

2-08-2016

Sri. B.P. Sharma,
Secretary,
DOPT,
New Delhi.

Respected Sir,

Sub: Grant of Rs.5400 Grade Pay to Sr. SO(A)s / Sr.TIA's / Sr.ISA's initially appointed as Accounts clerk under MACP and Implementation of Supreme Court order annulling the MACP anomalies to be extended to the entire above staff of Accounts Dept. of Indian Railways- Reg;

We like to seek your esteemed intervention to resolve the grave anomalies that has crept into in the Accounts Cadre due to the implementation of MACP w.e. from 1-9-2008 as per the recommendation of 6th Pay Commission and has not been resolved yet despite several representation at various levels.

Consequent to the implementation of MACP scheme the Juniors in the supervisory cadre like Section Officers, TIA's, & ISA's were placed in the G.P Rs.5400/- whereas the seniors were placed in the G.P Rs.4800/- which has created a mayhem and has led to discontentment. Further even the subordinate Accounts

Assistants were given G.P Rs.5400/- whereas the supervisors who has acquired the promotion by passing the Appendix IIIA exam conducted by Board has to draw lower Grade pay of Rs.4800/-due to the dispensation of MACP. This has resulted in degradation of status and deprivation of monetary benefit to the senior staff of the supervisory cadre while juniors and subordinates were placed in higher grade which has destroyed the very fabric of Accounts Dept. and the hierarchy system.

Though the Railway Board is fully aware and has acknowledged the anomaly and had also written to Director (Estt. I), DOP &T vide its Letter No. PC-V/2009/ACP/2/Pt I dt. 26.08.2013 no constructive effort has taken place so far to redress the anomaly.

As no concrete step was taken up by the Board, a few of the Accounts staff of S.Rly had preferred to go to CAT to settle the claim and obtained a favorable Order (OA No.1063 of 2010). This was Challenged by the Railway administration in Madras High Court and the Hon`ble Court upheld the CAT Order and had struck the FR22 (I) (a) (i) of MACP as it infringes the provisions contained in Article 14 of the Constitution, (W.P No.18262 of 2012). and by this juniors cannot draw more pay than the seniors.

A Review petition was also filed by Railway Administration in Supreme Court (SLP (C) No.1325-1330/2015) and it was dismissed on 11.08.2015. A contempt petition was filed in Madras High Court by the litigant as no action was taken in spite of Supreme Court order. Responding to the contempt petition the Madras High Court has directed the administration to implement the order on or before 27.11.15. As a result the administration has exhausted all the legal avenues and hence passed the orders to fix the G.P Rs.5400/- on par with their juniors for the litigants only along with the arrears of pay. By this the Railway administration has failed to implement the spirit of the judgement by extending to all the affected staff over Indian Railways. When the Hon`ble Courts including the Supreme Court have recognized the folly in the implementation of MACP and had provided legal relief to the affected staff the Order is applicable to the whole set of the affected staff as it is a right in rem and not a right in persona. The Administration is treating the order as, in persona and has not extended the benefit of the order to all the affected staff which is depressing and its decision is regressive.

Even as per the extant provisions of Establishment rule, in case of any dispute

regarding establishment matter the judgement passed by the court has to be taken to settle the issue. By ignoring the staffs who have not gone to Court as they reposed faith in negotiation to prevail upon the administration it has led to lot of discontentment among the affected staff and are demoralized. The administration has failed to show any jurisprudence in this matter and is compelling the staff to seek orders from the Court for an already settled matter in the Court of law. The administration by this has created yet another anomaly and has reduced its position as an executer instead of an administrator.

The Seventh Pay Commission was also besieged of the anomaly faced by the Accounts Department and has redressed the grave disparity by recommending that ` all SO`s, TIA`s and ISA`s who have completed four years in G.P. 4800 should be given G.P 5400/- non functional.

But it is regretted that the Finance Ministry has chosen to refer the matter to DOPT, thereby complicating the matter instead of resolving it. In case if it is denied there will be a great disparity and discontent amongst the Sr. So`s/Sr. TIA`s /Sr. ISA`s who will be deprived of G.P Rs.5400 just because they have joined as Accounts Clerk while there juniors and even their subordinates Accounts Assts. will get the benefit of grade pay Rs.5400.

In light of the above to resolve this vexed problem, kindly request the DOPT to favorably consider our case and render justice to the agony faced by the Accounts Cadre.

Thanking you,

Reji George
(Gen. Secretary)