

INDIAN RAILWAYS PROMOTEE OFFICERS' FEDERATION

RAMAN KUMAR SHARMA

Secretary General

JHANSI

Dated : 20th April, 2017

SECRETARY GENERAL REPORT

IRPOF welcomes all the delegates and office bearers of IRPOF in the ECM meeting being held at Jhansi. We are thankful to Shri S.S. Singh, President/NCRPOA, Shri S.S. Parashar, Genl. Secy/NCRPOA and Shri Hotam Singh, Org. Secy/NCRPOA and the team of NCRPOA for making excellent arrangements for the ECM. Being the host Railway NCRPOA had lots of responsibility to make all the arrangements and their sincere team efforts had given excellent results. Today we are meeting after AGM held at Jabalpur in the month of December, 2016.

The situation is very critical and the issues related to promotee officers are either being neglected or negative approach is clearly visible in the decisions being taken at Board's level. Despite our best efforts and detailed negotiations the Board is not ready to accept our logical demands which has resulted in issuing arbitrary decisions on important issues which is not a healthy practice and also not good in the interest of Indian Railways as it is lowering the morale of Group 'B' officers who are always on the front line to achieve the targets set by the Ministry of Railways. Today we should seriously discuss and deliberate on the autocratic functioning of Railway Board and decide the future course of action to be adopted by way of launching action plan for struggle and also explore the possibilities to seek justice from the Court of law as Board is not ready to accept the views put forth by the Federation supported by reasoning and documents in support of that.

All the delegates are requested to utilize this meeting discussing important issues and we may skip routine items so that we may be able to draw future road map to get our issues resolved and safeguard the interest of promotee officers. Few important issues are discussed as under:

1. DPC for promotion to Group 'A' -

- (i) DPC for all organized services for year 2014-15 has been finalized. DITS for 7 organised services have been issued except for IRSEE. Federation had discussed this issue with Member Staff number of times and also with Secretary, Railway Board but only assurances were given and yet DITS has not been issued. The case of DITS is moving from one directorate to the other for fixing the pay to be taken into consideration reg. connotation of pay. In the last meeting held in the month of April, 2017 Board had assured that based on the pay matrix of 7 CPC action will be taken and DITS issued within 15-20 days.

The delay in issue of DITS has resulted in promotion of Jr. Direct Group 'A' officers to JAG adhoc in some of the zonal railways which will be a matter of concern when DITS will be issued then our promotee officers will have to wait for availability of vacancy whereas Jr. Direct Group 'A' will be working in adhoc JAG which is not justified under any of the prevalent rules.

- (ii) For Vacancy year 2015-16 panel and DITS of IRAS has been issued. DPC of IRTS & IRSS has been conducted by UPSC but the panel is yet to be issued by the Railway Board. DPC papers of other organised services are also ready but UPSC has stopped conducting DPCs of all Ministries for want of clarification from DOPT on reservation issue in light of Supreme court direction in the CP No.(C)No.314/216 in SLP (C) No.4831 of 2012. This issue was also discussed with Member Staff and Federation had requested that provisional panels be prepared keeping in view the recent judgment of Punjab & Haryana High Court subject to final outcome of decision by Supreme Court. Railway Board has sought clarification from DOPT which is yet awaited.
- (iii) Railway Board had agreed in principle to conduct DPCs for Vacancy year 2016-17 & 2017-18 simultaneously for which seniority lists as on 1.4.2016 & 1.4.2017 has been called from all the Zonal Railways and PUs through letter dated 9.9.2016. Federation appreciates the efforts put in by all the General Secretaries of Zonal Railways and PUs for submitting seniority lists in Railway Board. The details of eligibility list issued by Railway Board is as under :

STATUS OF ELIGIBILITY LIST

ELIGIBILITY LIST AS ON 1.4.2016 & 01.04.2017		
SERVICE	PROVISIONAL SENIORITY ISSUED ON	FINAL SENIORITY ISSUED ON
IRAS	21.02.2017	07.04.2017
IRPS	27.02.2017	12.04.2017
IRSS	01.03.2017	
IRTS	06.03.2017	
IRSSE	06.03.2017	
IRSME	14.03.2017	
IRSE	03.04.2017	
IRSEE		
CMT		03.01.2017

JA GRADE PANEL ISSUED IN 2017

CADRE	No. Of officers	Date of issue
RAJ BHASHA	1	18.01.2017
IRSSE	1	17.02.2017
	1	09.02.2017
IRTS	1	22.02.2017
IRSS	35	03.04.2017
IRPS	40	31.01.2017

