

*THE
HISTORICAL
INJUSTICE*

4

By:

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FEW WORDS FOR READERS

*A new service class – the **Lower Gazetted Services** was introduced in the Railways Indian Railway - as known now) in 1921, initially as a sop to Alien Indians – since the aspirations/demands of natives for sharing more in administration could not beresisted much. However these natives were not considered suitable enough to share in Supervisor Services – as a policy “**apartheid**”. Though, on finding this system of recruitment unworkable, the then government had decided finally to merge this service class into class I (**Superior Gazetted Service**) to be effective from 1.4.47, the same is still being continued; and ever since, these officers (subsequently known as class-II, and now Gp ‘B’) are being denied their due recognition inspite of representations based on facts and simple logic. That’s why this book was appropriately been named. **A Historical Injustice***

The group ‘B’ officers, may the promote officers Group ‘B’ and ‘A’ have full faith in our democracy which has given to an ordinary worker more dignity than ever. The history must repeat itself and the promote officers receive their proper recognition.

In writing this book, my first venture, by delving deep into the Railway’s own records I do not claim originality. This book should, therefore, not be taken as a piece of literature as it was never intended to be. This is because my efforts are simply to analyse the events, with emphasis on the post-independence era extending to recent times, so that the officers concerned not only get enlightened but also be fully convinced of positive rationale in their approach and be prepared for any sacrifice in future. Consequently, all aspects of the struggle of Group ‘B’ officers viz, Non-grant of pay scale; Career Planning and D.P.Cs etc., have been discussed in details, with the pertinent excerpts from the literature available on the subject which would reveal the extent of injustice – historical in nature with them.

However , before I conclude this note, I shall be failing in my duty if do not express my sincere gratefulness to Sh. D.S. Yadav, popularly known as ‘Dadashri’ – who is not only instrumental in orienting me to the field of federation working, but in fact serving as the greatest motivating force through his deeds and inspirations for me in whatever I do for the cause of Promotee Officers. I also owe my thanks to Sh. S.K. Khanna – the old stalwart of this Federation – for the guidance, and the present crusader Sh. K. Hasan for his assistance in compilation of this book.

*In the end, if this compilation of facts and figures, along with necessary comments and explanations, really infuses a spark of spirit and willingness to do something for the cause of Group ‘B’ officers, and is able to create the desired awareness amongst the Indian Railways Promotee Officers, I would feel highly satisfied. Any suggestion/contribution for making this book more useful shall be accepted with thanks. Once convinced about **the Historical Injustice**, no motivation for future struggle shall be found wanting.*

*Dated-10.10.1992
New Delhi*

(S.K. Bansal)

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PART - A
- PAY SCALE COMMENSURATE WITH DUTIES &
RESPONSIBILITIES

- AN INTRODUCTION

1. THE CLASSIFICATION.

1.1 Indian Railway Service is divided into four classes viz. Class-I, Class-II, Class-III and Class-IV, which have lately been renamed as Gp. 'A', 'B', 'C' & 'D' respectively. The Class-III and Class-IV together form the non-gazetted service, whereas the Class-I and Class-II together form the Gazetted service on the Indian Railway.

1.2 The recruitment to class-I is made in accordance with the provision of Rule 130 of Establishment Code. Which provides as follows:-

130."Recruitment to class-I service in the various departments of the Railways shall be made through:

- a) Competitive Examination held in India by the Union Public Service Commission.*
- b) Promotion of specially qualified gazetted railway servants of the Class-II service including officiating gazetted railway servants of the service or department.*
- c) In the case of Transportation (Power) and Mechanical Engineering Department by appointment of candidates as Special Class Apprentices; and*
- d) Occasional admission of other qualified persons on the recommendation of the Union Public Service Commission."*

1.3 The direct recruitment of Gp.'A' Officers are, in most cases, made directly through the Union Public Service Commission (Allied Services), through a competitive examination, annually. Before their posting on working posts in various disciplines, they are given 2 years training in Railway Staff College, Baroda and on Zonal Railways. After undergoing this training of two years, known as probation period, they are posted on working posts. In case of Special Class Apprentices (For Mechanical Department) they have to undergo 4 years' training before they are posted on working posts on two years probation.

- 1.4 The Class-II (Group 'B') gazetted posts are filled from promotees, who are selected after written and oral tests conducted by Selection Boards. These Selection Boards consist of 4 Heads of Departments, whose pay and scales are generally the same as those of the members of the Union Public Service Commission who conduct the selection of candidates in Class-I (Gp.'A') Junior Scales Officers. The whole procedure of this selection is based on the guidelines issued by UPSC, and in fact approved by them.
- 1.5 With effect from 1978, a new scheme of recruitment of Gp. 'B' Officers has been started, which is known as Limited Departmental Competitive Examination. As per this Scheme, 75% (now 70%) of the vacancies in Gp. 'B' continued to be filled as hitherto as per the seniority, as mentioned above, whereas balance 25% (now 30%) of the annual vacancies are filled through L.D.C.E. In other words, a merit quota- in which open competition is arranged, wherein all the supervisors in grade Rs.1400-2300(Rev.) having 5years non-fortuitous services are eligible to appear; and, the examination consists of two papers consisting of professional subjects, General Knowledge, General English. Establishment matters and financial rules followed with a viva voce test conducted by 3 H.O.D.s.

2. THE PAY SCALES.

- 2.1 On completion of training/probation period by Class-I/Gp.'A' officers, both the directly recruited officers as well as Gp. 'B' Officers are put to work as Assistant Officers. The cadre of Assistant Officers presently consists of Junior Scale (Gr. Rs.2200-4000)(Rs.8000-13500) against which a direct recruit is posted and the Assistant Officers (Rs.2000-3500) (Rs. 7500-12000) against which Class-II/Gp. 'B' Officers are being presently posted.
- 2.2 The posts of Assistant Officers - lowest rung of gazetted services on Indian Railways - though consist of 2 grades as mentioned above, have however no distinction what-so-ever and are totally interchangeable, cannot be segregated/bifurcated as admitted by the Government of India on the floor of Parliament - **shoulder totally same responsibilities, exercise same powers, and have the same duties, and therefore are totally identical**, as much as that any post of assistant officer is some time held by direct recruit and sometimes by Gp. 'B' (promotee) Officer, without any distinction. It has repeatedly been stated by the Government that earmarking of any post either for Class-I or Class-II is not possible.
- 2.3 The origin of the differentiation between the two Classes of Gazetted cadre, or to say, how the Class-II came into being, shall now be studied in depth .

3. HISTORY AND BACKGROUND - PRE INDEPENDENCE PERIOD.

- 3.1 When the Railways were first set up in INDIA, more than 100 years back, the then management was recruiting officers in the UNITED KINGDOM and all important officers were from there only.
- 3.2 As the political consciousness was dawning fast, a commission - headed by LORD ISLINGTON - known as **Islington Committee was set up in the year 1912**, keeping in view the aspiration of India. This commission, in their report compiled during 1912-1915, gave birth to an **inferior Gazetted Service, later known as 'Lower Gazetted Service' subsequently Class-II and now Gp. 'B'**. This L.G.S. service was inserted between the (Superior) Gazetted service and the subordinate service. This was basically aimed at rewarding those senior subordinates who deserved commendations for their loyal and outstanding services, mostly at the fag end of their services career. The L.G.S. was the optimum that such senior subordinates could aspire to.
- 3.3 The ISLINGTON COMMITTEE, appointed to examine the demand of Indianisation, while recommending the creation of Lower Gazetted Service, stated as under:-

"Where there is a large body of work of a less important character to be done, though of a kind which cannot be performed by a subordinate agency, it would be obviously extravagant to recruit officers to do it on the terms required to obtain men for a higher class of duty. In such circumstances, there must be two services or two classes of one service and the lower service or class must occupy a position inferior to that of the higher one".

- 3.4 Though the Islington Commission Report was signed in Aug, 1915, its consideration had to be deferred for the duration of war. Final orders of their proposals were passed only during 1919-1920. After the First World War the Indian Railways were reorganized and a Provincial Engineering Service and a Local Traffic Service were introduced for the first time on Indian State Railways in 1921. Vacancies in these services were filled by promotion from the subordinate's cadre.
- 3.5 Within a short period of 4 years difficulties in implementation of this scheme were felt, and the Central Advisory Council for the Railways recommended the abolition of this service since the duties and responsibilities shouldered by this class of officers were exactly the same as those of Assistant Officers of superior service.
- 3.6 In the year 1930, when the hitherto combined cadres of the superior service of the State Railways were separated and organised for each Railway, the provincial and local services introduced in 1921 were abolished and in their place a new service designated as **"Lower Gazetted Service (LGS)"** was created for three principal departments i.e. Civil Engineering, Transportation (Traffic) and Transportation (Power) in terms of Railway

Board's letter No.2520-E dated 2/3/1931 in line with the recommendation of Islington Commission's Christening. In this letter, it was clearly indicated that the intention of the Railway Board was to reserve working posts of minor importance for the officers of "Lower Gazetted Service".

- 3.7 On the other hand, in the Company-managed Railways run by British Nationals, this artificial division of '**Lower Gazetted Service**' & Superior Service was not there and all the posts of Assistant Officers were manned by only one Class of Service consisting of both the direct recruits as well as promotees from the subordinate cadre within the Railway. They all enjoyed the **same status and scales of pay with no difference at all**.
- 3.8 During the World War-II, most of the Company managed Railways were taken over by the British Government and thus two dissimilar service conditions governing gazetted cadre came into being on these Railways. Even otherwise, shortly after the introduction of this scheme, difficulties were being experienced in implementing this, as it was found that the Board's policy of reserving minor working posts for the 'Lower Gazetted Service' could not be adhered to due to practical difficulties, which the Board's officials admitted themselves time to time in their statements to various committees which examined this question.
- 3.9 Within a matter of 20 years, the Government had started **realising that it was difficult to distinguish between the jobs done and responsibilities shouldered by the 'LGS' and the direct recruits to the 'Superior service'**. After completing the prescribed training, the direct recruits to the Superior service had to work as Assistant officer for not less than 10-12 years before he could be promoted as District (senior scale) officer. At the same time promote Assistant officer also worked along with the direct recruits on the same post, but in lower pay scale and this gave rise to certain problems creating heart burning among of the 'LGS' since, though they were performing the same duties and shouldering same responsibilities, 'LGS' were still being distinguished from 'SGS', in the matter of pay scales etc.
- 3.10 In view, of these problems and difficulties in consideration, the Railway Board submitted a **memorandum to the Standing Finance Committee in July, 1942**, which inter alia states (Refer Vol.III No. I July, 1942).

"The Railway Board, have, for some time past, has been considering the present position of the 'LOWER GAZETTED SERVICE'. The following difficulties have been experienced:

- a) *"Assistant Officers' posts are held without distinction by Junior Scale Officers of the superior service and officers of the Lower Gazetted Services, the cadre of the*

lower gazetted service being fixed so as to ensure that the superior service officers reach the senior scale after 9 to 11 years of service.

- b) *"While it has not been found possible to specify with any degree of precision, charges which can or cannot be held by promoted subordinates, the difference in the scale of pay between officers of superior service cannot obviously be justified. - "The difference in qualification of the two types of officers provides some justification for the difference, but this in itself is not considered as sufficient reason for the discrimination in emoluments.*

- c) *There are no Lower Gazetted Service on company managed Railways and the recent acquisition by the State of B.B.&I.A.B. Railway companies, with the impending acquisition of B&N, and R&K. Co. Railways, gives rise to difficulties in adjusting the cadres and maintaining uniformity in the conditions of service".*

It is evident from the above that almost all the pros & cons of the system in existence at that time were considered in toto, and the Board came to a conscious decision to abolish the same, considering the justification for this difference on the basis of higher qualification is not a sufficient reason for the discrimination in emoluments.

- 3.11 In their next meeting on 29th Sept. 1942, after hearing Member Staff of the Board, the Committee again postponed its further decision for next meeting to be held in December, after a good deal of discussion and forming a Sub Committee of the members.
- 3.12 In their next meeting of 30th January 1943, the Committee desired that the Board should put up a fresh proposal as the recommendation of the Sub Committee, if implemented, would increase the number of recruitment in United Kingdom and would go against the Govt. of India's policy of Indianisation.
- 3.13 The subject was discussed on 17th May 1943, and 31st July 1943. Though there was agreement on the abolition of '**Lower Gazetted Service**', yet there was disagreement on the percentage of recruitment in U.K. and quota for different Communities specially the Muslims.

"The Government, however, maintained that after careful and detailed investigation, has decided --

- i) **To abolish the 'Lower Gazetted Service' except in the Accounts Department and**
- ii) **To provide for the advancement on promotion of selected subordinate to the gazetted rank of superior service by reserving 35% of the Assistant officers posts in all departments for them".**

"A majority of the members of the standing Finance Committee, however, recommended the abolition of the lower gazetted service being postponed until the end of the war." (Reference Minutes of Standing Committee 17th May 1943, 31.07.1943).

- 3.15 However, the Railway Board in their Letter No. E-42 AE 343/2 of 13.10.1943 stated that:-

"It was the intention of the Govt. to give a final decision on the abolition of the Lower Gazetted Service before the end of the 1944 Budget Session of the Central Assembly."

- 3.16 That in Feb. 1944, in the course of the Budget speech, the Hon'ble War & Transport Member of the Central Legislative Assembly announced that :-

"During the year, the governments have had under discussion with the Standing Finance Committee the question of abolition of the lower gazetted service. Government does not accept as valid the reasons advanced by the majority of the Committee against the step and propose to carry the measure through, at the appropriate time."

- 3.17 The then Govt. of India, after further consideration of the matter, put up a proposal for such merger before the then Standing Finance Committee for the Railway, to the Central Assembly for amalgamating the said Cadres namely Class-I Junior Scale and Class-II Lower Gazetted Cadres. The deliberations before the said Standing Finance Committee took place from the year 1942 to 1946 and ultimately in 1946, the Central Govt. put up the proposal to merge the two classes.

- 3.18 The Railway Board in its memorandum prepared for the meeting of the Standing Finance Committee held **on 17th & 18th July 1946 placed the final proposal.** The final proposal of the Govt. was as under:-

- i. **" The lower gazetted service shall be abolished and all the present confirmed lower gazetted service officers who are considered suitable shall be promoted to the Superior Services placing them junior to all the confirmed officers already in the later service.**
- ii. **The promotion of subordinates shall be so arranged in future that the total number in the junior scale never exceeds 35% of the total strength of that cadre.**
- iii. **The increase in cadre due to abolition of the lower gazetted service shall not cause any increase in the number of vacancies to be filled by recruitment from U.K.**

- iv. **Persons of non-Asiatic domicile now in the lower gazetted service, who will be promoted to the superior services en-bloc on its abolition, shall count against vacancies which would have been filled by recruitment in the U.K, if such recruitment had not been suspended during the war.**
- v. **Provision for the change will be made in the budget for 1947-48 and the abolition will be made effective from 1st April 1947. The Committee recommended to refer the proposal to the High power committee and to stop further recruitment in U.K." 3.19 Though the target date fixed for such merger was 1st April, 1947, but due to the unusual happenings in the country in the year 1946 & the subsequent Independence of the country on 15th Aug.1947 the said proposal could not be given effect to.**

4. HISTORY-POST INDEPENDENCE PERIOD.

FIRST PAY COMMISSION (1947 - 48)

- 4.1 That thereafter, the question of amalgamation of the two classes of Gazetted Services, referred to above, came up before the Centre Pay Commission of 1947. The Chief Commissioner of Railways in the year 1947, in the course of his evidence before the said Commission, explained that the Rly. Bd. and the Government were committed to the amalgamation proposal because it was not possible in the Railway administration to differentiate the duties to be allotted to the officers of junior scale of the Superior Service from those to be assigned to members of Lower Gazetted Service.
- 4.2 In fact, the Ist Pay Commission is perhaps the first or rather the only high level committee which studied this aspect, in much details and cover their views in Para 24 to 29 of part-II of this report. It is quite relevant to quote all these paras here, and these need no further elaboration.

(i). Ist PAY COMMISSION REPORT (PART-II), PARA 24 & 25

"24..... The suggestion that two classes may be amalgamated has been mainly based on the Ground-----(i) that the standard for recruitment to two classes is more or less the same, and (ii) that the class II officers are only promoted to class I posts but also in many cases hold charges not distinguishable from those held by junior officers of class I and discharge similar duties even while remaining in class II....."

"25..... In the Railway services, though the classification rule contemplate the existence of two classes (class I and class II) of gazetted service, we gather that

some Railways, especially those under company management, have had only one class officers some of whom enter the officers class by direct recruitment, while others come up by promotion. Where two classes existed, they have been known as the superior services and the lower gazetted service respectively. The superior service comprises a senior scale and junior scale officer's posts, and officers belonging to the lower gazetted services are promoted to a certain proportion of junior scale posts in the superior service. The lower gazetted service has long been pressing for the amalgamation of the two classes of gazetted service in to a single category, mainly on the ground that many officers belonging to the lower gazetted have in fact been discharging the same duties as are performed by junior scale officers of the superior service. The Railway Board and the Government seem some time ago to have expressed themselves in favour of such amalgamation. When the General Managers of the North Western Railway and the B.B & C.I Railway appeared before us, they seemed to realise, in the course of their evidence, the disadvantage of combining in to a single cadre a number of directly recruited young officers and a number of promoted older men and making the amalgamated cadre a large one. But the Chief Commissioner for Railways explained in the course of his evidence that the Railway Board and the Government were committed to amalgamation proposal because it was not possible in the railway administration to differentiate the duties to be allotted to the officers to the junior scale of the superior service from those to be assigned to members of the lower gazetted service.

(ii). Ist PAY COMMISSION REPORT (PART II) PARA 28

"28..... When the question was considered at the conference of Provincial representatives, the opinion expressed by most of the representatives was that it was desirable to retain the distinction between CI I and II, but it was added that a fair percentage of officers of class II must be promoted to class I. Many of the representatives were of the opinion that such promotion should take place fairly early in the career of an officer, some thought that the proportion of officers to be promoted to class I from class II might be as high as 50%.....".

(iii). Ist PAY COMMISSION REPORT (PART II) PARA 29.

"29.....The reason assigned by the Islington Commission in favour of creation of class II still remains true and good, mainly that while there is large body of work of a less important character to be done, though of a kind which cannot be performed by a subordinate agency (i.e. by non gazetted officer), it would be extravagant to recruit officers to do it on the terms required to obtain men for a higher class of duty (i.e. class I) it may happen that officers recruited to class I will, during their earlier years of service and a part of their training/discharge

duties of a kind allotted to class II officers, but class II must also have a permanent strength of its own. Further, the existence of class II service ensured a better prospect of promotion for subordinates, since in many cases, this service was entirely recruited from subordinates....."

(iv). Ist PAYCOMMISSIONREPORT (PART II) PARA29 (Contd.)

"GENERAL CONSIDERATION AND RECOMMENDATIONS"

*"Some members of the commission, however, feel that **so long as the duties performed by officers are the same or of a corresponding character, it would be difficult to justify the retention of the existing distinction which they are inclined to think is merely a legacy of the past and a reflection of the distinction which existed previous to the Indianisation of the Services.** They are impressed with the fact that the quality of the recruits now entering the Class-II Service is often quite as high as those of persons joining Class-I.Even as regards those promoted from the subordinate services, it should be mentioned that a result of the rapid growth of higher education during the past 30 years, the subordinate services now contain a good proportion of highly qualified young men"*

*".....Further in as much as the proportion of gazetted posts in Class I, open for promotion to present gazetted Class II officers **will in any case have to be increased in future,** the share available to deserving older men in subordinate services (the chances of whose promotion to higher posts in Class I would normally **be little on account of their age and, incidentally,** whose promotion to class I would not consequently affect the quality of Class I) need not necessarily suffer"*

*".....The anomalous position in the several departments as explained in the foregoing paragraphs is also a source of much grievance, and in the interests of a contented public service, some **UNIFORMITY IS NECESSARY** in the matter. These members would, therefore, suggest that **all posts on the cadre of Class II Services where the duties are indistinguishable from those discharged by members of Class I Services should be merged in the junior scale of Class I.** And, unless there is any insuperable objection....."*

"..... The inclination of the majority of members, however, was that it was desirable to retain the two classes; but the departments where the differentiation between the two classes was not necessary or possible, either

because of the mode of recruitment or because of the difficulty of distinguishing between the importance and responsibility of the duties respectively performed by Class I and Class II officers, the two fold classification may be dispensed with and the two groups treated as one gazetted service."

