

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHENNAI BENCH**

**O.A.NO: 1568 OF 2017**

Indian Railways Technical Supervisors Association  
(IRTSA), Rep. by its Senior Joint General Secretary  
Shri. K. V. Ramesh, Chennai-600 082 And 11 others

... Applicants

-Vs-

Union of India, Rep. by the Secretary,  
Government of India, Ministry of Railways,  
Railway Board, New Delhi And 4 others

... Respondents

**INDEX TO ADDITIONAL TYPE SET OF PAPERS**

No	DATE	DESCRIPTION OF DOCUMENTS RELATED UPON	PAGE NO
1	02.02.2023	Additional Rejoinder Statement filed by the Applicants	1-29
2	21.08.2019	Copy of RTI reply No: MORLY/R/2019/02056 is attached as <b>Ann A-26</b>	30-32
3	2015	Salary Comparison Study – 2015, IIM Ahmedabad, - Study Commissioned by the Seventh Central Pay Commission constituted by the Government of India ( <b>Ann A-27</b> )	33
4	14.07.2021	Relevant portion of copy of minutes of NC-JCM meeting is attached as <b>Ann A-28</b>	34
5	14.10.2022	Relevant portion of copy of Finance Ministry note is attached as <b>Ann A-29</b>	35-41

The documents annexed with the original Applicants are certified to be true copies.

Dated at Chennai this day 2<sup>nd</sup> day of February, 2023.

Counsel for Applicants

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHENNAI BENCH**

**O.A.NO: 1568 OF 2017**

1. Indian Railways Technical Supervisors Association (IRTSA),  
Rep. by its Senior Joint General Secretary Shri. K. V. Ramesh,  
G3-LIKITH HOMES, 3-Lakshmanan Nagar  
West Street, Peravallur, Chennai-600 082
  
2. V.P. Abdul Salam,  
Son of Shri. V.P. Abu,  
Working as SSE/BBQ/Chennai Divn.  
Southern Railway,  
Resident of RC Kamalam Apartments,  
No.28, 3<sup>rd</sup> Street, Rajaji Nagar,  
Villivakkam, Chennai – 600 049.
  
3. T.N. Unni,  
Son of Shri. T. Narayanan,  
Working as SSE/BBQ/Chennai Divn.  
Southern Railway,  
Resident of RC Kamalam Apartments,  
No.28/D, 3<sup>rd</sup> Street, Rajaji Nagar,  
Villivakkam, Chennai – 600 049.
  
4. Satyajeet Prasad,  
Son of Shri. Lt. S. Prasad,  
Working as JE/Chennai Divn.  
Southern Railway,  
Resident of 143/A, S.O. Mathew's Railway  
Colony, Park Town, Chennai – 600 003.
  
5. N. Manikandan,  
Son of Shri. S. Neelakandan,  
Working as JE/BBQ/Chennai Divn.  
Southern Railway,  
Resident of No.9, Village Street, 2<sup>nd</sup> Lane,  
Manali, Chennai – 600 068.
  
6. Deepak. R.  
Son of Shri. R. Ramu,  
Working as SSE/CW/PER/S.Rly,  
Resident of No.3, Madhava Nagar 2<sup>nd</sup> Street,  
Vinayagapuram, Chennai – 600 099.

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

7. V.N.K. Chaitanya,  
Son of Shri. Malleshwara Rao,  
Working as SSE/CW/PER/S.Rly.  
Resident of 4/15, Venkataraman  
Canal Street, Perambur,  
Chennai – 600 011.
8. S. Sonu,  
Son of Shri. R. Sivan,  
Working as JE/BBQ/Chennai Divn.  
Southern Railway,  
Resident of Flat No.3-C, 4<sup>th</sup> Block,  
Kaveri Shiyams Thirth Apartment,  
Villivakkam, Chennai – 600 049.
9. B. Manimaran,  
Son of Shri. K. Balaraman,  
Working as SSE/BBQ/Chennai Divn.  
Southern Railway,  
Resident of 32/B, Seeyalam Street,  
Villivakkam, Chennai – 600 049.
10. P. Vishnu,  
Son of Shri. K. Pankajakshan Nair,  
Working as JE/BBQ/MAS Divn.  
Southern Railway,  
Resident of Deika, Vidya Nagar,  
Perunna P.O. Changanacherry,  
Kerala State – 686 102.
11. S. Nirmal Chandran,  
Son of Shri. R.G. Sundaramurthy,  
Working as SSE/BBQ/MAS Divn.  
Southern Railway,  
Resident of A-5, Sterling Lotus Apartments,  
11<sup>th</sup> Street, Korattur, Chennai – 600 080.
12. E. Girish,  
Son of Shri. G. Elumalai,  
Working as SSE/EMU/AVD/MAS Divn.  
Southern Railway,  
Resident of 47/29, Kumarappa Street,  
Nungambakkam, Chennai – 600 034.

... Applicants

Indian Railways Technical Supervisors Association (IRTSA),

  
Rep. by its Senior Joint General Secretary

-: 3 :-

-Vs.-

1. Union of India,  
Rep. by the Secretary,  
Government of India,  
Ministry of Railways,  
Railway Board, Rail Bhawan,  
New Delhi -110 001.
2. Secretary,  
Ministry of Finance,  
Expenditure,  
Government of India,  
North Block, New Delhi – 110 001.
3. Secretary,  
Ministry of Personnel and Training,  
Government of India,  
North Block, New Delhi -110 001.
4. The General Manager,  
Integral Coach Factory,  
Chennai – 600 038.
5. The General Manager,  
Southern Railway,  
Park Town, Chennai – 600 003

... Respondents

**ADDITIONAL REJOINDER STATEMENT FILED BY THE APPLICANTS**

1) The Applicants have gone through the Reply Statement filed by the Respondents, received on 04.01.2023 and they hereby deny each and every one of the averments, statements and contentions set out therein except to the extent specifically admitted hereunder. The Respondents are put to strict proof of all such statements not specifically admitted herein below.

2) It is submitted that with regard to Para 2, the proposal sent by Ministry of Railways (Respondent No.1) and Ministry of Finance (Respondent No.2) was for many supervisory categories of Railways, which included Senior Section Engineer (SSE). The high-level committee consisting of 3 Joint Secretary level officers was

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

constituted to address the issue of stagnation faced by supervisory categories of Indian Railways, not to study and address the stagnation of Technical Supervisors (Junior Engineers and Senior Section Engineers) as recommended in Para 11.40.113 of 7<sup>th</sup> CPC Report. The proposal sent by 1<sup>st</sup> Respondent was not for Technical Supervisors category consisting of Junior Engineers and Senior Section Engineers. In its RTI reply dated 21.08.2019, Ministry of Railways stated that, **"No proposal regarding recommendations of 7<sup>th</sup> CPC on pay level of Technical Supervisors as contained in paras 11.40.104 to 11.40.115 of 7<sup>th</sup> CPC report has been sent to Ministry of Finance by Ministry of Railways"**. (Copy of RTI reply No:MORLY/R/2019/02056 dated 21.08.2019 is attached as **Ann A-26**).

3) It is submitted that with regard to para-2(i), Railways itself accepted the fact of existence of anomaly. Para 3.1 of the high power committee states that, **"Traditionally, pay scales allotted to other operational departments have been higher than the pay scales of supervisors of Accounts departments on the Railways. The implication of 6<sup>th</sup> CPC recommendations, resulted in upsetting/reversal of this position both as regards Supervisors and Group-B officers"**.

4) It is submitted that with regard to Para 3 & 4, in the minutes of the 48<sup>th</sup> National Council - Joint Consultative Machinery (**NC-JCM**) meeting dated 14.07.2021, Chairman of Railway Board (**CRB**) accepted the fact of element of direct recruitment in the SSE grade is from highly qualified candidates, but they currently stagnate at a low level without appropriate status. For which, Leader Staff Side, in his remarks, mentioned that the representation given to the 7<sup>th</sup> CPC by the Railways was erroneous, which has resulted into this injustice and that the SSEs function 24 hours and have no proper career progression. He added that the Direct Recruits SSEs appointed in Rs.4600 GP only get MACPS and no promotion, which is unfair and that it can be established through Erroneous portion of "Salary Comparison Study - 2015, IIM Ahmedabad" (Study Commissioned by the Seventh Central Pay Commission constituted by the Government of India). (**Ann A-27**). Further **Secretary, Staff**

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

**Side**, also stated that SSEs are highly qualified and occupy a critical role, but the treatment given to them has always been unfair. He further said that when SSO's in Audit / Accounts and Railways have been given GP of Rs.5400, it should not be denied to the SSE's and the similarly placed supervisors in Railways. He also informed that earlier SSE's and Chief Controllers were getting grade of 840-1200 which has been down-graded. For this Cabinet Secretary directed the Chairman, Railway Board and Department of Expenditure to resolve the issue expeditiously.

5) It is submitted that despite the direction from the Cabinet Secretary, Railways have not sent the proposal for 100% upgradation of SSEs to Level - 8 and subsequent non-function upgradation to Level - 9 on par with Accounts Supervisors. (Relevant portion of copy of minutes of NC-JCM meeting dated 14.07.2021 is attached as **Ann A-28**).

6) It is submitted that bare perusal of the Approval Note by the Finance Ministry on the subject at hand, would reveal that 1<sup>st</sup> Respondent (Railways) failed to suitably represent the case of the Applicants which can be understood from the following excerpts:

- a) Besides, Ministry of Railway's main proposal, D.O.s have also been received from Hon'ble MPs and different association of Railway's Technical Supervisors like Indina Railways Technical Supervisors Association.
- b) The Associations attracted attention towards the issues relating to historically higher pay scales of Technical Supervisors upto 4<sup>th</sup> CPC, acute stagnation affecting their work output and cadres, 7<sup>th</sup> CPC specific recommendations for Engineering cadre, etc. These Associations have demanded grant of Pay Level-9 to SSE, citing the historical pay patterns and also forwarded letters from AIRF and NFIR in this regard. It has also been mentioned there would be no appreciable net financial implications since most of them are already in higher pay levels by virtue of financial up-gradations under MACPS.
- c) The proposal follows a proposal a recommendations of the 7<sup>th</sup> CPC to increase the promotional posts of Assistant Engineers in the engineering cadre to creat

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

promotional avenues. Thus, the recommendation was confined to engineering cadre only, that too, by way of increasing posts of AEs. Ministry of Railways has, however, proposed upgradation of lower posts and further, their proposal not only covers engineering cadre, but also other analogous cadres in order to mete out similar treatment to similar placed cadres.

