

INDIAN RAILWAYS PROMOTEE OFFICERS' FEDERATION

RAMAN KUMAR SHARMA

Secretary General

KOLKATA

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SECRETARY GENERAL REPORT

Indian Railways Promotee Officers Federation welcome all the delegates and office bearers in the 2nd ECM of 2017 being held at Kolkata (S.E. Railway) We are thankful to President/SERPOA and Genl. Secretary/SERPOA for extending full cooperation and support in hosting 2nd ECM at Kolkata. The efforts of SERPOA team are highly appreciated for providing good logistics and conducive environment for successful and smooth conduct of ECM at Kolkata.

Since we met last at Jhansi ECM in the month of April, 2017 lot of things had taken place and with full support and cooperation from all the affiliated units we were busy in tackling critical issues at Board's level. It is true that Federation was awfully confined to important issues and due to this our regular issues could not be taken up with the Board. The details are as under :

1. **STATUS OF SLP-** ECRPOA in consultation with the Federation filed Civil Writ (Jurisdiction case No. 10669/2016 challenging the orders of CAT/Patna Bench dated 3.5.2016 passed in OA No. 50/00460/2015.

Though the case was contested vigorously by ECRPOA but writ application was dismissed by Patna High Court through order dated 12.5.2017.

The issue involved Policy matter hence an emergent meeting was held at New Delhi on 20.5.2017 to discuss the future course of action. After discussion in an emergent meeting it was decided to challenge the orders of Hon'ble High Court Patna in Supreme Court. In compliance to the decision

taken in the emergent meeting a draft SLP was prepared and after consulting the Legal Committee SLP was filed through Diary No. 22733/2017 on 28.7.2017. After curing the defects SLP (C) No.22444 of 2017 was allotted. SLP is likely to be taken up for admission by the Hon'ble Supreme Court shortly.

Federation thanks all the affiliated units for providing financial assistance to contest the case in Supreme Court and we need to maintain unity amongst ourselves in this critical situation.

2. **Board's action after High Court Patna judgement.** - Shri R.K. Kushwaha applicant in OA No. 50/00460/2015 after dismissal of Writ Petition in High Court, Patna submitted request for implementation of CAT/Patna order. Similarly other direct Group 'A' officers also make representation that provisions of fixation of seniority may be amended as per direction of Hon'ble CAT/Patna. FROA also lobbied on this issue and by virtue of their affiliation and closeness to higher officials in the Board they pressurized for amendment of provisions of IREM by taking shelter of CAT/Patna's order. Though this issue was discussed number of times with the Secretary, Railway Board, Member Staff and Chairman, Railway Board but after discussion it was gathered that the Railway Board is adamant to amend this provision going beyond the orders of CAT/Patna and introducing new provisions quashing the existing rules 334 and trying to implement the DOPT's order dated 4.3.2014. On seeing the lackadaisical approach of the Railway Board especially the then Chairman, Railway Board left with no other option Federation approached Hon'ble MR to intervene and give justice to Group 'B' officers against whom higher officials of Railway Board had formed a front with the sole intention to ruin the career and future of Group 'B' officers. In this regard Adviser/IRPOF Shri Jitendra Singh was also requested to take up this matter with Hon'ble MR and Board officials to safeguard the interest of promotee officers. Genl. Secy/AIRF Shri Shiva Gopal Mishra was also requested to

intervene and ensure that provisions of IREM relating to assignment of seniority are not tinkered with merely on the whims of Group 'A' officers. Federation appreciate the efforts put in by Genl. Secy/AIRF and his cooperation that enabled us to fight this issue to a logical conclusion ensuring that the provisions of ante dating of seniority remain in the rules as there was no direction either from CAT/Patna or Hon'ble High Court Patna to quash the provisions of weightage of seniority.

Shri Jitendra Singh, Adviser/IRPOF took this challenge and assured that justice will be imparted to Group 'B' officers. He had several marathon meetings on the subject with the office bearers of Federation, Members of Railway Board, Chairman, Railway Board and Hon'ble MR trying to explain the contents of orders of CAT/Patna and High Court, Patna and convince them that the implementation of these orders are being done on wrong interpretation simply to hamper the career prospects of promotee officers. Despite detailed discussion the then Chairman, Railway Board Shri A.K. Mittal was not convinced and he had the notion that DOPT orders dated 4.3.2014 should be implemented and provisions of IREM be amended accordingly. The proposal incorporating these deterrent modifications was submitted to Hon'ble MR for approval by the then CRB. Federation appreciate the time invested by Adviser/IRPOF in contesting this case with all his abilities and finally he was able to put forth his arguments before Hon'ble MR in a convincing manner. We are highly indebted to Hon'ble MR who took pains to understand this issue and returned the proposal with his observations thus saving the future of Group 'B' officers who are working or likely to join the Group 'B' post. We thank Adviser/IRPOF for his dedication, sincerity and hard work and request him to extend similar support in the days to come.