- 4.3 If the above mentioned quotes from the Report of Ist Pay Commission are analysed and scrutinised in depth, it shall be evident that the opposition to the amalgamation proposal from class-I officers, senior officers, and heads of departments is, without any valid and rational reasons, and has no significance, as all of them, without exception, basically belong to the same category of class-I officers, and obviously hold prejudiced opinions. These officers have expressed that the quality of combined class may fall below the standard associated with the present class-I. It is but natural that to glorify himself one tries to belittle his colleague officers. The above observation smells of this callow attitude. Statistics will reveal, that a class-I officer, in the present setup (in 1950 or so) remains in junior scale for only 4-5 years (including 2 years probation period) consisting of odd job training. In the present context, this period of 4-5 years has further been reduced to 3 years only which includes 2 years training/ probation period. Under these circumstances, it is not difficult to assess the contribution of a junior scale class-I officer to the department. In fact by the time he is not able to adjust himself to even the environmental hazards of Railway working and gets acquainted with the field terminology, he finds himself promoted to senior scale, and virtually becomes a boss of about 50% of the officers force, (Approximately 52% posts of officers are in Assistant Grade), on the other hand a class-II officer, after promotion to the grade, immediately assumes complete charge of his post without requiring any additional training, backed by years of valuable experience in subordinate cadre. He thus shoulders his responsibilities and discharges his duties in totality unlike his class-I junior scale counterpart. As already pointed earlier, the post of Assistant officers are filled both by class-II & class-I junior scale without any differentiation whatsoever. In view of the above, and in the interest of work, it can be claimed, without hesitation, that a large proportion of class-II officers should on the contrary raise the standard of combined class as compared to that associated with class-I.
- 4.4 It is suggested, that the standard is set by higher qualifications, even then it can be safely said that qualification wise also, the class-I is not much better than the class-II officers. In non -technical cadres viz Accounts, Personnel and Traffic, Commercial Departments, the minimum qualification for both class-I and class-II is Degree of University. Moreover it may not be forgotten that experience cannot be substituted by any higher qualification alone. In this regard, the observation of the Railway Accidents Committee 1963 (Kunjru Committee) is very much relevant i.e.:-

"We consider that there is no substitute for experience and officers must get time to learn the art of supervision in the field of actual operation of the Railways No officer should, therefore, be promoted to the senior scale unless he has completed at least 6 years of service, including the period of probation. In order to overcome the shortages in the senior scale in the ienterogrum, experienced officer should be retained in the senior scale for a short period beyond the age of superannuation"

- 4.5 Moreover, some members of the commission have remarked, that on account of rapid growth of higher education during the past 30 years, the Subordinate Services contained a good proportion of highly qualified young men. Timely promotion of these young and qualified persons to gazetted rank will place them on equal footings with those of class-I officers. Given comparable opportunities such class-II officers can also be groomed into excellent administrative officers. Lately now the qualification for recruitment in all class-III services have substantially been improved viz, in technical categories persons with 3 years diploma in engineering subjects with 2-3 years training in Railway working, besides, there is also direct recruitment in intermediate grades of the technical departments which require a degree as the minimum qualification and possession of degree of university in all the other non technical cadres have been made compulsory, which are almost equal qualification as are required for class-I recruitment.
- 4.6 Some may still be inclined to accept the claim of higher standard of class-I with the so called higher standard selection to the grade. For such persons, it may be pointed out that a class-II officer passes through the rigorous of a number of selections before he attains this status. The final selection to gazetted rank not only adjudges his technical, professional and administrative proficiency but also takes into account his meritorious/ devoted service. Further, the Selection Committees consist of members of no lesser standing than those of UPSC, and in particular, of certain members who have very intimate knowledge of the candidates' work over years and their opinion is not based merely on his performance during the short period of an interview as in the case of direct recruits. Those who talk of lower level of the education standards of promote officers should be reminded of the comments of Accident Enquiry Committees and Administrative Reforms Commission, etc. over the continuously falling standard of the merit of candidates being available for appointment in class-I services, wherein it is a fact that the overall percentage of IIIrd divisioners getting inducted in the class-I is increasing steadily over the years lately.
- 4.7 The young and qualified class-II officers can be expected to possess the same degree of initiative, drive, quickness and freshness of outlook as a Class-I direct recruit, and therefore, should not be denied equal opportunities of progress. Any intentional handicap in the career of such an officer will amount to tremendous under-utilization of a higher potential and is accountable as a national waste, which an under-developed but progressive country like ours, can hardly afford. As regards the older group of class-II

officers, even if provided equal opportunities of advancement to higher ranks, they are not likely to go beyond Junior Administrative grade before retirement. In fact only a few will rise to such positions with the supposed drawbacks of old age as enumerated above. Perhaps the people who associated the above condemnations with old age did not see themselves, acquiring old age at one time. The logic of this argument will suggest that there is a certain age-range during which a man can be expected to be most efficient and if remuneration has to correspond to the work product, highest salary is justified only during the most efficient age range. An ascending set of pay scales preceding this age range and another set of descending pay scales, following it, will thus provide a befitting system of payment. How interesting?

- 4.8 The above analysis in respect of the quality and standard associated with class-I service viz-a-viz class-II service has revealed the hollowness of the false claim and any rational thinker should have no hesitation in accepting this truth. Regarding the reasons assigned by Islington Commission for creation of the lower gazetted service it has been clearly indicated by the Govt. that in Railways, duties and responsibilities of class-I Jr. Scale, and class-II could not be distinguished. In this context, it shall be interesting to read Para 10 of part-I of 1st Pay Commission Report; as under :-

"The Commission (Islington) considered that the expression 'Provincial Services' was misleading when applied to persons holding officers in departments directly under the control of Central Government and doing the same kind of work as was by members of imperial service. They accordingly recommended the amalgamation of the imperial and provincial sections into single service. They however recognised that where there is a large body of work of a less important character to be done, though of a kind which cannot be performed by subordinate agency, it would be obviously extravagant to recruit officers to do it and the terms required to be obtain men for a higher class of duty. In such circumstances, there must be two services or two classes of one service and lower service class must occupy a position inferior to that of the higher are"

- 4.9 The above recommendation, though became useful for introducing the L.G.S.(later on class-II/Gp. 'B') but at the same time can be taken to be a damaging argument for keeping two separate services, as for as Railways are concerned. The spirit of above recommendation of Islington Commission has all the justification for disbanding the two-fold classification in Railways at least.
- 4.10 In fact the close scrutiny of the 1st Pay Commission's Report specially Para 24 to 29, will reveal that the various objections raised by many regarding higher qualifications of direct recruits affecting promotion prospects of direct recruits making the service less attractive,

and that the Assistant Officers Cadre is not the career cadre for direct recruits and in fact there career starts from Senior Scale, and that the abolition of LGS shall affect the promotional prospects of Senior subordinates adversely, get explained by the observations of the commission given there in, requiring no further elaboration as in the views of many members of the Commission the distinction, is merely a legacy of a post as the same was a reflection of the distinction existing prior to the Indianisation of the services. It was further accepted that the quality of Class - II entrants was quite high and almost equivalent to Class-I, further it was agreed that in any case, the proportion of Class-II and Class-I shall have to be increased and in view of higher age group, this is not likely to affect the promotion prospects of Class-I adversely. Moreover, the anomalous position existing in several departments is a source of much grievances and in the interest of a contented public service, uniformity is essential.

Keeping all this in view the First Pay Commission while deciding the pay scales for Group 'B' Officers, made the following recommendation (Part-III, Page 177, Para 17).

".....If the Lower Gazetted Service is abolished, there will be no necessity to provide a separate scale to it. If it is not abolished or to the extent to which it may not be abolished, suitable sections of the scale we have suggested for Class II (see paragraph 65 supra) may be adopted for the Lower Gazetted Service. But it will not be proper to post any person usually pertaining to the superior service and yet pay him only on the class II basis."

- 4.11 To sum up, the commission has frankly accepted its hesitation in recommending the retention of class-II service separate from class-I, considering the overall situation of all the ministries and departments under Central Government employment. But it has also very clearly expressed the majority opinion in Para 24, that in the departments where it was difficult to distinguish between the importance of responsibility of the duties performed by class-I and class-II officers, the two fold classification should be dispensed with. This situation was obtaining in the Railway Ministry, as confirmed by no less a person than the Chief Commissioner of Railway, in his evidence quoted in Para 25 that the Railway Board and the Government were committed to the amalgamation proposal on these very grounds. There existed therefore, sufficient justification and the Government should have abolished the two fold classification in Railways in view of its commitment and the spirit of Pay Commission recommendations, as a model employer.
- 4.12 Immediately after Independence of India, however, the Ministry of Railways made a complete reversal of its policy with regard to the amalgamation of class-I Junior Scale and class-II lower gazetted cadre and went back on everything they had said and committed before, in favour of the amalgamation of the services.

It is a matter of regret that despite such being the commitments and recommendations, the Railway Board in August 1948, re-designated the '**Lower Gazetted Service**' as **class-II** service and introduced it on uniform basis on all the Indian Railways including those **company managed railways taken over by State where there was no such distinction between the promoted and direct recruit gazetted servants.**

5 **SECOND PAY COMMISSION PERIOD (1957-1959).**

- 5.1 The issue of Pay Scales to class-II Officers came up for consideration of 2nd Pay Commission also. This was discussed specially in Chapter-XIV. In broader term however, the issue of classification of Government services was also discussed in chapter-LII. However, while discussing the principles for pay fixation and pay scales, the 2nd Pay Commission in their report at Page 103, Para 8, Chapter X state as under :-

"we would only mention that in recommending pay scales for various categories of staff we have kept in view the broad principle that service and posts whose duties and responsibilities are comparable should, other relevant circumstances being the same, carry substantially the same or comparable rates of remuneration....."

(The above has been reproduced in 3rd Pay Commission Report Vol. I, Part II, Chapter 5, Para 29, Page 34 also, later on).

The above is the clear indication of the principle adopted by the 2nd Pay Commission for deciding the different pay scales.

- 5.2 IN PARA 3, CHAPTER XIV, PAGE 147 OF ITS REPORT THE 2nd PAY COMMISSION HOWEVER SAID:-

"3.....The associations representing the class-II services have generally stated that, that class should be abolished, and the services and posts at present in that class be included in the cadres of the related class-I services, and remunerated accordingly. The proposal, in effect, is that the existing distinction between the class-II and the Junior branch of the class-I services should disappear. The main argument in support of the proposal is that the class-II officers have similar duties and responsibilities as class-I officers in the junior scale. This is generally true, but there are exceptions....."

HOWEVER, PARA-5, CHAPTER-XIV, PAGE 148 OF THEIR REPORT READS AS UNDER:-

"5.....Where the duties and responsibilities of class-II officers and of officers of the junior scale of Cl -I are similar, the differentiation in remuneration and status is usually sought to be justified on the ground that the class-I officers are recruited for holding higher posts, and that the junior scale posts in this case are only meant to serve as training ground, and to equip them for the higher responsibilities for which they are

recruited, class-II Officers, on the other hand are recruited, whether directly or by promotion, mainly to perform the duties of the grade which they are appointed".

- 5.3 CONSEQUENT TO ABOVE, THE 2nd PAY COMMISSION IN PARA 7&8, CHAPTER XIV, PAGE 148 & 149 OF THEIR REPORT HAVE FURTHER SAID THAT :-

"7.....We put the proposal of the associations of class-II Staff to several of the official witnesses and none of them supported it. They said that in practically every department there was a large volume of work which could be entrusted appropriately only to class-II officers: it was sufficiently difficult and responsible not to be entrusted to class-III officers, but not such that it should be attended to by highly qualified or talented persons such as those recruited to the class-I services as part of their training. Their point, in other words, was that the amalgamation proposed by the service associations would be wasteful. One of the official witnesses also said that the proposed arrangement might prove harmful to the interests of class-III officers who are now promoted to class-II, but many of whom, not be of the standard of class-I, would lose their promotion altogether if the class-II grades were abolished. He added, with reference to the class-II services to where there is no direct recruitment at all, that if those recruited to the class-III services were to be promoted straight to class-I, it would be necessary to consider why direct recruitment at the intermediate level should not be introduced.

"8.....We have come to the conclusion that there is not adequate justification recommending a change in the present system (except that if our recommendation in a later chapter regarding the abolition of the present classification of the services into four classes is accepted, the difference would be limited to pay scales). The slightly lower remuneration than that of direct recruits, to class-II is justified by the lower qualifications and standards laid down for that class; and the pay which these promoted from class-III service are likely to draw, will not often compare favorably with the pay of junior class-I officer. Even when there is a difference, it will usually be insignificant".

- 5.4 The view point put forth by certain witnesses, as brought out by Para 5 of the report above, completely disregards the potentialities. It amounts to claim a preferential treatment to class-I officers, only because they are 'High-born' No justification has been advanced in establishing this claim also. In a democratic set up like ours, and in the wake of detailed analysis of the observations of Ist Pay Commission, such self centered statements only reveal the degeneration of morals of the privileged class. Such witnesses should have been ashamed to use this 'High-born' argument to establish their superiority over the class-II, particularly when an increasing proportion of equally qualified and more experienced men were entering the class-II service. It is disappointing to note that the commission has also not hesitated to accept this argument without even questioning it. How can justice prevail if such high powered bodies also treat important issues in this

casual manner and perhaps with prejudice mind? On the other hand if the proposal to give a higher grade to CI-I would have been put up to some CI-II officer's organisations, they would have also rejected the same, would that been accepted by the Pay Commission.

5.5 Para 7 of the Commission enumerates certain generalised arguments of some official witnesses. Similar arguments have already been rejected in greater details while analysing the observations of Ist Pay Commission, in paras above. It seems on going through all this that almost all arguments used herein have been borrowed from Islington Committee Report in general manner. Almost all these arguments have already been discussed and rejected too in depth, by the Ist Pay Commission in their report, and therefore, their repetition is considered a futile effort. In fact, as far as the Railways are concerned, the commitment of the Railway Board and the government was still valid and as already mentioned earlier the majority opinion of the Ist Pay Commission stood in full support for the abolition of class-II service. In this context the generalised recommendation of the IInd Pay Commission in respect with retention of two fold classification in gazetted cadre have no relevancy for Railways at least. In fact, it would have been more appropriate, if the IInd Pay Commission had questioned the Govt. for its failure to implement the Ist Pay Commission's specific recommendation for which Indian Railways definitely qualified.

5.6 Despite the Second Pay Commission, in their report, Chapter LII, while disusing the overall Classification of services of Central Government, expressed the view that the classification of services is not serving any specific issue, hence recommended for the abolition of the classification of services. The said recommendation of the Second Pay Commission, reads as under:-

II-PAY COMMISSION REPORT CHAPTER L II- CLASSIFICATION OF SERVICE,
PAGE 560, PARA 4.

"..... The weight of evidence is in favour of abolitions of this classification, the main ground mentioned being that it serves no practical purpose which cannot be served without, and that, on the other hand, it has an unhealthy psychological effect. We are in agreement with this view. We attach importance to the need for developing among Civil Servants a feeling that they all belong to a Common Public Service; and any system of classification or nomenclature, or for the matter of that any feature of Public Personnel Administration, which is likely to hamper the growth of such a feeling in how so ever small a measure it may be should, in our view, go, unless it serves a definite practical end which cannot be served adequately otherwise. Other Countries, including those with a large and complex Civil Service Organisation, have apparently, not found it necessary to superimpose upon their Civil Service grades and occupational groups a broad horizontal

Classification like ours, and we don't think any serious inconvenience will be caused to the Administration in India, if the classification under consideration is given up....."

Evidently even the Second Pay Commission have expressed their views regarding the futility of this system of classification of services in Central Government Departments, and naturally therefore recommended for its abolition. This recommendation of the Commission was not accepted by the Government of India .

6. **WHAT ADMINISTRATIVE REFORM COMMISSION SAYS ABOUT THIS?**

- 6.1 After the 2nd Pay Commission the next high level committee, which considered this matter was Administrative Reform Commission. The matter was considered in depth by this high level committee and several important observations were made. The committee in its recommendations No.18 on page no. 51 said:-

"Class II posts where incumbents performed duties similar to those of Class I officers may be abolished."

- 6.2 In its report on personnel Administrative also, the Administrative Reform Commission (ARC) dt.18/4/1969, Chapter-X while deciding the principles of pay determination observed.

"..... The posts in the Civil Service should be grouped into grades so that all those which call for similar qualifications and involved similar duties and responsibilities fall in the same grade."

- 6.3 It is again interesting to read the letter of Sh. K. Hanumanthiah, Chairman Administrative Reform Commission (ARC) to Prime Minister of India Smt. Indira Gandhi while forwarding the recommendation of the commission on 18/4/69, which states that

"In the constitutional set up which we have, with equality of opportunity guaranteed, it is not possible to sustain monopoly and reservations for one or other class of Govt. servants. The road of the top must be open to every competent and qualified..... It is also necessary to remove the existing anomalies in the present system of remuneration and provide for equal pay for work of equal responsibility and difficulty. These principles, if put into practice, would go a long way to mitigate the existing rivalries and frustrations in the Civil Services."

7. **MINISTER OF RAILWAYS Sh. C.M.POONACHA.**

- 7.1 Immediately following this recommendation of ARC, the then Minister of Railways Sh. C.M.Poonacha while addressing the first ever All India Conference of class-II officers of Indian Railways, held at GORAKHPUR on 14/9/68 and during his speech made some very important observations.

"You (meaning the President of Federation) have rightly pointed out that the distinctions and the areas of differential treatment should be reduced if not eliminated. I will, perhaps, lay emphasis on the term eliminated, because it is time that we brought the pattern of working and also of the pattern of formulation of the various units of officer's classes into one common category and to be dealt with as such. Not only I will also agree with you that the efficiency could be improved to considerable extent and may repeat that this is what the Railway Board have also been endeavoring as quoted by your President. The Board have taken this view that this should be done."

7.2 It cannot be denied that the above observation, made by the highest person in Railway Administration unequivocally accepts the view point of class-II officers, and declared that even Railway Board is thinking on that line. He even mentioned that instead of reducing the areas of differential treatment, he prefers that he would lay emphasis on total elimination of the differentiation. Moreover he felt that this shall definitely improve the efficiency.

7.3 It shall be agreed that no more clear views can be expressed in this respect specially by a person who was the head of the department, for which he was speaking at that moment.

Unfortunately however, this lofty idea too remained untranslated into action, and class-II/ Gp. 'B ' continue chasing it.

8.0 OTHER TOP LEVEL COMMITTEES.

8.1 A Committee of Public Sector Undertaking was constituted in the year 1971-72, and the Director General Bureau of Public Enterprises, while disposing before this Committee, discussing the policy of Govt. in the matter of appointment of Chief Executive and Top Executive in public enterprise, said:

"If there are people available within the enterprise, who have already been screened and who have been found suitable for these posts. They should be given first preferenceif suitable person is not available within the enterprise, then naturally the Govt. goes outside the enterprise..... "

8.2 Even the CHAIRMAN, LIFE INSURANCE CORPORATION OF INDIA, before the same Committee said.

"The Philosophy that men inside the organisation were not good and the men brought from outside were good had to be changed."

"So far as officers are concerned, we are trying to find talent from within to see that they should be given opportunity to go forward."

(Reference Committee of Public Sector Undertaking Report Para 5.14).

- 8.3 The CHAIRMAN BHARAT HEAVY ELECTRICALS LIMITED, also reiterated the same views “-

“ There is no bar for worker to come up to any level in the company provided he has the necessary qualification and his record of service is satisfactory.”

- 8.4 It is evident from the statements of various head of various important Public Sector undertakings that everybody of them was in favour of more benefits/facilities/promotion prospects for the officers working in the department instead of, for persons working outside or even direct recruits. Otherwise also it should be common practice to give more benefits to persons inside so that the workers remained most contented in order to give more efficient and qualitative service to the organisation in which they are working, which they shall be able to give once they are sure that their interest are being looked after by the management. Unfortunately, in the case of the class-II officers this feeling is not prevailing in the mind of most of the class-II officers and therefore they seem to be most frustrated. It is a fact that these Gp. 'B' officers have got tremendous capacity to work and are able to give such service which can take the Railways to greater height but this has to be looked into by the management at the top which at the time is not available.

- 8.5 Those who deposed before this high powered committee were men of eminence, possessing vast and rich managerial practices in the field and cannot be brushed aside just because these are at variance with those of beurocrates in the civil services. Why not give this philosafy a fair trial, in the Railways at least in some sphere of its varied activities.

9. **3rd PAY COMMISSION (1970-73).**

- 9.1 The Problem is being highlighted time to time by Class-II Officers of Indian Railway, through individuals and or their associations/Federation, sometimes using the forum of Parliament too and through Members of Parliament and other public figures individually, since this is a regular heart burning issue, as it affects the moral of Gp. 'B' officers adversely that while working in field, they shoulder equal rather same responsibilities still they are paid lesser. However, the Railway Board has been refusing constantly to see the reasons, and therefore have always been avoiding to take any decision in the matter on one pretext or the other. In the event of more heat in the matter, the issue is shelved with the remarks that the matter shall be referred to the next Pay Commission, and that's all.

As previously, this issue was again taken up by the 3rd Pay Commission, which was constituted in the year 1970 and gave its report in 1973 effective from 1/1/1973. What is astonishing is that despite the matter being hotly debated after every Pay Commission Report, the matter is never referred to any pay commission, specifically for study, and

report. In fact this issue is always raised by the associations/federations of various ministries, and therefore integrated outlook is never given, and therefore, instead of the deep study in the matter, it is decided in a very slip-slod and unsystematic way, resulting in total frustration again in the mind of Gp. 'B' officers, leading to further confrontation even after the Pay Commission reports. At most of the times the observations of pay commission, defy even their own principles, set upon by themselves, to determine the pay scales and their structure. Same thing happened in the case of 3rd Pay Commission also.

- 9.2 The 3rd PAY COMMISSION, while discussing the principles of pay structure, said as under:-

3rd PAY COMMISSION REPORT VOL.I, PART II, CHAPTER 5, PARA 32, PAGE 35

"32.....Fulton (Para 217 FULTON COMMITTEE REPORT) assured that no post should be the preserve of any one group, except in so far as individuals in the group may be uniquely qualified; our Administration Reforms Commission have highlighted that certain posts and categories of posts can no longer be regarded as the close preserve of generalist cadres alone."

