

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

(Estd. 1965, Regd. No.1329 under ITU Act, Website <http://www.irtsa.net>)

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No. IRTSA/Memo RB / 2018-8

Date: 8-8-2018

Member Staff,
Railway Board.

Respected Sir,

Subject: Benefits of MACPS w.e.f. 1.1.2006 - since MACPS is given as a part of pay structure and is not an allowances as per recommendations Sixth CPC, Resolution of Govt. thereon and as per judgment of Supreme Court.

- Ref: 1. Ministry of Defence letter No.14(1)/99-D(AG), dated 25.07.2018.
2. Judgement of Supreme Court in Civil Appeal No.3744 of 2016 Dated 8-12-2017.
3. Recommendations of Sixth Central Pay Commission para 6.1.15, 6.5.2 & 6.5.4
4. Ministry of Finance Notification No.1/1/2008-I C & Government of India Resolution dated 29.8.2008
5. Railway Board's OM No. PC-V/2009/ACP/2 (RBE No.101 /2009) dated 10.06.2009 – Regarding Recommendations of Sixth CPC – Modified Assured Career Progression Scheme (MACPS) for Railway Employees,
6. Ministry of Railways Notification RBE No. 103/2008 dated 04.09.2008
7. Railway Service (Revised Pay) Rules, 2008, No. PC-VI/2008//RSRP/1 (RBE No:108/2008) dated 11.09.2008

1. a) We seek your kind intervention on date of implementation of MACPS w.e.f 1.1.2006 (instead of 1-9-2008) as has been held by the Supreme Court of India vide its judgment cited above wherein MACPS has been held to be a part of pay structure recommended by 6th CPC and not to be considered as allowance which were implemented from 1.9.2008. The judgement has cited the Resolution of the Government of India dated 30-8-2008 referred to above as Notification of MOF where in in MACPS has been defined as Pay and not as Allowance and has thus to be allowed from 1-1-2006.

b) Consequent upon the said judgment of the Supreme Court Judgement Ministry of Defense made the MACP Scheme operational from 01.01.2006 vide its orders dated 25-7-2018 cited above.

2. Sixth CPC Recommendations on Date of implementation:

a) Reg. Pay Structure: 6th CPC in para 6.5.2 & 6.5.4 of its report (Annexure-I) had recommended for implementation of revised scheme of pay bands and grade pay as on 1/1/2006 retrospectively

b) Reg. Allowances: 6th CPC had recommended for implementation of revised allowances to take effect prospectively.

c) Reg. Pay: 6th CPC had recommended for implementation of revised pay retrospectively from 1-1-2006, as clear from the relevant Para reproduce below:

6.5.2. The Commission has devised the revised scheme of pay bands and grade pay on the basis of price index as on 1/1/2006. Consequently, the revised structure of pay bands and grade pay being recommended in this Report would need to be implemented from 1/1/2006. The Government will have to pay arrears of salary on account of fixation of pay in the revised pay bands and grade pay retrospectively with effect from 1/1/2006.

3. Ministry of Finance vide Gazette of India, Extraordinary Notification of Resolution No.1/1/2008-I C, dated 29.8.2008 had implemented revised pay w.e.f.1.1.2006. But it