

**N F I R**

Registration No. : RTU/Nnn/31/2012

National Federation of Indian Railwaymen

3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to :

**Indian National Trade Union Congress (INTUC)
International Transport Workers' Federation (ITF)**

No. 1/5(g)/Part VI

Dated: 31/12/2018

**The Secretary (E),
Railway Board,
New Delhi**

Dear Sir,

Sub: **Illegal withdrawal of Family Planning Allowance –withdrawal of orders -urged.**

- Ref: (i) Railway Board's letter No. PC V/2008/A/O/2 (FPA) dated 14/10/2008 (RBE No. 151/2008).
(ii) Railway Board's letter No. PC V/2017/A/FPA/1 dated 28/07/2017 (RBE No. 77/2017).
(iii) NFIR's letter No. 1/5(g)/Part VI dated 04/09/2017.

Federation invites kind attention of the Railway Board to its letter of even no. dated 04/09/2017 wherein it was requested to consider continuance of Family Planning Allowance to those Railway employees who were already in receipt of the said Allowance which was sanctioned in pursuance of Government's earlier policy decision. In its communication, the NFIR also suggested that in case the Railway Ministry (Railway Board) is not a position to allow the Allowance for want of clarification from DoP&T/MoF, the matter may be referred to DoP&T/MoF. Federation is however disappointed that though a period of more than 15 months passed no action seems to have been taken by the Board.

While enclosing copy of letter dated 04/09/2017, NFIR once again requests the Railway Board to consider for continuance of Family Planning Allowance to those Railway employees who were already in receipt of the same. In case the matter is referred to DoP&T/MoF, copy of the same may be sent to the Federation early.

DA/As above

Yours faithfully,


**(Dr. M. Raghavaiah)-
General Secretary**

Copy to the Executive Director, PC-I, Railway Board, DFCC Building, Pragati Maidan, Metro Bhavan, New Delhi.

✓ Copy to the General Secretaries of affiliated Unions of NFIR.

Media Centre/NFIR

File No. IV/NFIR/7th CPC(Imp)/2016/Allowance/Part 1.



National Federation of Indian Railwaymen

3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to : Indian National Trade Union Congress (INTUC) &
International Transport Workers' Federation (ITF)

No. 1/5(g)/Part VI

Dated: 04/09/2017

The Secretary (E),
Railway Board,
New Delhi

Dear Sir,

Sub: **Illegal withdrawal of Family Planning Allowance –withdrawal of orders -urged.**

Ref: (i) Railway Board's letter No. PC V/2008/A/O/2 (FPA) dated 14/10/2008 (RBE No. 151/2008).
(ii) Railway Board's letter No. PC V/2017/A/FPA/1 dated 28/07/2017 (RBE No. 77/2017).

The Railway Board vide instructions dated 28/07/2017 (RBE No. 77/2017) has discontinued Family Planning Allowance hitherto allowed to the serving employees, having undergone Family Planning Operation with effect from 1st July 2017, citing Government's decision on the recommendation of the 7th Central Pay Commission. In this connection, NFIR invites Railway Board's attention to the following valid points for reviewing its decision:-

(a) The 7th CPC vide para 8.17.50 of its report has observed as follows:-

“the level of awareness regarding appropriate family size has also gone up among the government servants, Hence, a separate allowance aimed towards population control is not required now. Accordingly, it is recommended that Family Planning Allowance should be abolished.”

The Ministry of Finance vide OM F.No. 12(4)/2016-EIII.A dated 7th July 2017 has decided to accept the recommendation of 7th CPC which means that the provision for granting Family Planning Allowance stood abolished henceforth (i.e. July 1, 2017).

- (b) Nowhere, the 7th CPC has recommended for discontinuance of Family Planning Allowance already allowed in the past in terms of Government's decision – OM No. 7(39)E.III/79 dated 4th December, 1979. In view of this, the Railway Board's decision vide para 2 of its letter dated 28th July 2017 (RBE 77/2017) that Family Planning Allowance, as admissible hitherto, shall cease to exist in all cases, is not only illegal but also highly unjustified. It needs to be appreciated that the said Family Planning Allowance has been allowed as a result of conscious decision taken by Government decades back. Withdrawing the said allowance for the past cases is unconstitutional, leading to avoidable litigation.
- (c) 7th Schedule of the Constitution's 42nd amendment, inserted (C) Entry 20-A, providing for population control and family planning is one of the constitutional provisions. As a follow up to the said constitutional provision, the Government had granted incentive in the form of Family Planning Allowance to encourage small families and several employees have fulfilled the norms prescribed for entitlement of the said incentive and got the said allowance. Withdrawing the said Family Planning Allowance allowed already, at this stage by mis-quoting 7th CPC recommendation and Government's decision is bad in law and also immoral.

Contd. Page ...2

//2//

- (d) NFIR, further reiterates that a careful reading of 7th CPC recommendation reveals that the Family Planning Allowance be abolished as the Commission has never stated that the allowance already allowed be withdrawn/discontinued or should cease to exist in all cases.

NFIR, therefore, requests the Railway Board to kindly correct para 2 of letter dated 28th July 2017 suitably for continuing the Family Planning Allowance in those cases where it was rightly granted pursuant to Government's Policy decision. NFIR suggests that in case the Railway Ministry is not convinced with the logic and facts placed above, the Federation's contentions may be sent to the Ministry of Finance for clarification. Federation may please be replied on action being taken on the subject early.

Yours faithfully,


(Dr. M. Raghavaiah)
General Secretary

Copy to the Executive Director, PC-I, Railway Board, DFCC Building, Pragati Maidan, Metro Bhavan, New Delhi.