- 9.3 At other stage also, 3rd Pay Commission stated as under:-

IIIrd PAY COMMISSION REPORT VOL. II PART II CHAPTER 36 PAGE 74

"340. (a) At many places the system often results in the supervisor and the supervised being placed in the same grade. Further, it happens that employees in different grades perform identical duties and are required to interchange their duties due to shift working. Such an arrangement conflicts with the principle of equal pay for equal work."

3rd PAY COMMISSION REPORT, VOL-II, PT-I CHAPTER 27 PARA 72 PAGE 116
ON INCOME-TAX OFFICER

"72.....We would however, suggest that charges normally to be held by officers in the Class I senior scale and by Class II officers should be clearly demarcated as such , and barring unforeseen contingencies, there should be little or no interchangeability."

- 9.4 Even after laying down such fair principles the same Pay Commission , when came to notice the discrimination between class-II and class-I Assistant officers of Indian Railways, evaded and circumvented the entire matter by bringing in unrelevant factors for the support of contineuing the system and did not keep into consideration, the principles decided themselves for determination of pay structure and decided the issue on totally different considerations, violating their own set principles. The various paragraphs, wherein the subject of class-I and class-II was discussed, are very interesting

and relevant, and therefore are reproduced in tota herein under, before discussing the same in depth.

IIIrd PAY COMMISSION REPORT, VOL.I, PART III, CHAPTER 13, PAGE 132

"5.....The association of Class II gazetted officers have demanded the abolition of class II gazetted services and their merger with Jr. Scale of the corresponding class I services on the plea that members of the class II normally perform the same functions as are performed by members of the class I services at junior levels. A more or less similar plea was made before the first and second Pay Commissions also. However, both these commissions did not accept the plea, and recommended the continuance of Class II posts as a separate entity.

IIIrd PAY COMMISSION REPORT, VOL.I, PART III, CHAPTER 13, PAGE 132

"6. We have again considered whether the existing pattern of having Class I and gazetted class II service requires any change. While direct recruitment is made to Junior scale of the organised class I services (or to the lower segment of the integrated scale in certain cases) the well-understood intention is that these direct recruits will spend only a relatively short period in the junior scale, as the case may be. During this period, which is usually 6 years or so, the direct recruit undergoes a period of in-service training, and acquires considerable experience, as he is continuously called upon to meet fresh challenges, and encouraged to take responsibility. The career grade is the Sr. scale. The intention is to build up the direct recruit so that he can hold the top administrative posts while he is still young, and to develop his qualities of drive and initiative. On the other hand, the class II services often mark the culmination of the career of efficient class III employees, though direct recruitment also does take place, as indicated earlier. While the class II officers often exercise similar statutory powers as a junior class I officer, the responsibilities he is called upon to discharge, however, are somewhat more routine, and there is a great degree of supervision. We are of the view that, having regard to different roles assigned to these services, and to need for building up cadres to man the senior administrative posts, the existing division into class I and class II services should be retained. "

"7. The merger of this category with the junior class I cadre would mean an addition to this base of approximately another 30,000 posts most of which would have been filled by lower standards of recruitment and promotion. Moreover this vastly expanded base would, by considerably reducing the further promotional prospects of the directly recruited class I officers, render that service very unattractive and the class I services would thus fail to attract candidate of the right caliber. There would also be another serious objection if all the class II posts contained into junior class I, it would mean that selection to the new cadres would be through the UPSC, partly by promotion and partly

by direct recruitment. At present, generally speaking, the class II is largely promoted from below. Conversion to class I implies that, to the extent that these posts are filled by direct recruitment, the avenues of the promotion now available for class III would shrink."

"8. Most of the official witnesses have favoured the continuance of the existing differentiation. In regard to this practice in some Departments of recruiting personnel for class I and class II from the same competition, depending on their ranking and putting them initially on jobs which are indistinguishable, except for their designations, the official witnesses do not see any anomaly in this practice since the period for which this situation prevails in the organised class I Services is short, and ceases as soon as the direct recruit to the class I moves into the Senior scale and assumes higher responsibilities."

- 9.5 These paragraphs of 3rd Pay Commission reveal its casual approach to the issue. Islington commission in respect of various categories have undergone sea change but its recommendations about LGS is allowed to reign supreme as if sitatical. It is quoted time and again because it serves to perpetuation of the discrimination. But it is always forgotten that the British Government, before independence had accepted the impracticality of this system in the changed circumstances as early as 1944-47., and decided to dispense with it.
- 9.6 The generalized arguments advanced by the 3rd Pay Commission, both for and against the abolishment of class-II proposal are, as a matter of fact, more or less same as given by the earlier pay commissions and therefore, do not call for very detailed comments and also in-depth analytical consideration. It is evident, that the 3rd Pay Commission has accepted the precedence as a rule and therefore, nothing can be expected as principle. In fact, every pay commission, had dealt with this matter with closed mind, and unless a fresh and unbiased approach is adopted, the deliberations will continue to be more mediocre and meaningless.
- 9.7 In Para 6 of 3rd Pay Commission Report (quoted at Para 9.4 above), the commission has accepted that, while in class-I junior scale, a direct recruit always remains under training either on odd jobs or on in service. This period even at that time, used to be generally 4 years only and not 6 years as mentioned (as far as railways are concerned), which has further been reduced to 3 years only recently (this includes 2 years probation period). It is a subject matter for discussion that how a trainee is called upon or can be called upon or for that matter, is even capable to meet fresh challenges and shoulder responsibilities, in a better way as compared to his seasoned, experienced and mature class-II counterpart. The superiority of a class-II Officers was being accepted and therefore preference always used to be given to class-II person having 3 years service against the less than 5 years service class-I officers, for promotion to Sr. Scale, in earlier days, say before 31/12/1985 (when

this balance was tilted in favour of class-I, arbitrarily). Unfortunately, the higher ups who in the absence of any clear cut laid down policy of time bound promotions for class-II, control the fate of this unfortunate category, and have been ensuring so far, that most of the class-II are not able to move upstairs much, and therefore majority of them retire in Senior Scale at the most, without even being cleared for class-I. This has resulted in the fact that a very minute percentage of class-II officers, are able to reach the Junior Administrative Officer's stage.

9.8 In PARA 6, THE PAY COMMISSION's observation viz.

".....while the class-II officers often exercise similar statutory powers as a junior class-I officer, the responsibilities he is called upon to discharge, however are somewhat more routine and there is greater degree of supervision".

Requires a special mention here, as the same is not applicable to class-II officers in railways at least, as it is now a well accepted fact, that both set of officers in railways not only exercise same powers, man the same & interchangeable posts but also shoulder same responsibilities and have same duties to perform. Moreover neither the duties performed by these officers are 'somewhat more routine' and nor 'there is greater degree of supervision' over the class-II, at least in railways.

9.9 In this reference, the answer given by the Minister for Railways in two unstarred questions, as late as 1989. (Question No.7567 dated 28/4/89 and question No.8305 answered on 5/5/1989) on the floor of Parliament are very relevant and therefore need to be quoted:-

ANSWER TO PARLIAMENT QUESTION NO 8305 Dt. 5.5.1989 -BY Dr. C.S.TRIPATHI

"39...The allotment of a lower scale to Assistant officers class II is based on the specific recommendations of the Third Pay Commission contained in chapter 13, Vol. I of their report. The higher scale has been allotted to Junior Scale class I to attract candidates of the right caliber. For a class I officer, the Junior Scale post is essentially for undergoing in-service training and acquiring experience to enable him to occupy higher posts in the cadre. The duties and responsibilities performed on the working post are the same and the posts are inter-changeable. The IVth Pay Commission after considering this has not recommended parity in scale for these two categories of officers....."

ANSWER TO PARLIAMENT UNSTARRED QUESTION NO. 7567 DATED 28.04.1989 IN LOK SABHA

a) **In Civil Engg, Mech. Engg., Traffic, Electrical, S & T, Stores, Accounts and Personnel Deptts of Railways, Junior scale posts and Gp. 'B' posts are**

operated. Interchangeably and therefore, it is not possible to segregate Junior Scale posts from Gp. 'B' posts in these Deptts....."

9.10 As a matter of fact, it is very strange to note that the 3rd Pay Commission did not discuss the condition of service of the class-II Officers in the railways in Chapter 36 while discussing the Ministry of Railways, unlike other chapters where they have discussed about the class-II officers of the ministry concerned and negated the demand of abolition by putting some or the other reasoning. As stated earlier and above also, in the railways there is no distinction what-so-ever between class-I and class-II officers in respect of duties, responsibilities or interchangeability of the posts, a fact which has been admitted by the Railway Board and the Railway Ministers since 1942. The pay commission perhaps had no argument to put forward against such concrete evidence and has therefore carefully omitted discussion of the class-II officers in railways to suit their purpose of building, the class-II officers of railways in their general Chapter viz. Chapter 13.

9.11 The continuance of class-II recommendation made by 3rd Pay Commission, is contained in Para 7 of Chapter 13 of the report as reproduced in Para 9.4 above. The arguments given for its continuation are basically as under:-

- a) *The merger of this category with the Junior Scale class-I cadre would mean an addition to this base of approximately another 30000 posts, most of which would have been filled by lower standards of recruitment and promotion.*
- b) *The merger would considerably reduce the further promotion prospects of the directly recruited class-I officers, render that service very unattractive and the class-I service would thus fail to attract candidates of the right caliber.*
- c) *If all the class-I posts are converted into junior scale class-I, it would mean that selection to new cadre would be through the Union Public Service Commission, partly by promotion and partly by direct recruitment. At present, generally speaking, the class-II is largely promoted from below.*

Conversion of class-I implies that to the extent that these posts are filled by direct recruitment the avenue of promotion now available for class-III would shrink.

9.12 Even a very casual scrutiny of the fact shall make it abundantly clear that the so called reasons, advanced by the 3rd Pay Commission, to reject the demand of the class-II officers, do not stand to the logic, and the same are not only unfounded but even derogatory to the promotee officers as a whole.

In the railways, the selection of the class-II officers is made by a committee of 4 Senior Admn. Officers (SAG – which is equivalent to Jt. Secy. Of Government Of India) and is conducted by a positive written test followed by a viva-voce test, which is much more

steeper than that of the selection made by departmental Promotion Committee of the Union Public Service Commission for the Railways for promotion of Gp. 'B' officers to Junior Scale and Senior Scale posts of Gp.'A'. On the other hand D.P.C. Committee of UPSC consists of 2 executive directors (equivalent of S.A. grade officers in all respect) and one member of UPSC. The standard of class-II officers therefore cannot be stated to be inferior in any way. One very vital statement can be given here that even this selection of class-II officers is based on directives/approved system by the UPSC. Moreover it has already been accepted even by the Pay Commission that the class-I direct recruits are generally put to work on less important, odd jobs while working in Junior Scale grade and more complicated, important and vital posts are invariably held by class-II officers only. To describe the class-II officers, therefore, belonging to lower standards of recruitment and promotion is not borne out of actual facts. Notwithstanding, who objects to the mode of selection being made still more stiff. There is already a system of LDCE in-vogue under which 30% of the vacancies in Gp.'B' are filled through an open competition among the departmental candidates. The written examination comprises of professional papers, general knowledge, Accounts, store and Personnel matters etc.

- 9.13 In respect of item 'B' of Para 9.11 it can safely be said that even this is not based on facts. It is a well known fact that the average age of Group 'B' officers at the time of entry is in the range of 45 years or more meaning thereby that these officers are available only for a limited period for working and therefore, this is not likely to affect relatively the promotional prospects of direct recruits substantially. In fact, today all direct recruits are getting promoted from Junior Scale to Senior Scale immediately after 3 years service (only after one year working experience and that also on odd jobs) whereas they are actually due for regular promotion to Sr. Scale after 4 years service only. Similarly, presently the minimum period required for promotion to Junior Administrative grade is 8 years but in most of the cases in all the departments, class-I officers are being promoted 'on adhoc basis' at least after 6 years service only. The effect of inclusion of class-II officers, at the most, shall make their promotion at the desired time i.e. 4 years & 8 years respectively, which in fact is the need of the time.

It is therefore, not correct to say, that this will reduce the further promotions prospects of class-I and this observation of the Pay Commission is not based on facts.

- 9.14 The analytical examination of item 'C' shall reveal that how biased the attitude of the so called officials, who argued against the abolition of class-II cadre and accepted readily by the 3rd Pay Commission without studying the same seriously is. It appears to be completely unfounded in as much as if the class-I junior scale posts and the class-II posts are integrated into one scale then the number of posts in the integrated scale will in fact be enlarged. Since a fixed percentage of posts are to be reserved for filling up the same by way of promotion from class-III, from an enlarged pool of posts, there will be no scope of shrinkage in the avenue of promotion now available to class-III. Moreover class-

III staff shall have an added advantage and charm too, that they shall - in that event - be promoted directly to class-I, instead of class-II at present. What is more, apart from this, abolition of class-II is not only the demand of class-II officer's cadre, but both the recognised federation of non-gazetted Railwaymen had also demanded the abolition. In fact the All India Railwaymen's Federation inserted an additional chapter in their memorandum Chapter VIII - demanding the abolition of class-II, wherein it was clearly mentioned, that how the avenue prospects of class-III can be protected by way of fixation of percentage of posts to be filled by promotion in the event of abolition of class-II.

- 9.15 The 3rd Pay Commission's observation , in para 6, that the class-II service often marks the culmination of the career of efficient class-III employees, is not only prejudicial and contemptuous to the 17 lacs. Railwaymen in ranks, but is also contrary to the Government's proclaimed policy of socialism and of opening the avenue of ranker Railwaymen to top managerial posts as enunciated by Shri K. Hanumanthiah, the then Railway Minister, **in his categorical policy announcement of making General Managers from pointsman**. Off-course little did it realize that without widening the channels of vertical progressions, all such pronouncements turn to be more wishful thinking. With the present conditions of service, a pointsman should have 100 years of service at his disposal .In the present policy, it is not possible at all, for any non gazetted employees to rise even to the rank of H.O.D what to say of G.Ms. and unless this artificial class distinction in the base of gazetted railway service is abolished, none can think of reaching to the highest position.
- 9.16 It is derogatory and insulting to think that there is dearth of efficiency and intelligence among the 17 lacs of Railwaymen to enable holding the top managerial posts. This was the very idia that used to be advanced by the British rulers for depriving the 'natives' of managerial posts in the government It can safely be said that if the artificial barriers of classification is removed and the Railwaymen in ranks are given effective avenue to top managerial posts. The Railways will not only be more efficient but will also help creating an atmosphere of industrial peace in the biggest and most vital national undertaking of the country.
- 9.17 Moreover, it is well known and accepted fact that after independence there has been phenomenal growth of higher education both general and technical in the country. In spite of the vast expansion of industry, the job demands have rather been disproportionate, leaving an alarmingly large number of unemployed Generalists, Scientist and Engineers. Under these odds a large number of meritorious graduates/post graduates and other highly qualified persons have been accepting subordinate jobs for years now. This is leading to a situation when very high percentage of class-II officers shall consist of young and highly qualified persons, which has been made possible further by the introduction of 30% Limited Departmental Competition Scheme for class-II. In fact, on date also the position is very much different, than what was obtaining 20-30

years before and statistics shall confirm that an on average at least 50% class-II officers in all the departments of railways are young and also possesses equal qualifications as those of class-I direct recruits. Under these circumstances, any claim of quality, on account of higher education of initiative, drive, quickness and fresh outlook because of young age, of competence to shoulder responsibility and meet fresh challenges by class-I officers over the young class-II officers are utterly meaningless. The fears of class-I service becoming unattractive is obviously of no significance now. In view of all this, the Pay Commission contention that class-II service mark the culmination of efficient class-III employee is devoid of realities. It is utterly wrong to guarantee a planned career to a young graduate selected by UPSC, and to condemn those already working in the Department hopelessly. In fact, what is evident that the Railway Board is worried about the poor promotional prospects of Cl-I direct recruits and at the same time for reduced promotional avenues of Cl-III, all at the cost of Cl-II fate? Is it not a clear cut step motherly treatment?

- 9.18 In this context, it would be worthwhile to quote from the "The Study of Social background of India's Administrators' (Publication Division, Govt. of India, New Delhi) by Prof. V.Subramaniam formerly of the National Academy of Administration, MUSSOORIE :-

"General lack of opportunity ----- the slow promotion of a majority of them was again due to the stagnation even though their educational attainments were not far below from those of direct recruits a survey of promoted officers' shows that they are drawn largely from the same class as direct recruits..... Thus in social origin and academic achievements, they are not far behind the direct recruits....."

- 9.19 Despite all the logics and even being contrary to their own set principles of Pay Scale determination, the 3rd Pay Commission refused to grant justice to Cl-II officers. The irony of the fate is that the Rly. Cl-II officers, are always grouped with the Gp.'B' officers of other ministries and dealt with as such to be rejected at the hands of Pay Commissions . Whereas the case of Cl-II officers belonging to the Railways is totally distinct, as only in the case of Railways, it has been stated and accepted by the Govt. of India, that it is not possible to segregate the class-II posts from class-I in Assistant Officers cadre, and also that the posts are totally interchangeable.

The 3rd PAY COMMISSION as such gave their final recommendation as under:-

IIIrd PAY COMMISSION REPORT, VOL.I, PART III, CHAPTER 13, PAGE 133

"9. We have, therefore, come to the conclusion that the distinction made at present between the class II and the junior class I grades is justified, and that it is not

repugnant to any particular principle. The Class II cadre should, therefore, continue as separate entity."

IIIrd PAY COMMISSION REPORT, VOL.I, PART III, PAGE 133

"10..... We would however, suggest that some weightage should be accorded for the service rendered in class II, at least in those class I Services where promotion from Class II is, for all practical purposes, to the senior scale of Class I. We would however, leave the extent of the weightage and the conditions under which it is to be given to be decided by the individual Departments."

"12.Unless we have otherwise specified in the appropriate chapters, all the posts which are at present in the standard Class II scale should be replaced by the proposed scale....."

10. FOURTH PAY COMMISSION (1983 - 1986)

- 10.1 The consonance with the practice and procedure adopted by the earlier Pay commissions, the 4th Pay Commission also did the same thing. First the norms of pay fixation were formulated and then then different ministries were taken up for pay scale determination of various categories. But the 4th Pay Commission did dwell on the concept of **'equal pay for equal work' and accepted the principle without any hesitation**. The following paragraph of its report is there very relevant and therefore is being reproduced below:-

IVth PAY COMMISSION REPORT PART I, VOL.I, CHAPTER 7, PAGE 86

"7.35. As the first finding, it may be quite fair to say that pay should equal to the value of the work done by the employee. But our Constitution does not provide for it either by way of a fundamental right or as a directive principle of State Policy. All that has been stated in article 39(d) is that the State shall, in particular, direct its policy toward ensuring "that there is equal pay for equal work for both men and women." The scope and meaning of the provision has been considered in Randhir Singh v/s Union of India where, on construing article 14 and 16 in the light of the preamble and article 39(d) of the Constitution the Supreme Court has observed that the principle of 'Equal Pay for Equal Work ' is deducible from them and may be properly applied to cases to unequal scales of pay based on no classification or irrational classification though those drawing the scales of pay do identical work under the same employer. At any rate, it cannot be gainsaid that the requirement that pay should be equal to the value of the work, is a truism which should, speaking broadly, hold the field."

Two important aspects are bound to be noted here that the 4th Pay Commission has said that the cases of unequal scales of pay based on irrational classification specially when these do identical work under the same employer, have to be looked into and secondly that the pay should be equal to the value of work.

- 10.2 The Pay Commission, while elaborating further the principles, took the assistance of a well known publication and quoted from it to reinforce their view. The same are reproduced below:-

4TH PAY COMMISSION REPORT PART I, VOL.I, CHAPTER 7 PAGE 90

"7.57It will be worth referring to the following views expressed in the matter in HANDBOOK OF CIVIL SERVICE LAW & PRACTICES".

"A few grades with clearly defined differences of responsibilities, corresponding to different scales of pay will be acceptable, but posts graded and paid differently yet without discernable differentiation of duties can have an adverse effect on morale A further source of trouble is that if grades do not relate to recognizable difference in duties, departmental applications for regrading multiply, and central control of regrading becomes impossible....."

In this, it has clearly been mentioned that if there is no discernable differentiation of duties, than the posts if graded and paid differently, shall have an adverse effect on moral. Different grading should be on recognizable difference in duties only. Sound and clear, but once again ' unfortunately' this was lost sight of when it comes to its application.

- 10.3 This principles thus enunciated have further been clarified vide Pay Commissions another reference :-

4TH PAY COMMISSION REPORT I, VOL.I, CHAPTER 7, PAGE 91.

"7.62..... The Priestley Commission gave 'fair comparison' the greatest importance and treated it as the primary principle, treating 'internal relativities' including vertical and horizontal relativities, as secondary. Broadly speaking, internal relativities reflect the functional relationship between grades or classes having regard to their duties qualifications and the value of work....."

- 10.4 It is very much relevant to quote here another Para from the Pay Commission's report which states that:-

4TH PAY COMMISSION REPORT PART I, VOL.II, CHAPTER 8, PAGE 97.

"8.11. There is multiplicity of designations in Govt. Organisations, without much regard to the duties and responsibilities of the posts. This has given rise to demands for equality in Pay Scales, Posts which have similar designations but are in fact not comparable in

terms of duties and responsibilities etc. We suggest that the designations of posts may be standardised so that as far as possible their duties and responsibilities may be duly reflected and designations may be uniformly applicable. When this is done, posts carrying a particular designation will have the same scale of pay in all departments. May be duly reflected and designations may be uniformly applicable. When this is done, posts carrying a particular designation will have the same scale of pay in all departments.