SELECTION GRADE PANEL ISSUED IN 2017

CADRE	No. Of officers	Date of issue
IRSME	2	27.01.2017
LECTURER	6	25.02.2017
IRTS	5	14.03.2017
IRSE	19	24.03.2017
IRSSE	1	31.03.2017
IRSME	2	27.01.2017
IRPS	9	15.03.2017
IRAS	15	07.04.2017
IRTS	1	07.04.2017

- 2. Reservation.** - As discussed above, the DPCs for promotion to Group 'A' are held up for want of clarification from DOPT. Contempt Petition No.(C)No.314/216 in SLP (C No.4831 of 2012) was listed for hearing on 29.9.2016 and in compliance to the instructions of Solicitor General of India, Railway Board issued instructions dated 30.9.2016 through RBE No. 117/2016 . The case was last listed for hearing on 15.4.2017 and the issue is still pending and likely to be taken up by Hon'ble Supreme court on 11.7.2017.

Federation discussed this issue with Member Staff and requested to find the midway so that DPCs could be conducted and the promotion of more than 1300 Group 'B' officers which are stuck up due to this reason could be processed as delay in convening DPCs will have a deterrent impact on DITS and subsequent future promotions to JAG and Selection Grade. Adviser/IRPOF Shri Jitendra Singh on our request discussed this issue with Hon'ble MOS(PP) Dr. Jitendra Singh regarding issuing clarification in response to Ministry of Railways letter. Adviser/IRPOF also discussed this issue in DOPT and informed that the issue is under consideration and clarification will be issued by DOPT in due course.

Ministry of Railways is regularly raising this issue with DOPT and Cabinet Secretary and Federation is also exploring and utilising all the channels but the process of DPCs will begin only when clarification is received from DOPT as UPSC is insisting for instructions on the subject from DOPT.

3. Weightage of seniority while fixing DITS on promotion to Group

‘A’ - The rules related to fixation of seniority and giving weightage for fixing DITS are contained in Para 334 of IREM Vol. I. 7th CPC in its report under Para 11.40.45 recommended that Ministry of Railways should set up an expert body comprising HR, LAW, and Technical expert of at least Joint Secretary level, to examine the entire issue de novo. Railway Board through order dt.4.10.2016 constituted an expert committee comprising of Jt. Secretary (Establishment-II) as Convener with four other members. The terms of reference were as under :

- (a) The issue of fixation of seniority of promotee officers inducted in Group 'A', based on connotation rule which is unique to Indian Railways and
- (b) The entire issue of inter-se-seniority de-novo including judicial pronouncements, in consultation with Federations (IRPOF and FROA).

Federation through letter dt.28.11.2015 had approached Hon'ble MR Shri Suresh Prabhakar Prabhu and requested that 7th CPC had made several recommendations related to seniority, recruitment etc which is not within the purview of terms of reference issued by Ministry of Finance hence, such recommendations should not be considered at all. Any policy discussion in this regard should be taken after discussion with all the stake holders.

The expert committee met on 26.10.2016 and had preliminary discussion and desired that Federation may make their written submission on the issue to the committee, on or before 7.11.2016. In order to formulate our view point an emergent meeting was convened in New Delhi on 5.11.2016. After detailed discussion it was unanimously decided to challenge the formation of expert committee and the recommendations of 7 CPC were beyond their purview hence, no formation of committee on this pretext can be justified. In accordance with the decisions taken in the emergent meeting a letter was drafted and after discussion it was sent to Member Staff on 5.11.2016. The Convener of the committee was also intimated by the Federation through letter dated 7.11.2016 mentioning that the Federation will submit its view point after the

decision is communicated by the Board wherein constitution of the committee had been challenged as the issue was not within the purview of the 7th CPC as per terms of reference. The committee decided to meet representatives of the Associations and fixed 29.11.2016 for the same. Secretary General/IRPOF along with Shri H.C. Yadav, Vice President/IRPOF and Shri Y.S. Chaudhary, the then Genl. Secy/NRPOA attended the meeting on 29.11.2016. Railway Board through letter dated 22.12.2016 informed that Federation letter dated 5.11.2016 has been examined by the Board and it has been decided that there is no need for dissolution of the expert committee since the issues set before the committee finds mention in Para 11.40.45 of the Pay Commission Report. As far as the Court cases are concerned, the same are being contested and further it is noticed that there is no legal bar on setting up of the expert committee.