- d) The proposal will entail financial implication of Rs.106 crore per annum, as estimated by Ministry of Railways. This will meet by them from out of their existing budget.

Thus it is clear that 1<sup>st</sup> Respondent - Railways has not suitably argued the upgradation of Technical Supervisors which is not only a failure but also an injustice (Relevant portion of copy of Finance Ministry note is attached as **Ann A-29**).

7) It is submitted that with regard to Para 6, 6<sup>th</sup> CPC recommended different Grade Pays for Junior Engineer (senior promotional post) and Senior Technician (junior feeder post). Respondents upgraded Grade Pay of Senior Technician without corresponding upgradation of Grade Pay for Junior Engineers. This has been submitted in detail in Para 2 of O.A. and the Applicants strongly reiterates their argument.

8) It is submitted that with regard to Para 7, Respondents No.1 and 2 (Ministry of Railways and Ministry of Finance) have made modification in the pay structure of non-technical supervisory cadres of Railways, for whom no recommendation was given by 7<sup>th</sup> CPC. The upgradation given for categories other than engineering cadre outside of 7<sup>th</sup> pay commission recommendations is in contravention to the basic argument of Respondents that pay and allowances of Central Government employees are generally based on the recommendations of Pay Commissions. Respondents has submitted opposite view in the Para 29 of their reply.

9) It is submitted that with regard to Para 8 to 16, out of ten judgements none of them deals with present issue at hand rather Respondents trying to beat around the bush only to confuse the Tribunal to further the injustice caused to the

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

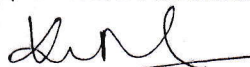
Applicants. In none of the cases, similar injustice has been dealt with by the Hon'ble Court nor the issue of pay scale or issue of injustice and denial of equality to certain cadre while granting the same to similarly placed cadre had been dealt with. Comparing pay scale of SBI with Railways is nothing but an attempt to mislead this Hon'ble Tribunal to confuse rather than serve any fruitful purpose. Respondents is trying to manipulate the case at hand as if it is related to Equal Pay for Equal Work and hence this Tribunal is not having jurisdiction. However, this is a case where similarly placed clerical staff gets priority over technical staff which is nothing but inequality and denial of justice for which only the Courts have jurisdiction as the Respondents have denied equal treatment among equal. In other words, Judiciary / this Hon'ble Tribunal can interfere if there is any discrimination or violation of natural justice and basic law.

10) It is submitted that the observation of the Hon'ble Supreme Court in Secretary Finance Department and others Vs West Bengal Registration Service Association and others (1993 (Supp) (I) SCC-I) as referred to in para-12 clearly states that "... But that is not to say that the Court has no jurisdiction and the aggrieved employees have no remedy if they are unjustly treated by arbitrary State action or inaction."

11) It is submitted that with regard to Para 17, Respondent is trying to confuse this Hon'ble Tribunal by stating that Order of Hon'ble CAT, Chandigarh in OA 060/211/2014 (IRTSA Vs Union of India & ors), is related to classification of post as Group-B (Gaz) in railways and noway connected to payscale or indifference attitude of Railyways towards one cadre of employees denying equal treatment. it is submitted that, the case was about classification of posts. The same has been already dealt by the Applicants.

12) It is submitted that with regard to Para 19 also Respondents trying to mislead this Hon'ble Tribunal as if the present case is of "Equal Pay for Equal Work" by stating that functions, reliability and responsibilities Junior Engineers are higher than

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

Senior Technicians working under them. Hence, 5<sup>th</sup> and 6<sup>th</sup> CPC recommended different Pay Scales/Grade Pays for Junior Engineer (senior promotional post) and Senior Technician (junior feeder post). However, Respondents intentionally failed to explain the upgraded Pay Scale / Grade Pay of Senior Technician without corresponding upgradation of Grade Pay for Junior Engineers, etc.

13) It is submitted that with regard to Para 21, differentiation based on functions, reliability and responsibilities between post of Junior Engineer and Senior Technician is further justified by the action of Railways by deciding to transfer direct recruitment vacancies of SSE to JE temporarily. Direct recruitment SSE vacancies could not be operated at Senior Technician level, since duties, responsibilities and accountabilities shouldered by Junior Engineer and Senior Technician are entirely different.

14) It is submitted that with regard to Para 22, Applicants are pleading for Grade Pay 4600 / Level 7 for Junior Engineer and Grade Pay 4800 / Level 8 through this O.A. and not classification of posts in Railways.

15) It is submitted that with regard to Para 23, it is explicitly clear that financial implication for upgradation of pay level of Junior Engineer and Senior Section Engineer will be meagre since many of them are already placed in Level 8 and Level 9 through financial upgradation under MACPS. Same view has been recorded in Para 7 of Finance Ministry's approval note for Railway Board order RBE No.155/2022, by stating that, "The above figures of functional implications are based on the normative method followed for it. However, Railways, after taking into account level of stagnation in these cadres is of the view that since that most of these officers have already been granted Pay Level-8 under MACP which implies that grant of promotional increment under FRs may not be required in such cases. Since they are already drawing pay in the same level, the resultant actual financial implications would be much less. In this regard, the association of Senior Supervisors on their informal projections also hinted about reduced implications taking into account the

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

financial up-gradation already enjoyed in Level-8/9 on account of MACP benefits." (Relevant portion of copy of Finance Ministry note is attached as **Ann A-29**). Hence, denying upgradation is nothing but an injustice caused to Applicants.

16) It is submitted that with regard to Para 24, the misunderstanding or non-understanding of the issue at hand by the Railways can be understood from their own count by stating that "the cadre strength of Junior Engineers and Section Engineers are considerably high (more than lakh)" while Junior Engineers and Senior Section Engineers are less than 60,000 in numbers. This explicitly shows the intention of the Respondents in resolving the issue at hand, Respondents rather trying to mislead themselves and also mislead this Hon'ble Tribunal. In their own proposal sent to Empowered Committee of Secretaries', Respondents presented the total strength as below:

Post	Sanctioned Strength
Junior Engineer	19519
Senior Section Engineer	39628
<b>Total :</b>	<b>59147</b>

Further in para-2.2 of the approval note of Finance Ministry, sanctioned strength of Senior Section Engineers (SSE) having the element of direct entry with Engineering Graduate qualification in Pay Level-7 is given as 48546. By adding strength of Junior Engineers strength which constitutes 33% of cadre strength, total sanctioned strength of Technical Supervisors will be 72,500. Actual strength will be only around 60,000 considering vacancies in between 20% and 15% in various zonal railways.

17. It is submitted that with regard to Para 25, while Respondent on their own convenience cite all irrelevant case laws for their defense, requesting for a reasonable and justifiable disposal of representation has become leveling of unsubstantiating allegations shows what kind of attitude with which the Respondents approaches the issue at hand. Applicants are not challenging the power and authority of Ministry of Finance, Department of Expenditure and Finance Ministry is the ultimate authority to sanction / approve the pay scales. It is humbly submitted that, action of Applicants pleading for redressal of their grievances arise out of

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

action of Ministries and that Applicants are not attempting to making allegations but seeking remedy through a judicial forum. Main contention of the Applicant is that Ministry of Finance has disposed the case based on wrong facts as listed in Para 47 of Rejoinder Statement filed by the applicants on 22.07.2019.

18. It is submitted that in the recent 50% upgradation implemented through Railway Board order RBE No.155/2022 dated 17.11.2022, circumstances permitted Ministry of Finance to take action and subsequent approval based on Ministry of Railway's proposal for partial upgradation for many of supervisory categories in Railways.

19. It is further submitted that, Respondents not considered Ministry of Railways Q.M. sent to Ministry of Finance after 6<sup>th</sup> CPC, vide Q.M. No. PC VI/2009/DAC/1 (Pt2) dated 11.06.2010, seeking approval for 100% upgradation for JEs from GP Rs.4200 to Rs. 4600 and SSEs from Rs.4600 to Rs.4800 in the present changed scenario.

20. It is submitted that with regard to Para 26 and 27, Applicants reiterate that principle adopted by 6<sup>th</sup> and 5<sup>th</sup> CPCs were not adhered to by the Respondents is what is relevant here. 6<sup>th</sup> CPC had not accepted existence of feeder & promotion posts in same pay scale and said that existence of the feeder and promotion posts in the same pay scale will constitute an anomaly. A reference to Para 2.2.2. of 6<sup>th</sup> CPC would help which states that, "2.2.2 The Fifth CPC had compressed many scales. The number of pay scales was reduced from 51 pay scales as on 31.12.1995 to 34 pay scales by the Fifth CPC. In many cases, this led to the promotion and feeder cadres being placed in an identical pay scale. Although Department of Expenditure issued orders that existence of the feeder and promotion posts in the same pay scale will not constitute an anomaly, however, these orders have consistently been rejected by the various courts of this country."

21. It is submitted that with regard to Para 28, a reference to Para 16 of Chapter 19, 3<sup>rd</sup> CPC recommended is relevant which is for creation of new grade of Master

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

Craftsman in the scale of Rs.425-640 (Scale No.25 of 3<sup>rd</sup> CPC) for those who not opting for the promotion to Junior Engineer. In Para 44 of the same chapter higher pay scale of Rs.425-700 (scale no.26 of 3<sup>rd</sup> CPC) was recommended for Chargeman (Junior Engineer-II). Similarly, 5<sup>th</sup> and 6<sup>th</sup> CPCs recommended different pay scales / grade pay for Junior Engineers and Senior Technicians who are working under Junior Engineers. On both occasions Respondents modified the recommendations of Pay Commissions and upgraded the pay scale / grade pay of senior technician, without further upgrading the pay scale / grade pay of Junior Engineer which is causing injustice. After implementation of 6<sup>th</sup> CPC recommendations, the post of Senior Technician had been given upgradation equivalent to two scales of pays in 5<sup>th</sup> CPC scale from Rs.4500-7000 as recommended by 6<sup>th</sup> CPC to Rs.5500-9000 as modified by the Respondents, as shown in the table below:

Desg	Hierarchy	5 <sup>th</sup> CPC Recomm	Scale changed after 5 <sup>th</sup> CPC	6 <sup>th</sup> CPC Recomm	GP changed after 6 <sup>th</sup> CPC
JE-I	↑	<b>5500-9000</b>	No change	GP 4200	<b>GP 4200</b>
JE-II	↑	5000-8000	No change		<b>No change</b>
Sr. Tech	↑	<b>4500-7000</b>	5000-8000	GP 2800	<b>GP 4200</b>

However, instead of addressing the injustice caused, Respondents is trying to mislead the whole issue at hand in furthering the injustice before this Hon'ble Tribunal.

