of the juniors becomes higher than their seniors. A number of such examples are quoted as under:-

Employee `A` (Senior)		Employee `B` (Junior)	
	Scale		Scale
Date of Appointment 1983	330-560/1200-2040/ 4500-7000 5200-20200-GP 2800	Date of Appointment 1984	330-560/1200-2040/ 4500-7000 5200-20200-GP 2800
Date of Promotion 1986	425-640/455-700/ 5000-8000 9300-34800-GP 4200	Promotion 1988-89	425-640/455-700/5000-8000 9300-34800-GP 4200
Date of Promotion 1994	5500-9000 9300-34800-GP 4200	Promotion 1997-98	5500-9000 9300-34800-GP 4200
Date of Promotion 2003-04	6500-10500 9300-34800-GP 4200		He did not get promotion to 6500-10500/9300-34800 -GP Rs.4600 He will get MACP in 1998 in 9300-34800 -GP Rs.4600
Next ACP 2013-2013	9300-34800-GP 4800		He will get next MACP in 2008 in GP Rs.4800

COMPARATIVE STATEMENT SHOWING ANOMALY ARISEN DUE TO MACP SCHEME

SECTION OFFICER(ACCOUNTS)

Name	Vijay Kumar	R.C. Khurana
Cadre List S. No.	14	47
Date of Appointment	23.10.1973	04.03.1978
Appointment Post	CG-II(A/Cs Clerk)	CG-II(A/Cs Clerk)
Year of passing	1974	1980

Appendix II-A		
Date of Promotion as JAA	23.01.1976	24.01.1981
Date of Promotion as AA	01.01.1984	-
Year of passing Appendix III-A	1982	1983
Date of Promotion as SO(A/Cs)	06.08.1984	26.02.1986
GP given in VI CPC	4800	4800
GP to be given in MACPS	Not eligible for MACPS	Eligible for MACPS GP 5400
MACPS received/will receive on	Not eligible for MACPS	September 2008
Remarks	Not eligible for MACPS getting regular promotion has become a road block for financial upgradation	A junior who got last promotion 1.5 years after the senior most SO (A/Cs) will now supersede the senior financially through MACPS

SECTION OFFICER(ACCOUNTS)

Name	Vijay Kumar	Anil Kumar Gupta
Cadre List S. No.	14	338
Date of Appointment	23.10.1973	29.04.1986
Appointment Post	CG-II(A/Cs Clerk)	CG-I(JAA)
Year of passing Appendix II-A	1974	1987
Date of Promotion as JAA	23.01.1976	Does not arise
Date of Promotion as AA	01.01.1984	-
Year of passing Appendix III-A	1982	1992
Date of Promotion as SO(A/Cs)	06.08.1984	20.06.1997
GP given in VI CPC	4800	4800
GP to be given in MACPS	Not eligible for MACPS	Eligible for MACPS GP 5400
MACPS received/will receive on	Not eligible for MACPS	September 2008
Remarks	Not eligible for MACPS getting regular promotion has become	A junior who got last promotion 13

	a road block for financial upgradation	years after the senior most SO (A/Cs) will now supersede the senior financially through MACPS
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Example 1

Two staff namely 'A' and 'B' were appointed as Senior Clerk in scale 330-560/1200-2040/4500-7000 – Grade Pay Rs.2800 before 28 years of 1.1.2006

<u>A</u>	<u>B</u>
1. Promoted as Head Clerk in 1400-2300/5000-8000	Same as 'A'
2. Passed OS-II Selection and promoted as OS-II and still scale 1600-2660/5500-9000 after 2 yrs service.	Not able to pass the Selection working in 1400-2300/5000-8000 as per AVC.
3. Again promoted in 2000-3200/6500-10500 as per as above on the basis of seniority.	Still working in the same grade according to AVC.
4. Again promoted in 7450-11500 as per AVC on as above completion of 2 year service in 6500- 10500.	Still working in the same grade according to AVC.