Here in the Pay Commission itself suggests that the designations of the posts should be so standardised as to reflect the duties and responsibilities of a post/ designation properly to ensure that a particular designation has the same scale of pay."

In railways, it is well known that not only designations are same, even the duties, responsibilities and power are completely same, with no difference at all, yet class-I and class-II are grouped differently as well as paid differently, as much as that the same post sometimes is held by class-I and on other occasions by class-II officers but with different pay scales and emoluments.

- 10.5 It is worthwhile to quote PARA 7.44 OF 4th PAY COMMISSION REPORTS VOL. I, CHAPTER 7 wherein it has very clearly been accepted by the PAY COMMISSION that it is in the Government interest to make the employees motivated to put in their best and to work honestly by paying them sufficiently and satisfactorily. The Para speaks as under:-

IVth PAY COMMISSION REPORT PART I, VOL.I, CHAPTER 7, PAGE 88

"7.44 The pay should be sufficient and satisfactory enough to motivate the employee for the efficient performance of his duties and responsibilities with a sense of rectitude. Efficiency of an employee often reflects the efficiency of the administrative wing to which he belongs. It is in government's interest to make him contented so that he gives his best in his field of service and discharges his duty honestly....."

The Pay Commission has further commented that the salary structure should be coherent so that the differentiation in the nature and responsibilities of the various posts is reflected properly and, therefore, classification of the posts be made very carefully. The Para in detail is as under:-

IVth PAY COMMISSION REPORT PART I, VOL.I, CHAPTER 7 PAGE 88

*"7.46. The salary structure should be coherent and should adequately **reflect the substantial differences in the nature and responsibilities of the various posts.** It would provide satisfactory incentives to performance and promotion. The classification of posts should therefore be made carefully..... **Moreover the coherence of the structure would***

serve to assure him of what would be within his reach. At the same time, the gradation of the scale on the basis of responsibility of the post would make it reasonable and compatible with his work and output."

However, while framing the proposals for pay structure for Gp. 'B' officers, specially on Indian Railways, this clear cut principle was not kept in view and no consideration was given to the responsibilities and duties being performed by both Gp. 'A' and Gp. 'B'. Once it is considered that the Assistant Officers' posts are equivalent to the Gr.2200-4000 because junior scale officers are being posted against these, then under what circumstances, Assistant Officer belonging to Gp. 'B' can be given less pay scale than 2200-4000 specially when no reduction is made in the duties and responsibilities being shouldered by Gp. 'B' while working as assistant officer as compared to Gp. 'A' officer in the same post. But unfortunately, the position is like that.

- 10.6 The paras concerning the principles laid down by the 4th Pay Commission for arriving at the suitable pay structure and pay scales for Central Government employees have already been enumerated above and need no further elaboration. However, when the question of granting pay scales to Gp. 'B' officers arose, the 4th Pay Commission perhaps forgot all these principles and came to the conclusion that no change is required in the Pay Scales rather no justification exists in abolishing the classification of Gp. 'B' and junior scale Gp. 'A'. It can be better explained after Para in question of the 4th Pay Commission report is reproduced, which is as under :-

IVth PAY COMMISSION REPORT PART I VOL.II CHAPTER 11-I PAGE 194

"11.2 Gp. 'B' Gazetted Engineering officers mostly assist the group 'A' officers. The main demand of associations of Gp. 'B' Gazetted Engineering officers has been for the merger of Gp. 'B' posts with Gp. 'A'. The railway association has specifically represented that Gp. 'B' and junior scale Gp. 'A' officers perform the same duties with similar responsibilities and therefore these two scales should be merged on the principle of equal pay for equal work. We have carefully considered the matter. We note that this matter was also considered by the third pay commission who did not find any justification for such a merger. In our existing scheme, Gp. 'B' posts mainly serve as promotional avenues for Gp. 'C' posts and only insignificant percentage of direct recruitment to group 'B' posts takes place. We would not like to change the existing structure as it has withstood the test of time. We feel that the classification of group 'B' and junior scale (group) is justified and it is not repugnant to any particular principle."

- 10.7 If the recommendation of 3rd pay commission are to be main stay, what was the need of 4th Pay commission. While stating that changes are required and felt ‘ **principle of granting different pay scales is not repugnant to any principle**’, forgetting conveniently, that this was not only violative of many principles of natural justice regarding pay fixation and pay structure but was even totally opposite to the principles set by themselves. It is surprising that even this pay commission took the stand that Gp. 'B' posts mainly serve as promotional avenues for group 'C' posts. Evidently without going into detail very much, they have based their recommendation basically on the recommendation made by the 3rd Pay Commission which also based their recommendation on the 2nd Pay Commission recommendation. It will not be out of way to mention here that except 1st Pay Commission none of the other Three Pay Commissions have studied this matter in detail perhaps because the issue was not made specific in the terms of reference, or perhaps, because of the executive officers to assist the commissions and always belonging to the tribe of Gp.'A' could prevail upon the commission to maintain status quo. All the pay commissions from 2nd to 4th have not taken into account the very positive recommendation made by 1st Pay Commission after a thorough study of the issue **i.e. where duties and responsibilities are identical. The pay scale and pay structure should be the same.** The case of Gp. 'B' officers of Railway Department at least is such and cannot be denied specially in view of the acceptance by the ministries of Railways as well as bureaucrats- officially and unofficially and even on the floor of the Parliament that there is no difference in duties and responsibilities being performed by Gp. 'A' and Gp. 'B' Officers of Indian Railways. **The commitment made by the Chief Commissioner of Railway in his statement before the 1st Pay Commission to abolish the Gp. 'B' cadre** is also conveniently forgotten. IS it not intriguing that when the 2nd, 3rd and 4th pay commissions could quote extensively from the the respective Pay Commission's recommendations to support their recommendation for continuing the status quo, all of them conveniently forget to mention **the decision of the British government in 1946, before independence to abolish the cadre for which a definite date was also fixed as also the procedure for implementing the scheme, which had already been notified.**
- 10.8 The biased attitude and prejudiced consideration as regards the Gp. 'B' officers are concerned of 4th Pay Commission, did not end here itself. The same is and can be reflected in many other ways, through the systematic analysis of various parts of the 4th Pay Commission report itself. The case of Railway Protection Force (RPF) is worth discussion here. As is well known, the Railway Protection Force is a part of the Railway Administration, and till the period of 4th Pay Commission, its Gp. 'B' officers were also being dealt with at par with other Gp. 'B' officers of other departments on Railways, with same pay scale as well as other benefits including promotion prospects and procedures. However, the 4th pay commission, in their recommendation, keeping in view of the suggestion by the Railway Ministry for making the pay scale of Border Security Force or

Central Reserve Police, applicable to RPF too, accepted the suggestion without hesitation, modified the pay scale of RPF from the earlier Rs.650-1200 (which is equivalent to Rs.2000-3500 now) to that of Rs.2200-4000 which is equivalent to the Junior Scale (Class-I) Grade. The relevant recommendation of the pay commission is reproduced as under:-

IVth PAY COMMISSION REPORT PART I VOL II CHAPTER 10 PAGE 181

"10.438.....The Department of Railways and association of RPF have suggested that the pay scale of Border Security Force and Central Reserve Police Force may be made applicable to RPF".

"10.439 As the RPF is now an armed force of the union, we think that the scales of pay should compare to those of the Central Police Organisations (CPO). Accordingly we recommend that the existing scales of pay of the posts of Assistant Commandant and above may be revised as follows:-

ASSTT COMMANDANT PROPOSED SCALE.

(700-1300/ 650-1200) Rs.2200-4000

- 10.9 One very important fact to note here is, that though the RPF Department is being compared with B.S.F. and C.R.P.F. of Home Ministry and thus are being given the grade equivalent to class-I, on that analogy, but when Gp. 'B' officers of other department compare themselves with Gp. 'B' officers of R.P.F., which was a fact since its inception, they are told not to compare themselves with R.P.F., why these departments should not be compared, is never explained?
- 10.10 Similarly in other departments, while discussing the Defence Ministry (Civilian department), the same 4th pay commission, did not hesitate to grant the pay scale equivalent to Junior Scale i.e. 2200-4000, to the Dy. Assistant Director in Military Form Department, though earlier this cadre was getting only class-II grade of Rs.840-1200. The relevant paragraph of 4th pay commission, reads as under:-

IVth PAY COMMISSION REPORT PART I VOL II CHAPTER 10 PAGE 132

"10.88 In the Military Farms Department, there are posts of deputy assistant director in the scale of Rs. 840-1200 which are filled by promotion from farm officer in the scale of Rs.650-1200. We recommend that the post of deputy assistant director may be given the scale of Rs.2200-4000."

- 10.11 Even Dental Surgeons, on Railways who, prior to 4th Pay Commission used to get the grade Rs.650-1200 (Gp. 'B' grade) have been placed in equivalent grade to class-I i.e. Rs.2200-4000 (RSP) as per the recommendation of the 4th Pay Commission.

- 10.12 The greatest cause of creation of frustration, in the mind of Gp. 'B' officers of Indian Railways, is the biased attitude of the 4th pay commission which is amply illustrated vide the Para quoted below:-

4th PAY COMMISSION RECOMMENDATION PART I, VOL.II, CHAPTER 8, PAGE 110

"8.65..... We have been informed that functionally the posts in the two levels (level I & level II) are interchangeable and involve similar duties and responsibilities. Considering all relevant factors, we agree that the posts in the SAG level-II (Rs. 2250-2500) and level-I (Rs 2500-2750) in organized central services should be merged and given the scale of Rs.5900-200-6700....."

What is worth noting here, that the same Pay Commission, which rejects the demand of Gp. 'B' officers for grant of grade Rs.2200-4000 equivalent to Gp. 'A'/class-I, despite the fact Gp. 'B' officers, have totally same duties, responsibilities, powers and CI-I/ CI-II posts being unsagregable/ earmarking of which being not possible at all. Forgetting all their principles of pay structure/pay determination through lame arguments that the issue was rejected by even 3rd Pay Commission, and or that grant of this grade shall diminish the promotional prospect of direct recruits class-I and even of class-III Supervisors, making the class-I less attractive, accepted the suggestion given by the Railway Administration to merge the SAG level-I and SAG level-II into one, by abolishing the SAG level-II. And mind it the basic reason for this suggestion, put forth was that level-I and level-II are interchangeable and involve similar duties and responsibilities (which was not a fact).

- 10.13 If the Para 8.65 of the pay commission merging the SAG Level-I & level-II, is systematically analysed in depth it is revealed that, though the demand of Gp. 'B' for merger of the scales on the logic of posts being interchangeable has been rejected, where as the suggestion of Railway Ministry for merger of SAG level-I and level-II, is accepted without hesitation on the same arguments. In their case it is stated that the posts involve similar duties and responsibilities, where as in the case of Gp. 'B' &Gp. 'A', it is not similar but same duties & responsibilities. In the case of SAG I & II the claim made for the posts being interchangeable is totally false, where as in the case of Gp. 'B' &Gp. 'A', it is perfectly correct. In the case of SAG I & SAG II posts the same were already segregated and earmarked fully, whereas in the case of Gp. 'B' & Gp. 'A' it has been accepted by the Administration even that segregation and earmarking of assistant officers posts is not possible at all. Despite all this, the merger of SAG level-I & level-II has been accepted by the Pay Commission, whereas the case of merger of Gp. 'B' & Gp. 'A' assistant officer's grade has been rejected out rightly. The argument given was that this will affect the promotional, prospects of Gp. 'A' direct recruits and also of class-III adversely. What kind of the justice this is?

10.14 One very vital and minute difference observed in all these cases - whether it is the case of Military Farm Department, or Dental Surgeon, R.P.F. or of S.A.G. level-I & level-II, is, that in all these cases, suggestions were made by the department concerned whereas in the case of Gp. 'B' officers it was not. Does it mean that justice can only be granted through the recommendation of the department concerned only, and the Pay Commissions are therefore not relevant? Where is the need of appointing Pay Commission? Why not everything be decided by the Departments?

10.15 Apart from the recommendations of various committees before and after independence including 1st Pay Commission, A.R.C., Ministers, other high level committees and pay commissions principles and rules adopted by them for pay scale determination, the case of Gp. 'B' Officers for grant of higher pay scale rather equal pay scale to what is given to Gp. 'A' Assistant Officers, stands justified even on other logics and arguments.

It is well known fact that earlier the State Government Employees used to agitate on several occasions, to grant them pay scales and other benefits equivalent to Central Government employees, but now the roles have been reversed as presently there are many states viz U.P., Punjab, Haryana, Tamil Nadu etc., where the Gp. 'B' officers have been given the pay scale equivalent to the Central Government Gp. 'A' scale i.e. Rs.2200-4000 (RSP) whereas the government is hesitating rather refusing to give the same pay scale to Gp. 'B' Officers of Central Government.

10.16 On the other hand in Burma, Pakistan, Bangla Desh, Ceylon etc., which were some time back were the part of Indian contingent, classification like Gp. 'A' & 'B' or class-I & class-II etc., have since long been abolished, but in India, we still are continuing the legacy of British Raj which created these two classes to adopt apartheid policy in order to create the differentiation between Europeans and Indians.

10.17 Not only, this system of fixation/determination of pay, has resulted in discrimination in class-I & class-II, even in class-II, this has created a lot of discrimination, as much as that at present, 3 different grades exist there, i.e. pay scale Rs.2200-4000 for R.P.F. class-II Officers, Rs.2375-3500 for accounts group 'B' officers and Rs.2000-3500 for all other department group 'B' officers, thus not only creating lot of frustration but also the confusion in abundance. Moreover, it seems there is no policy for the determination of pay scale for Gp. 'B' officers. This system of dealing with a category of officers who are the backbone of the middle management structure of Railway Administration, has to be modified, suitably and also with least possible delay.

11. **SUMMARY**

11.1 The recruitment of class-II/Gp. 'B' is done through a competitive examination consisting of written test followed with a viva-voce, as per the approved procedure by the U.P.S.C.

by a selection committee of 3/4 Heads of Departments which are of equivalent status to that of the members of U.P.S.C.

- 11.2 That, the class-II/Gp. 'B' cadre was initially created for such a jobs which were not important enough to be assigned to class-I officers, but were important for Subordinate Staff and secondly to ensure the Indianisation of middle management on Railways as all the class-I officers used to be recruited in U.K. only.
- 11.3 There was no class-I distinction in company managed Railways and therefore difficulties were experienced in cadre management after taking over the company managed Railways, after the war.
- 11.4 Immediately, after the introduction of Cl-II/Cl-I, difficulties were experienced in assigning the earmarked duties as bifurcation of posts/duties/ responsibilities could not be achieved. Keeping in view these it was decided in 1946, and announced by the British Minister of war and transport that class-II shall be abolished w.e.f. 1.4.47, which however, could not be implemented due to upheavals of Independence.
- 11.5 After independence, the 1st Pay Commission, unequivocally recommended to abolish the class-II, at least from such services where no difference in duties/responsibilities exists as is the case specially in Railway departments. Chief Commissioner of Railway (present Chairman's post) declared before the 1st Pay Commission, that Railway Department is committed to abolish the class-II.
- 11.6 The 2nd Pay Commission, however, did not accept the suggestion to abolish the class on the same analogy which was given by Islington Committee in 1912-15, while initially creating this class, forgetting that this plea has already been not found practical and rejected even by Britishers and later on by 1st Pay Commission, where in, it was found not feasible to bifurcate the gazetted cadre in regards to the work, duties and responsibilities - into class-I and class-II and practically both the posts are interchangeable. It was also contended that it will make class-I unattractive and the promotional prospects of class-III shall be affected adversely.
- 11.7 The 2nd Pay commission, however at later stage recommended for the abolition of the classification of Government servants into 4 classes, as the same did not serve any purpose. This however, was not accepted by the Government.
- 11.8 Administrative Reform Commission, in their recommendation mentioned that the class-II posts where incumbents performed duties similar to those of class-I be abolished and also advocated implementation of equal pay for equal work rule and said that the road for the top must be open even for the lowest placed employee.

- 11.9 Railway Minister Shri C.M. Poonacha, in his inaugural speech in a conference of CI-II officers at GORAKH PUR said that he favoured total amalgamation of class-I and class-II.
- 11.10 Many high level committees recommended more benefits/ facilities for the persons working inside the organisation, as compared to the outsiders, so long educated and qualified persons are available.
- 11.11 The 3rd Pay Commission, despite various pay determination principles and formulas, enumerated by them, which if implemented, would have ensured the merger of class-I and class-II, which means abolition of class-II, when came to decide the issue of class-II decided otherwise in violation of their own principles stating thereby, that the abolition of class-II shall enlarge the base of class-I to a great extent, and that it will make the class-I for direct recruits less attractive and also that it will mean less promotional prospects for Gp. 'C' non gazetted supervisors.
- Evidently, they were more worried about the promotional prospects of both Gp. 'A' and Gp. 'C', and not much worried about the fate or rather justice to class-II/ Gp. 'B', even though this was totally in violation of their principles decided by them only.
- 11.12 Though it has been accepted very clearly by the Government on the floor of Parliament, and even by Pay Commissions - that there is no difference in duties being performed and responsibilities being shared by Gp. 'A' and Gp. 'B' officers in Assistant Officers cadre, they enjoy the same powers so much so that the posts are totally interchangeable. In addition it has been accepted time and again that bifurcation and segregation of assistant officer's post is not possible. Still the 3rd Pay Commission did not recommend the merger of both classes/abolition of class-II cadre, which, as already stated, was contrary to the principles set by themselves for Pay Scale determination
- 11.13 As usual, the 4th Pay Commission also set many such principles of pay determination, which clearly favoured the abolition of class-II/Gp. 'B' but while dealing with the case of class-II, they went back to all their set principles and recommended to continue with the existing system, on the analogy that this was examined by earlier Pay Commissions who did not favour the abolition of the class, forgetting conveniently about the recommendation made by the 1st Pay Commission, which, unequivocally, recommended the abolition of the class-II, at least in such departments where there is no or very little difference in duties and responsibilities - as was in the case of Railway Officers at least.
- 11.14 Not only that their this recommendation was in contravention of their own set principles, and also based on wrong facts, the recommendation was indently prejudiced, as the very committee, recommended merger of SAG Level-I and SAG Level-II, on the plea that these cadre have similar duties and responsibilities where as in the case of Gp. 'B' and Gp. 'A' officers, it is not similar but in fact same.

- 11.15 In addition to the above, the same Commission, recommended the class-I grade to the R.P.F. Gp. 'B' Officers of Railways and Dental Surgeons, who were earlier part and parcel of the Gp. 'B' cadre, forgetting that there are other Gp. 'B' Officers also on Railways.
- 11.16 What is more, there is no class-I and class-II in Burma, Pakistan, Ceylon, Bangladesh etc., which were sometimes back, were the part of India and also that even in many States like Tamilnadu, U.P., Haryana, Punjab etc., there is no distinction in pay scales at least between Gp. 'A' and Gp. 'B'.

PART-B

ANOMALY IN PAY SCALE – HISTORY THEREOF

12. HISTORY

- 12.1 In terms of Islington committee report submitted in 1912-15, a new class of lower gazette service (LGS) now Gp. 'B', with the objective of obtaining a intermediatory cadre between the then class-I – recruited in U.K. – and the senior subordinates, as per the details outlined by the commission (brought in Para 3.3 of part 'A' earlier) was created, thus to serve below class-I but above class-III senior subordinates.
- 12.2 Later on however, administration showed their difficulties to bifurcate the duties/responsibilities assigned to class-I and class-II, and there being no distribution between them - as accepted by the Railway Ministry – it was then decided by the British Government to abolish this classification w.e.f. 1/4/47 which however could not be implemented due to independence upheavals. Subsequently the 1st Pay Commission also gave clear recommendation to abolish the class-II in services where no or little distribution exists in duties, and responsibilities. This recommendation was not implemented by the Government, and consequently the original classification, i.e. class-II being lower than CL-I but definitely above the class-III Senior Subordinates continued for decades.
- 12.3 In seventies, however, in order to settle a dispute of payment of superintending Allowance to the senior subordinates of the highest grade working in workshops under the scheme of Joint Consultative Machinery, Tribunal headed by Mr. Justice Miya Bhoy was constituted by the Railway Ministry. The Tribunal, in their award recommended that Foreman Grade 'A' in Railway Workshops should be granted a special pay of Rs. 150/- per month in addition to their pay scale, and the Assistant Shop Superintendents be given

the next higher grade i.e. Rs. 450-575 (AS) -. This scheme and the benefits were subsequently extended to Loco Inspector/Loco Foremen of Mechanical department also.

- 12.4 Later the 3rd Pay Commission, in their recommendation, said as under: -

“..... official witnesses in the course of the evidence agreed in general with the need for improving the emoluments of the Foremen in view of the introduction of intensive scheme but they preferred a scheme of special pay to higher scale of pay. We however would prefer a higher scale of pay to special pay, as the addition to work or responsibility in these posts is of a permanent nature and would justify placing them in higher grade”.

(3rd PAY COMMISSION REPORT, VOL – I, CHAPTER 19, PARA 43, PAGE 218)

- 12.5 Consequently, the 3rd Pay Commission in their report recommended the following pay scale for Foremen vide Para 44 of Vol. – I, Chapter – 19, Page-218, as under: -

SCALE	OLD pay SCALE	REVISED PAY RECPMMENDED
----- Foremen ‘A’	----- Rs. 450 – 575	----- Rs. 840 – 1040
Shop Superintendents (Production Units)	Rs. 450 – 575 + Rs. 150 Spl. Pay	

Subsequently this Pay Scale was extended to other categories of Technical departments too viz. BRIs, PWIs, S&T Deptt., Elect Deptt, Supervisors and so on.