22. It is submitted that with regard to Para 29 and 30, Respondents contradict its own argument by mentioning that 6<sup>th</sup> CPC recommendation was erroneous and rectification was done on its recommendations. As mentioned earlier Respondents submitted opposite view in Para 7 of their reply which their lack of understanding of the issue at hand.

23. It is submitted that with regard to Para 31, basic fact mentioned in respondent Finance Ministry's O.M. dated 29<sup>th</sup> November 2016 (against which relief

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

is sought) was not correct. Para-2 (c) (i) is reproduced below for a better understanding:

Para-2 (C) The demand is not justifiable for the following reasons

(i) The same Grade Pay of Rs.4200/- for both JEs and Senior Technician is based on the recommendation of the 6<sup>th</sup> Pay Commission. This has been again reviewed by 7<sup>th</sup> Pay Commission without any change. Since the commissions are expert bodies to go into all considerations, any modification therein not justified.

Per contra, Respondents in Para 31 of reply statement agree that, 6<sup>th</sup> CPC recommendation as,

"In future, the post of Master Craftsman shall be operated only in pay band PB-1 of Rs.4860-20200 along with grade pay of Rs.2800 (4500-7000)".

Relevant para of 6<sup>th</sup> CPC are reproduced below,

**"3.8.27 Keeping the above discussion in view, the Commission recommends the following structure of pay scales for the workshop staff other than the supervisory categories:**

Designation	Present pay scale	Recommended pay scale	Corresponding Pay Band & Grade Pay	
			Pay Band	Grade Pay
Unskilled	2550-3200	2750-4400	PB-1	1800
Semi Skilled	2650-4000	2750-4400	PB-1	1800 *
Skilled	3050-4590	3050-4590	PB-1	1900
Highly Skilled	4000-6000	4000-6000	PB-1	2400
Master Craftsman	4500-7000	4500-7000	PB-1	2800 #

**\* The existing grades of unskilled workers and semi skilled workers shall stand merged in the revised pay band PB-1 along with grade pay of Rs.1800.**

**# Master Craftsmen presently in the scale of Rs.5000-8000 shall be merged in the cadre of Chargeman 'B'. In future, the post of Master Craftsman shall be operated only in pay band PB-1 of Rs.4860-20200 along with grade pay of Rs.2800 (4500-7000).**

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

***Demands –  
Technicians***

*7.36.60 The present cadre of Technicians is as under:-*

<i>Skilled Artisan Gr III</i>	<i>Rs.3050-4590</i>
<i>Skilled Gr II</i>	<i>Rs.4000-6000</i>
<i>Skilled Gr I</i>	<i>Rs.4500-7000</i>
<i>Master Craftsmen</i>	<i>Rs.5000-8000</i>

***Recommendations –  
Technicians***

*7.36.71 The Commission has separately considered the category of artisan staff as one of the common categories. The recommendations made therein shall equally apply to artisan staff in Ministry of Railways. No separate recommendations are, therefore, being made regarding pay structure of these categories in this chapter. Insofar as grant of risk allowance/hazardous allowance etc. is concerned, the administrative Ministry may extend proper insurance cover to the categories whose job profile is considered to carry continuous risk inherent in the prescribed duties. In consonance with the uniform policy, a separate risk allowance cannot be extended to any of the categories of Government employees.*

Bare perusal of above from 6<sup>th</sup> CPC recommendations, it is clearly evident that, 6<sup>th</sup> CPC recommendations in para-3.8.27 granting Grade Pay Rs.2800 for all future Master Craftsmen (now senior technicians) is applicable for Railways. Applicants are not questioning the upgradation given to senior technicians to Grade Pay Rs.4200, they appeal for upgradation of Junior Engineer which is a senior promotional post to Grade Pay Rs.4600.

24. It is submitted that with regard to Para 32 and 33, 6<sup>th</sup> CPC recommendation maintained separate distinct level between feeder technician post and promotional supervisory post. It has recommended Grade Pays Rs.1900, Rs.2400 and Rs.2800 for technician category and recommended Grade Pays Rs.4200 and Rs.4600 for Technical Supervisory category. But the recommendations for Technician category (as accepted by the respondents) has been modified as Grade Pays Rs.1900, Rs.2400, Rs.2800 and Rs.4200 without extending the modification/upgradation for Technical Supervisory category. Thus, action of respondents placing feeder junior post of Senior Technician and promotional senior post of Junior Engineer in the

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

same Grade Pay Rs.4200 is in violation of 6<sup>th</sup> CPC recommendation and created an anomaly.

25. It is submitted that on the other hand, recommendation of 6<sup>th</sup> CPC in Para, 2.2.11 of its Report clearly states that "Grade pay will determine the status of a post with a senior post being given higher grade pay. Grade pay being progressively higher for successive higher posts, the employees on promotion will get monetary benefit on promotion in the form of the increased Grade Pay apart from the benefit of one additional increment", which was not followed by Respondents in letter and spirit. In addition, Respondents cannot mis-interpret the 6<sup>th</sup> and 7<sup>th</sup> CPC and thereby creating anomaly and now seeking help from Para 1.27 7<sup>th</sup> CPC that the anomalies created subsequent to the modification done in 6<sup>th</sup> CPC recommendations could not be rectified till date and they also not dealt with them which is causing injustice and citing that injustice perpetuating the injustice to impose death penalty for no fault of employees.

26. It is submitted that existence of feeder and promotional post violates Para 5.1.23 of 7<sup>th</sup> CPC Recommendation which says that, when the employee receives a promotion or a non-functional financial upgrade, he/she progresses one level ahead on the horizontal range. (Para 5.1.21 to 5.1.23 of 7<sup>th</sup> CPC report in **Ann.A-15**)

27. It is submitted that with regard to Para 34, applicants submit the following for a better understanding and to bring out more clarity to issue at hand:

	Senior Technician			Junior Engineer		
	Pay Scale Recommended	Ref	Pay Scale Modified	JE-II	JE-I	Ref
3 <sup>rd</sup> CPC	425-640 (Personal post)	Vol-I Chapter-19 Para-16 of 3 <sup>rd</sup> CPC	-	425-700	<b>550-750</b>	Vol-I Chapter-19 Para-44
4 <sup>th</sup> CPC	1400-2300 (Personal post)	Volume-II Para-11.24 of 4 <sup>th</sup> CPC	-	1400-2300	<b>1600-2660</b>	Para-11.28

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

5 <sup>th</sup> CPC	4500-7000 (S-8)	RBE No 269/98	5000-8000 (S-9) (Personal post up to 22.2.2005)	5000- 8000 (S-9)	<b>5500- 9000 (S-10)</b>	Para 54.38
6 <sup>th</sup> CPC	GP 2800	3.8.27 of 6 <sup>th</sup> CPC	GP 4200 (DoE Notification G.S.R.552(E) dated 28.07.2009)	<b>GP 4200</b>		7.36.77
7 <sup>th</sup> CPC	<b>Level-6</b>		-	<b>Level-6</b>		

28. It is further submitted that from the above table it can be understood that, 5<sup>th</sup> Pay Commissions addressed the anomaly of initial pay scales of Junior Engineer same as that of Mistries and Senior Technicians. Para 54.36 of 5<sup>th</sup> CPC is given below, "54.36. The Technical Supervisors in Defence and Railway industrial establishments are in the four standard pay scales of Rs. 1400-2300, Rs. 1600-2660, Rs.2000-3200 and Rs.2375-3500. The initial pay scale of the Technical Supervisors is the same as that of for Master Craftsmen and Mistries (in Railways). This anomalous situation has arisen due to merger of the pay scales of Rs.425-700 (Chargeman), RS.380-500 (Mistry, Highly Skilled Grade-I) and Rs.425-640, (Master Craftsman) by the 4th CPC and replacement of these scales with a common scale of pay of Rs. 1400-2300. We have been informed that the identical pay scales of Master craftsman, Mistry and Chargeman have resulted in a large number of court cases. The New Delhi Bench of the Central Administration Tribunal in a case.O.A. No. 1527/1990 has directed the Ministry of Railways to refer such cases to the 5th CPC." However, per contra Railways vide its order RBE No: 269/98, dated 24.11.1998 revised the pay scale of Senior Technician (then Master Craftsmen) from existing pay scale of Rs.4500-7000 to Rs.5000-8000. Master Craftsmen remained was continued as personal post.

29. It is further submitted that in furtherance to the same, Railways further modified it vide its order RBE No: 31/2005, dated 22.02.2005 stated that, the post of

Indian Railways Technical Supervisors Association (IR TSA),



Rep. by its Senior Joint General Secretary


MCM (redesignated as Sr. Technician) in the scale of pay Rs.5000-8000 will no longer be personal to Technician Gr.I but will constitute a part of the regular hierarchy in the artisan cadre thereby making it as a normal / functional channel of promotion for Technician Gr.I. Sr. Technicians on their promotion as JE-II though in the identical scale of pay may be allowed the benefit of fixation of pay under Rule 1313FR 22[1]a[1] R-II [erstwhile FR22C]. To circumvent the situation of 'Supervisors and employees those being supervised being placed in the same pay scale', Railways said in the order that, 'The work of Sr. Technicians in grade Rs.5000-8000 will be supervised by JE grade I scale Rs.5500-9000 instead of JE-II scale Rs.5000-8000.'

30. It is submitted that while 6<sup>th</sup> CPC recommended Grade Pay Rs.4200 after merging the posts of JE-II and JE-I and GP Rs.2800 for all future Senior Technicians, the recommendation of 6<sup>th</sup> CPC has been modified by the Respondents and Senior Technicians were granted GP Rs.4200 by violating the accepted principle of supervisors and employees being supervised should be placed in higher pay level. Such act of Respondents created an **anomalous situation of Senior Technicians recommended for S-8 scale by 5<sup>th</sup> CPC are now placed along with their supervisory post of Junior Engineer-I who were placed in S-10 by 5<sup>th</sup> CPC.**

31. It is submitted that with regard to Para 35, Para 2.2.11 of 6<sup>th</sup> CPC recommendation is specific about principal of promotion and pay fixation to be given during the promotion, "Grade Pay will determine the status of a post with a senior post being given higher grade pay. Grade Pay being progressively higher for successive higher posts, the employees on promotion will get monetary benefit on promotion in the form of the increased grade pay apart from the benefit one additional increment". This was accepted by the respondents and implemented.