Since all the promotions of "A" earned before 1-1-2006 hence in his case no. of promotions counted 4 and he is not given the benefit of MACPS while in case of "B" was not able to pass the selection examination and still working in scale 5000-8000 as on 1-1-2006 given the benefit of 3 MACPS in grade pay 4200-4600 and 4800 respectively. After 1-1-2006 the concept of grade pay and merger were introduce thus scale 5000-8000 and 5500-9000 given grade pay 4200, scale 6500-10500 and 7450-11500 given grade pay 4600. Here reaching up to the scale 7450-11500 before 1-1-2006 no. of promotion counted 4 while at the same stage "B" reached after 1-1-2006 getting 2 up gradation under MACPS. We can see that the staff "A" who gets all the 4 promotions before 1-1-2006 are getting grade pay 4600 only while "B" who get the benefit of up gradation after 1-1-2006 will get the benefit of 3rd MACPS of grade pay 4800. The Chief OS/OS1 who supervised the staff and bearing higher responsibility are drawing grade pay 4600 and "B" getting grade pay 4800 being Head Clerk by post. Here "A" is loser in comparison of "B" being supervisor. It is not out of way to mention here that "A" was working in the scale 7450-11500 since last 20 years.

Example 2

Two staff namely "A" and "B" were appointed 24 years before 1-1-2006 as a Sr. Clerk in Accounts Department(CG I/JAA) in scale 330-560/1200-2040/4500-7000/Grade Pay 2800(Direct Recruitment on the post in the scale were only start in 1982 by the RRB). The post of CG I/JAA was only Promotional Post and filled in by Accounts Clerk/CG-II in scale

260-400/950-1500/3050-4590/Grade Pay 1900 after completion of training and passing the Appendix-2A Examination.

<u>A</u>	<u>B</u>
1. After passing Appendix-2 A Examination promoted as Sub-head/Account Asstt. in scale 1400-2600/5500-9000/GP 4200 after completion of 3 year service in immediate lower grade.	Same as "A"
2. Passed Appendix-III A Examination conducted by Railway Board within 4 years of his service promoted as SO(A)/TIA/ ISA in scale 1640-2900/6500-10500. Still working as Sub-head/Account Asst. in scale 1400-2600/5500-9000.	Did not qualify Appendix-III-A Exam
3. After completion of 3 year service as SO/TIA ISA again promoted as Sr.SO/Sr.TIA/Sr.ISA in scale 7450-11500.	Same as above.

Such as "A" gets benefit of promotion up to Rs.7450-11500 within 7 years of his service and "B" still working in Rs.5500-9000 as on 1-1-2006. After implementation of 6th CPC, Rs.6500-10500 is merged with Rs.7450-11500 providing GP Rs.4800. Thus in case of a counting, 2 number of promotion staff has given the benefit of 3rd MACPS in Grade Pay Rs.5400 due to more than 10 year service as SO/ SSO. In other hand "B" was also given the benefit of up gradation under MACPS, counting the length of service from the recruitment date also given Grade Pay Rs.4800-5400."A" is supervisor and "B" will supervised by "A".

A

B

Appointed as Accounts Clerk/CG II in scale 260-400/950-1500/3050-4590/GP Rs.1900 in 1975(it is not out of way to mention here that this is only one scale and post for recruitment in Accounts Department from RRB at that time and for appointment from Sports Quota, compassionate and change of cadre in A/Cs Deptt.)

1. Passed initial training and Appendix-2 A Examination promoted as CG I/JAA in scale 330-560/1200-2040/4500-7000/GP Rs.2800 in 1976, i.e. 1 year of service.

2. Promoted as Sub head/AA in scale 425-700/

1400-2600/5500-9000/grade pay 4200 in 1979.

3. Passed Appendix III A examination in 1980 and promoted as SO/TIA/ISA in scale 1640-2900/6500-10500 in 1985.

4. After completion of 3 year in service get benefit of promotion in scale 2000-3200/7450-11500 as Sr.SO/Sr.TIA/Sr.ISA in 1988.

B1. Appointment as CG I/JAA in scale 1200-2040/4500-7000 GP Rs.2800 in 1990. After passing Appendix-II A Examination and completion of 3 years service in the scale promoted as AA in scale 1400-2600/5500-9000/ GP Rs.4200 in 1994. Passed Appendix III A exam. In 1994 promoted as SO/TIA/ISA in scale 6500-10500/GP 4800 in 1996.

Again after completion of 3 year service, promoted as Sr. SO/ Sr. TIA/Sr.ISA in scale 7450-11500 in 1999.

B2. Appointment as CG I/JAA in scale 1200-2040/4500-7000 grade pay 2800 in 1990. After passing the Appendix-II A Examination and completion of 3 years service in the scale promoted as AA in scale 1400-2600/5500-9000/GP 4200 in 1994.