- 12.6 Besides, another grade Rs. 840-1200 (RSP) was also introduced by the 3rd Pay Commission. It is better to quote directly from 3rd Pay Commission report for this.

THIRD PAY COMMISSIN REPORT, VOL.I, CHAPER-19, PARA-45. PAGE-218:-

“45..... Above foreman ‘A’ were recommend a special grade of ‘Principal Foreman’ for whom the upper segment of class-II scale viz Rs. 840-1200 will be suitable. In recommending the introduction of this special grade we have taken into account the high level of emoluments which are available to the highest grade of Forman outside Government service. Moreover there are likely to be Forman, who though excellent in their own line on the shop floor, might be found

unsuitable for promotion as officers in the administrative or managerial lines. We are not conceiving of a specified number of posts being created in this grade. On the other hand, the posts in the grade should be created on the personal basis as reward for especially meritorious work and procure efficiency in improving outturn and maintaining discipline. Safeguard should be introduced to ensure that these posts do not degenerate into normal promotional posts but are reserved for a select band of outstanding foreman”.

- 12.7 Apart from the category of principal foreman, the chief controllers posted at zonal and divisional head Qrs were also granted the grade of Rs. 840 – 1200. In the words of this pay commission:-

THIRD PAY COMMISSION REPORT, VOL.II PART-II, CHAPTER-36, PARA-124, PAGE-44:-

“.....As regards Chief Controllers we recommended two scales of pay. A higher scale for the Chief Controllers posted at the divisional & zonal Head quarters and a lower scale for the Chief controllers posted at the out station control offices. The duties of the former are of somewhat greater responsibilities, as they help in decision making regarding imposition of operating restrictions, diversion of traffic and other important matters and they also issue instructions to the Chief Controllers posted at out stations..... we recommend for the Chief Controller posted at Zonal and Divisional Head Quarters the higher scale of Rs. 840-1040”.

- 12.8 As a result of these recommendations, quite a few Senior Subordinates of mechanical workshops, named as principal foremen and 79 Chief controllers were given the scale of Rs. 800-1200. On the contrary the class-II officers, who were to supervise these senior subordinates were assigned factually low or an inferior scale of Rs. 650-1200 and this was enough to set in motion the process of devaluating the status and strength of the middle Management. The abnormality between the Pay Scales and discontent note between the supervisors and the supervised has been struck. The basic balance being maintained between class-II and class-III – as envisaged by the Islington Commission – as back on 1912-15 – was shattered and affected adversely, thus damaging the concept, totally. Off course, the situation did not become alarming as was witnessed later due to following:

- (i) *The grade given to a principal foreman was a personal one only and was subject to certain definite conditions. Naturally the posts were not*

earmarked. Further the Railway Administration did commit that such personnel would not be permitted to seek promotion to Class II (Gp. 'B')

- (ii) *Despite the fact that this was a regular grade for Chief controllers, the number of such posts was very limited – to be specific 79 only and also because these Chief Controller practically never worked under Assistant Officers, and mostly used to be responsible to divisional officers only, thereby keeping the balance intact.*

12.9 The Fourth Pay Commission, in their quest for reducing the number of grades to the minimum the merger of the two grade Rs. 840-1040 (RSP) and Rs. 840-1200(RSP) into one grade Rs. 2375-3500 (RSP) in complete negation of field realities. The recommendation of III PAY COMMISSION too, which (as already mentioned in Para 12.6 above) wanted to provide adequate safe-guards to ensure that the posts are not converted into normal promotional posts. This at the same times, no improvements in the Pay Scale of Gp 'B' was recommended and revised. Thus the anomaly in Pay Scales, between the Supervisors (i.e. Gp. 'B') and the Supervised (i.e. Senior Subordinates) was further acaentuated, aggravated.

12.10 As such, universally accepted norms for pay determination – according to which a supervisor has to get higher pay than supervised one – have been violated grossly. This has created an anomalous situation, wherein a person, after being promoted and destined to shoulder higher responsibilities, is fixed in a lower grade, which is contrary to all, universally accepted norms and internal & external relativities of pay determination. Here it is worth- while to extract a paragraph from the Third Pay Commission report, as under:

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IIIrd PAY COMMISSION REPORT VIL.-I, PART II, CHAPTER 5, PARA 29, PAGE 34.

“29..... Because of the hierarchical structure and the fact that each level in the hierarchy shoulders greater responsibility than, and supervises the work of those at the lower level, the second pay commission thought that vertical relativities should obviously, by recognized by differences in the rates of remuneration. According to them, if it were otherwise, there would be no economic incentives for seeking promotion to a higher grade or reward for accepting greater responsibility. In our view too, there can be little doubt that incentives have to be provided for persons to assume heavier responsibility and it is inherent in the system that supervisors carry greater responsibilities than those supervised.....”

Even earlier the Second Pay Commission, said as under:-

SECOND PAY COMMISSION REPORT, CHAPTER IV, PARA 3,
PAGE 31.

“.....The most important questions concerning relativities are those related to differentials where there is a recognizable difference in qualification for recruitment or level of duties and responsibilities, the rates of remunerations must be highersuch broad banding is however, possible only when comparisons are horizontal with-in the same hierarchy, a supervisor has ordinarily to be paid more than those he supervises however small may be the difference in qualifications and responsibilities.....”

It is not understood that how the 3rd and 4th Pay Commissions could introduce such a gross anomalous situation in Pay Scales after having enunciated these principles of Pay determination.

- 12.11 Here the granting of superior pay scale to Senior Subordinates is not being disputed. It was justified in view of their job requirements and responsibilities. The point at issue is that it has created a serious anomaly. The remedy would have been to grant higher scale of pay to the group ‘B’ for which, there was every justification on the basis of their own principles of pay determination i.e. incentives have to be provided for persons assuming higher responsibilities, it being inherent in the system that supervisors carry greater responsibilities than those supervised. This basic structure of pay scales has evidently been affected adversely by the system adopted by the 3rd & 4th Pay Commission.
- 12.12 If the 3rd Pay Commission report is further studied carefully, it will be revealed that the commission had objections to keep the supervisors and supervised in the same pay scale even. The following shall be worthwhile to quote here: -

3rd PAY COMMISSION REPORT VOL - II, PART – II, CHAPTER 36,
PARA 340(a), PAGE 74

“340(a) At many places the system often results in the supervisor and the supervised being placed in the same grade”

- 12.13 It is, therefore, quite natural for the group ‘B’ officers to feel distressed of such a state of officers. The Group ‘C’ senior subordinates also get frustrated when they are promoted to Group ‘B’ in the inferior grade. In several cases, such persons are fixed at the maximum of the grade which they had already been drawing as supervisors, themselves placed in a lower scale of pay. This case was therefore, rightly taken up by the Federation of

Promotee officers with the Railway Board and the following two replies of the Railway Board regarding the demand of the Federation very well reflect the moral bankrupt: -

RAILWAY BOARD L. NO. 88/E (GP) II/4 PT-III DATED 14.08.1989,
ADDRESSED TO GEN. SECY. INDIAN RLY. CL-II OFFICERS
FEDERATION

“ The matter was referred to the Ministry of Finance from Board’s level with a suggestion to revise the Group ‘B’ scale suitably so as to make it superior to the scale Rs. 2375-3500 allotted to some of the Sr. Supervisors on the Indian Railways.

The Ministry of Finance has, however, regretted that it shall not be feasible to alter the Group ‘B’ scales of Rs. 2000-3500 keeping in view the fact that this scale is not unique to Railways but is obtaining in other departments as well and any upward revision in the same would have wide ranging repercussions.”

RAILWAY BOARD’s LETTER NO. PC-IV/R/5 DATED 23.11.1990
ADDRESSED TO GEN. SECY. IRPOF.

“2 It may also be pointed out that the scale of pay allotted to the group ‘B’ officers, in no way diminishes the status of group ‘B’ officers who are gazetted officers with higher privileges. They have further avenue of advancement to posts of group ‘A’.”

- 12.14 The following replies given by the Minister of Railways to a Member of Parliament makes an interesting reading of how the Railway Administration seeks to justify what cannot be justified by any stretch of imagination in Civil jurispondance: -

MINISTER OF RAILWAY – WHITE REPLAYING TO SH. HARISH
RAWAT, MEMBER OF PARLIAMENT (REFERENCE PC-IV/89/CA iii/15
Dt. 25.10.1989

“As regards overlapping of Gp. ‘C’ scale of Rs. 2375 – 3500 and Gp. ‘B’ scale of Rs. 2000 – 3500, a similar situation existed even under the 3rd Pay Commission and as such prior to implementation of IV Central Pay Commission recommendations. For instance, Gp. ‘B’ officers under the 3rd Pay Commission had the scale of Rs. 650 – 1200 where as some of their subordinate staff could be in scales Rs. 840 – 1040 and/or Rs. 840 – 1200. The IV Pay Commission had only merged both the scales of Rs. 840 – 1040 and Rs. 840 – 1200 and given a new scale of Rs. 2375 – 3500, while placing Gp. ‘B’ officers in scale Rs. 2000 –

3500. This situation is not peculiar to Railways alone and would appear whenever these scales were prevalent prior to IV Pay Commission.”

MINISTER OF RAILWAY'S LETTER NO. 88/E (GR)/II/10/9
DATED 20.07.1988.

“it is stated that the relative position of the scales of Gp. ‘C’ staff vis-à-vis Gp. ‘B’ staff was similar prior to the IVth Central Pay Commission for example the scale of Gp. ‘B’ officers was Rs. 650 – 1200 where as the scale of Gp. ‘C’ at the highest level was Rs. 840 – 1040 or Rs. 840 – 1200. Besides in actual situation, the persons who are in scale Rs. 2000 – 3200 (old scale Rs. 700 – 900) would get promoted to Gp. ‘B’ posts and not many from amongst those who have reached Rs. 2375 – 3500 (old scale Rs. 840 – 1040 and Rs. 840 – 1200). This would also serve as an incentive to younger persons in scale Rs. 2000 – 3200 to go for Gp. ‘B’ posts. For senior employee approaching retirement scale of Rs. 2375 – 3500 would provide benefit by way of higher pension and also avoid transfers at the end of their carrier.”

- 12.15 Incidentally it may be pointed out that immediately after the introduction of this new scale, the Railway Board in one of the meetings informed the federation that such principal foremen would not be entitled to be promoted to Gp. ‘B’ and therefore that grade not been given for the benefit. But sooner than later, this statement proved false. These quotes seek to convey an impression and it could be true also that the responsibility of the employer i.e. Ministry of Railways, ceases with the intimation of the letters of the Ministry of Finance received in response to the federation’s grievances. There has been little initiative as an employer to chase the matter vigorously and consistently. The group ‘A’ officers would not have got up gradations in higher grade posts three to four times in a span of 10 years, had the Railway Board adopted the same attitude of keeping quite on receipt of one report letter from DOP or Ministry of Finance. This matter was reported several times with added justifications. In fact the insistence of the Finance Ministry that the Railway Ministry cannot be treated in isolation of others has no logic. They are required to be told that the effect of this anomaly is being felt maximum on Railways or Defense Ministry because almost 90% of the posts of Gr. Rs. 2375 – 3500 exist in these two ministries only. The total number of Sr. Subordinates in grade Rs. 2375 – 3500 is more than 5000 now on Indian Railways and this has created numerous difficulties in day to day working with telling effect on the overall efficiency, leave apart frustration among the Gp. ‘B’ officers for being treated interior in the eyes of their subordinates. Further status of officials is directly linked with the pay scales. If it is not so, then why Gp. ‘A’ Assistant officers are placed in Rs. 2200-4000 and Gp. ‘B’ Assistant officers is Rs. 2000-3500 despite there being no differences in their duties and responsibilities.

12.16 The off-repeated arguments of the Railway Board have been:-

- (i) This grade has emerged on the recommendations of 3rd & 4th Pay Commission.
- (ii) Further, their other contention is that most of the persons promoted to Gp. 'B' will be from the grade Rs. 2000-3200 and not from grade Rs. 2375-3500, and the ground realities have belied such claims, because, as per extent rules the supervisors in grade Rs. 2000-3200, are generally not eligible to be called for selection. More over this argument of the administration resolves the basic problem of a supervisor being given a grade inferior to that whom he supervises obviously, this is an anomaly which requires immediate rectification. Even the 4th Pay Commission recommends revision of Pay Scales as and when necessary but also to rectify or fill any error or omission that may have occurred in the earlier Pay Commission, which speaks as under:

IVth PAY COMMISSION REPORT PART I VOL II CHAPTER 10 PAGE 132

"10.86 We have been informed that prior to third pay commission the post of assistant director and the photographic officer in the armed forces film and photo division carried different scales of pay. It has also been brought to notice that prescribing the same scale of Rs. 650-1200 for the assistant director and the photographic officer has created administrative problems since the photographic officer has to take directions from the assistant director. In view of this we recommend that assistant director may be given the scale of Rs. 2200-4000.

These arguments are untenable when the Railway Board has already realized that this is an anomaly, it should be removed. Every Pay Commission has left behind some anomalies and the Govt. has always removed these. But only in this case, the recommendation is being created as absolutely sacrosanct. In fact, the 4th Pay Commission has themselves removed such anomalies brought to their notice, for example:-

IVth PAY COMMISSION REPORT PART I VOL I CHAPTER 7 PAGE 85

"7.32 At the same time, it is necessary to revise the Pay Scales as and when necessary. The aim of such revision is not only take note of changes that may have taken place in the relevant facts and circumstances bearing on Pay Scales, but also to rectify or fill any errors or omissions that may have occurred in the earlier pay determination. Where pay revisions are announced at specified periods of time that gives hope to the employees who can look forward to a better deal on the next occasion. Periodic revision or review of scales thus serves to avoid conflict with the employer and enables the employees to prepare, with the reasonable hope that their grievances and claims would be gone into once again in determined and honest manner. It generates the sense that there is hope for them in time to come and that it would be unnecessary to take the path of agitation or confrontation"

- 12.17 Lastly all the arguments against the upward revision of the Pay Scales of Group 'B' Officers have failed to hold water any more in view of the latest orders of the Government of India to upgrade 80% of Posts of Group 'B' of Comptroller and Auditor General to Scale of Rs. 2200-4000 within Group 'B' itself.

When intentions are clear and unbiased, solutions can always be found.

In the case of Group 'B' Officers of the Indian Railways, it is all the more justified to grant the superior Scale of Rs. 2200-4000 as the principle of equal pay for equal work.

- 12.18 The most justified as well as easy way of avoiding this anomaly is that the group 'B' officers, be given the grade of Rs.2200-4000 (RSP), equivalent to Gp. 'A', which shall not only remove this anomalous situation but even solve the other problems as well and remove injustice, where-in the Gp. 'B' officers despite performing same duties and shouldering same responsibilities are given lower pay scale as compared to Gp. 'A' Assistant Officers. Thus by grant of this grade, two birds shall be killed by one stone.

SUMMARY

- 13.1 The Gp. 'B' cadre created in terms of Islington Committee (1912-15) recommendation, was to be an intermittent category between Cl -I and Cl. -II (Senior Subordinates) and therefore had to be above Senior Subordinates as it was - till seventies.
- 13.2 The Miyabhoy Tribunal set up to arbitrate for Superintending allowance, granted the same to all senior subordinates, first in production units and subsequently in all technical categories, amounting to Rs.150/ p. m in addition to their pay.
- 13.3 The anomaly was first created by 3rd Pay Commission, - who in their recommendation converted the allowance of Rs.150j- p.m. into a regular pay Scale of Rs.840-1040, and created a cadre known as Principal Foreman by granting them the grade of Rs.840-1200 - though as a personal grade - and to Chief Controllers. This grade was higher than the grade granted to Gp. 'B' officers (Rs. 650 - 1200). Thus, age old balance being maintained between the senior subordinates and gazetted officers' cadre was shattered.
- 13.4 This, however, did not affect the situation much adversely, as the grade granted to Principal Foreman was only a personal grade where as the number of Chief Controllers was only 79 over the Indian Railways. Moreover, in practice, most of these Chief Controllers were not supervised by Gp. 'B' Assistant Officers, as they normally reported directly to divisional officers.
- 13.5 The 4th Pay Commission, further aggravated this anomaly, as they merged the old two grades i.e.Rs.840-1040 and Rs.840-1200 into one grade Rs.2375-3500 against the grade assigned to Gp. 'B' officers of Rs.2000-3500. The number of incumbents of non-gazetted cadre of higher grade thus increased to more than 5000, and this also shattered the age old balance between Gp. 'B' officers and Senior Subordinates completely.
- 13.6 This system is totally violative of universally accepted norms of pay determination, as accepted by almost all the four pay commission also, wherein the golden

principle that supervisor should get more pay than supervised one, was laid down.

- 13.7 This has created a situation wherein a person on promotion to gazetted Cadre, gets fixed in a lower grade even as compared to senior subordinates, and a superior (gazetted), gets a lower pay scale.
- 13.8 On being represented by the CI. - II officers Federation as well as members of Parliament they were told that the situation is not unique in Railways, the anomaly was existing even during 3rd Pay Commission period and 4th Pay Commission period, the lower pay scale does not diminish the status of Gp. 'B' officer and that the Finance Ministry - to whom the matter was referred - has refused to act on the plea that other department officers shall also have to be treated alike.
- 13.9 It is revealed that all the above mentioned arguments do not stand to reasons, as most of these are not based on actual facts, and therefore deserve to be rejected. Consequently this anomaly is required to be removed at the earliest possible.
- 13.10 The best and most justified way of solving this problem is to grant the grade of Rs , 2200-4000 (equivalent to Gp. 'A') to Gp. 'B' also thereby not only solving the anomalous situation as detailed in this part of the book, but also the unnatural and unlawful situation created (as explained in part 'A') where in different grades are given to Gp. 'A' and Gp. 'B' officers, though performing same duties ""and shouldering the same responsibilities.

PART-C

14.0 CAREER PLANNING

- 14.1 **Indira Gandhi open university paper on 'Career Planning'** for a senior course in 'Management Technique', states the object of the ideal career planning is to ensure:-

"..... Mapping of career of employees in the organisation according to their ability and skill better use of human resources, increased utilisation of managerial reserves, improvement in morale and motivation of employees....."

- 14.2 The same paper, further elaborating the concept of career planning, states as under:-

"Career planning is an essential aspect of managing men for obtaining optimum performance from them, achievement of organisational development, increased productivity and fulfillment of corporate objectives. All these are possible only if employees of any organisation get a feeling of satisfaction and achievement and feel being a part of organisation. By human nature every employee has aspirations to advance and grow in his organisation and also desire to achieve a sense of fulfillment. Unless these aspirations and desires of the employee are taken care of, the organisation cannot be taken to higher levels of efficiency and even productivity. Any organisation can gain strength and vitality only when its employees are convinced that they will also stand to gain, thereby, not only in financial and tangible terms but also emotional and mental. One way to achieve this is well thought out system of career planning "

In very simple words, an employee should know where he will be in the organisation after a reasonable period (five to ten years) or what is his future.

- 14.3 Almost the same sentiments have been expressed by all the Four Pay Commissions and other high level Committees constituted for the purpose, while dealing with the promotional prospects and 85 other service conditions of the employees. Still it shall be worthwhile to quote here one very relevant para, from the 4th Pay Commissions report:-

IVth PAY COMMISSION REPORT PART I, VOL.I, CHAPTER 7 PAGE 88

"7.46.....There should be well defined career prospects and employees should feel reassured that they can look forward to promotions, and that, in the meantime, or in addition to satisfactory career prospects, they can where possible ,avail the incentives based on performance. So when an employee enters in service, he may have something to look forward to. There is aspiration in a new entrant for brighter prospects, and the desire to reach his height would not only prompt him to put in his best, but also to outshine the others....."

- 14.4 At another place, the same Pay commission, further states, that:-

4th PAY COMMISSION REPORT PART I VOL.III CHAPTER 23 PAGE 255

"23.2.....Given a sound promotion policy employees of the central government will have the opportunity to progress as far and as fast as their talents, training and character can take them."

- 14.5 The need for career planning, has been - and rightly too - admitted; In all the departments of government, but unfortunately on the Indian Railways, these policies have been implemented on selective basis, leading to certain serious deformities in the hierarchical structure. On one hand, due to improvements in the career prospects in Gp. 'C' the age group of senior subordinates entering into Gp. 'B' has been brought down considerably from 52-55 years to 40-42 years . With the introduction of LDCE. (Limited Departmental Competition Examination) scheme, many senior subordinates are able to enter group 'B' service, at a very young age. Instances are there that persons in their early thirties have succeeded in entering Gp. 'B' service. On the other hand, in case of Gp. 'A' officers , through successive upgradations and cadre restructure schemes for career planning, the promotional prospects have been improved considerably, ensuring rapid promotions, as promotion to senior administrative grade are now possible after 17-18 year, to selection grade after 13-14 years to JA grade after 6-8 years and to Sr. scale after 3-4 years, as compared to 25-28, 18-19, 13-15 and 6-7 years earlier respectively. Now, it is only Gp. 'B' services, which have remained neglected, and no improvements have been affected in their promotional prospects. Stagnation has become all the more acute and painful because of longer stay in the same group/status. It is quite intiguing why thw administration never felt the need to undertake career planning for this group.