32. It is submitted that with regard to Para 36, mentioned tables (Para 27 of Rejoinder Statement dated 22.07.2019) were submitted to show that in no other categories promotional and feeder posts were placed in same grade pay. The table given by respondent in Page 24 spread over to Page 25 shows the fact that same

Indian Railways Technical Supervisors Association (IRTSA),

  
Rep. by its Senior Joint General Secretary

Grade Pay of Rs.4200 has been granted for supervisory category and technician category. It is more than sufficient to establish the injustice caused to the Applicant.

33. It is submitted that with regard to Para 37, Respondents' argument that acceptance of demand will have serious implication on various horizontal / vertical relativities and cascading effects holds no merit, since the Respondents already implemented 50% upgradation of certain posts from Level 7 to Level 8 w.e.f. 01.12.2022 and it is the Respondent who caused the injustice and it is not the fault of Applicants. Per contra in Para 2.3 of the Finance Ministry approval Note, it has been mentioned that, "*Railways has also clarified that a conscious decision has been taken to include Supervisory Categories of Organised Departments only in the present proposal, other than accounts. It has also been stated that the instant proposal will not lead any distortion of horizontal relativity amongst the cadres having identical structure. ...*" (Relevant portion of copy of Finance Ministry note is attached as **Ann A-29**). In this case, Respondents especially Railways did not stand by its own words rather Respondent is trying to escape liability by citing implications of its own mistake which cannot be acceptable.

34. It is submitted that with regard to Para 38, a committee consisting of EDPC-II (convener) and EDE(GC) and ED/Tranf cell (Mech) (Members) was constituted by Railway Board. (**refer to Ann.R-15**). The committee was tasked with the assignment to assess the need for additional levels between Level 6 to Level 9 with the objective of having more periodic promotional avenues during the career of employees. The Railway Board/committee has accepted the fact that, the relativity between Accounts and non-Accounts Supervisors has already been upset. Para-4.3 of the committee has been reproduced below,

**Para 4.3.** As regards this proposal (for upgradation of Sr.SOs of Accounts Department) that is presently under consideration in DoPT, the M/o Railways' stand is clear. As communicated to DoPT (Annex-K), **Railway Board has pointed out that post the 6<sup>th</sup> CPC, the relativity between the**

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

Accounts and non-Accounts Supervisors has already been upset, with the former now occupying a higher pay grade (GP 4800/L-8) as compared to the latter (GP 4600/L-7). Further upgradation of the former, in isolation, would accentuate this disparity and could lead to problems at the operational/field level. Accordingly, Railway Board had suggested that upgradation of Sr.SOs of Accounts Supervisors in Level-7 to at least Level-8, in terms of the pending proposal with MoF. This would prevent exacerbation of the already existing disparity between Accounts and non-Accounts Supervisors.

When the Railway Board itself has pointed out (refer above) that 6<sup>th</sup> CPC, the relativity between the Accounts and non-Accounts Supervisors has already been upset, with the former now occupying a higher pay grade (GP 4800/L-8) as compared to the latter (GP 4600/L-7) what more required for Respondents in accepting their mistake shows their intention to perpetuate their injustice rather than accepting their mistake.

35. It is submitted that with regard to Para 39, Respondents have agreed with disturbance of relativity between accounts and non-accounts supervisors as submitted in the previous two para. But instead of upgrading all the posts of SSEs to GP-4800/Level-8 and granting non-functional financial upgradation to Level-9 after completion of four years of service, respondents have only granted the following as per Railway Board order RBE No.155/2022, dated 17.11.2022

- i) Upgradation from Level-7 to Level-8 of 50% of posts of Supervisory Cadres w.e.f. 01.11.2022 and
- ii) Non-functional upgradation to Level-9 of these 50% posts in Level-8 after four years of service in Level-8 w.e.f. 01.11.2026.

Comparison of Pay Scales of accounts supervisors and SSEs from 3<sup>rd</sup> CPC to 7<sup>th</sup> CPC and after the implementation of Railway Board order RBE No.155/2022 is given below:

Pay Commission	Pay Scale / GP / Pay Level		
	Section Officer	Sr. Section officer	SSE

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

<b>3rd CPC</b>	550-750	700-900	840-1040 840-1200
<b>4th CPC</b>	1640-2900	2000-3200	2375-3500
<b>5th CPC</b>	6500-10500	7450-11500	7450-11500
<b>6th CPC</b>	GP-4800 (100%)	GP-4800 (100%)	GP-4600
<b>7th CPC</b> w.e.f. 01.01.2016	<b>GP-4800 (100%) PL-9 NFU (On completion of four years of service in Level-8)</b>	<b>GP-4800 (100%) PL-9 NFU (On completion of four years of service in Level-8)</b>	PL-7
<b>RBE No. 155/2022</b> w.e.f. 01.11.2022			PL-7 (50%)
			PL-8 (50%)
<b>RBE No. 155/2022</b> w.e.f. 01.11.2026			<b>PL-7 (50%)</b>
			<b>PL-8 (25%)</b>
			<b>PL-9 (25%) (On completion of four years of service in Level-8)</b>

36. It is submitted that Non-functional upgradation of SSEs to Level-9 will come into force w.e.f. 01.11.2026, it will be more than 10 years since 7<sup>th</sup> CPC (i.e. from 01.01.2016). Hence it is submitted that Railway Board order RBE No.155/2022 is much short of maintaining parity between SSEs and accounts supervisors.

37. It is submitted that with regard to Para 40 and 41, Para 26 of Rejoinder Statement dated 22.07.2019 has already dealt with this issue which is correct. Respondent Railways sent the OM dated 10.06.2010 to 2<sup>nd</sup> Respondent - Finance Ministry seeking approval for upgrading Grade Pay of JEs from Rs.4200 to Rs.4600 and SSEs from GP Rs.4200 to Rs.4800. Hon'ble Tribunal in its order OA/310/00706/2013, dated 21.07.2016 had directed the Respondent - Ministry of Finance to consider Respondent - Railways OM. The Applicants submitted a copy of Hon'ble Tribunal's order OA/310/00706/2013, dated 21.07.2016 giving justification on the merits of the case and urged to upgrade the JEs and SSEs to Grade Pay Rs.4600 and Rs.4800 respectively, as per the decision of department anomaly

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

committee. But, Respondent - Ministry of Finance has disposed of the case on very unjust and unreasonable grounds and ignoring basic settled law. Hence applicants joined together to file this OA seeking removal of such anomaly.

38. It is submitted that with regard to Para 42, Para 11.40.113 of 7<sup>th</sup> CPC report pertaining to Technical Supervisors (Senior Section Engineers and Junior Engineers) working in Railways. The 7<sup>th</sup> CPC said that, considering the feedback provided by the Railway Board and upon close analysis of the cadre structure, we are of the view that there is some element of stagnation at the GP 4600 stage (SSE). Accordingly, it is suggested that Railway Board should consider enhancing the number of posts in the next higher level. Railway Board never considered to implement this para of 7<sup>th</sup> CPC. Instead, Railways send common proposal for upgrading 50% posts (out of 87,000 posts) in various Supervisory cadres under the streams of engineering, traffic, traffic, commercial, etc. It has been mentioned in para-3 of the note approved by Hon'ble Finance Minister. The para is reproduced below,

"3. The present proposal follows a recommendation of the 7<sup>th</sup> CPC to increase the promotional posts of Assistant Engineers in the engineering cadre to create promotional avenue, Thus, the recommendation was confined to engineering cadre only and, that too, by way of increasing posts of AEs. Ministry of Railways has, however, proposed upgradation of lower posts and further, their proposal not only covers engineering cadre, but also other analogous cadres in order to meet out a similar treatment to similarly placed cadres."

(Relevant portion of copy of Finance Ministry note is attached as **Ann A-29**)

39. It is submitted that with regard to Para 43 and 44, Respondent - Railways is in inconsistency in its approach in addressing the issue. As submitted in previous para Railways not attempted to address the stagnation of SSEs as per para 11.40.113 of 7<sup>th</sup> CPC report. First, Railways had sent proposals to empowered committee of Secretaries and to Finance Ministry to approve upgradation of 75% of posts in Level-7 to Level-8. Then a high-level committee consisting of three Joint Secretary level

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

officers recommended that half of the total number (that is 35000) be upgraded to GP 4800/Level-8 and one fourth of total number (that is 17500) be upgraded to GP 5400/Level-9. But while implementing the upgradation through order RBE No.155/2022, the recommendation was further diluted and only one fourth of number of posts in Level-8 will be upgraded to GP 5400/Level-9 as non-functional w.e.f.01.11.2026. In para-5.2 of the high-level committee report which was common for SSEs and other non-technical supervisors is given below,

"5.2. A) Total number of posts in GP 4600/L-7 = 70,000 (approx.)

B) In terms of proposal already sent & pending with MoF

i) Posts in GP 4800 (L-8) = 52500 (75% of posts in L-7)

ii) Posts to remain in GP 4600 (L-7) = 17500 (remaining 25%)

C) In terms of committee's recommendations now

i) Posts in GP 5400 (L-9) = 17500 (25% of the posts)

ii) Posts in GP 4800 (L-8) = 35500 (50% of the posts)

iii) Posts in GP 4600 (L-7) = 17500 (remaining 25% of the posts)"

But, RBE No.155/2022 provides only following upgrading which is much short of giving relief to stagnant Technical Supervisors, even short of recommendation of the Committee.

Posts in GP 5400/(L-9) = 25% of posts w.e.f. 01.12.2026. (Non-functional)

Posts in GP 4800/(L-8) = 50% / 25% of posts (50% w.e.f. 01.12.2022 & 25% of posts w.e.f. 01.12.2026)

Posts in GP 4600/(L-8) = 50% of posts

40. It is submitted that with regard to Para 45, it is submitted that, Respondents have considered fresh issue beyond 7<sup>th</sup> CPC report. The Respondent - Finance Ministry had approved following proposal of respondent Railway Ministry, even though they are not part of 7<sup>th</sup> CPC recommendation:

i) Upgradation from Level-7 to Level-8 of 50% of posts of Supervisory Cadres (Pre revised PB-2/GP-4600 to PB-2/GP-4800 of 6<sup>th</sup> CPC) and

ii) Non-functional upgradation to Level-9 of these 50% posts after four years of service in Level-8 (pre revised PB-2/GP-4800 to PB-2/GP-5400)

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

41. It is submitted that with regard to Para 46, the reason for Railways having large number of categories is because of multi-disciplinary activities being carried out in various departments of Railways. Contribution from all categories are important, but all cannot be considered equal and all pay commissions were given their recommendations separately for each category. As submitted in preceding para, 50% upgradation given in the pay level of supervisors through RBE No.155/2022 dated 17.11.2022 neither cover 7<sup>th</sup> CPC recommendations for SSE in para 11.40.113, nor given 100% upgradation for SSEs from Level-7 to Level-8 and non-functional financial upgrading to Level-9 after four years of service in Level-8 on par with Accounts cadre as discussed in para 4 of this document.