Shri R.P. Tewari, President/IRPOF also played a vital role in discussion and giving inputs on these issues. He was

readily available in Delhi at a short notice as and when called for discussions/meetings with the Board officials.

We need to be vigilant to watch that no other move is initiated by the Board officials to dilute the provisions of IREM related to assignment of seniority to Group 'B' officers on promotion to Group 'A'.

3. **DELAY IN DPCs** - DPCs for promotion to Group 'A' for Vacancy year 2015-16 is yet to be conducted for five organized services and various Misc cadres. This issue had been discussed at various levels in Railway Board but the process has not yet been initiated on the pretext of Contempt case pending in Hon'ble Supreme Court on the issue of Reservation in promotion which is listed on 20.9.2017 for final hearing in Supreme Court.

DPCs for Vacancy Year 20117 & 2017-18 should have also been completed in accordance with model calendar issued by DOPT for conducting DPCs. Railway Board have only issued Seniority list as on 1.4.2015 & 1.4.2016 of Group 'B' officers but no proposal has been sent to UPSC till date. The details of Eligibility list issued is as under :

LIST OF ELIGIBILITY LIST AS ON 1.4.2017

SERVICE	PROVISIONAL LIST ISUED ON	FINAL LIST ISSUED ON
ACCOUNTS	21.02.2017	07.04.2017
PERSONNEL	27.02.2017	12.04.2017
STORES	01.03.2017	17.04.2017
TRAFFIC	06.03.2017	24.04.2017
S&T	06.03.2017	27.04.2017
MECHANICAL	14.03.2017	11.05.2017
CIVIL	03.04.2017	06.06.2017
ELECT	28.04.2017	
<u>MISC.</u>		
HINDI	09.05.2017	17.08.2017
CMT		03.01.2017
EDP	28.06.017	

Group 'B' officers have already filed OA No. 276/2017 in CAT/Mumbai seeking orders to direct the respondents to immediately process the DPCs of 2015-16 with all consequential benefits. Similar OA is being filed before Principal Bench, CAT/New Delhi for expediting DPCs process which has been held up on flimsy grounds.

4. **JAG PROMOTIONS** - JAG promotions in all the organised services have been kept on hold simply on the pretext that implementation of CAT/Patna judgement will change the seniority position and will impact JAG promotions. Federation is awaiting for outcome of the SLP filed and the proposal being prepared for implementation of CAT judgement and after taking into account these factors further action will be taken in this regard.

5. **ADHOC SENIOR SCALE** - As all of you are aware despite providing all statistics and logical reasoning Railway Board unilaterally issued instructions dated 11.8.2016 changing the priority to be maintained for making promotions to adhoc Senior Scale. As decided in previous meeting SRPOA was authorised to file OA challenging the Board's order dated 11.8.2016. SRPOA has filed OA NO. 180/00878/2016 CAT ERNAKULAM Bench. Final hearing in the matter has been held and written arguments were to be submitted as per directions of CAT/Ernakulam. Federation had given relevant details to SRPOA for filing our view point. Delegates of SRPOA will give further details of the proceedings and the present status in the matter.

Many other issues related to Group 'B' officers were taken up in the past which are yet to be resolved but as mentioned earlier during the last few months Federation confined to the above issues as they were of most importance as regards Group 'B' officers are concerned. Presently we are on the cross roads as the Board officials are playing partisan role in favour of directly recruited Group 'A' officers and also inciting young Group 'A' officers to file multiple Court cases on various issues challenging the settled issues before Hon'ble Court. Railway Board was a

mute spectator in Patna High Court whereas as per existing procedure if any of the policy instructions are under challenge and adverse decision is given by the Court of Law, then it is the first and foremost duty of the Board to challenge it in the next higher Court. Railway Board failed miserably to challenge the orders of CAT/Patna wherein the speaking orders of the then Chairman, Railway Board were quashed and the same Chairman, did not challenge these orders in High Court, Patna. The silence speaks a lot.

Dear Comrades, Federation will fight each and every injustice, if meted to Group 'B' officer, within the Ministry of Railways and even in Court of Law to protect our rights and impart justice to our promotee officers.

Federation requests all the members to unitedly fight and achieve justice at all costs.

We hope that serious discussion will take place during the ECM on the critical issues and also decide the future course of action to counter the negative approach which some Board's officials are having though few of them have retired.

Raman Kumar Sharma

(RAMAN KUMAR SHARMA)
Secretary General/IRPOF