- 14.6 An extract from the 4th Pay Commission Report is very relevant in this respect, which speaks of the promotional policy, and is reproduced below:-

4th PAY COMMISSION REPORT PART I, VOL.III CHAPTER 23 PAGE 255(PROMOTION POLICY)

"23.1 Every employee who joins service looks forward to a satisfactory career of progression. It is therefore necessary that the state as the biggest employer should lay down a fair and well-defined policy for the promotion of its employees. That in fact is one of the two basic conditions of a good public service, the other being the security of service, for which care has been taken in article 311 of the constitution and the case law which has developed on it."

- 14.7 These pious proclamations and policies have benefited only a section of officers, that is, those belonging to **the directly recruited group 'A' officers**, and officers promoted from

the ranks have all along deprived. This is one of the major difficulties in career planning, as there is a need to accommodate men in the same level of managerial hierarchy between promotees and direct recruits due to large difference in their age group. **To avoid intense jealousy, rivalries, groupism, which generally develops in such cases, a fair share to either group has to be ensured and this vital aspect of personnel administration is required to be followed carefully,** in which sphere, in fact, the railway administration specially the gazetted management service is failing miserably. **The most important factor for making career planning a success is that of maintaining age factor balance and has to be done in all types of career planning to avoid promotional blocks.** There should be fair balance between direct recruits and elder promotees at the same level. It has however been observed that the major difficulty - in fact - has been total unwillingness in the past of the administration in the government sector. It is an act of deliberate neglect.

- 14.8 The Gp. 'B' promotee officers on the Indian Railways constitute about seventy percent of middle management. They hold key positions in the administrative hierarchy. They too have aspirations for growth. But the administration never felt the need for their adequate career planning, quite possibly, because of their being instrumental in the achievement of all the targets set for Railways and thus having fulfilled the growing work expectations without murmur and protest.
- 14.9 keeping in view the meagre chances of promotions for Gp. 'B' officers on Indian Railways resulting in acute stagnation in their cadre due to which most of the Gp. 'B' officers retire without promotions from this class, there has now been the growing demand for an adequate and satisfactory career planning for them also, '. As already explained, though enough considerations are given for all these cadres for their career planning, resulting in their very rapid promotions, and similar attractive career progressive promotions for Gp. 'C' & 'D' too, no such consideration is being given to Gp. 'B' officers. The stock reply given by The Railway Administration is that a separate career planning for Gp. 'B' officers is not considered essential since they are finally absorbed in Gp. 'A' services with planned career progression. The following two replies reflect the very thinking of the Railway Administration :-

ANSWER TO PARLIAMENT UNSTARRED QUESTION NO. 3022 DATED 02.12.1988

".....Gp. 'B' officers appointed to Junior scale (Gp. 'A') are thus part of Gp. 'A' cadre and are on par with directly recruited Gp. 'A' officers in the matter of promotion to higher grades of Gp. 'A'. In view of this, the question of separate proposal to improve the promotion prospects of Gp. 'B' officers does not arise."

RAILWAY BOARD'S LETTER NO.89/E (GR) II/11/15 DATED 17.10.1989,
ADDRESSED TO GENERAL SECRETARY IRCTOF

".....To say that the principle of a separate career planning for Gp. 'B' cadre, as suggested in your letter dated 10th Feb 1988, is not a concept that exists in the Government and it cannot be looked into by Ministry of Railways in isolation. Gp. 'B' is a promotion from Non- Gazetted cadre. For Gp. 'B' further avenue of promotion and career planning are linked with Gp. 'A'"

RAILWAY BOARD'S LETTER NO. 90/E (GR) II/11/2 DATED FEB.1990
REGARDING MINUTES OF MEETING OF I.R.LY. CL.II OFFICERS FEDERATION

"CAREER PLANNING

.....the principle of a separate career planning for Gp. 'B' cadres is not feasible since Gp. 'B' get inducted in junior scale of Gr. 'A' after which, they become a part of Gr. 'A' cadre of various Gr. 'A' Railway Service the guidelines of the DOP were applicable to only those Gr. 'B' cadres where there is direct promotion from Gr. 'B' to Senior Scale and not to Gp. 'B' cadres where the promotion is from Gp. 'B' to Junior Scale of Gp. 'A' and then to Senior Scale....."

- 14.10 Evidently in the Railway Board's opinion, the induction of Gp. 'B' officers in Gp. 'A' against the quota of 40% vacancies in Gp. 'A' is a sufficiently satisfactory career planning element. On in-depth-examination of this aspect, it is revealed that hardly 2% of the total Gp. 'B' officers get inducted in Gp. 'A' every year. According to the present figures, approx.150 Gp. 'B' officers out of more than 8000 Gp. 'B' officers (i.e. less than 2%) get inducted every year in Gp. 'A'. According to the present trend, approx. 50% of these i.e. 75, retire within one to three years of their induction in Gp.'A' and without any promotion/benefit further . Practically therefore only about 75 officers (less than 1% of the total Gp. 'B' officers) every year get eligible for promotion to J.A. grade, allowing them some pensionary benefits. Even this benefit for these 75 persons is only for a period of less than 2 years only on an average, after which they retire. Detailed study reveals that more than 90% of the Gp. 'B' officers get retired either without their induction in Gp. 'A' or without getting any benefit of their induction in Gp.'A'.

15. PROMOTION POLICY

- 15.1 The recommendation made by the IVth Pay Commission, regarding promotion policy for the employees, is very unambiguous:-

4th PAY COMMISSION REPORT PART I, VOL.III CHAPTER 23 PAGE 256

"23.9.....A solution of the problem of stagnation and inadequate promotion opportunities should seem to lie in a rational cadre structure and long pay scales. It is recognised that promotional opportunities should be available to employees as motivation for them to contribute their best in the discharge of their duties. At the same time, the system of career progression should be consistent with the functional needs and requirements of the organisation"

- 15.2 The IVth pay commission, is quite serious about it :-

IVth PAY COMMISSION REPORT PART I VOL I. CHAPTER 7 PAGE 90

"7.61.... A pronounced, objective and well defined policy of promotion can also go a long way in adding to the weight of the pay structure. After all no government employee thinks of retiring from the post from which he starts. Even if the initial pay is not attractive enough but the prospects of advancement are satisfactory, he will join and work for the future. Promotion is therefore really concept in the structuring of pay scales. We hold so dearly to the concept that we recommend a regular right of appeal where a promotion is refused....."

- 15.3 Earlier the IIIrd pay commission, also echoed the same sentiments regarding promotional policy, as reproduced below :-

IIIrd PAY COMMISSION REPORT VOL.I, PART II, CHAPTER 5, PAGE 50

*"100.....We are of the opinion that granting **promotions is one of the few effective instruments left with the management** for rewarding good performance and thereby improving efficiency. **Promotions affect not only those who are promoted but also the far larger number of employees, who are aspiring for promotions** and realising that advancement lies primarily in demonstrating their superiority, respond to the spur of competition. Even somewhat limited promotions prospects, if granted in a manner that inspires confidence among the employees, have wide and pervasive affects in toning up an organisation"*

- 15.4 Evidently, The induction of Gp. 'B' officers to the extent of 2% per year in Gp. 'A' cannot be taken to be an adequate career planning/career progression scheme, for Gp. 'B' officers. As already mentioned therein about 90% of the total Gp. 'B' officers retire without their induction in Gp. 'A' and therefore some very concrete policy will have to be

adopted for improving the situation. it is worth reiterating that with the average age of promotion to Gp. 'B' being 41 years approx., a Gp. 'B' officers shall have to spend 18 - 19 years without career progression worth the name, as mentioned above (in some case even more than 20 years). This combined with acute stagnation in their cadre is therefore, definitely a great source of frustration and cause of heart burning.

- 15.5 Let it be noted that a group 'B' officer has to spend more than 11 years in Gp. 'B' (average) before induction in Gp. 'A' and again 3-4 years in Gp. 'A' to reap the benefit of this promotion. When Gp. 'C' staff at a very young age i.e. in their thirties enter into Gp. 'B' under LDCE and are condemned to stagnate for years in it, when more than 90% of the Gp. 'B' retire in the same group after several years of service, and off repeated statement that the Gp. 'B' service is the culmination of the efficient and talented Gp. 'C' staff appears to be mocking at the most rational and logical postulates of career planning. Some other mode of career planning (other than their induction in Gp. 'A') on the lines of some States, where adequate promotional opportunities are ensured, which run parallel to the induction in Gp. 'A', up to certain level.

16. CADRE REVIEW/STRUCTURE

- 16.1 Cadre review /cadre restructure has lately assumed greater importance, being a vital instrument of career planning for any cadre. Even the 3rd pay commission, had realized the importance of cadre management, and recommended that:-

IIIrd PAY COMMISSION REPORT VOL.I, PART III, CHAPTER 12, PAGE 125

"11. Thus, proper cadre management and career planning are essential in all these services, and any unevenness in recruitment to meet needs which were not foreseen may later on give rise to promotion blocks. We are elsewhere recommending a standing machinery for cadre review etc."

- 16.2 Subsequently the **Railway Reform Committee**, while discussing the promotional policy were very critical of the career progression policy being adopted on Railways and had to mention:-

RAILWAY REFORM COMMITTEE REPORT Pt. IX, PARA 3.3, PAGE 200

"3.3 A long term career planning culture seems to be missing on the Railways, and it is only when stagnation occur and pressures develop, that cadre review proposals are taken up for consideration. The 3rd Pay Commission had recommended cadre reviews at regular intervals every three years. Railways, however, have not followed this time table. After the cadre review of 1973, the next review was conducted only in 1980. And since

then heavy stagnations had built up again. We recommend that cadre reviews should regularly be conducted every three years in accordance with the Government's decision."

RAILWAY REFORM COMMITTEE REPORT PART IX, PARA 3.4, PAGE 201

"3.4..... The last cadre review which took place in 1980, somewhat distorted this organisational structure. The coordinating head of the department in a zone, not necessarily the senior most, has been given the position to write the confidential reports of the other Heads of the Departments in the same grade of pay. The Committee is told that this is causing considerable resentment amongst the senior officers. This anomaly, we feel, should be urgently rectified, restoring the hierarchy so as to have a genuine head in each discipline on the zones."

RAILWAY REFORM COMMITTEE REPORT PART IX, PARA 4.4, PAGE 203

*"4.4 It appears that the mistakes made in 1957 and 1958 are being repeated which are indicative of lack of planning, and **no thought being given to the planning of officers careers.** We are informed that the indents for 1982 are even higher than those of 1981. For 1982, the Signal and Telecommunication branch placed a demand for 137, which has been mercifully cut down by the Railway Board, **through a directive that in no single year would any Branch be allowed to recruit more than 75.***

RAILWAY REFORM COMMITTEE REPORT PART IX, PARA 5.3, PAGE 205

*"5.3 That in accordance with the recommendation of the Third Pay Commission, which was accepted by the Government, **cadre reviews have to be conducted every three years.** The last cadre review having been conducted in 1980, the next cadre review is now due. We are anxious that this review should not be conducted in a routine manner, but the matter should be studied in detail by a sufficiently senior officer specially earmarked full time for this job. The officer should make detailed proposals taking into account the structural requirements of the Railways and all relevant factors....."*

- 16.3 The RRC - 'Railway Reform Committee' – in its report dwelt only on the cadre review of Gp.'A' in the gazette cadre. Here again Gp.'B' officers were high and dry. Many quarters feel perhaps, rightly, such a partition attitude of the committee could be natural because the chairman was an ex. Civil servant of I.A.S. cadre and was being assisted by senior Gp.'A' officers of the Railways. One can have inkling of such an attitude from the following incidence:-

“ During the course of deposition of the representatives of Indian Railway Class II Officers Federation, the Chairman raised some point about career planning. Even before the General Secretary of the Federation could finish his reply, A S.S.G. officer of the Railways, deputed there to take down the notes of evidence intervened and countered

General Secretary's reply. He was not the member of committee and had no business to intervene but the poor gentleman could not resist speaking in support of class I and against class II. T President of the Federation was forced to snub and remind him that Federation evidence was to the committee and he was there only for sectoria assistance."

Similar was the experience during the course of Federation's evidence before the 4th Pay Commission.

This is the reason that career progression of 30% of the officers cadre (class I) is discussed , leaving no time for Gp.'B' officers as is evident from :-

RAIWAY REFORM COMMITTEE REPORT PART IX, PARA 4.6, PAGE 204

*"4.6 We understand that with the setting up of RITES, IRCON, COFMOW and management contracts abroad, a shortage of class I officers is being felt at the middle level and the **preponderance of promotees in the officer ranks, is posing many problems**. Yet, by suddenly increasing recruitment by 400 to 500 percent as compared to the levels the period prior to 1979 the Railway Board has displayed a lack of forethought that we cannot, but comment upon. An increased requirement of officers should have been apparent to the Railways in the early Seventies and recruitment suitably phased."*

Here in, the RRC mentions about the preponderance of the Gp. 'B' officers in the middle level, but has neither tried to throw any solution to this so called problem nor suggested anything to avoid creation of this situation.

- 16.4 In fact, what is happening in the case of Gp. 'B' officers is that **there being only one grade** - as per pay commission - in the cadre of Gp. 'B' officers, **nobody is giving any thought to the cadre review in Gp. 'B' officer's cadre** despite very clear instructions on this subject from the Department of Personnel, the extracts of which are reproduce below :-

DEPTT. OF PERSONNEL & TRAINING NOTIFICATION NO.2/1/87-PP DTD. 23.11.1987

"Periodical **cadre review is a important part** of Personnel Management in the organisation. It plays a vital role in the smooth functioning of the cadre and **in keeping up the morale of its members**. The main thrust of the cadre review should be on man power projections and recruitment planning on scientific lines aiming at the same time at rationalisation of the existing cadre structure with a view to improving the efficiency, morale and effectiveness of the cadre."

"3.4 The cadre review may be conducted on functional-cum-structural considerations with **due regard to the duties & responsibilities and the need to promote efficiency in the organisation/Department**".

"3.6 The cadre review exercise may be conducted periodically for all Gp. 'B', 'C' & 'D' posts without linking it to the level of stagnation in the cadre".

"3.11 The primary responsibility for conducting the cadre review for Gp. 'B', 'C' & 'D' cadres will be on the concerned cadre controlling authorities in the respective Ministries/Departments".

- 16.5 When this question was raised by Gp. 'B' officers federation, it was just mentioned that the DOP's instructions are applicable to such cadres where Gp. 'B' officers are recruited directly. The induction of Gp. 'B' officers on Railways not being so - direct induction - this was considered to be not applicable to Railway ministry, whereas, notification does not make any such distinction at all, and nowhere it is indicated that it is not applicable to Railway ministry. The Railway Ministry though, is implementing these instructions for Gp. 'D' and 'C' but cadre review of Gp. 'B', is being ignored.

- 16.6 One recommendation of IVth Pay Commission, in that direction:-

IVth PAY COMMISSION REPORT PART I, VOL.III, CHAPTER 23, PAGE 256.

"23.10.....The scheme of stagnation increment should be applicable to all cadres in Gp. 'B', 'C' and 'D' and also for posts in Gp. 'A' up to the Senior Time Scale level. At the same time, there should be cadre reviews after a prescribed period with a view to identifying the grades/posts which could be upgraded taking into account their duties and responsibilities and consistent with the need to promote efficiency in Administration."

has also met the same fate in so far as not being thought even, Gp. 'B' officers are concerned.

16.7 In fact, there is little desire on the part of administration, to undo the injustice being perpetrated for several decades. No economic, social and moral compulsions have been felt by the self seeking bureaucracy. In fact, not to speak of bureaucracy, even the pay commissions and committees, have not been able to mete out justice to the Gp. 'B' officers. Noble principles governing pay determinations, career planning etc are enunciated and proclaimed by these high powered committees, commissions, but when it comes to Gp.'B', all these are lost sight of obviously due the preponderance of Gp.'A' bureaucrats as their senior and important officials to assist committee. For appreciating this statement, the following is important :-

*"11.3 The group 'B' officers Federation from the Railways represented that while the percentage of posts (40%) is reserved for promotion of group 'B' officers to junior scale Gp 'A' posts, no such percentage is fixed in the higher post and group 'B' officers cannot rise to higher level. They have therefore suggested that a percentage of posts should be ear-marked for promotee officers for promotions to higher level posts, viz. Junior Administrative grade and above. we have carefully considered the matter. **Group 'B' promotee officers on promotion to group 'A' posts/services are merged in the common pool of group officers and are eligible for further promotion along with group 'A' officers and on the basis of their length of service in group 'A' and merit, on par with directly recruited group 'A' officers. We therefore find no justification for earmarking a percentage of higher posts for promotee officers."***

- 16.8 Off-course, the Pay commission was not obliged to accept the suggestion, but while rejecting it , the commission could have offered some alternatives to ensure better prospects to the Gp.'B'. In fact the Federation was compelled to make such a demand because no benefit worth the name accrued to most of its members on absorption in gp.'A' , specially due to a time consuming,lethargic process for deprivation.Evan the quota of promotion to the extent of 40% of vacancies in Gp. 'A' is being denied to them continuously. It is proved that merely their induction into Gp. 'A' is not adequate and sufficient system of career progression for Gp. 'B' officers .
- 16.9 However, at one stage , the IV Pay Commission, must have realized that at least some thing should be recommended in favour of the group 'B', when they stated :-

(PERCENTAGE IN POSTS)

"23.11 The present procedure for promotion from group 'B' to group 'A' posts in organised services is not uniform. The percentage of posts prescribed for promotion varies from department to department and ranges from 20 to 50. Further, while in some services the percentage is related to the number of vacancies, in others it is a percentage of the posts. A promotion quota of 20 percent for group 'B' employees appears to be inadequate and Ministries/ Departments may review the position. We also recommend that in all cases the number of posts available for promotion of group 'B' officers should be a percentage of the posts at group 'A' level and not related to the number of vacancies."

- 16.10 Perhaps it is the only recommendation, that the Gp.'B' pffcers can claim in their favour in the entire report. Alas |: the commission could make it positive and definite by laying down the percentage of posts. But it did not. But this too did not find favour with either

the ministry of Railways or the Deptt. Of Personnel (POP). The dual policy of reserving quota in Gp.'A' based on vacancies as well as posts, therefore continues, to operate to the disadvantage of only one tribe i.e. the Gp.'B' officers.

17. **Disastrous effect of the policy of percentage in vacancies:-**

17.1 The effect of the policy of continuing the policy of percentage in vacancies is quite damaging for Gp. 'B' officers at least. The case of Railway ministry, in this respect, is very relevant, to understand the position very clearly. In Railways, the percentage of Gp. 'B' officers' induction to Gp. 'A' is fixed as 40% of the annual vacancies. However since 1970 - from where the statistics are readily available- to date the number of Gp. 'B' officers in Gp. 'A' has never been more than say 15.74% of the total posts in Gp. 'A' and the same is steadily coming down from 15.74% in 1974 to about 9% only in 1991. The basic reason of this decline is that the intake of Gp. 'B' officers in Gp. 'A' is rather less than the number of Gp. 'B' who retire in a year. For example in the year 1991-92 a total of 160 promotee officers working in Gp. 'A' retired, where as the total planned induction was only 157 officers out of which also approximately 10% retire within 6 months of their induction. Under such situations where in the similar position is likely to be repeated in subsequent years too, the total percentage of Gp. 'B' officers in Gp. 'A' is bound to be reduced with every passing year, as no attempt is being made to arrest this trend. Statistics reveal that about 50% of the Gp. 'B' officers in Gp. 'A' retire within 3.5 years (by which time a Gp. 'B' officer is not regularized in JA grade) of their induction in Gp. 'A', i.e. with no benefit of their induction in Gp. 'A'. Even the balance 50% officers have less than 2 years service left, before their retirement, thus the Gp. 'B' officers are denied any tangible benefits of their induction in Gp. 'A'.

17.2 To understand the issue further, the perusal of the following statistics (as on 1.01.90) shall be very interesting:-

Department	No. of Gp. 'A' Posts	No. of Gp. 'B' officers who should have been working in Gp.'A'@40%	Gp. 'B' officers actually working No.	%
Civil Engg.	2270	908	166	7.3%
Mech. Engg.	1384	554	112	8.1%
Elec. Engg.	1079	432	191	17.9%
S & T Engg.	889	356	121	13.6%
Transportation	1150	460	95	8.3%

Personnel	480	192	52	10.8%
Accounts	704	282	28	4.0%
Stores	537	215	47	8.7%
Total	8493	3399	812	9.5%

Evidently the position of the promote officers is very depressing and unless the quota of Gp.'B' in Gp.'A' is based on percentage of posts rather than vacancies, possibilities of any improvement are remote.