42. It is submitted that with regard to Para 47, the Applicants reiterates their argument given in para 32 of their rejoinder statement dated 22.07.2019.

43. It is submitted that with regard to Para 48, decisions have to be taken based on the merits and principles of Pay Commission recommendation. It is further submitted that, Government granted 50% upgrading only to certain categories even though there are some other categories available.

44. It is submitted that with regard to Para 49 and 50, Respondents are put to strict of the same. 3<sup>rd</sup> CPC recommended separate pay scales for Senior Technicians (425-640) and Junior Engineers (JE/II-425-700 & JE/I-550-750). Even the scale of 425-640 granted to Senior Technicians was personal post not part of cadre and it was made as part of cadre only in 2005. The anomalous situation of Senior Technicians recommended for S-8 scale by 5<sup>th</sup> CPC are now placed along with their supervisory post of Junior Engineer-I who were placed in S-10 by 5<sup>th</sup> CPC has been explained above para 25.

45. It is submitted that with regard to Para 52, Applicants reiterate their argument given in para 36 of their rejoinder statement dated 22.07.2019.

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

46. It is submitted that with regard to Para 53 and 54, it is submitted that, disturbance of relativity between Junior Engineer and Senior Technician, by modification of 6<sup>th</sup> CPC recommendations were submitted in para 26, 27 and 28 of this document.

47. It is submitted that with regard to Para 55, Respondent have reproduced portion of 7<sup>th</sup> CPC report pertaining to Technical Supervisors working in Indian Railways. But it is submitted that, there was no action taken by the Respondent have not taken any action on para 11.40.113 of 7<sup>th</sup> CPC report as detailed above.

48. It is submitted that with regard to Para 56, it is humbly reiterated by the Applicants that, Government for its own administrative needs or situation arising out of Hon'ble Court's intervention modified the recommendations of Pay Commissions in the past which is not correct either in law or with intent to achieve purpose with which such Pay Commissions are formed.

49. It is submitted that with regard to Para 57, disturbance of relativity between Junior Engineer (senior promotional post) and Senior Technician (junior feeder post), by modification of 6<sup>th</sup> CPC recommendations were submitted as above.

50. In continuation to the above Applicants humbly submit the following justifications in brief:

1) With regard to Grade Pay/Pay level of Junior Engineers:

- a) Railway Board order RBE No.155/2022, dated 17.11.2022 didn't give any relief to Junior Engineers. Senior promotional post of Junior Engineers (JE) is placed in same GP-Rs.4200/Level-6 along with junior feeder post of senior technicians who are working under Junior Engineers.
- b) Vertical relativities between JE-II and JE-I (two grades higher than senior technician) and Senior Technicians have been disturbed, because of modification and upgradation granted by the respondents to senior technicians without further extending the upgradation to Technical

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

- Supervisors category, who supervise categories including senior technician and shoulder higher duties, responsibilities and accountability.
- c) 3<sup>rd</sup> CPC kept the pay scale of Master Craftsman (now Senior Technician) Rs.425-640 (as personal post) below than JE Pay scale of Rs. 425-700. Considering the degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, avenues of promotion available and horizontal and vertical relativities, etc. 3<sup>rd</sup> CPC recommended higher pay scales to JE & SSE.
- d) 5<sup>th</sup> CPC accepted that the identical pay scales of Master craftsman, Mistry and Chargeman (now JE) have resulted in a large number of court cases.
- e) 5<sup>th</sup> CPC specifically dealt with the problem of supervisor and supervised being placed in the same scale of pay and removed the anomaly by recommending the pay scale of Rs.4500-7000 to Senior Technician Rs. 5000-8000 for Junior Engineer-II and 5500-9000 for Junior Engineer-I. But later Government / Railways upgraded the scale of Senior Technician without corresponding upgrading of the scale of JE, in contravention of the principle of natural justice thereby disturbing the vertical relativity recommended by Fifth Central Pay Commission.
- f) 6<sup>th</sup> CPC (in Para, 2.2.11 of its Report) - recommended that – *"Grade pay will determine the status of a post with a senior post being given higher grade pay. Grade pay being progressively higher for successive higher posts, the employees on promotion will get monetary benefit on promotion in the form of the increased Grade Pay apart from the benefit of one additional increment"*.
- g) 6<sup>th</sup> CPC recommended that promotion & feeder cadres being placed in identical pay scale is anomalous and recommended that employees on promotion will get monetary benefit on promotion in the form of the increased grade pay apart from the benefit of one additional increment.
- h) 6<sup>th</sup> CPC recommended Grade Pay of Rs.4200 for JE - I & II (merged together) vide para 7.36.77 and placed Senior Technician below JE by recommending

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

the Grade Pay of Rs.2800 vide para 7.36.71 & 3.8.27. By upgrading the Grade Pay of Senior Technician to Rs.4200 on par with JEs, Basic recommendation of 6<sup>th</sup> CPC that "*Seniority of a post will depend on the grade pay drawn. This will invariably be more for a higher-level post*" got violated, by placing the Grade Pay of both junior post (Senior Technician) and Grade Pay of promotional post (Junior Engineer) as Rs.4200.

- i) Senior Technicians placed in the Grade Pay of Rs.4200 made the situation that JE I (Pre-revised scale of Rs.5500-9000) two grades above Senior Technician, have since been placed in the same Grade Pay of Senior Technician.
- j) Railway Board's preposition of the work of Senior Technicians in grade Rs.5000-8000 will be supervised by JE grade-I in the scale Rs.5500-9000 instead of JE-II in the scale Rs.5000-8000 is also violated after modification done in 6<sup>th</sup> CPC recommendations.
- k) Many categories who were in the pay scale Rs.425-700 on par with JE-II are now placed in pay level-7 of 7<sup>th</sup> CPC Pay matrix, whereas JE-I pay which was Rs.550-750 above all these categories is placed only pay level-6 of 7<sup>th</sup> CPC Pay matrix.
- l) 7<sup>th</sup> CPC in Para 5.1.23 recommended that "*when the employee receives a promotion or non-functional upgrade, he/she progress one level ahead on the horizontal range*"
- m) 7<sup>th</sup> CPC in para 1.27 also recommended that *anomalies that were created after 6<sup>th</sup> CPC could not be rectified till date*. Also suggested that an appropriate body may be created to look into anomalies, if any arising out of the implementation of the recommendations of the Seventh CPC.
- n) Railways consciously made the decision vide its O.M dated 11.06.2010 to upgrade the Grade Pay of JE from Rs.4200 to Rs.4600 and SSE from Rs.4600 to Rs.4800 based on functional justifications, etc.

2) With regard to Grade Pay/Pay level of Senior Section Engineers:

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

- a) Railway Board order RBE No.155/2022, dated 17.11.2022 didn't give expected relief to Senior Section Engineers as claimed respondents.
- b) 50% upgradation given in the pay level of supervisors through RBE No.155/2022 dated 17.11.2022 neither cover 7<sup>th</sup> CPC recommendations for SSE in para 11.40.113, nor given 100% upgradation for SSEs from Level-7 to Level-8 and non-functional financial upgrading to Level-9 after four years of service in Level-8 on par with Accounts cadre.
- c) No proposal regarding recommendations of 7<sup>th</sup> CPC on pay level of Technical Supervisors as contained in paras 11.40.104 to 11.40.115 of 7<sup>th</sup> CPC report has been sent to Ministry of Finance by Ministry of Railways.
- d) High power committee of Railways accepted the fact that "Traditionally, pay scales allotted to other operational departments have been higher than the pay scales of supervisors of Accounts departments on the Railways. The implication of 6<sup>th</sup> CPC recommendations, resulted in upsetting/reversal of this position both as regards Supervisors and Group-B officers".
- e) Railway Board has pointed out that post the 6<sup>th</sup> CPC, the relativity between the Accounts and non-Accounts Supervisors has already been upset, with the former now occupying a higher pay grade (GP 4800/L-8) as compared to the latter (GP 4600/L-7). Further upgradation of the former, in isolation, would accentuate this disparity and could lead to problems at the operational / field level.
- f) In the NC-JCM meeting, Chairman Railway Board accepted the fact of element of direct recruitment in the SSE grade is from highly qualified candidates, but they currently stagnate at a low level without appropriate status
- g) "Salary Comparison Study – 2015, IIM Ahmedabad" (Study Commissioned by the Seventh Central Pay Commission constituted by the Government of India) has submitted erroneous report to 7<sup>th</sup> CPC about Graduate Engineers (SSEs) recruited through RRB.