Committee again fixed 31.1.2017 to meet the representatives of the Federation. Secretary General/IRPOF, President/IRPOF and Vice President/IRPOF attended the said meeting on 31.1.2017. Federation submitted views on the issue to the committee on 30.1.2017 and requested them to identify specific issues which need modification so that detailed discussion could be held in next meeting. During discussion on 30.1.2017 it was mutually agreed that detailed view point be submitted by 10.2.2017 by the Federation. IRPOF submitted a detailed view point to the Convener, Expert committee on 10.2.2017. Federation specifically requested the committee to fix up a date for meeting for detailed discussion on the written submission for better understanding of our view point. The committee has not fixed any date thereafter for which they have been requested from time to time.

It is a matter of surprise that all the committee members were not present in any of the meetings and thus the quorum of the meeting was not complete, in such situation the committee is not empowered to take any decision without holding proper meeting with the Federation. The issue is very sensitive and is in existence since 1955. Minor modifications have been made in the past based on changed circumstances but there seems to be no necessity to revisit de-novo. The attitude clearly shows that the formation of the committee has been done with pre set up of mind to benefit Group 'A' officers who have failed miserably to seek relief in the Court of law. At present more than five cases are pending in CAT wherein Para 334 of IREM Vol.I has been challenged and one

case is pending in the High court of Patna on the similar issue. The action of the Board to finalise the issue based on committee report without waiting for judicial pronouncements wherein the legality and validity of Para 334 of IREM Vol.I is under judicial scrutiny.

The Federation believe in negotiations but if any recommendations of the expert committee without justified reasons are given in arbitrary fashion then the matter will be raised before Hon'ble MR and if need be it will also be challenged in the Court of Law.

- 4. Benevolent Fund** - Sh. S.N. Pal, Sr. DEE/TRD/SECR Member of Benevolent Fund expired this year. Federation expresses deep condolences to the bereaved family and as per our commitment contribution of Rs.2.50 lakhs has been paid to the family.

40 New enrolments have been done in Benevolent Fund since 1st January, 2017. As decided in our past meeting fresh enrolment under the scheme should be 500 per year to meet with the financial liability on account of payment of Rs.2.5 lakh to the family of deceased member.

All Genl. Secretaries and delegates are requested to expedite enrolment for smooth continuance of the scheme.

- 5. Court Cases:** As already we know that number of court cases are being filed by Group 'A' officers challenging our DITS, recruitment and other issues related to promote officers. Federation is taking necessary action in all the cases and providing necessary inputs as and when asked for by the units. Convener legal committee is also monitoring them and all possible efforts are being made to contest them in proper manner. As decided in the last meeting that NCRPOA will file case in Allahabad for Equal Pay for Equal work, the progress will be provided by NCRPOA on the issue. Details of pending court cases is as under:

S.No	CAT	OA No.	Title	Next date
1	Hyderabad (SCR)	1039/2014	M. Muni Kumar Vs UOI	
2	Hyderabad (SCR)	4562/2013	D.N. Raju Vs UOI	
3	New Delhi (NR)	455/2015	Abhay Kumar Vs UOI	21.4.2017
4	P.B/CAT/ NDLS	1940/2015	Yogesh Kumar Vs UOI	16.8 2017

5	P.B/CAT/ NDLS	2503/2015	Devi Dutta Satpathy Vs UOI	21.4.2017
6	CAT/Jabalpur	298/2016	Arpit Saran Vs UOI	
7	HC/Patna	CW JC 10669/2006	P. R. Singh Vs R. K. Kushwaha	
8	CAT/Patna	OA 0050/ /2016	ECROA VS UOI & Ors.	
9	CAT/Kolkatta	OA No 350/1559/2016	Chandra Kumar Patel Vs UOI	

All General Secretaries have been authorised to contest the court cases which have been filed in their jurisdiction. They are also requested to update the progress to convener of legal committee and also inform the next date of hearing. Parawise comments are yet to be filed in CAT/Kolkatta for which ERPOA needs to take action immediately.

Delegates are requested to kindly inform if any other case has been filed besides above cases so that necessary action be taken accordingly.

We should also discuss the issues and decide in which IRPOF should take action to file the cases.

Delegates are again requested to discuss the issues in detail and also give their valuable suggestions how to resolve them and the required approach to be adopted to get the issue resolved to safeguard the interest of Group 'B' officers who are working and those who are likely to join in future.

Raman Kumar Sharma
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Secretary General/IRPOF