He didn't qualify Appendix-III A Exam and still working on the same post and scale. He gets benefit of ACP after completion of 12 year service as Non- Appendix-III IREM Exam qualified Accounts Asst. in scale 6500-10500. Though this was circulated vide RBE No. 17/2008 dated 31-01-2008, but the orders will take effect from 05-04-2007. As per Clause 6.2 of MACPS Annexure, he is also entitled for GP Rs.4800.

From the above, it can be seen that -

1. "A" gets the benefit of promotion in scale Rs.7450-11500 in 1988 after passing Appendix-II A and III-A Examinations which was necessary for the promotions according to Railway Board's orders and as per AVC.

2. "A" had completed 20 years service in 2008 but he will not entitle to get benefit of up-gradation under MACPS because he earned 3 or more than 3 promotions. In his case, promotion as JAA, SO and Sr. S.O. is count as a separate number of promotions while all the promotions are completely based on Selection. "A" is bound to bear higher responsibility and do the works of supervision getting grade pay Rs.4800 only.

3. In case of "B1" at the time of his appointment "A" was working as Sr. SO. "B1" also passed the requisite examination for promotions and get the benefit of promotion in scale Rs.7450-11500 but he will granted GP Rs.5400, treating one promotion in scale 6500-10500 and 7450-11500, as 3rd up gradation under MACPS.

4. In case of "B2" at the time of his appointment "A" was working as Sr. SO. B 2 did not qualify the requisite examination for further promotion and was working in scale Rs.5500-9000 since 1994, treating 1 promotion and calculating the length of service from the date of appointment he had also given GP Rs.54000 under MACPS as a 3rd financial upgradation because he has already benefitted as 2nd upgradation 05-04-2007 in scale 6500-10500 GP Rs.4800. "B2" is still working as an Account Asst. under supervision of "A" who is drawing grade pay 4800.

5. Though "A" and "B1" both were working in scale 7450-11500 before 01-01-2006 and "B1" counting the 10 years length of service as supervisor granted 3rd up gradation 5400

while "A" is given only grade pay 4800 ignoring his 20 years length of service as supervisor.

6. The seniors are denied higher grade pay in the implementation of MACPS despite the motive of 6th CPC being "to avoid uneven benefits to the employees" as could be seen from para 6.1.15 of 6th CPC report.

7. Allotting higher grade pay to the juniors due to operation of MACPS runs counter to the seniority determination as envisaged in para 2.2.13.

8. This is unfair against the principle of natural justice and violation of article 14 of the constitution of India.

Suggestions to minimize/remove the anomalies:-

(i) Promotions from Junior Clerk to Head Clerk (in case of executive) treated one promotion as treated in case of Sr. Clerk to Head Clerk.

(ii) Promotion to the post of JAA as recruitment to the grade since the promotion is considered only.

(a) On passing the departmental exam of appendix II A (as the same is mandatory for the direct recruit JAA to continue in the service)

(b) Seniority of Accounts Clerk/CG II is based on the marks obtained in the accounts training exam. Further promotions as AA and above only should be taken into account for the purpose of MACPS.

(iii) Benefit of stepping up in grade pay.

(iv) Staff that have completed 10 years service in grade pay may be given the next grade pay without counting the no. of promotions/upgradation.

This has resulted in serious anomalous situation causing deep sense of frustration amongst the seniors. Therefore, pay of the seniors is required to be stepped-up at par with their juniors to do away with this serious anomaly.

11. Item No.20

In case of Accounts Clerk, prior to 1982 there was only one Recruitment Grade, i.e. Rs. 260-400. After 1982, the Grade of Rs.330-560 was also introduced with a condition that graduate who qualified Appendix-II Examination were appointed as JAA. In case of rankers and existing Accounts Assistants, they were subjected to qualify in Appendix-II Examination. It was applicable to both, i.e. direct recruits under Graduate Quota, and rankers, i.e. existing Accounts Assistants, who are not qualified were either not recruited or reverted back. Therefore, in case of Accounts Assistants their recruitment should be counted as Rs.330-560 / Rs.1200-2040 / Rs. 4500-7000 and presently in PB-2 with GP Gr.2800 and benefit of MACP should be given accordingly.

12. Item No.21

Benchmark for MACP should be liberal than the Benchmark for cadre promotion.