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

- h) In JC-JCM meeting it was accepted that when SSO's in Audit / Accounts and Railways have been given GP of Rs.5400, it should not be denied to the SSE's and the similarly placed supervisors in Railways.
- i) But respondent Railways have not sent the proposal for 100% upgradation of SSEs to Level-8 and subsequent non-function upgradation to Level-9 on par with Accounts Supervisors.
- j) Ministry of Finance in its approval note mentioned that, *"recommendations of the 7<sup>th</sup> CPC to increase the promotional posts of Assistant Engineers in the engineering cadre to create promotional avenues. Thus, the recommendation was confined to engineering cadre only, that too, by way of increasing posts of AEs. Ministry of Railways has, however, proposed upgradation of lower posts and further, their proposal not only covers engineering cadre, but also other analogous cadres in order to mete out similar treatment to similar placed cadres"*.
- k) Finance Ministry further recorded that, *"Since they are already drawing pay in the same level, the resultant actual financial implications would be much less. In this regard, the association of Senior Supervisors on their informal projections also hinted about reduced implications taking into account the financial up-gradation already enjoyed in Level-8/9 on account of MACP benefits"*.
- l) Respondents not considered Ministry of Railways O.M sent to Ministry of Finance after 6<sup>th</sup> CPC, O.M. No. PC VI/2009/DAC/1 (Pt2) dated 11.06.2010, seeking approval for 100% upgradation for JEs from GP Rs.4200 to Rs. 4600 and SSEs from Rs.4600 to Rs.4800 in the present changed scenario.
- m) Respondents' argument of acceptance of demand will have serious implication on various horizontal / vertical relativities and cascading effects holds no merit, since the respondents already implemented 50% upgradation of certain posts from Level-7 to Level-8 w.e.f.1.12.2022.
- n) In Finance Ministry approval Note, it has been mentioned that, *"Railways has also clarified that a conscious decision has been taken to include Supervisory*

Indian Railways Technical Supervisors Association (IRTSA),



Rep. by its Senior Joint General Secretary

*Categories of Organised Departments only in the present proposal, other than accounts. It has also been stated that the instant proposal will not lead any distortion of horizontal relativity amongst the cadres having identical structure. ...."*

- o) Railway Board order RBE No.155/2022, dated 17.11.2022 has granted only following partial upgradation, even much short of the recommendations of Railway's high power committee
- i) Upgradation from Level-7 to Level-8 of 50% of posts of Supervisory Cadres w.e.f. 01.11.2022 and
  - ii) Non-functional upgradation to Level-9 of these 50% posts in Level-8 after four years of service in Level-8 w.e.f. 01.11.2026.
- p) Non-functional upgradation of SSEs to Level-9 will come into force w.e.f. 01.11.2026, it will be more than 10 years since 7<sup>th</sup> CPC (i.e. from 01.01.2016). Hence it is submitted that Railway Board order RBE No.155/2022 is much short of maintaining parity between SSEs and accounts supervisors.
- q) Hence the applicants reiterates their submissions that, Senior Section Engineers (SSEs) & Junior Engineers (JEs) on the Railways have been unjustly placed in the Grade Pay of Rs.4600 and Rs.4200 respectively which are the same as those of the employees working under them, which violates the basic principle of law of natural justice - upheld by various Court including by the Hon'ble Supreme Court of India that -  
"An equal cannot be over an equal"  
'Promotion' implies advancement to a higher grade; &  
Supervisor should be in a scale higher than Supervised.

Indian Railways Technical Supervisors Association (IRTSA),

  
Rep. by its Senior Joint General Secretary

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the OA as prayed for and thus render justice.

Dated at Chennai, this the 2<sup>nd</sup> day of February 2023.

VERIFICATION

I, K. V. Ramesh, Senior Joint General Secretary of Indian Railways Technical Supervisors Association (IRTSA), aged about 55 years, residing at G3-LIKITH HOMES, 3-Lakshmanan Nagar West Street, Peravallur, Chennai-600 0821, the 1<sup>st</sup> Applicant herein, do hereby verify that the contents of the Rejoinder Statement is true to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

Date: 02.02.2023

Place: Chennai



K. V. Ramesh,  
Senior Joint General Secretary,  
Indian Railways Technical Supervisors  
Association (IRTSA)  
/1<sup>ST</sup> APPLICANT

COUNSEL FOR APPLICANTS

A.N.A - 26

30

No. : MORLY/R/2019/02056

Sub: Information sought by Mr. K. V. Ramesh under RTI Act, 2005.

Item No.	Information sought by party	Ministry's response
1	As in application	No proposal regarding recommendations of 7 <sup>th</sup> CPC on pay level of Technical Supervisors as contained in Paras 11.40.104 to 11.40.115 of 7 <sup>th</sup> CPC report has been sent to Ministry of Finance by Ministry of Railways.
2	As in application	Does not arise in view of response to Item No. 1 above.

Authenticated

  
21/8/19  
Deputy Director/PC-VII

31

(SPEED POST)

For any information/query, case id is 02056

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

No. PC-VII/2019/RTI/178

New Delhi, dated: 21 / 08 /2019

To,

Mr. K. V. Ramesh,  
G-3 Likith Homes,  
3, Lakshmanan Nagar, West Street,  
Peravallur, Chennai, Tamilnadu,  
PIN: 600082

**Sub:** Information sought under Right to Information Act, 2005.

**Ref:** MORLY/R/2019/02056 dated 22.07.2019

Dear Sir,

Kindly refer to your RTI Application dated 29.06.2019 which was registered in this office on 22.07.2019, seeking information under Right to Information Act.

2. The reply in respect of your application is enclosed herewith.
3. However, in case you are not satisfied with the above information, you may prefer an appeal within 30 days as provided in the Act to the Appellate Authority, EDPC-II, Room No. 338A, Railway Board, DFCCIL Building, Pragati Maidan Metro Station Complex, New Delhi – 110001.

**Encl:** As above



(U. K. TIWARI)  
CPIO-46 & JDPC  
RAILWAY BOARD

Chief Public Information Officer (CPIO),  
Railway Board  
Room No.5, RTI Cell, Rail Bhavan  
Rafi Marg, New Delhi - 110001.

Dear Sir,

**Subject: Request for information under RTI Act, 2005**

1. I, K.V.Ramesh, G3-Likith Homes, 3-Lakshmanan Nagar west Street, Peravallur, Chennai-600082 wish to seek the following information, under the RTI Act, 2005.

A) Is any further communication was sent by Railway Board to Finance Ministry as follow up action on the proposal of Ministry of Railways (to Finance Ministry) w.r.t. recommendations of 7<sup>th</sup> CPC regarding Technical Supervisors' pay level.

B) If answer to question above is Yes, copies of letters, OM, Note or any other communication sent by Railway Board to Finance Ministry as follow up action on the proposal of Ministry of Railways (to Finance Ministry) w.r.t. recommendations of 7<sup>th</sup> CPC regarding Technical Supervisors' pay level may please be supplied.

2. It is certified that I am a bona fide citizen of India.

3. It is certified that I do not fall under the below poverty line (BPL)

4. I enclose herewith Postal Order for the required amount of Rs.10/- (Rupees Ten Only) towards application fee,

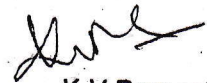
I also undertake to pay the further fees/charges (as applicable and as prescribed under the RTI Act and or relevant rules.

5. I state that the information sought does not fall within the restrictions contained in section 8 of the RTI Act and to the best of my knowledge it pertains to your office.

Thank you

Dated: 29.06.2019

Encl. Postal Order No : 39F 304817



K.V.Ramesh,  
G3-Likith Homes,  
3-Lakshmanan Nagar west Street,  
Peravallur, Chennai-600082

## Salary Comparison Study - 2015 IIM Ahmedabad

(Study Commissioned by the Seventh Central Pay Commission constituted by the Government of India)

**6.16 GRADUATE ENGINEERS THROUGH RRB****6.16.1 Sector-Wise Job Descriptions**

Entry level qualification for Jr. Engineers in Railway is 3 years Diploma in Engineering. Jr. Engineers in Railway assist Sr. Section Engineer in the performance of jobs. Entry level qualification for Sr. Section Engineer in Railway is B.E./ B.Tech. Sr. Section Engineer in Railway is responsible to extend technical support to Indian Railways in the fields of Path-ways, Works, Bridges, Carriage & Wagons, Locos, Electricals, and Signals etc.

**6.16.2 Sector-Wise Career Progression & Promotion Rules**

<b>Table 6.16.1: Career Progression for Graduate Engineer through RRB in Railways</b>		
<b>Job Role: Graduate Engineer</b>	<b>Designation/ Post</b>	<b>Promotion Criteria</b>
Entry Level	Graduate Engineer through RRB in Railways	
Entry + 1 Level	Assistant Engineer	Period prescribed for promotion to this level as per R/Rs is 2 years in the previous level. Actual average period of promotion is 4 years.
Entry + 2 Levels	Divisional Engineer	Period prescribed for promotion to this level as per R/Rs is 4 years in the previous level. Actual average period of promotion is 6 years.
Entry + 3 Levels	Sr. Divn. Engineer	Period prescribed for promotion to this level as per R/Rs is 4 years in the previous level. Actual average period of promotion is 4 years.
Source: Based on data provided by the Seventh Central Pay Commission		

Graduate Engineers are recruited into engineering jobs in the Indian Railways by the Railway Recruitment Board (RRB). RRB conducts its own competitive examinations for various positions in the Indian Railways.

Ann A-28

34

Relavant portion of minutes of NC-JCM meeting

No.3/4/2021 JCA  
Government of India  
Department of Personnel & Training  
Establishment (JCA) Section  
\*\*\*\*\*

North Block, New Delhi-110001.  
Dated: 14<sup>th</sup> July, 2021

To

Shri Shiva Gopal Mishra,  
Secretary, Staff Side  
13-C, National Council (JCM)  
New Delhi.

Subject: **Minutes of the 48<sup>th</sup> Meeting of the National Council (JCM) held on 26.06.2021**

**5.21 Item No. NC-48/12/21: Grant of Gazetted Status to Senior Section Engineers (SSEs) of Ministry of Railways.**

Chairman, Railway Board, informed that Railway management is keen to resolve the issue. The number of employees involved in the decision is about 70000, for whom the 7<sup>th</sup> CPC did not recommend the gazetted status. A Committee of

Secretaries also examined this issue, but it could not be resolved. He stated that the element of direct recruitment in the SSE grade is from highly qualified candidates, but they currently stagnate at a low level without appropriate status.

Leader, Staff Side, in his remarks, mentioned that the representation given to the 7<sup>th</sup> CPC by the Railways was erroneous, which has resulted into this injustice. The SSEs function 24 hours and have no proper career progression. The Direct Recruit SSEs appointed in Rs.4600 GP only get MACP and no promotion, which is unfair. Secretary, Staff Side, also stated that SSEs are highly qualified and occupy a critical role, but the treatment given to them has always been unfair. He further said that when SSO's in Audit/Accounts and Railways have been given GP of 5400, it should not be denied to the SSE's and the similarly placed supervisors in Railways. He also informed that earlier SSE's and Chief Controllers were getting grade of 840-1200 which has been down-graded.

**Decision:- Chairman asked Chairman, Railway Board and DoE to resolve the issue expeditiously.**

A 29

35

Ann. A-29

In this file we are considering the proposal of Ministry of Railways for up-gradation of the pay structure of Supervisory Cadre (Group 'C') of Railways, to resolve the issue of stagnation in these cadres. The proposal envisages for the:-

- (i) Up-gradation from Level-7 to Level-8 of 50% posts of Supervisory Cadres (Pre-revised PB-2/GP-4600 to PB-2/GP-4800 of 6<sup>th</sup> CPC); &
- (ii) Non-functional up-gradation to Level-9 of these 50% posts after 4 years of service in Level-8 (Pre-revised PB-2/GP-4800 to PB-2/GP-5400 of 6<sup>th</sup> CPC).

