



No.AIRF/PNM/2012

Dated: January 24, 2012

The Secretary(E),
Railway Board,
New Delhi

Dear Sir,

Sub: Replacement of AIRF's PNM agenda items

In continuation of our earlier letter of 11th January, 2011, we would like to replace some of our PNM items with the attached items:-

- (i) **Item No.4**(item modified) – Special concession/facilities to the Railway employees working in Kashmir Valley
- (ii) **Item No.13** - Children Education Allowance and Reimbursement of Tuition Fee etc.

↓
REPLACEMENT WITH

↓
Seniority of erstwhile CMA II who were in pre-revised grade Rs.5000-8000 of V CPC who were in service before 1.1.2006 vis-à-vis directly recruited CMA I recruited after 1.1.2006 in pre-revised scale of Rs.5000-8000 on merger of both the posts re-designated as CMA and replaced by PB 2 with GP Rs.4200 as recommended by the VI CPC

- (iii) **Item No.20**(item modified) - Employees medically unfitted under provisions of para 522 (2) (1) of IRMM vis-à-vis need for initiation of D&A proceedings.
- (iv) **Item No.21**(item modified) - Promotion of Group `D' staff(Helpers Grade-I and II) in Workshops, Divisions, Diesel/Electrical/EMU Loco Sheds and Production Units against Direct Recruitment Quota
- (v) **Item No.22**(item modified) - Grant of compassionate appointment to the ward of deceased employee who has been declared medically unfit against general vacancies and even not being considered against Physically Handicapped Quota due to ward's having 30% disability.

Yours faithfully,

DA/As above

(Shiva Gopal Mishra)
General Secretary

Copy to: General Secretaries, all affiliated unions, along with a copy of the agenda items as mentioned above.

DA/As above

Item No.4

Sub: Special concessions/facilities to the Railway employees working in Kashmir Valley

The Railwaymen deployed in Kashmir Valley either in survey and construction or in train operation have been working in extremely difficult conditions.

Keeping in view the situation, Department of Personnel & Training(Government of India) vide its O.M. No. 18016/3/2010-Estt.(L) dated 27.01.2011 has extended special concessions/facilities to the Central Government employees working in Kashmir Valley in the attached/subordinate offices or Public Sector Undertakings falling under the control of Central Government. These facilities include Additional HRA and other concessions, messing facilities, adjustment of migrant employees, payment of leave salary/ad-hoc financial assistance, regularization of the period of absence of J&K migrant employees, payment of monthly pension to pensioners of Kashmir Valley, etc. etc. Unfortunately, these facilities/concessions are not being granted to the Railwaymen working in Kashmir Valley.

AIRF has many times demanded that the period spent while travelling from Kashmir Valley to Jammu and back even on availing leave by the Railway employees working in Kashmir Valley should be treated as “**on duty**” and they should also be suitably compensated for Road Mileage etc. besides providing above facilities as envisaged in DoP&T’s Office Memorandum *supra*, but Railway Board’s instructions to this effect have not been issued as yet.

Northern Railway Administration vide letter No.39-E/48/C/USBRL/2011 dated 22.03.2011 has already a made reference to the Railway Board, to sanction certain incentives for the Railway Staff deployed in Kashmir Valley beyond Jammu Tawi, who are either engaged in survey and construction or trains operation, to provide motivation for working in such a difficult terrain, which is still pending with the Railway Board awaiting sanction.

AIRF, therefore, desires that necessary orders for extending all the facilities as provided for in DoP&T’s Office Memorandum mentioned above and as demanded by AIRF in the above para may be issued without further delay to provide incentive and to motivate the Railway employees working in Kashmir Valley.

Item No.13

Sub: Seniority of erstwhile CMA II who were in pre-revised grade Rs.5000-8000 of V CPC who were in service before 1.1.2006 vis-à-vis directly recruited CMA I recruited after 1.1.2006 in pre-revised scale of Rs.5000-8000 on merger of both the posts re-designated as CMA and replaced by PB 2 with GP Rs.4200 as recommended by the VI CPC

In the CMT Organization, under Mechanical Department, there used to be two stages of direct recruitment from open market with two different sets of academic qualification, i.e. CMA II with qualification BSc, Physics, Chemistry, Mathematics having minimum 45% marks and CMA I with qualification B.E. Degree in Chemical Engineering/Metallurgy or MSc Chemistry/Applied Chemistry. These two posts were subsequently merged and replaced by single pay scale in PB-II with GP Rs.4200 with designation CMA in accordance with the recommendations of VI CPC. There had been certain cases where some erstwhile directly recruited CMA I were appointed between 1.1.2006 and the date of notification of acceptance of recommendations of VI CPC, i.e. September, 2008. There is, therefore, confusion in assigning seniority to these directly recruited erstwhile CMA I, vis-à-vis that of erstwhile CMA II who were already in service before 1.1.2006.

The Board are, therefore, requested to issue clarifications to Zonal Railway Administrations as to how their seniorities are to be interpolated in unified pay scale in PB-II with GP Rs.4200 after 1.1.2006, "i.e. implementation of recommendations of VI CPC", so as to ensure uniformity over the entire Zonal Railways and Production Units.