Item No.27

In case of Artisan Staff, MACP order does not clarify about the Trade Test. Earlier Trade Tests conducted for ACP were valid upto a period of two years. Once any Govt. servant / Railway employees qualifying in Bench Mark / Trade Test for the purpose of MACP and he is getting regular cadre promotion in continuation of MACP, same Bench Mark / Trade Test should be treated as valid and should not be subjected to again for Bench Mark / Trade Test.

Item No. 28 - BENCH MARK FOR ENTITLEMENT TO MACP

It has been stipulated that the officials should have earned the benchmark of "good" for their entitlement to MACP Benefit up-to Grade pay of Rs. 6600. In respect of all posts covered by PB -1 and PB -2 the promotion as per recruitment rules is on the basis of seniority – cum- fitness or qualifying in a departmental Examination. The question of benchmark arises only when the promotion is on the basis of merit cum seniority. It is therefore not necessary to fix a bench mark of "good" for financial up-gradation to the next grade pay which may be lower the promotion post as per the hierarchy of the concerned Department. Further the bench mark of "good" renders the bench mark of "average" as if it is an adverse remark. Since "average" remark in the ACT is not communicated it cannot be treated as adverse for the purpose of financial up-gradation and promotion in to the next higher grade cannot be converted into a selection post.

It is, therefore, urged that financial up-gradation under MACP should be granted on the basis of seniority cum fitness and the stipulation of having the bench mark of "good" for this purpose may be withdrawn.

Appointment through limited competitive examination is not to be treated as promotion. The recruitment rules for the post of Postal Assistant and Postal Inspector provide for direct recruitment. However, Group D employees and the Postmen are inducted to the post of Postal Assistants through limited competitive examination. Similarly Postal Assistants in Ministerial cadre are inducted to the post of Inspectors (Executive Cadre) through Limited competitive Examination.

It is urged that above appointments/induction through limited competitive examination to the post of Postal Assistants and Inspector may be treated as direct recruitment for the purpose of benefit under MACP. However, the service rendered in the lower posts i.e. Group D , Postmen and Postal assistants shall not be counted for the purpose of benefit under MAC P. Clarification to this effect was given at Item No. 8 of DOPT O.M No. 35034/1/97-Estt (D) (Vol. IV) dated 10.02.2000.

13. **Item No.24**

Training period is counted for retirement benefit and even for drawl of increments. But it is not counted for MACP. This should also be considered.

ITEM No.40- Counting of Training Period for MACPS

In certain departments, the staff are recruited for the purpose of imparting induction training and there after absorbed as regular staff. During the period of training stipend is paid to them. This training period is counted as part of service under the extant provisions for pensionary benefits, annual increments etc., Hence, the period of training should be

counted along with regular service for the purpose of MACPS.

Item No.45 - Non-counting of induction training period

The period spent by an employee in his/her induction training at the time of recruitment before being posted against the working post has though been accounted for the purpose of annual increment and accumulation of Earned Leave etc. However, this period is not being counted for to extend the benefit for financial upgradation under MACP Scheme. This is a serious anomaly which needs to be rectified. Similarly, Apprentices selected against Talented Quota in different categories, particularly technical categories, are being denied the accountal of period of their training as intermediate Apprentice in Railway Training Centres under the said scheme. This also needs to be done away.

14. **Item No.25**

In regard to para 16 of Board's letter No.PC-V-2009/ACP/2 dated 10.6.2009 (RBE No. 101/2009), after financial upgradation under MACP, no designation is to be changed. However, rates of Incentive payment in Railways, wherever applicable, are decided on the basis of designation, which is resulting in getting Incentive payment at earlier rate even after promotion under MACP. Therefore, in such cases, they should be granted Incentive payment on basis of Grade Pay instead of designation.

Item No.55.- Entitlement of the privileges of financial upgradation under MACP Scheme

Under the previous ACP Scheme, there was provision of certain entitlements like Privilege Passes/PTOs/payment of incentive and certain advances. But the present MACP Scheme does not stipulate such provisions. This also needs to be got clarified.

