



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. IV/MACPS/09/2019

Dated: 27/05/2019

The Secretary (E),
Railway Board,
New Delhi
Dear Sir,

Sub: Grant of financial upgradation under MACPS to the Guard category – S.C. Railway, –
Implementation of Judgment delivered by Hon'ble CAT, Hyderabad Bench, Hyderabad
– O.A. No. 021/341 of 10/10/2018-reg.

Federation desires to bring to the notice of Railway Board that in the recent past the Hon'ble CAT at Hyderabad pronounced orders relating to grant 2nd/3rd financial upgradation to the Train Guards in next higher Grade Pay of 4600/4800 consequent upon completion of 20/30 years of service by the applicants. Placed below are the references of relevant OAs/MAs and the order on which date(s), directions have been given by the Hon'ble Tribunal, Hyderabad to the General Manager, South Central Railway and others to implement its orders:-

S. No.	OA No.	MA No.	Date of Order
1	021/00341/2016		10/10/2018
	020/00629/2016	728/2017	
	021/00858/2016	463/2018	
	020/00706/2016		
	202/00715/2016	389/2017	
2	21/36/2019	41/2019	21/01/2019

2. Our affiliate, SCRE Sangh has intimated that the Railway Administration has since filed Writ Petition in the Hon'ble High Court, Hyderabad, the same is pending adjudication in the Court. However, reproduced below are the operative portions of the orders of Hon'ble Tribunal:-

“Therefore, the Respondents are directed to consider the following:

- i) Grant 2nd/3rd financial upgradations under MACPS to the immediate next higher Grade Pay, as and when due to the applicants along with consequential benefits like fixing of pay from time to time with increments, payment of arrears due and other eligible benefits that flow consequent to the order,
- ii) take up with 1st Respondent for revising the guidelines on the subject in view of Hon'ble Supreme Court rejecting the plea of the Respondents on more than one occasion,
- iii) this verdict be treated as judgement in rem, till the guidelines are revised by 1st Respondent, in order not to drive similarly placed employees for similar relief to this Tribunal, working in Railway Zones coming under the ambit of this Tribunal, as observed by Hon'ble Supreme Court in the GC Ghosh v/s Union of India (supra). This will help in saving precious National Resources in terms of use of Men, Money, Material and prevent needless litigation,

Contd. Page...2

- iv) to be alert to judicial pronouncements and take prompt action to attend to grievances of the employees by taking up with the appropriate authorities on which the Hon'ble Superior Judicial forums have taken a view and not to procrastinate the same for years despite clear observations. The issue has been delayed inordinately albeit other divisions of the same Zone implementing in synchronization with the decision of the Honourable Judicial forums. The respondents not doing so and depriving the applicants the financial benefits legally due, calls for an exemplary costs to be imposed on respondents, but we refrain to do so hoping that the respondents in future would take note and act as advised in the best interests of the respondents organization and the employees.
- v) Time calendared to implement the order is 3 months from the date of receipt of this order.

3. Apart from above, the operative portion of the order dated 21/01/2019 passed by the Hon'ble Tribunal, Hyderabad is as follows:-

Hence, the respondents are directed to consider as under:-

- i) To grant the 2nd financial upgradation to the applicants under MACP Scheme to the Grade Pay of Rs. 4600 on completion of 20 years of service.
- ii) Based on (i) above, the pay of the applicants be fixed from time to time, draw arrears and grant consequential benefits thereof.
- iii) Time allowed to implement the order is 3 months from the date of receipt of this order.

4. From the points mentioned above it may be noted that the Tribunal has given clear directions to the Respondent No. 1 (Chairman, Railway Board) to revise the guidelines on the subject duly honouring the Supreme Court Judgment where the plea taken by the Respondents has been decided on more than one occasion. It may also please be noted that the time of three months allowed by the Hon'ble Tribunal has since expired in both the orders mentioned above. It is also relevant to mention that the Railway is not likely to get the order of Hon'ble Tribunal reversed in view of the fact that the above orders have been passed based on the Judgments given by Hon'ble High Courts and the Apex Courts. It is also learnt that similar Judgment has already been implemented on Mumbai Division of Central Railway vide PCPO, Central Railway's letter No. P/CR/HQ/ET/21/14-MACPS dated 30/01/2019, copy of the same is enclosed for ready reference.

NFIR, therefore, requests the Railway Board to issue instructions to the General Manager, South Central Railway to implement the above order to the Guard category and at the same time issue revised guidelines for giving this benefit on the remaining Zones of Indian Railways. A copy of the instructions issued may be endorsed to the Federation.

DA/As above

Yours faithfully,

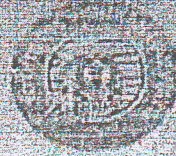

(Dr. M. Raghavaiah)
General Secretary

Copy forwarded to the Executive Director/PC-I, Railway Board, DFCC Building, Pragati Maidan, Metro Bhavan, New Delhi for information and necessary action please.
Copy to the General Secretary, SCRES, Secunderabad with reference to letter No. SCO/GM/Operating/Vol. VIII (38) dated 03/03/2019.
Copy to the General Secretaries of affiliated Unions of NFIR (except SCRES).
Media Centre/NFIR.

(k)

मध्य रेल

CENTRAL RAILWAY
Tel: 022 6745 4074, 6745 4074
Rly. Team: 020 64056, 54074
Fax: 022 2262 0635
Rly. FAX: 020 65711
E-mail: epco.opia@gmail.com



प्रधान कार्यालय

कार्मिक विभाग

प.मि.म.ट. मुंबई - 400 001

Headquarters' Office,

Personnel Branch,

C.S.M.T., Mumbai - 400 001.

No. PICR/HQ/ET/21/14-MACPs

Date: 30/01/2019

DRM (P) BB,

विषय: Clarification regarding grant of MACP benefit to Guards.

संदर्भ: Your letter No. BB/P/558/GT/GD dated 06/09/2018.

The above matter has been examined and it is observed that in terms of Railway Board's letter dated 22/05/2014 (RBE No. 54/2014), Rule 13 is applicable on promotion from Goods Guard, ML 5 to Sr. Goods Guard, ML 6 and Sr. Passenger Guard, ML 6 to Mail/Express Guard, ML 6. It means they get financial benefit only two times in their career.

In terms of Railway Board's letter dated 19/12/2016 (RBE No. 155/2016), there shall be three financial upgradations under MACPs counted from the direct entry grade.

In view of the above, Guards are eligible for 3rd MACP. You are therefore requested to take necessary action in granting MACP in the Guard's category.

This issue has the approval of the Competent Authority.

(k)

(Ashok Trivedi)
SPO (T&C)

For Principle Chief Personnel Officer