Item No.20

Sub: Employees medically unfitted under provisions of para 522 (2) (1) of IRMM vis-à-vis need for initiation of D&A proceedings

Our Central Railway affiliate, i.e. National Railway Mazdoor Union, has referred a typical case of an employee who happened to be a Pointsman in Nagpur Division in Central Railway was sent for second periodical medical examination on 14.2.2006. On examination, at the Divisional Hospital, he was found to be ishara defective and due to non-availability of IRMS ophthalmologist at the Divisional Hospital he was directed to Zonal Hospital, Byculla. The Zonal Hospital, Byculla, having examined the case referred him for examination by a Medical Board. On the basis of the findings of the Medical Board dated 27.7.2006, the employee was declared unfit in terms of para 522(2)(1) IRMM and these findings of the Medical Board, duly accepted by the CMD, were conveyed to the employee vide M9B dated 28.9.2006 issued by the Sr. DMO/NGP. The employee was subsequently prematurely retired by the ADRM/NGP(CR) vide his letter dated 8.6.2007 with retrospectively effect from 28.9.2006.

In this connection, the undernoted clarifications need to be issued from Railway Board:-

- 1) Would the employee be entitled to be treated as **“On Duty”** in terms of para 524 (ii) of IRMM since the employee was sent for PME on 14.2.2006 and the examining Medical authority came to its first decision and communicated the same only on 28.9.2006?
- 2) Could the employee under the circumstances mentioned above be compulsorily retired from the service retrospectively w.e.f. 28.9.2006 by an order dated 8-6-2007?
- 3) Whether an employee sent for PME and medically unfitted in terms of provisions of para 522 (2) (1) of IRMM can be imposed with a penalty of Compulsory Retirement without invoking provision of Railway/Servants Discipline and Appeal Rules 1969?
- 4) Whether an employee medically unfitted for all categories in terms of provisions of para 522 (2) (1) of IRMM and being compulsorily retired from service since psychologically unfit amounts to a violation of section 47 (1) of the persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Railway Board's letter No.E(NG)II/96/RE3/9(1) dated 29.4.1999?
- 5) Whether provisions of para 3 of Railway Board's letter No.E(NG)II/95/RC-1/94 dated 18.1.2000 is applicable in such cases?

It is further added that there are number of similar cases still pending in various Zonal Railways.

The Board are, therefore, requested to issue necessary clarifications as mentioned above at an early date so that such types of cases are decided properly.

Item No.21

Sub: Promotion of Group `D` staff(Helpers Grade-I and II) in Workshops, Divisions, Diesel/Electrical/EMU Loco Sheds and Production Units against Direct Recruitment Quota

Ref: (i) Railway Board's letter No.E(NG)I/2006/PM7/19 dated 7.8.2006 and E(NG)I-2006/PM7/19 dated July, 2011

(ii) AIRF's letter No.53(151) dated 01.06.2011

Railway Board vide their letter referred to above had directed the General Managers of the Indian Railways to extend promotion to the Helpers working in the Workshops, Divisions, Diesel/Electric Loco/ EMU Sheds and Production Units to the post of Technician Grade-III in Pay Band 1(GP Rs.1900) by diverting respective Direct Recruitment Quota vacancies and adding the same to Promotion Quota as one time measure up to 31.7.2007, subject to passing the prescribed trade test.

Above orders of the Railway Board facilitated a large number of staff to get promotion during that time.

A number of erstwhile Group `D` staff available in Workshops, Divisions, Diesel/Electric Loco/EMU Sheds and Production Units are awaiting promotion because of non-availability of vacancies in the category of Technician Grade III against Promotee Quota. In case the provision of diverting the vacancies earmarked for Direct Recruitment from open market to Promotee Quota is done, these erstwhile Group `D` staff shall be benefited of promotion as was done in terms of Railway Board's letter dated 7.8.2006.

The Board are, therefore, urged upon to issue instructions to fill-up the posts of Technician Grade III earmarked for Direct Recruitment from open market by promoting the existing erstwhile Group `D` staff awaiting promotion in Workshops, Divisions, Diesel/Electric Loco/EMU Sheds and Production Units as was done vide Board's letter dated 7.8.2006 *supra*.

Item No.22

Sub: Grant of compassionate appointment to the ward of deceased employee who has been declared medically unfit against general vacancies and even not being considered against Physically Handicapped Quota due to ward's having 30% disability

Some cases of compassionate ground appointment have come to the notice of AIRF, where wards of the Railway employees could not be appointed having been found less than 40% orthopedically handicapped on medical examination.

As per policy of recruitment under Physically Handicapped Quota, orthopedic physical disability of minimum 40% is pre-requisite for appointment in the Railways.

One such case is of Western Railway, where one Shri Dhirubhai Makwana, ELF-I/TL/WM/BVP/WR expired while he was in service. His eldest son, Shri Yogesh, was considered for appointment on compassionate ground and offered Group 'D' post. But unfortunately, he was declared unfit for all Group 'D' categories posts by the CMS/BVP/WR because of having 30% orthopedically handicappedness.

The Board are urged upon to relax the condition of minimum 40% physical disability for appointment of the wards of the Railway employees having marginally less physical disability below 40% so that bereaved families of the deceased employees get relief in maintaining their livelihood.