15. **ITEM NO.31- EXTENSION OF ACP/MACP SCHEME TO STAFF CAR DRIVERS / CIVILIAN MOTOR DRIVERS / MT DRIVERS / FIRE ENGINE DRIVERS ETC.**

On the strength of clarification No.59 of DOP&T OM No.35034/1/97-Estt (D) (Vol.IV) dated 18 July, 2001, Civilian Motor Drivers working in various directorates under Ministry of Defence have been denied benefits of ACP Scheme. In this connection, it is stated that four Grade Promotional Scheme has been made available for Civilian Motor Drivers under Ministry of Defence w.e.f. 08/11/1996 which provides that a Civilian Motor Driver (Ord. Gde) with 9 years of service and having passed the requisite trade test will be considered for promotion to the post of Civilian Motor Driver (Gde II) but subject to availability of vacancy. Similarly, a Civilian Motor Driver with 15 years of service and having passed the trade test of CMD Gde I can be considered for promotion of CMD Gde I but only if and when vacancy is available. Further, a CMD Gde I is entitled for third promotion of CMD (Spl Gde) on completion of three years qualifying service but subject to availability of vacancy. Thus the four grade promotional scheme cannot be termed and construed to be a TIME BOUND PROMOTION to deny ACP benefits to the Civilian Motor Drivers (CMDs).

It is stated that as per DOP&T OM dated 09th Aug, 1999, ACP will not be applicable only in those cases where a TIME BOUND PROMOTION SCHEME is already available. As already stated above, no time bound promotion scheme is available for the Civilian Motor Drivers under Ministry of Defence and therefore they are entitled for financial up-gradations

under both ACP and MACP Scheme as well.

A large number of Civilian Motor Drivers (Ord Grade) and Civilian Motor Drivers (Gde II) have completed more than 12 years and 24 years service but have not been granted 1st, 2nd and 3rd promotion respectively. Therefore, as per the terms & conditions set out in DOP&T's OM dated 09th Aug, 1999, all CMDs who had completed 12/24 years of service prior to 31/08/2008 are eligible for 1st/2nd ACP. Further, all CMDs who have completed 10/20/30 years of service on or after 01/09/2008 are entitled for 1st/2nd/3rd MACP from the date of completion of 10/20/30 years of service. But due to DOP&T clarification *ibid*, all such CMDs have been denied their legitimate benefits.

The Committee may please consider the above anomalous situation and may recommend for grant of benefits under ACP/MACP scheme to all affected CMDs.

16. **Item No.32 - REGULATION OF MACPs IN CASES OF UNILATERAL TRANSFERS**

Para 24 of Annexure "I" of MACP Scheme stipulates that in case an employee seeks unilateral transfer to a lower post/grade pay after getting a promotion or financial up-gradation, he will be entitled only for 2nd & 3rd financial up-gradation on completion of 20/30 years of regular service under MACPS counted from the date of his initial appointment to the post in the new organization. This is very harsh and aimed at defeating the very purpose of compassionate transfers. In this connection, it is stated that as para 14 of Annexure "I" to DOP&T OM dated 09/08/1999 and clarification No.39 dated 18/07/2001, in case of transfers, *including unilateral transfer on own request in a lower scale*, the regular service rendered by the employee in the previous organization shall be counted along with his/her regular service in his/her new organization for the purpose of grant of ACPs. Therefore, DOP&T may kindly review the same and be pleased to modify the said para 24 to ensure that in case of transfers, *including unilateral transfer on own request to a lower post*, the regular service rendered by the employee in the previous organization is allowed to be counted along with his/her regular service in his/her new organization as was provided in DOP&T's OM dated 18/07/2001 under ACP Scheme.

Item No. 44 Para 24 of MACPS

This para directs is counting of regular service from the date of joining the new organisation for the purpose of promotion under MACPS. It applies to an employee who seeks transfer on a lower post/lower scale after getting promotion/ACP. According to this para those who seek transfer before getting promotion/ACP will get benefit of service in the parent unit/organisation.

The para does not cover the situation when employee seeks mutual transfer. However Railway Board has given clarification vide letter No. PC-V/2009/ACP/II/WR dated 28.1.2010, that the mutual transfer should also be treated as movement to a new Organisation i.e. for the purpose of MACPS his service should be counted from the date of joining of new organisation. In regard to mutual transfer the clarification is incorrect because such an employee maintains his position in the seniority list as per extant rules. Suitable clarification needs to be issued for counting the service rendered in the previous organisation for the purpose of allowing financial upgradation under MACPS.