In this regard after receiving the initial proposal from Railways, additional information has been obtained from them and meetings have also been arranged with the Officers of Railways Board so as have better clarity about the various aspects and issues involved with the proposal.

p-416/c  
p-644/c

2. For better appreciation of the issues involved in consideration of the present proposal, the justifications, as contained in the Railway's proposal are summarized as under:-

**Proposal's Justifications**

p-645/c

2.1 Railway Board has intimated that in Railways various services are broadly categorized under Organised Departments and Other/Misc. Departments. Organised Departments have identical cadre structure with a component of direct recruitment in Level-10 which does not exist in Misc/Other Departments which include cadres belonging to Hindi, Printing, Legal, Para-medical, etc. Out of total of eight Organised Departments, details about seven Departments is given in the table in para 2.2, excluding the Accounts Department.

2.2 The present proposal covers all supervisory cadres of these seven organised departments, as Railways has been maintaining that post-wise selective up-gradation approach would not be desirable for an operational organisation involving sensitive safety aspects, the smooth and co-ordinated functioning. It has been pointed out that Railways is a multi-departmental, multidisciplinary organisation having distinct horizontal and vertical relativities amongst various departments. The synergistic contribution of all these departments is vital for optimum output for the entire railways network, spread throughout the length and breadth of the Country.

p-416/c  
(p-41/n)

The details show that the sanctioned strength of supervisory cadres in seven departments of Railway's about 87,143. Out of which the number of posts of engineering cadres (Senior Section Engineer-SSE) is 48,546 and the remaining 38,597 posts belong to supervisory cadres in the departments of Traffic/Commercial/Store/Personnel.

S.No.	Department	Main designation	Sanctioned Strength	Posts filled
1.	Civil*	Senior Section Engineer (SSE)	14243	10518
2.	Electrical*	Senior Section Engineer (SSE)	10266	8937
3.	Mechanical*	Senior Section Engineer (SSE) & Chemical & Metallurgical Supdt.	18901	16350
4.	Signal & Telecom*	Senior Section Engineer (SSE)	5136	4657
5.	Traffic/ Commercial#	Chief Controller, Station Manager /Station Supdt., Chief Yard Master (CYM), Traffic Inspector, Commercial Supdt., CRS, Chief Booking Supervisor, Chief Ticketing Inspector	27044	23627
6.	Store*	Senior Section Engineer (Printing Press) & Chief Depot Material Superintendent	1927	1511
7.	Personnel/ Ministerial #	Chief Office Superintendent, Chief Staff & Welfare Inspector	9626	7776
*DR - 20% #No DR			Total	87143
				73376

p-645/c

2.3 Railways has also clarified that a conscious decision has been taken to include Supervisory Categories of Organised Departments only in the present proposal, other than Accounts. It has also been stated that the instant proposal will not lead to any distortion of horizontal relativity amongst the cadres having identical cadre structure. Categories under various Misc. Departments broadly follow the pay structure of other nodal Ministries like MHA, Health, etc. Certain other categories such as Chief Loco Inspector, Chief Crew Controllers, Chief Power Controller, and Chief Traction Controllers etc. have not been included as they are getting the benefit of 30% fixation and other associated allowances as admissible to Running Categories.

p-416/c  
(p-3/n)

p-58/n

*Call him for page*

2.4 Amongst the various departments, Supervisory Cadres is most important and considered as the backbone playing a vital role in the smooth operation of Indian Railways thereby ensuring safety of entire Railways system. They are responsible for safe and efficient running of trains and around 7 lakh technician and helpers work under them. The historical edge in the pay scales enjoyed by the SSE lost due to grant of replacement scales to these cadres by the subsequent CPCs whereas up-gradations have been granted to the other categories of employees.

2.5 Exclusion of certain categories of posts belonging to ministerial/personnel and traffic/commercial from the present proposals has been discussed in detail with the Railways officers. Ministry of Railways has pointed out that historically the pay scale of these Supervisory Cadres were similar to Engineering Supervisors with the pay scale of Rs.7450 - 11500 and Rs. 6500-10500 which have been granted Grade Pay of Rs.4600 in 6th CPC. Historically parity among all these posts had been maintained by the successive Pay Commission and no difference was made between the supervisors of Technical and Non-Technical Departments. Hence, excluding the Supervisory categories of the departments of traffic/commercial and personnel/ministerial from the present proposal could result in resentment in these categories. Hence, this has not been found viable by Railways. It has been further clarified for certain categories which could be omitted from the proposals have already been excluded.

2.6 Level of Stagnation in supervisory cadre varies from department to department and different zones of Railways. However, on an average it takes approximate around 11 to 20 years against the requirement of minimum residency period of 3/5 years to reach Group 'B'. The reason behind the acute stagnation is attributable to the wide difference in the sanctioned strength of supervisory cadre of Level-7 (Group 'C' in Railways) i.e. 87,143 whereas the approved sanctioned strength of next higher level posts in Level-8 (Group 'B') is 3712 (i.e. 4.25%)( Ref.-P-657/c). In this regard, the details showing the degree of stagnation in these zones/cadres i.e. the actual time taken for promotion from Level-7 to Level-8 in different zone of Railways is placed at pages-527-529/c.

2.7 The other grounds in favour of the proposal include:-

- (i) The matter relating to SSE was also discussed in the Meeting of National Council of JCM on 26.06.2021 as Item No. NC-48/12/21 and Cabinet Secretary asked the Chairman Railway Board and DoE to resolve the issue expeditiously (Ref.-para-5.21 of NC- (JCM) minutes).
- (ii) Due to merger of pay scales in 6th CPC, the four grade hierarchical structure of Supervisors (Non-Accounts) reduced to two grade structure.
- (iii) Relativities between pay scale of Accounts Supervisors and Non-Accounts Supervisors got disturbed in 6th CPC on grant of GP-4800 which got exaggerated in 7th CPC on grant of Level-9 on non-functional basis to Accounts Supervisors;
- (iv) Railways have maintained that these posts even after the proposed up-gradation will remain in Group 'C' only and the same will not result in any changes in the vertical hierarchy. The proposed up-gradation is on the similar lines as that of Accounts Department.
- (v) For addressing stagnation, the 7th CPC (para 11.40.113) suggested to consider increase the number of posts in Group 'B' which is not found feasible by Railway Board keeping in view of 1:1 relativity with Group 'A' posts.

*f-525-36/*

*o p-349/c  
und-1*

*x p-416/c  
(P-5m)*

*f p-416/c  
(P-4m)*

3. References received from Hon'ble M.P.s and Railways Association

Besides, Ministry of Railway's main proposal, D.O.s have also been received from Hon'ble M.P.s including Ms. Aparajita Sarangi, Shri Pradeep Kumar Singh, Shri M.Shannugam, Dr. B.V. Satyavathi, Shri Bellana Chandra Sekhar, Ms Goddeti Madhavi, Shri R.M. Naidu Kinjarapu and Shri Su. Thirunavukkarasar, Dr. Kalanidhi Veerasamy, Shri R.S. Bharathi and Shri T.K.S. Elangovan. Further, the different associations of Railway's Technical Supervisors like Indian Railways Technical Supervisors Association and East Coast Railways Engineers Association have also submitted their representations. These representatives have also made personal visits to place their grievances and demands personally before the higher officers. These Associations attracted attention towards the issues relating to historically higher pay scales of Technical Supervisors upto 4th CPC, acute stagnation affecting their work output and

*f-122-634/*

*p-578/c  
x  
688/c*

*p-59/m*

cadres, 7<sup>th</sup> CPC specific recommendations for Engineering cadre, etc. These associations have demanded grant of Pay Level-9 to SSE, citing the historical pay patterns and also forwarded letters from AIRF and NFIR in this regard. It has also been mentioned there would be no appreciable net financial implications since most of them are already in higher pay levels by virtue of financial up-gradations got under MACPs.

Recommendations of CPCs

4.1 Sixth Central Pay Commission (6<sup>th</sup> CPC)

The 6<sup>th</sup> CPC in para 7.36.77 on Railways Technical Supervisors noted that it is not possible to extend the scheme of time bound promotions and cadre structure similar to that existing in CPWD in the Ministry of Railways as this would disturb the entire functional structure of the Railways and would upset many of the existing relativities. Railway's proposals for up-gradation pay scales of Senior Supervisors by the way of grant of GP-4800 against the pre-revised pay scales of 6500-10500/7450-11500 w.e.f. from 1.1.2006 were considered by DoE in the year 2009 and onwards. Subsequently, also in 2013 the proposal was not agreed to on the grounds that the similar posts in the pay scale of Rs. 6500-10500/7450-11500 (pre-revised pay scale of 5<sup>th</sup> CPC) exist in various other Ministries/ Departments and agreeing the proposal for Railways in isolation would result in wide repercussions. It was also observed that such an up-gradation would entail changes in the entire cadre of the Railways and vertical relativity would be disturbed in a large scale and accordingly, the replies were sent to Hon'ble Ministers/M.Ps in response to their references during the 6<sup>th</sup> CPC period.

4.2 Seventh Central Pay Commission (7<sup>th</sup> CPC)

(a) The 7<sup>th</sup> CPC had examined the issues of Technical Supervisors (i.e. Engineering Cadre) of Railways in paras 11.40.104 to 11.40.115 of its report and acknowledged the vital role played by Technical Supervisors in safe and efficient running of the trains and dealt with the issue of stagnation faced in the cadres of Technical Supervisors in para 11.40.113 and suggested to consider increase the number of posts in Group 'B'. However, the same was not found feasible by Railways Board citing the 1:1 relativity with Group 'A' posts.

(b) The 7<sup>th</sup> CPC's specific recommendations in para 11.40.124 for up-gradation of Chemical & Metallurgical Superintendent (CMS) from level-7 to Level-8 is not accepted taking into account of the relativities involved with the supervisors of other cadres and recruitment criteria and this would disturb the relativity between supervisors.

(c) The 7<sup>th</sup> CPC considered the issues relating to Subordinate Engineering Cadres in the chapter relating of common category posts in para numbers 7.4.8 to 7.4.13. The Commission in para 7.4.13, recommended earmarking of posts in Level-8 equal to 10% total strength in Level-6 and Level-7 and filling up of posts in Level-8 in the ratio of 70:30 similar to Railways. The Commission also recommended grant of non-functional up-gradation to 80% of employee to Level-9 upon completion of four years in Level-8. The recommendations of 7<sup>th</sup> CPC providing for placement of 10% of Gr. 'C' & 'B' in Level-8 in respect of Subordinate Engineering cadre of Department of Defence Production have already been notified by MoF in the CCS(RP)(Amendment) Rules, 2017 dated 15.6.2017.