18. **INADEQUATE QUOTA FOR GP.'B' OFFICERS.**

- 18.1 As already stated earlier, the present quota laid down for induction of Gp. 'B' officers in Gp. 'A' is 40% (50% for personnel Department). It has been brought out that the Railway Board is not able to maintain this quota. However, one more very very peculiar situation has come to notice, while analysing the statistics that in the Railways against above 9000 Gp. 'A' posts, only about 3500 Gp. 'A' officers - both from direct recruitment quota (2700) as well as promotee quota (800) - are actually working . In other words more than 5500 posts are lying vacant and in fact are not filled through regular appointees, and are being manned by adhoc arrangements from Gp. 'B' officers . On further scrutiny it is revealed that of the 3000 add posts in senior scale approximately 2000 posts are being manned by Gp. 'B' officers on adhoc basis and out of the 3600 Junior Scale posts, only approx.250 Gp. 'A' directly recruited (Class-I) officers are available at any point oftime, and the balance 3350 are manned by Gp. 'B' officers, without any extra remuneration. Accordingly, against 11550 posts of officers (excluding Medical and RPF) the position is that at any given time there are less than 3000 direct recruits, 500 vacancies and balance above 8000 Gp. 'B' officers including about 800 or so in Gp. 'A'. Evidently there is some serious defect in the recruitment policy of Railways which has caused great damage to the interest of the group 'B' officers.
- 18.2 On further study, It is revealed that the intake of officers in Gp. 'A' - from directly recruited quota as well as promotees - is less than the natural wastage even by way of retirements etc whereas the average wastage (retirement etc.) is 402 (average of 3 years) and 100 additional officers are needed for development needs/deputation etc. the total requirement in Gp. 'A', therefore, comes to about 500 officers/year whereas the actual planned induction is 382 officers only (250 directly recruited officers and 132 promotees). Evidently, the induction of Gp. 'A' officers, has been much less.
- 18.3 It is quite revealing to note that in order to avoid stagnation, among the members of the particular batch of direct recruits, at a later stage - after 10-20 years - Railway Reform Committee observed that the recruitment of direct recruits in a year be restricted and kept

at a low level. Consequently, it was decided by the Board, that the maximum size of any batch shall be 75 only. The details of this have already been extracted in para 16.2 as mentioned in RRC para 4.4 page 203 (refer page no.98 of this book):-

- 18.4 If this maximum number is related to the Civil Engineering department - which has the maximum number of officers then the maximum number of officers, which can be recruited directly in a year (based on their individual cadre strength) shall only be as under :-

Civil Engg. = 75 Personnel = 14

Mech. Engg. = 41 Store = 17

Elect. Engg. = 36 Accounts = 23

S & T Engg. = 30 Traffic = 36

G.Total = 272

- 18.5 Thus to make up the recruitment of 500 officers - required every year, we need to promote 228 Gp. 'B' officers to Gp. 'A'. However statistics reveal that 40 to 50% of the officers, who are inducted in Gp. 'B' get retired within 1-3 years without any benefit, therefore the number 228 is required to be increased by 40 - 50%. Consequently the recruitment should be 60:40 for promotees; Direct recruits instead of 40:60. To start with this should at least be made 50:50 with immediate effect. Since the age is always against promotes, the career prospects of the direct recruits at higher level will never be affected. Off-course , this will definitely help to a certain extent undoing the injustice to Gp.'B' of being utilized for manning Gp.'A' posts without being given the benefit of status.
- 18.6 In addition to increasing the intake of Gp. 'B' officers by changing the percentage quota, the other ways to improve the situation is, to fill up the posts of Gp. 'A' which are presently lying vacant (5500 as already explained in earlier paras). Out of these 5500 vacancies, 2200 are required to be filled through the promotion of Gp. 'B' officers against their 40% quota and there is no shortage of eligible officers for promotion. The balance 3300 posts could also be thrown for filling up from Gp. 'B' officers, as a onetime exception, as is normally permitted and done in non-gazetted cadres. In gazetted cadre also in case of non availability of promotees in requisite strength; the post are permitted to be filled by direct recruits in excess of their quota.
- 18.7 Despite the fact that the recruitment of direct recruits cannot be increased, the administration is not prepared to increase the quota intake of Gp. 'B' officers. This speaks of biased thinking of officials as regards the Gp. 'B' officers and is required to be modified in the interest of the railway administration as otherwise all the vacancies

cannot be filled and thereby it shall not be possible to avoid adhoc working, which is an essential requirement for the well being of any organisation.

PART-D

19. DEPARTMENTAL PROMOTION COMMITTEE (D.P.C.)

- 19.1 We have in previous paras, been talking about induction of Gp. 'B' Officers in Gp. 'A', its percentage quota (60:40) and sometimes even D.P.Cs. etc. etc. What is this D.P.C.? How the, Gp. 'B' officers are inducted in Gp 'A' and what is its detailed procedure and what are the problems being faced regarding D.P.C. in Rlys.? All this is proposed to be discussed in this part of this book.
- 19.2 The induction of Gp 'B' officers in Gp. 'A' against the quota fixed for them (40%) is done through Departmental Promotion Committee meetings for Gp. 'B' officer's induction in Gp 'A'. D.P.C. consists of one permanent member of executive director rank (mostly belonging to SC/ST) One executive director from the department concerned (of which the D.P.C is to be conducted) and one member of UPSC, who is always the chairman of this committee.
- 19.3 Vacancies are calculated every year for each department separately. These are then distributed on each zonal Rly./unit as per the random table separately laid down for each department, where in distribution of SC/ST posts is also included. The confidential reports of the requisite number of officers are collected i.e. 5 officers for one vacancy, 8 for 2 vacancies , 10 for 3 vacancies and three times of the vacancies, if the number of vacancies is 4 or more. Confidential reports for the last five years are taken into consideration. For the consideration of these reports norms are fixed by each D.P.C. themselves without giving any weightage to the grading given in the CR and overall grading is then done for all the officers under zone of consideration. The list is then arranged in the sequence of 'outstanding', very good and 'good' grading, maintaining inter-se-seniority among the officers of same grading. After this, the requisite number of officers are placed on panel, starting from top, for each zone/unit separately.
- 19.4 For induction in Gp 'A', all officers who complete 3 years regular service in Gp 'B' are eligible for consideration, irrespective of the fact that whether one is in senior scale or is an assistant officer. Five CRs proceeding to the year for which the vacancies are to be filled, even if these have to be for non-gazetted cadre, are considered. If the service in the

gazette cadre is less than 5 years, the CRs of non-gazetted period are also considered to the extent of short fall.

19.5 In other words, to quote an example, if DPC selection is to take place ,for the vacancies pertaining to 1990 (for example) the CRs for the year 1989-90 ,88-89,87-88,86-87.85-86 will be considered. Earlier this process used to be started from May 1991 –onwards. It has however, been decided that henceforth this process will be started from Oct.90 itself, thus advancing by 6 months now .

19.6 The demand of the Federation of Indian Railway promotee officers has been that why this process could not be started earlier? It is well known that for filling up the vacancies of a particular year (say 1990) The process of calculation of vacancies has to be done in early 1988, and after the calculation of vacancies the demand against 60% of the vacancies for direct recruitment quota is placed with the UPSC, which notifies the same, and through the UPSC exam of 1989, selects the direct recruits as per the requirement. In fact, once 60% of a whole number is known in 1988, then the balance 40% (meant for the promotion/ induction of group 'B' officers) shall also be known and therefore process of empanelment of Gp. 'B' officers, should also start from 1989 and be completed then only, so that even Gp 'B' officers are also available with the availability of direct recruits in the year 1990.

19.7 **CALCULATION OF VACANCIES**

The system of calculation of vacancies in Gp 'A' is not the normal way of calculation of vacancies – as is done in filling the vacancies in Gp.'C'and Gp.'D'. In the case of later, the vacancies to occur in next 2 years due to retirements are taken, into account and vacancies likely to occur due to creation of posts in next 2 years are added. In addition 25% of the vacancies for unforeseen vacancies is also added to arrive at the final figure of vacancies. For Gp 'A' the system of calculation of vacancies is different. It has not much to do with vacancies arising out of normal retirements and other reasons . The method itself ' has been changing very frequently. A brief but interesting account of these changes is :-

19.7.1 FORMULA BEFORE 1980:-

- | | | |
|------|--------------------------------------------------------------------------------------|---------|
| i) | No. of permanent posts including J.S. excluding
work charged and temporary posts. | = X |
| ii) | Actual retirements during 2 years period. - | = Y |
| iii) | Deputation Reserve @ 7.5% - | = Z |
| iv) | No. of vacancies @ 3% = 3% of(X+Y+Z) | Say = A |

[illegible]

19.7.2 FORMULA MODIFIED AFTER 1980:-

- i) TOTAL No of posts in Sr. Scale and above including work charged, temporary and const. Reserve posts. =X
- ii) No. of officers on deputation including those working against general posts. = Y
- iii) Annual vacancies @ 4% = 4% of (X+Y)
- iv) Posts required for development needs@ 1% of Total posts including Junior Scale posts = Z
- v) Total vacancies/year = 4% of (X+Y) +Z

These Vacancies are then distributed in the ratio of 60:40 for Direct and Promotees.

19.7.3 FORMULA FURTHER MODIFIED (just before the existing formula)

- | | | |
|------|---------------------------------------------------------|-------------------|
| i) | Total posts in Sr. Scale and above including | |
| ii) | work charged, construction reserve and temporary posts. | = X |
| ii) | Total No. of posts in junior scale | = Y |
| iii) | No. of officers on deputation etc. | = Z |
| iv) | Total vacancies @ 4% | = (X+Y+Z) x 4/100 |
| v) | Add. 1% for development needs etc. | = (X+Y+Z) x 1/100 |
| vi) | Total vacancies | = (X+Y+Z) x 5/100 |

Then distributed in direct recruits & promotees @ 60:40.

- vii) And multiply the number arrived at for direct recruits (no increase for Gp 'B') with correction factor, (different for each department). The correction factor is arrived at, by observing the number of vacancies notified during last 3-4 years and the number of persons actually joined the service. Thus if the notification was made for 100 posts for a particular department and only 80 joined finally, we will have the correction factor as $100/80 = 1.25$.

19.7.4 **FORMULA INTRODUCED w.e.f. 1990.**

- i) Total number of posts in senior scale and above
including temp/work charge etc also. = X
- ii) Total numbers of Gp. 'A' officers actually
working in junior scale. = Y
- iii) Quota of Gp. 'B' in junior scale as per 40% of (ii) = $Y/60 \times 40$
- iv) Total officers on deputation etc. = Z
- GRAND TOTAL = $X + Y + Y \times 40/60 + Z$ = say 'A'
- v) Total retirements (actual) during next 10 years = 'B'
- VACANCIES/YEAR = $B/10$
- vi) Total number of Gp. 'B' officers working
in senior scale on adhoc basis = 'C' Vacancies to be filled per year.
- (On 10 years basis for Alternative I and 20 years basis for Alternative II) = $C/10$
or $C/20$
- TOTAL VACANCIES
- Alt. I = $B/10 + C/10 + 1\% \text{ of } A$ = say D-1
- Alt. II = $B/10 + C/20 + 1\% \text{ of } A$ = say D-2

DISTRIBUTION

	Alt. I	Alt. II
For Direct recruits	60% of D-1	60% of D-2
For Gp. 'B'	40% of D-1	40% of D-2

NOTE

- i) Final Distribution is made by multiplying the number arrived at for direct recruits by a correction factor. No correction factor multiplication is done for Gp. 'B' officers.

- ii) Though two Alternatives were considered for calculation of vacancies, but finally Alternative-II was adopted which means vacancies (equal to the number manned by Gp. 'B' on adhoc- in sr.scale) are supposed to be filled in next 20 years only.
- iii) Though earlier, correction factor was not being applied for Gp. 'B', but in view of the latest decision now, the same correction factor (meant for a particular Deptt.) is to be applied for Gp. 'B' vacancies too. In other words, after arriving at the total vacancies in a particular department, multiply it with the correction factor and then distribute the same in the ratio of 60:40.

19.8 DISTRIBUTION OF VACANCIES AMONG ZONAL RAILWAYS/UNITS

- 19.8.1 After the vacancies are calculated, as per the above mentioned formula, for the entire Indian Railways, these vacancies are then distributed among the various zones/ units on the basis of the total number of sr. scale and above Gp. 'A' posts available for each department on each railway/unit. In order to ensure equitable distribution of posts to each unit/Railwaya sort of random table has been evolved . Roaster point for each department/unit-wise is maintained as usual. After this distribution of posts to individual Railway/units, confidential reports are collected on the basis of zone of consideration for each railway/unit. (As already mentioned, 5 CRs for 1 vacancy, 8 for 2, 10 for 3 and 3 times of vacancies for more than 3 vacancies).
- 19.8.2 The system of distribution of posts through random table, worked alright for years, but imbalances started emerging, because the system was so complicated that nobody could judge whether the distribution is correct or wrong. Moreover these random tables were not modified with the passage of time, by which the strength of Gp. 'A' posts had beenwas changed drastically in railways/units . In later years, it was observed, that large scale imbalances have crept in among various railways wherein, in one railway a Gp. 'B' officer with very less gazette service got cleared,for Gp.'A', while his counter-part Gp. 'B' officers in other railway with far much longer service had to wait for clearance. It has recently been decided that 25% of the vacancies of Gp. 'B' officers quota will be kept as floating posts, and the balance 75% will be distributed according to the random table. These 25% are given to those railways/units, where clearance of senior persons was not being affected due to lesser number of vacancies available for that railway as per random table.
- 19.9 Once the distribution is done, and confidential reports of required number of officers are collected from each railway/unit, based on the vacancies., the CRs are then scrutinised by D.P.C. and the same are graded in 'outstanding' 'very good' and 'good' categories, for which no set rules are available and norms are fixed by individual D.P.Cs. themselves

every time. On the basis of these norms, the list containing the names of all officers under zone of consideration - as already mentioned above - is arranged in the sequence of 'outstanding' followed by 'very good' and 'good' grading, maintaining their inter-seniority in each grading separately, and after this the officers, according to the number of vacancies are tick marked starting from the top. Thus in case of a railway for which 5 vacancies are available and therefore 15 officers form the zone of consideration. If there are 4 outstanding, 4 very goods and remaining 7 having good grading only. The 4 outstanding and 1 very good grading officers shall be placed on panel, even though all the 15 officers are suitable for being placed on panel. This system is followed for each railway/unit separately and then a final list of officers cleared by D.P.C. is made out. For SC/ST quota, if SC/ST officers fall in the zone of consideration, then only they are considered for reserved posts, otherwise not and vacancy is carried forward. In case the officers, who are cleared as per the above procedure and empanelled, but clearance is not given from vigilance & DAR etc., his name is kept in secret envelop and the result all others is notified. The date of this finalisation of the list is considered to be the date of effect of this panel, though before notification, this is required to be approved by the Board and finally by the minister on behalf of the President of India.

- 19.10 The Gp.'B' officers so cleared for Gp.'A' are given weightage in seniority as per Railway Board's letter No. Letter No. E (O) 1-72.sr-6/29 dt.30.11.76, which states the above principle as under:-

"PRINCIPLE" (vii):-

In the case of class-II officers permanently promoted to class -I services, if two or more than two officers are promoted on the same date, their relative seniority will be in the order of selection subject to the aforesaid provision. The seniority of officers permanently promoted from class-II to class-I services, shall be determined by giving weightage based on:-

- a) **The year of service connoted by the initial pay on permanent promotion to class-I service; or**
- b) **Half the total No. of years of continuous service in class-II, both officiating and permanent; whichever is higher, subject to a maximum weightage of 5 Years".**

However, after the weightage in seniority is decided and back date effect is given, then inter-seniority, vis-a-vis the direct recruits of the year of that back date is fixed by placing all the promote officers concerned enblock below all the direct recruits of that year

- 19.11 In fact, the system of fixation of seniority of Gp. 'B' below the whole batch of the direct recruits - is in violation of the rules of relative seniority laid down by the Deptt. Of

Personnel (DOP) Ministry of Home affairs vide OM no. 9/11/55-RPS dated 22.12.59, which is applicable to all ministries- except few exceptions (In which Railway Ministry does not fall). The relevant para of relative seniority of direct recruits and promotees, as published in a Hand Book for personnel officer published by DOP(1975), based on the above mentioned notification, is reproduced :-

HAND BOOK FOR PERSONNEL OFFICERS - Para S, page 211

"(5) Relative Seniority of Direct recruits Promotees.

The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in recruitment rules.

EXPLANATION

A roster should be maintained, based on the reservation for direct recruitment rules. Where the reservation for each method is 50% the roster will run as follows:- (1) Promotion (2) Direct recruitment (3) Promotion (4) Direct recruitment and so on. Appointments should be made in accordance with this roster and seniority determined accordingly.

ILLUSTRATION

When 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit ceases to hold the appointment in the grade, the seniority lists should not be re-arranged merely for the purpose of ensuring the proportion referred to above".

- 19.11.1 Now, two things are clear , that the seniority should be in the ratio of the recruitment quota and secondly while fixing the seniority, first the promotee has

to be placed and then the direct recruit. In Railways, both these basic aspects have been ignored while fixing the norms of fixation of seniority, as entire batch of the direct recruits is placed above the promotees, in the seniority list. In some cases, it has been observed that even if one person of a particular batch of direct recruits joins the service earlier, all his batch mates are made senior to the entire batch of promotees, even if all other members of direct recruit's batch might have joined the service later than the promotees.

The relevant rules of seniority, as indicated above, in terms of Ministry of Railways letter No. E (o) 1-72/sr-6/29 Dt.30.11.76 speak as under :-

"PRINCIPLE (ix)

Officers permanently appointed to the junior scale (class-I) from against the categories mentioned in principles (vi) and (vii) above, against the quotas of vacancies reserved for them, shall be placed below or above a particular batch of direct recruits according to their dates for increments on time scale are earlier or later than the earliest date on which any one of the direct recruits in a particular batch joined service".

19.12 EFFECT OF WRONG CALCULATION OF VACANCIES.

19.12.1 Analysis of the number of vacancies arrived at, through various formulae mentioned in para 19.7 reveal that the procedure of calculating the vacancies has created numerous discrepancies. Let us now study the position of recruitment, which shall emerge, keeping in view the latest two modifications. The relative position of likely recruitment will be as under:-

Department	No. of vacancies as per old formula		No. of vacancies as per new modification (Alt. II only which has been adopted)		No. of vacancies which shall be for Gp. 'B' on application of correction factor as per latest decision	
	Gp. 'A'	Gp. 'B'	Gp. 'A'	Gp. 'B'	Change in col. 3	Change in Col. 5
Civil Engg.	81	44	63	35	54	42
Traffic	41	22	35	18	28	24
Mech.	49	27	42	20	33	28
Eletct.	40	22	31	18	27	21
S&T	32	18	32	15	22	22
Store	19	10	16	08	13	11
Accounts	25	13	21	11	17	14
Persnl.	14	11	10	07	14	10
G.Total	301	137	250	132	208	172

Scrutiny of the above figures reveal that the recruitment in Gp. 'A' which was earlier 468 (301 DR + 167 P), has now been changed - rather reduced -to382 (250 DR +132 P). As already discussed in para 18 earlier ,in view of huge number of vacancies in Gp. 'A' , the Federation of Indian Railway promotee officers, have always been urging upon the administration to take remedial measures, by increasing recruitment in number, so as not only to keep pace with the normal wastage but also to make good the heavy backlog of vancies in the phased manner. However, the Railway administration , in their wisdom have modified the system of calculation of vacancies in such a manner that the number of vacancies to be filled will be reduced further in numbers.

19.12.2 This has been the basic concept, which the Gp. 'B' officers, have been trying to bring home to the administration, for the last many decades. In fact, the history of recruitment in Gp. 'A' it reveals that whenever the administration was pressed to improve the policy and procedure of assessing vacancies and recruitment, the administration always came out with some proposal deteriorating the situation,further leave apart any improvement.

19.12.3 Apart from defects in the calculation of vacancies which result in inadequate intake of Gp. 'B' officers , there has been inadequate intake otherwise also, from the very beginning, a fact, better illustrated from the statement placed below:-

Period	Direct recruitsment average/year.	Quota of Gp. 'B' as per col. 2	Actual No. of Gp. 'B' officers	Shortfall per Year	Total shortfall
1.	2.	3.	4.	5.	6.
1970-74	83	42(33-1/3%)	30(24%)	12	60
1975-79	117	59(33-1/3%)	41(23.3%)	18	90
1980-84	223	149 (40%)	149 (40%)	--	--
1985-89	275	184 (40%)	118 (25.6%)	66	330
Total in 20 Years	698	434	338	96	480

Evidently, during the last 20 Yrs. the number of Gp. 'B' officers, except one span of years, the intake of Gp. 'B' officers in Gp. 'A', has all along been less than what it should have been. As per above mentioned figures, about 480 Gp. 'B' officers have been inducted less to group 'A'. The figures from 1965 to 1991 reveal that the total number of Gp. 'B' officers inducted was 1640 where as on the basis of the intake of direct recruits during this period, the intake of Gp. 'B' should have been 2328, which means about 700 Gp. 'B' officers have been inducted less. In fact, this reduced number of Gp. 'B' officers is based on actual intake of direct recruits, where as it is well known that even the intake of direct recruits is not as per the creation of vacancies, and therefore on the basis of actual vacancies, the intake of Gp. 'B' officer would have been much larger, which means the shortage of Gp. 'B' intake is bigger than this even.

Evidently, there are large scale defects, firstly in the procedure of calculation of vacancies, and secondly in implementing the calculated vacancies for Gp. 'B'. Sometimes it seems, that all these defects are intentional, i.e. to ensure - anyhow - lesser intake of Gp. 'B' officers in Gp. 'A'.

19.13 **DELAY IN DPC SOLUTIONS**

Apart from defects, in calculation of vacancies for Gp. 'B' for their induction in Gp. 'A', it has been observed that excessive delay is taking place in finalising the DPCs. In fact, the delay in DPC has become a rule rather than exception. The study of D.P.Cs conducted during last 10 Yrs., reveal that the delay of 3 Yrs or so is quite common and in some cases however, it is such delay is extended to 4 to 5 Yrs. even. Whenever this issue is raised before the Railway Administration, promise is always made that process is being streamlined, and it shall be ensured that in future no delay takes place. But this assurance is being given for the last 13-14 Years (from the days negotiation rights were given to the Federation of promotee officers) but these have never been fulfilled. The Railway Board's contention that it takes normally 2 Yrs to finalise the DPC of any department appears to be quite stray. It is to undermine the delay. But why the processing cannot be started immediately after the vacancies are assessed and indent is placed on UPSC for direct recruitment. Then it should be possible to finalise the DPC of Gp. 'B' officers too simultaneously with the recruitment of direct recruits. The only requirement is will to do the same, which it seems, the Railway Board is lacking very much.