Item No. 58- Modification in Condition 24 of the MACP Scheme

MACP Scheme and condition for grant of financial upgradation given in Annexure I to DOPT OM No.35034/3/2008-Estt (D) dated 19.5.2009 lays down that if an employee after getting promotion / ACP seeks unilateral transfer on a lower post or lower pay scale, he will be entitled only for second and third financial upgradation on completion of 20/30 years of regular service under MACPS from the date of his initial appointment to the post in the new organization. This condition has been stipulated on the presumption that though such

employee has been posted to lower pay scale / lower post, his pay in the higher post is protected and therefore he carries the benefit of first promotion / ACP/ even in the lower post.

There are, however, cases in which such employees who were transferred to lower post / pay scale on their own request had been fixed at the minimum of the pay scale of lower post and as such they did not carry the benefit of higher pay in that post at all. In such cases, these employees should be given the benefit of 3 MACP from the date of initial appointment in the new organization.

By way of illustration a case of one Shri Ramakant Jana is given below:-

Initial Appointment as clerk Grade I in the Scale of Rs.330-560 in the office of Sr. Accounts Officer (Traffic) Southern Railway, Tiruchirapally, T.Nadu on 31.8.84 at Rs.330/- pm.

Promoted to the post of Sub-Head in the scale of 425-700 on 21.10.85 after passing App-II (A) Examination in Southern Railway in the same office with effect from 21.10.85 fixed at Rs.425/-

Transferred to S.E.Rly kharagpur in the office of Sr. DFM on his own request to the lower post of Clerk grade I in the pay scale of Rs.330-560 and pay refixed at Rs.340/- pm (counting service rendered in identical post in Southern Railway but not providing pay protection in the pay scale of Rs.425-700) in year 1985 itself.

Again promoted as Accounts Asstt. (Revised designation sub Head) in the pay scale of Rs.1400-2600 (old Scale 425-700) on 31.8.87 in the new office of Sr.DFM S.E. Railway Kharagpur.

Promotion on passing Appendix III (A) Examination as Section Officer (A) in the Scale of Rs.1640-2900 w.e.f. 15.11.89 in the same office.

Promoted as Sr.S.O (A) on 29.1.1993 in the new Estt. (sr.DFM, SE Railway Kharagpur)

His initial posting at lower post of clerk Gr I is from year 1985 without pay protection. First promotion as sub head is w.e.f. 31.8.87.

His second promotion as S.O. (A) is w.e.f. 15.11.89

His third promotion as Sr.So (A) is w.e.f. 29.1.1993

Since post of SO (A) & Sr. SO (A) have been merged and granted Grade Pay of Rs.4800/- according to the above details he is entitled for 3rd MACP with effect from 1.9.2008 as he has completed more than 10 years in the last post of Sr.So (A).

The above condition no 24 may be suitably modified in cases where on transfer to lower post the benefit of higher pay in the higher pay in the old Estt. had not been granted in the new Estt.

17. ITEM NO. 34 - PAY FIXATION ON PROMOTION SUBSEQUENT TO GRANT OF MACPs

As per para 4 of Annexure "I" to DOP&T OM dated 19/05/2009 on MACP Scheme, where promotion happens to be in a higher grade pay than what was allowed at the time of grant of MACP, no pay fixation benefit will be allowed but only grade pay will be granted. Pending restoration of grant of financial up-gradations in the grade pay of promotional hierarchy, pay fixation benefit should be allowed on promotion in all cases where actual promotion happens to be in a post carrying higher grade pay than what was allowed on grant of MACP till such time the Government takes a decision to restore MACP in the hierarchy of the Post / Cadre.

18. Item No. 35 - NOTIONAL CLASSIFICATION FOR CGEIS

As per MACPS, there shall be no change in designation, classification or higher status. Grant of MACPs is to allow the employees financial benefit for various purposes including Death/Retirement benefits. It is stated that grade pay of Rs.4200/- has been placed in Group "B" vide DOP&T Gazette notification bearing No. SRO – 946 (E) dated 09/04/2009 and a large number of employees have, by virtue of grant of ACPs/MACPs, been placed in the grade pay of Rs.4,200/-. Therefore, employees granted financial upgradations under ACPs/MACPS in the grade pay of Rs.4200 and above may be notionally treated as Group "B" for the purpose of CGEIS contribution and insurance cover thereof.

