

The gravest anomaly of the Sixth Pay Commission is in the implementation of MACP granting the Grade Pay of Rs.5,400/- to Juniors and to the supervised staff while the Seniors and the Supervisors have been allotted only the Grade Pay of Rs.4,800/-.

By doing the above, the Sixth Pay Commission has contradicted its own recommendations of

- 1) higher Grade Pay indicating higher status of the staff in an organisation (vide para 2.2.11) and
- 2) Seniority of a post will depend on the Grade Pay drawn (vide para 202.13(i)).

Understanding fully the above demoralising character of the recommendations of the VI PC, various Courts of India have passed orders to undo the anomalous implementation of MACP Rules in the case of the Senior Supervisors of Indian Railway Accounts Department.

Also, the Senior Supervisors of Other Organised Accounts Department have won cases against the above stated MACP Orders in several High Courts. Even Hon'ble Supreme Court also has decreed to rectify the anomaly. The details of such Court Cases are given in the ANNEXURE.

It is really disheartening that while the Government Departments have selectively granted the Higher Grade Pay of Rs.5,400/- to such Accounts Supervisors who have moved the courts and left the majority of the equally placed staff to win their rightful dues through legal means. IT IS REALLY REGRESSIVE.

When the Hon'ble Courts have recognised the folly of the impugned orders and have provided legal relief, the whole set of relevant staff to whom the said impugned Orders of the Government is applicable should also get the relief pronounced by the Court. It's a right in rem and not a right in personam.

If a Model Employer like Indian Railways could not extend the relief extended by the Hon'ble Courts to all the aggrieved employees, then the staff will be driven to have little faith in the system .

This Association therefore fervently prays for a favourable solution at the earliest as any further delay will render the issue to languish under the shadow of the imminent Seventh pay Commission

The modified Assured Career Progression (MACP) scheme which is said to be an improvement over the previous ACP scheme (August 1999) is misfit to the Accounts department of Indian Railways where promotion are based on passing stringent qualifying departmental Examinations. It looks like a cure worse than the disease itself.

Senior employees as in the previous Pay Commission are miserably placed in the VI CPC also and the MACP too inflicts degradation of status and derivation of monetary benefits to the Senior staff while their Juniors and Subordinate are better placed in comparison.

Senior Supervisors in Accounts Department for instance, who have joined the service as Accounts clerks (then CGII) move up the ladder by qualifying in the rigorous Departmental examination conducted none other than the Railway Board itself reach the Supervisory position. But the MACP denies them the Grade pay of Rs.5400/- the apex pay in Pay Band 2 as they are treated as having 3 regular promotions whereas their juniors who entered service as Jr. Accounts Assistant (then CG I) on direct Recruitment quota and are now similarly placed as other supervisors with the Grade pay of Rs. 5400/-.

Worse than the above in the following scenario:

A directly recruited Jr. AA who works under a Senior Supervisor, (who entered service only as Accounts clerk) will be allotted the Grade Pay of Rs. 4800/- and Rs. 5400/- on completion of 20th and 30th year of service respectively.

While his Supervisor will languish by stagnating at the Grade Pay of Rs.4800/- as he has got 3 regular promotions. In spite of their passing tough Departmental Examination, such supervisors will either draw the same Grade Pay of their Subordinate or less than the Grade Pay of his/her Subordinate.

MACP unfortunately has not addressed this anomalous situation, while the earlier ACP Scheme (August 1999) did not even allow any Financial upgradation to certain selection posts (vide rule 6). MACP merely prohibits stepping up of pay if any Junior gets higher pay fixed under MACP than their seniors but does not speak about the position of the supervised and Supervisors are placed on equal footing Grade Pay – wise or with an imbalance of higher Grade Pay to the Subordinate than the Supervisor duly disturbing the relativity that should exist in any organization.

The Government accepted recommendations of the 6th CPC *aver* that:

- 1) Grade Pay will determine the status of a Post with a Senior Post being given higher Grade Pay (vide para 2.2.11) and
- 2) Seniority of a post will depend on the Grade Pay drawn. This will invariably be more for a higher level post. Pay scales will largely become irrelevant for the purpose of computing Seniority. Thus, the present situation where frequently a Junior draws higher salary (albeit to lower pay scale) vis-à-vis his senior of longer years of service will no longer be of any essence for purposes of computing seniority (vide para 202.13(i))

It could be seen from the above that the MACP Rules do not go hand in hand with the 6th CPC rules in respect of the following:

- 1) The distinct status of the Supervisors and Subordinates gets blurred and the position of Supervisors is subverted due to the award of same or higher Grade Pay to the subordinates violating accepted recommendations of para 2.2.11. That is, the Seniors are denied higher Grade Pay in the implementation of MACP despite the motive of 6th CPC being “to avoid uneven benefits to the employees” as could be seen from para 6.1.15 of 6th CPC Report.
- 2) Allotting higher Grade Pay to the Juniors/ Supervised due to operation of MACP runs counter to the seniority determination as envisaged in para 2.2.13.

Apart from the above , Subordinate drawing higher Grade Pay than their Supervisors who get qualified in the Departmental Examinations on All India basis is not a healthy situation and the morale of the Senior Supervisors will get further sagged. This will not be a welcome trend if viewed in the perspective of modern management practices.

You are kindly requested to consider the merit of the grievances detailed above for appropriate redressing

The anomaly is thus so glaring that the same cannot be just glossed over. While this is an intra-Departmental inconsistency, a serious discrimination in the grant of Grade Pay of Rs. 5400/-only to various staff of other Ministries (except Railways) hurts us more. Which can be seen from the following:

- 1) SO(A) & PS in Secretariat, Administrative Officer Gr. II, Sr. PS / equivalent (para 3.1.9, 3.1.14) and other officials holding the posts with the pre revised scale of Rs.7500-12000 and now have been allotted the Grade Pay of Rs.5400/- after rendering 4 years of service in such posts.
- 2) Where as Senior Section Officers/ Section officers (Accounts) in Indian Railways who have been granted the pre revised pay scale of 7500-12000 (para 7.5.9) and allotted the Grade pay of Rs.4800/- have ironically not been extended the benefit of grant of Grade Pay of Rs.5400/- after serving for 4 years in the post of Section officer (Accounts)
- 3) To rectify the injustice and anomaly which is both intra and inter departmental, it is requested that all the Section officer (Accounts) may be considered for the grant of grade pay of Rs.5400 if they serve for 4 years in the post of Section officer (A).

Further CAT Chennai has ordered to pay the GP of Rs.5400/- in case filed by N.Subramanian Sr.So(A) S.Rly and 27 others vide OA no: 1075 of 2010 which was upheld by the WP 1078,10046-10049 &18262 of 2012 by Hon'ble High court Chennai. The SLP 17241 -17246 of 2014 filed by the Administration got dismissed in Supreme court also.

Further similar judgment was given in the case filled by the staff of AGS office/Chennai vide their OA no:966 & 967 of 2009 WP 18611 &18612 of 2011 and the SLP was also dismissed. AGS / Chennai Administration, accepting the judgment has implemented the same to all the petitioner vide their O.O No:82 dt 28/08/14.

Principal Judge/CAT/New Delhi has also given judgment in f/o Defense Accounts Staff while disposing the OA No: 1994/2015.

Further Supreme Court while giving judgment in CA4717 -4719 of 2013, in page 25 clearly stated – (page 25 attached)