Railways Proposal in 7<sup>th</sup> CPC regime

5. After implementation of the 7<sup>th</sup> CPC recommendations, Railways in their proposal referred to DoE in 2017, proposed up-gradation of 75% of posts of Senior Supervisors to Level-8 which has been brought down to 50% in the present proposal, apparently for better acceptability of their proposal with the reduced financial implications involved. Railways, vide, order dated 21.06.2021 implemented to recommendations of the 7<sup>th</sup> CPC for grant of non-functional up-gradation to the Supervisors of Railways Accounts Dept. from Level-8 to Level-9 which in-turn affected inter-departmental relativities in Supervisors cadre of organised departments. This point has been cited as one of the main grounds by Railways in favour of their present proposal. After their present initial proposal submitted on 17.9.2021, further feedback has been received from Railways on 2.12.2021 and 7.3.2022. Other aspects which have linkage to the proposal like horizontal and vertical relativities within Railways as well as with other departments have been discussed in details with the seniors officers of Railways in the meetings held in April/July, 2022.

op 2017

# p-018/L

op 1795/15

op 07/c

op 1492/c

op 1111/12

op 1115/12

op 1114/12

op 60/m

op (1111) - on 11/11/21

op (1111) 15/

Scope of the present proposal

6. On the issue of the scope of coverage of present proposed up-gradation, Ministry of Railways reiterated that it is not feasible for them to increase the number of posts in Level- 8, (Group 'B') in view of 1:1 relativity with Group 'B' posts. Up-gradation of entire posts from Level-7 to Level 8 may require surrender of additional double number of posts to meet the criteria of matching saving which is not a feasible course of action in view of the process of cadre restructuring of Group 'C' categories and the recruitment and the drive to fill up the vacant posts.

Financial implication

7. Railways have calculated financial implications of Rs.177 cores (approx.) per annum for up-gradation of above 50% posts of total of 87143 i.e 43,571 posts. The proposal has been made financially neutral by matching surrender of 5570 posts in Level-1. Additional financial implications for grant of non-functional scale in Level-9 would be Rs. 8.82 Crore per month i.e. 106 Crore per annum. Railways has stated that since NFS in Level-9 is only up-gradation hence does not involve creation of new posts.

The above figures of financial implications are based on the normative method followed for it. However, Railways, after taking into account level of stagnation in these cadres is of the view that since that most of these officers have already been granted Pay Level-8 under MACP which implies that grant of promotional increment under FRs may not be required in such cases. Since they are already drawing pay in the same level, the resultant actual financial implications would be much less. In this regard, the associations of Senior Supervisors in their informal projections also hinted about reduced actual implications taking into account the financial up-gradation already enjoyed in Level-8/9 on account of MACP benefits.

Analysis

8.1 The 7<sup>th</sup> CPC referred to the "some element of stagnation at the GP-4600 stage" (para-11.40.113 of report) However, the Commission also arrived at the conclusion that the recruitments at the level of Assistant Engineer provide opportunity to the meritorious and deserving J.E. to become Assistant Engineer directly, bypassing the SSE stage (para 11.40.110), although this logic still valid, however, this is more relevant to lower level of Supervisors cadre (Pay Level-6, pre-revised GP-4200). Since the 7<sup>th</sup> CPC suggestions relating to Senior Supervisors for increasing the number of posts in the promotional Pay Level-8 was not found feasible for implementation by Railways Board citing the 1:1 relativity with Group 'A' posts, no improvement accrued to the grade of Senior Supervisor in Level-7. As such the present proposal is focussed to address the acute stagnation level in the grade of Senior Supervisors, it is expected that agreeing to the present proposal would provide much wanted relief to these cadres.

8.2 The main grounds for not accepting the Railway's earlier proposals during 6<sup>th</sup> CPC regime was the point of inter and intra Departmental repercussions, as an up-gradation invite similar demands from other cadres affecting both vertical and horizontal relativities. This issue of inter-departmental disturbance in relativity has been addressed by the 7<sup>th</sup> CPC in Para 7.4.13 of it's report covering entire the Subordinate Engineering Cadres of Govt. of India, as submitted in para-4.2(c) above. Therefore, we have now fresh grounds for consideration of Railway's proposal as the point of disturbance in relativities between different organisations has been addressed by the said recommendations of 7<sup>th</sup> CPC.

8.3 With regard to the issue of affecting on inter-cadre relativity within the organisation of Railways (Ref. para-2.2 to 2.5 above), Railways has clarified that a conscious decision has been taken and the instant proposal will not lead to any distortion of horizontal relativity amongst the cadres having identical cadre structure even after the proposed up-gradation these posts will remain in Group 'C' only and the same will not result in any changes in the vertical hierarchy. Since Railways has elaborately gone into the proposal after taking into all the various issues, the proposal of Railways may be considered favourably.

8.4 Details in respect of stagnation in different cadres as well as in various Railways Zones has been placed at pages-527-529/c, about which Railways has mentioned that on an average from SSE it take around 11-20 years to reach Gr 'B'. While the time taken for

- j- S/n

7/10/21

7/10/21

7/10/21

7/10/21

promotions in most of the cadres/zones are more than 15 years, there exists a wide variation in different cadres/zones in different zones for which apparently some other factors may be responsible. As the Railways is expecting the bring down the level of stagnation to half of the existing level of stagnation, the present proposal would certainly besides benefitting the employees concerned.

Inference

9. The up-gradation of the 50% posts i.e. 43,571, out of the total sanctioned strength of 87,143 in Railways supervisory cadres in seven organised departments would involve estimated financial implications of about 177 Crore per annum as per the formula. However, the actual financial implications would be much less as the senior employees are already drawing pay in the higher levels due to the MACP benefits. In view of the position submitted above and the fresh grounds for consideration in light of the 7th CPC specific recommendations relating to Subordinate Engineering Cadres, which provided for the creation of a new Level-8 with a provision of grant of non-functional up-gradation in Level-9 after four years of service in the Level-8, the Railways present proposal may be considered, favourably.

10. Accordingly, the Ministry of Railways proposal contained in the para-3 of their O.M. dated 17.9.2021 for grant of 50% up-gradation to Supervisory Cadres from Level-7 to Level-8 and further non-functional up-gradation to these posts from Level-8 to Level-9 after four years of regular service in Level-8 may be concurred with. This may be agreed to for implementation with the prospective effect.

20524973

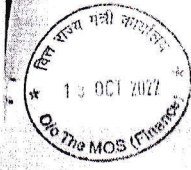
Approval of Hon'ble FM may kindly be obtained for the para -10 above.

S.S. (Pen.)

P.S.H.  
12/9/22  
D.S. (E.T.B.)

P 70

The proposal of the Ministry of Railways is to upgrade 50% posts (out of around 87,000 posts) in various Supervisory cadres under the streams of engineering, traffic, commercial, personnel, with the bulk being in the engineering cadre. The proposed upgradation is from the pay scale Level 7 to Pay Level 8 with a provision of moving into the next Level 9 after 4 years.



2. This is a long pending proposal, which was mooted primarily to mitigate stagnation that occurred due largely to rationalization of hierarchical pays scales by way of merger over the years based on Central Pay Commissions.

3. The present proposal follows a recommendation of the 7<sup>th</sup> CPC to increase the promotional posts of Assistant Engineers in the engineering cadre to create promotional avenues. Thus, the recommendation was confined to engineering cadre only and, that too, by way of increasing posts of AEs. Ministry of Railways has, however, proposed upgradation of lower posts and further, their proposal not only covers engineering cadre, but also other analogous cadres in order to mete out a similar treatment to similarly placed cadres.

4. The proposal will entail financial implications of Rs. 106 crore per annum, as estimated by the Ministry of Railways. This will be met by them from out of their existing budget.

5. We may agree to the proposal of Ministry of Railways. The upgradation will take effect from a prospective date. We may seek approval of the Finance Minister.

300524973

*Annie G. Mathew*  
(Annie G. Mathew)  
SS(Pers)  
18.10.2022



FS

*[Signature]*  
I.V. Somenathan  
Finance Secretary



Hon'ble MoS F has approved the note through email, being on tour. Signed copy of the note is attached and may be treated as part of the file.

*[Signature]*  
MoS F (PC)

*[Handwritten notes and signatures]*  
F.M.  
25.10  
SS(Pers) - on leave  
DS (P. II B)

Ministry of Finance  
Department of Expenditure

\*\*\*

Subject : Proposal for upgradation of the pay structure of Supervisory cadres of Railways working in Level-7 of Pay matrix.

Reference: Ministry of Railways ID Note No.PC-VII/2019/RSRP/3 (Pt.) dated 02.12.2021.

Ministry of Railways may please refer to their notes on pre-pages in connection with upgradation of 50% of Supervisory cadres in Level-7(PB-2, GP 4600) to Level-8(PB-2, GP 4800) and further upgradation of these posts to Level-9 (PB-2, GP 5400) on non-functional basis after 4 years of service in Level-8.

2. The matter has been examined in this Department. This Department agrees to the upgradation of 50% of posts in the Supervisory cadres covered under this proposal from existing Level-7 to Level-8 of the pay matrix, and further upgradation of these posts to Level-9 after 4 years of regular service in Level-8, with prospective effect.

3. This issues with the approval of Finance Minister.

*Aks*  
(Ambrish Kumar Sharma)  
Under Secretary(E.III-B)  
Ph. 23095724

Principal Executive Director (Ms. Aruna Nayar), Ministry of Railways,  
Railway Board, Rail Bhawan, New Delhi.  
M/o Finance, D/o Expenditure ID No.36(1)/E.III(B)/2015 dated 1.11.2022

-: 30 :-

**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL, CHENNAI BENCH**

**O.A.NO: 1568 OF 2017**

Indian Railways Technical Supervisors  
Association (IRTSA), Rep. by its  
Senior Joint General Secretary  
Shri. K. V. Ramesh, Chennai and 11 others  
... Applicants

-Vs.-

Union of India, Rep. by the Secretary,  
Government of India, Ministry of Railways,  
Railway Board, New Delhi and 4 others  
... Respondents

O/c

**ADDITIONAL REJOINDER STATEMENT  
FILED BY THE APPLICANTS**

~~M/S. K.M. RAMESH~~  
S. APUNU &  
M.G. MARTIN MANIVANNAN

Counsel for Applicants