19. ITEM No.43 - Anomalous situation surfaced in the Course of implementation of MACPS:-

Illustrations highlighting the occurrence of anomalous situations are given below:-

Employee 'X'	Employee 'Y'
Appointed as CG-I in pay scale Rs.330-560/Rs.4500-7000 in December 1984 after being selected by RRB and placed on merit no.19	Appointed as CG-I in pay scale Rs.330-560/Rs.4500-7000 in December 1984 after being selected by RRB and placed on merit no.21
(ii) Promoted as JAA in pay scale Rs.5550-9000 in the year 1987	(ii) Promoted as JAA in pay scale Rs.5550-9000 in the year 1987
(iii) Qualified Appendix II examination for regularization as JAA	(iii) Qualified Appendix II examination for regularization as JAA
(iv) passed Appendix III SO Group in the year 1994	(iv) Did not appear in exam.
(v) Promoted as SO in the year 2003	(v) Not eligible for promotion to SO
(vi) Got GP Rs.4800 w.e.f. 01-01-2006 pay was fixed at Rs.17590 i.e. less than a junior who did not qualify appendix III examination	(vi) Got 2 promotions under MACPS GP Rs.4600 & GP Rs.4800 and pay was fixed at Rs.17710

(II)

Employee 'X'	Employee 'Y'
Appointed as CG-I/Jr.AA in Gr. Pay Rs.2800 (ii) Qualified Appendix II A for regularization as Jr.AA GP Rs.2800 (iii) Promoted to GP Rs.4200 on completion of 3 years of service (iv) Passed examination of Appendix III A (v) Promoted as SO in GP Rs.4800 (vi) Under 3 rd MACPS he will get GP Rs.5400	Appointed as Accounts Clerk in Gr. Pay Rs.1900 (ii) Passed Appendix IIA examination for promotion to Jr.AA GP Rs.2800 (iii) Continued in GP Rs.1900 (iv) Passed examination of Appendix III A (v) Promoted as SO in GP Rs.4800 directly from GP Rs.1900 (vi) Now under MACPS he will get 2 nd promotion in GP Rs.5400 3 rd MACPS he will get GP Rs.6600

(III)

Employee 'X'	Employee 'Y'
Appointed as Trackman in pre-revised pay scale Rs. 2610-3540 (GP Rs.1800) (ii) Promoted as Sr.Trackman in pre-revised pay scale Rs.2750-4400(GP Rs.1800) (iii) Promoted as Keyman in pre-revised pay scale Rs.2750-4400 (GP Rs.1800) after passing test and shouldering higher responsibility (iv) Promoted as Mate in pre-revised Pay scale Rs.3050-4590 (GP Rs.1900) after passing selection -Now under MACPS he will be entitled for 2 nd promotion in GP Rs.2000 3 rd MACPS in GP Rs.2400	Appointed as Trackman in pre-revised pay scale Rs. 2610-3540 (GP Rs.1800) (ii) Promoted as Sr.Trackman in pre-revised pay scale Rs.2750-4400(GP Rs.1800) Now under MACPS he will get 1 st MACPS in GP Rs.1900 2 nd MACPS in GP Rs.2000 3 rd MACPS in GP Rs.2400

(IV)

Employee 'X'	Employee 'Y'
Appointed as ASM in GP Rs.2800 in the year 1981 (ii) 1 st regular promotion in GP Rs.4200 in the year 1984 (iii) 2 nd regular promotion in GP Rs.4600 in the year 2008 after passing selection (iv) he will get 3 rd MACPS in GP Rs.4800 in the year 2011 on	Appointed as ASM in GP Rs.2800 in the year 1986 (ii) 1 st regular promotion in GP Rs.4200 in the year 1990 Now under MACPS he will get 2 nd MACPS in GP Rs.4600 and 3 rd MACPS in GP Rs.4800 in the year 2010 as he completed service 4+10+10 years = 24

completion of 30 years of service | years

Note- The senior employee who got promotion after passing positive act of selection will get GP Rs.4800 later than his junior by 5 years of service.

The aberrations highlighted in the above 4 illustrations needs to be examined for rectification.

20.

21. **Item No.56**

Protection of ACP granted to the Artisan Staff between 1.1.2006 and 31.8.2008 of Ministry of Defence

Prior to 1.1.2006 the Cadre structure of the industrial / non industrial Artisan Staff was as follows:-

Skilled	Rs.3050-4590
Highly Skilled	Rs.4000-6000

The post of Master craftsman in the pay scale of Rs.4500-7000 was not treated as a part of the hierarchy and Chargeman in the pay scale of Rs.5000-8000 was the hierarchy of Highly Skilled and accordingly the Artisan Staff in the Ministry of Defence was granted 1st ACP in the pay scale of Rs.4000-6000 and 2nd ACP in the pay scale of Rs.5000-8000. This was granted upto 31.8.2008.

At present the Ministry of Defence have issued instructions for implementing the revised pay scale of Artisan Staff based on the recommendation of the Fast Track Committee. Accordingly the post of Highly Skilled was divided in a ratio of 50:50 and redesignated as HS Gde – II in the GP of Rs.2400 and HS Gde – I in the GP of Rs.2800 in PB – 1. As per this the pay scales of the Artisan Staff as on 1.1.2006 are as under:-

Post	Pre – revised pay scale	Revised B+GP
Skilled	Rs.3050-4590	PB-1+GP Rs.1900
HS Gde-II	Rs.4000-6000	PB-1+GP Rs.2400
HS Gde- I	Rs.4500-7000	PB-1+GP Rs.2800
MCM	Rs.5000-8000	PB-2+GP Rs.4200

As per the DOPT O.M. dated 19.5.2009, the old ACP scheme of August 1999 was allotted upto 31.8.2008 and such cases should not be reopened. Therefore the ACP benefits allowed in the pay scale of Rs.5000-8000 during the period between 1.1.2006 and 31.8.2008 cannot be withdrawn at this stage. This issue was taken up by the Ministry of Defence to DOP&T and it is understood that the DOP&T has clarified that the ACP benefits already granted in the pay scale of Rs.5000-8000 (Revised PB-2+GP Rs.4200) should not be withdrawn and should be protected. However, the Ministry of Defence has not yet issued any clarification in this regard. Ministry of Defence may please be instructed to follow the clarification already given by the DOP&T.

22.

Item No.57

Grant of ACP benefits to the Artisan Staff of Defence Establishment by ignoring the placement from HS Gde-II to HS Gde - I

Prior to 1.1.2006 the Grade structure of the industrial / non-industrial Artisan Staff was as follows:-

Skilled	Rs.3050-4590
Highly Skilled	Rs.4000-6000

At present the Ministry of Defence have issued instruction for implementing the revised pay scale of Artisan Staff based on the recommendations of the Fast Track Committee. Accordingly the post of Highly Skilled was divided in a ratio of 50:50 and redesignated as HS Gde – II in the GP of Rs.2400 and HS Gde – I in the GP of Rs.2800 in PB-I. As per this the pay scales of the Artisan Staff as on 1.1.2006 are as under:-

Post	Pre – revised pay scale	Revised PB+GP
Skilled	Rs.3050-4590	PB-1+GP Rs.1900
HS Gde-II	Rs.4000-6000	PB-1+GP Rs.2400
HS Gde- I	Rs.4500-7000	PB-1+GP Rs.2800
MCM	Rs.5000-8000	PB-2+GP Rs.4200

It is understood that the Deptt. Of Expenditure while approving the DGL to be issued for implementing the recommendations of the Fast Track Committee have amply clarified that the purpose of the notification issued based on the recommendation of the Fast Track Committee have amply clarified that the purpose of the notification issued based on the Fast Track Committee was not to change the inter grade ratio existing prior to 1.1.2006 but only to place the existing incumbents in the revised pay structure as notified vide their notification dated 28.7.2009. It is understood that the Department of Expenditure has clearly stipulated that the intention of the Government is to grant higher pay scales to the Artisan Staff and has nothing to do with ratio and percentage. From this it is evident that the placement from the grade of HS-II to HS – I in the grade pay of Rs.2800 cannot be treated as a promotion. Therefore it is automatic that the employees who will be placed in the grade pay of Rs.2800 from Rs.2400 from 1.1.2006 cannot be treated as a promotion and has to be ignored for the purpose of ACP / MACP. Necessary instructions in this regard may be issued.

DOPT has taken a view vide O.M. No.35034/1/2000-Estt.(D) dated 28.02.2005 that the past service rendered by the medically de-categorized employees may be allowed the count the past service towards ACPS and the benefits of financial upgradation allowed as per the hierarchy of re-deployed posts subject to fulfilment of promotional norms. In case of re-deployment of lower post, the pay has been protected as in the case re-deployed surplus employees. On the same analogy, the proposal may be agreed to under the MACPS also subject to fulfilment of benchmark prescribed in para 17 of Annexure-I of MACPS.