- 19.13.2 The main reason of the delay in DPC is in its procedure. Firstly, the Railway Board is not in a position to collect the requisite papers from the Zones/ production units and if the papers are collected, lot of time is wasted in scrutinizing the same. Perhaps, this is the only aspect of Railway working, which has been kept beyond the perview of accountability and, no one is held responsible for delay in DPC. Another major reason is that as per the existing system prevalent in the Board is that they call for CRs of all Gp. 'B' officers who complete 3 Years regular period, where as the requirement for the purpose of DPC is much less. This means, out of the 8000 Gp. 'B' officers available on date, approximately 6000 confidential reports must be received in the Board's office every Year (leaving remaining 2000 officer who may have less than 3 Years service) which means 30000 CRs of 5 Years. Whereas the D.P.C. is done only for about 200 Gp. 'B' officers meaning 600 officers under zone of consideration and thereby total about $600 \times 5 = 3000$ CRs shall be required for scrutiny. Maintaining 30000 CRs for a requirement of only 3000 CRs is an exercise in futile. More over adequate no. of staff is not available to handle such a huge number of CRs .
- 19.13.3 In fact, the whole system of D.P.C. is very cumbersome resulting in delays not only in Rly. Board's office, but also in UPSC, later on. It has been observed that the DPC of promotee officers is always given second priority by the U.P.S.C. officials/ members. Numerous examples are available, when the D.P.C. dates given and fixed in advance were postponed on some grounds, and then revised dates are not refixed for months together . What is more, the dates for D.P.C. meetings are not given for months together on the ground that UPSC members are busy in conducting IAS/IPS and other important tests, as if this DPC has no importance..
- 19.13.4 The Federation of Indian Railway promotee Officers, has been urging the administration to fix a definite programme of DPC for Gp. 'B' officers, so that in case of any failure in this respect, responsibility could be fixed on individuals. In addition, if the DPC cannot be reckoned from the due date, at least the last day of the year of which the DPC is due should be taken to be date of DPC panels, as all the delay in finalisation of the DPC is always on administrative account, for which the cadre of Gp. 'B' Officers have to suffer for no fault of theirs. But neither the Railway Board, nor the UPSC wants to respond and are not giving any heed to this aspect. That's why the Gr. 'B' Officer are suffering adversely since very beginning without any relief what-so-ever. In fact, as suggested earlier in this part of the book, the best system would be to have a ready penal of Gp. 'B' officers for induction in Gp. 'A' ready in advance, so that they are inducted in their proper place, as soon as a vacancy occurs for them. And it is not impossible if intention is there.

19.14 ANOTHER FALL OUT OF WRONG POLICY REGARDING DPC

- 19.14.1 The frustrating delay in DPC selections brings in its wake , several disadvantages for Gp. 'B' Officers. The study of DPCs issued in 1989, 1990, 1991, reveal that out of 644 Gp. 'B' officers cleared by DPC ,since 1989 to date, 272 officers (42.3%) retired within 3 years of their induction, i.e without getting any benefit of their induction in Gp. 'A'. and 68 (10.5%) officers retired within further one Year and they could not reap the benefit of their induction to Gp.'A' because almost one year's time is taken by the administration for clearing officers for regular promotion to JA Gr.) Thus a total of 52.7% Gr. 'B' officers though statistically promoted to Gr. 'A', however, could not get any benefit of their elevation. Numerous examples are available where –in many officers superannuated even before their notification is received. The balance officers alsoenjoy the benefit of JA Gr. and so called status elevation for less than four years (average). This all speaks of the liberalisation of promotional prospects, adopted by the government, which is being claimed in every meeting, and every paper. The Federation of Indian Railway promotee officers, have been insisting upon the Board, to take suitable remedial measures in this respect, but in vain.

19.15 SUMMARY OF SUGGESTIONS

In order to avoid delay in DPC selections and to improve the procedure, the following few suggestions are required to be studied and implemented.

- 19.15.1 The process of induction for Gp. 'B' ,according to the share should and can start from the day ,UPSC is informed about the number for direct recruits to be recruited. After the vacancies are calculated.
- 19.15.2 The defects in calculation of vacancies, as illustrated in above paras should be modified suitably. In addition, it is also observed that distribution of vacancies railway -wise is also defective and arbitrary causing imbalances and sometimes leaving room for mal-practices even, and therefore needs some scientific approach.
- 19.15.3 Every year the total number of vacancies with break up for direct recruits and promotees, department wise should benotified.
- 19.15.4 The yearly quota for each department to be distributed Railway/ unit wise should be notified as is done for all the non-gazetted cadres, whenever any selection take place for them.
- 19.15.5 The Zonal Railways/ Unit should not be asked to send the CRs of all the Gp. 'B' officers completing 3 Yrs regular service in Gp. 'B'. Instead they should be

instructed to concentrate more on collection of details and CRs of twice the number of vacancies for the particular Railways/ Unit multiplied by three or four as the case may be.

- 19.15.6 Adequate staff/ officers, evidently more than at present be provided / ensured at Board's office to deal with the enormous work load to process the papers of Gp. 'B' officers, so as to ensure the induction of Gp. 'B' officers, at least in the same calendar Year in which the recruitment of direct recruits is being planned.
- 19.15.7 It has been observed that excessive delay is taking place in finalising/ fixing the dates for discussion with UPSC. Instead a tentative Yearly calendar be chalked out in consultation with UPSC and then be adhered to.
- 19.15.8 The abnormal delay in the notification of the DPC finalised lists after the meeting with UPSC has taken place, has to be minimized.
- 19.15.9 A scientific system be adopted to avoid the excessive number of officers retiring within 3 Yrs.(presently 52.8%) without any benefit. For this purpose officers equivalent to the number of officers to retire within 3 Yrs. should be considered over and above the number of vacancies as per their quota.
- 19.15.10 The regularisation of J.A. grade, should be effective from the date on which the officer complete 8 Yrs., subject to availability of vacancy.
- 19.15.11 Since the delay in DPC is always on administrative account, the date of effect of the DPC should be at least from the last day of the year, in which DPC was due.
- 19.16 While discussing the career planning aspect in earlier portion of this part, it is mentioned, that in the view of the Board, no separate career planning is required for Gp. 'B' officers, keeping in view their induction in Gp. 'A'. The induction of Gp. 'B' officers to Gp. 'A' is through DPC and in this chapter 19- dealing with DPC- it has been explained in detail, that how the system of DPC is being misused. Where-in, the Gp. 'B' officers do not get their due, whether it is due to error in calculations, malafied or otherwise, loss due to excessive delay in DPC and system of fixing the seniority or otherwise. In all the ways Gp. 'B' officer has to suffer the ultimate loss, and that also without any compensation what-so-ever. This aspect has already been discussed in para 14.10, wherein it has been brought out that 90% of the Gp. 'B' officers, who retire in Gp. 'B', without getting any induction in Gp. 'A' - spending 11-12 Yrs. in Gp. 'B' only, need some sort of career planning, but is being refused.

To sum-up, the subject requires heart searching and introspection and once it is admitted that existing system of D.P.C. selection is with several infermities, solution will not be difficult. But who will do, it.

PART-E

20. STAGNATION

20.1 INTRODUCTION:

We have discussed earlier about, (a) No career planning scheme of the Board for Gp. 'B', (b) in adequate quota for Gp. 'B' officers in Gp. 'A', (c) keeping a large number of vacancies in Gp 'A' by the Government, and lastly the most defective system of D.P.C. meant for Gp 'B' officer's inductions to Gp. 'A'. All these are adversely affecting the overall promotional prospects of Gp. 'B' officers, and thereby resulting in acute stagnation in this cadre. Since it affects the overall- health of the organisation every vital organization in its wisdom sees to it that phenomenon of stagnation in any category be avoided through adequate promotional prospects for all categories of staff.

20.2 The Railway administration, too have been rising to the occasion, and have all along been taking one step or the other to ensure, adequate and timely promotions for all the categories of their employees, except off course Gp. 'B' officers. It is observed that out of the two categories in Gazetted cadre i.e. Gp. 'A', and Gp. 'B', all considerations have been extended to Gp. 'A' cadre to see that they get adequate promotions, sufficiently and timely. For example, memorandum was submitted in 1977-78 by the Federation of class-I officers, for career planning in the cadre of officers. By 1982 – 83, all these demands were met through successive cadre reviews and upgradations. All these were aimed at improving the promotional prospects of Gp. 'A' officers only, As already mentioned earlier, the promotion from junior scale to senior scale, Sr. scale to J.A grade and J.A. grade to S.A. grade, which used to be earlier 5-6 Yrs, 13-14 Yrs., 25-26Yrs. respectively, vastly improved to grant them promotion within 3-4 Yrs., 6-7 Yrs. and 17-18 Yrs. of service i.e. much more than demanded in their memorandum.

20.3 At the same time several memorandums etc. submitted by the Federation of Gp. 'B' offices, for improving their promotion prospects aroused little interest in Railway Board. Administration has all along been claiming about the vast improvements in the promotional prospects of Gp. 'B' officers, and at times, the example of Gp. 'B' officers is

working in J.A. grade and in some cases above also have been cited. It is just forgotten that availabilities of slightly more number of officers in J.A. grade is not due to improvements in the promotional prospects of Gp. 'B' officers, but the basic reasons for this are something else. Earlier, the entry age of officers in Gp. 'B' was about 51-52 yrs. But with the vast appreciable improvement in the promotional prospects of Gp. 'C' the entry age of Gp. 'B' officers has been reduced to on an average to 42 yrs and therefore by the time of their retirement a few additional Gp. 'B' officers do get elevated o Gp. 'A' and a few to JA grade. The reason of this is, introduction of the scheme of limited Departmental Competition Examination (LDCE), which has enabled the Gp. 'C' employees to enter Gp. 'B' at a relatively younger age, and a few of such staff are able to get benefit of promotion to JA grade at the end of their career. But this is not due to any direct improvement in the Gp. 'B' cadre.

20.4 The following table will illustrate the level and extent of stagnation prevailing among Gp 'B' officers.

MENT	10 YES.	9 Years	8 Years	TOTAL
CIVIL	332	138	72	542
MECH	27	22	71	120
ELECT.	96	13	27	136
S & T	110	50	48	208
TRAFFIC	133	49	56	238
STORES	31	7	47	85
ACCOUNTS	6	3	15	24
PERSONNEL	48	21	30	99
TOTAL	783	303	366	1452
POSITION AS on 31.12.1989	616	364	355	1335

On going through the above table two important aspects emerge out very clearly i.e. despite so called bumper clearances during 89,90,91, 1452 Gp. 'B' officers are still working in Gp. 'B' with more than eight Yrs. in this cadre. What is more important is that this number had in fact increased during last two years (from 31.12.89 to 31.12.91) despite record clearance during 89-90. Thus deterioration has further, worsened.

20.5 The analysis of the D.P.Cs. cleared in 1989,90 and 91, reveal that the average age at the time of promotion to Gp. 'B' is 41 Years 11 months, and on an average each Gp. 'E' officer has to work for 10 years 8 months in Group 'B' before he is elevated to Gp. 'A', which means the average age of Gp. 'B' officer at the time of his induction to Gp. 'A' is 52 years 7 months which clearly means that every Gp. 'B' officer has only 5 Yrs 5 months to serve in Gp. 'A'. Since for the first 3 - 4 years of their induction no benefit is extended to Gp. 'B' officer, a Gp. 'B' officers on an average, gets less than 2 Years only in J.A. grade, which may mean some benefits.

20.6 The aspect of stagnation was further analysed in different way, where in a survey was conducted on Northern Railway, in six Departments' (the position in other two departments was not normal) regarding promotional prospects, through DPC. In this survey, it has been assumed that the number of officers cleared for DPC in a year shall be the average number of officers cleared during last 3-4 Years, and the clearance shall be completed in July every year with no consideration to SC/ST aspect. Evidently all the assumptions including number of officers to be cleared are all on positive side; hence the overall situation is not likely to be better than what is emerging here. Let us now discuss the situation on only one Deptt, say Civil Engineering, which is the biggest deptt. The following are the results:-

- (i) There were in all 263 Civil Engineer Gp. 'B' officers of N.Rly. as 017 31.03.1989. The average number of officers to be cleared [or IJT'C has been taken to be 4/Yr. and with this, all the present 263 officers shall be covered from 1990 to 2005 i.e. in 16 Yrs, which mean the total period in which either officer shall get Gp. 'A' or will get retired.
- (ii) In 16 Yrs., in all 64 officers shall get cleared for Group 'A' and the balance 199

officers shall get retired in Gp. 'B' only without getting cleared for Gp. 'A' which mean 75% of the officers not getting DPC cleared before retirement. However, what is important is that all these officers would have spent 11 Yrs. service in Gp. 'B' before retirement.

- (iii) Out of the 64 officers getting DPC clearance, 34 (53%) officers, shall have less than 3 Yrs. period to serve at the time of their clearance for Gp 'A'. Hence they will not get any benefit of their clearance. Out of remaining 30 (41% of the officers cleared end 11% of the total Gp. 'B' officers) 8 persons shall further get retired within next one year - by which time, JA grade regularisation is not completed in Board's office.

This means, only 22 officers are likely to get the benefit of their clearance in DPC, and may get JA grade. This is only 8.3% of the total strength of Gp. 'B' officers and mean just 1.5 officers/year.

The situation in all other departments is also almost similar, and in every department the position of stagnation is acute.

- (iv) The total strength of posts in senior scale and above in Civil Engineering N.Rly being 315, the promotion of only 1.5 officers on an average mean less than 0.5% of the total strength which is evidently too meager.
- (v) The total service in Gp. 'E' of these officers shall be 15.5 years (average) before being inducted in Gp 'A I' (10.7 years for all departments).
- (vi) For other departments too, the induction of Gp 'B' officers in Gp 'A' with more than 3 years left over service, against the Sr. Scale and above posts in each department, as per this survey is as under :-

Deptt.	Total No of officers in Sr. scale & above	Total period	Total No of officers likely to be inducted in Gp, 'A', with more than 3 yrs. left over service.	No of officer per year	No. of officer per year	% to Gp.I
				Col. 4/3.	Col. 5 to 2.	
Civil	315	16 Yrs	22		1.5	0.5%
Mech	158	13 Yrs	24		1.9	1.2%
Elect.	103	14 Yrs	18		1.3	1.3%
5 & T	121	17 Yrs	24		1.4	1.2%
Accounts	82	11 Yrs	6		0.5	0.6%
Personnel	60	12 Yrs	10		0.8	1.3%

The above statement does not need any further explanation regarding the acute stagnation prevailing in the c Lees of Gp.' B' officers as already mentioned earlier it has been based on certain assumptions that all DPCs and promotions will be on time, but in actuality, inordinate delays have become so routine that actual stagnation will be very alarming.

20.7 It is now a well-known fact that, at present, more than 8000 Gp. 'B' & officers are working on Indian Railways, where as the sanctioned number of posts for Gp. 'B' cadre are only about 2000. Out of the 8000 Gp. 'B' officers, only 800 + are working in Gp.' A approx. 2000 on adhoc basis in Sr.scale (against C1.I posts) and 2000 against Gp. 'B' sanctioned posts. Evidently more than 3000 are working against junior scale class I posts, without any extra benefits. As such in all, more than 5000 Gp. 'B' officers, though working against Gp. 'A' posts, are given no benefit at all for this working of theirs. On the other hand, as already explained earlier more than 5500 vacancies exist in Gp. 'A'. At least 40 % of these belong to Gp. 'B' as per their quota, and since sufficient number of eligible Gp. 'B' officers are available at any time (having more than 3 Yrs regular service), there is no problem at all in filling up these vacancies at least. Many benefits shall accrue due to this:-

- (i) Stagnation in Gp. 'B' shall be reduced considerably.
- (ii) Adhoc working in Sr.scale shall be avoided.
- (iii) Frustration among Gp. 'B' will be reduced.
- (iv) With lesser adhoc working, efficiency is likely to be improved considerably.

- (v) Vacancies in Gp. 'A' shall be filled in a regular way.

PART-F

1. FIXATION OF PAY ON PROMOTION TO SENIOR SCALE – CONCORDANCE TABLE

21.1 INTRODUCTION. – HISTORY

Prior to 1.1.86, i.e. prior to the implementation of IV Pay Commission Report, the pay of officer in Junior scale (700-1300) i.e. directly recruited and/or Assistant Officers / Gp. 'B' officers in grade Rs.650-1200, both on their promotion to Senior Scale (Gr.1100-1600), whether regularly (for Junior Scale) or on adhoc basis (for Gp. 'B' officers), used to be fixed first in Junior scale under rule FR-22-C (notionally for Gp. 'B' officers) and thereafter in senior scale on the basis of Concordance Table laid down for the purpose. This method of fixation ensured adequate monetary benefits to them, amounting to Rs.250/- p.m. at least. Normally all the monetary benefits viz special pay, special allowances were at least doubled - pending final decision about these - temporarily after 1.1.86. Accordingly, the benefit of Rs.250/- p.m. before 1.1.86 would have been amounted to approx Rs.500/- p.m. after the implementation of IV Pay Commission Report.

- 21.2 The system of pay fixation, however, has been modified since 1.1.86 - i.e. on implementation of the Pay Commission report - and the pay fixation on promotion to senior scale is now, being regulated under Rule FR-22-C, and other methods of fixation of pay including under Concordance Table, have been done away with and now only straight fixation under rule FR-22-C is being allowed.

- 21.3 This straight fixation of pay under rule FR-22-C has reduced the benefit of Rs. 250/- approx. available to Gp. 'B' officers (which could have been equivalent to Rs.500/- after 1.1.86). Now the monetary benefit accruing to Gp. 'B' officers, on their promotion to senior scale are between Rs.100- 125 p.m. only under Rule FR-22-C. This has naturally caused extreme frustration among Gp. 'B' Cadre, resulting in avoidable dissatisfaction.

21.4 HISTORY.

This system of fixation of pay of Asstt. Officers on promotion to Senior scale was initially introduced on the recommendation of 1st pay commission. The basic idea of introducing this system of fixation of pay in the cadre of officers was to ensure a minimum pay benefit to the officers on their promotion to Sr. Scale. The rule regarding fixation of pay through concordance table is also contained in Rule 13 A of Central Civil

Services (Rev. Pay) Rules 1960 and incorporated in relevant rules of Railways and defence. The 2nd Pay commission made no comments on this aspect.

- 21.5 The 3rd Pay Commission, however, in their report, discussed this aspect of fixation of pay on promotion, in detail and recommended not only its continuation wherever it existed, but even recommended its extension to organised services of other Central Government departments, too. The relevant para of 3rd Pay Commission is reproduced below:-

IIIrd PAY COMMISSION REPORT PART III VOL.I CHAPTER 8, PAGE 77

"25.....We recommend that in all cases of pay fixation under FR 22-C. Where an employee is drawing pay at the maximum of the lower scale, he should be allowed a notional increment above the maximum of the lower scale (equivalent to the amount of the last increment in that scale) and the pay be then fixed at the next above stage in the higher scale."

"28.....In the Railway Services, which are also treated as established services, the pay of officers promoted to the senior scale posts is fixed with reference to the pay in the junior scale as laid down in the Concordance Table, so that a minimum benefit of Rs.150/- per month accrues to an officer in the junior scale on his appointment to a senior scale post. A similar benefit is also available in the Telegraph Engineer Service class I and some of the Scientific Services like the Defence Science Services, and the Indian Metrological Services. The Concordance Table is contained in Rule 13A of Central Civil Services (Revised Pay) Rule 1960, and the corresponding rules in the Railways and Defence Departments. The benefit of Concordance Table is available in the three All India Services also."

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PAY FIXATION ON PROMOTION

"29.....We accordingly recommend that this benefit should be available in other organised class I services also which have the characteristics of an established service i.e. where direct recruitment occurs in the junior scale that too for the purpose of enabling the incumbent to assume higher responsibilities after a comparatively short period of 5 to 6 yrs. The benefit may continue in the Scientific and Technical Services where it exists at present. We would also suggest adoption of the same arrangement for fixing the pay of promotees in services which have junior and senior scale, even though lateral induction takes place at the senior scale level also. We do not find much substance in the possible criticism that the promotee would have an edge over the direct recruits to

the higher scale so far as the initial pay in that grade is concerned. We recommend that Concordance Table should be suitably devised, based on the revised class I junior and class I senior scales of pay recommended by us for the All India and the organised class I services."

21.4 In consolance with the recommendation of the 3rd pay commission, to devise the Concordance Table ,in view of the revised recommended pay scales for Sr. scale and junior scale the Concordance Table was revised, in terms of Railway Board's letter No.PC-III-74/ROP-1/28 dated 26.11.75 effective from 1.1.73, which was as under :-

STAGE	PAY IN JUNIOR SCALE	PAY IN SENIOR SCALE
1st	700	1100
2nd	740	1100
3rd	780	1100
4 th	820	1100
5th	860	1100
6th	900	1100
EFFICIENCY BAR		
7th	940	1150
8th	980	1200
9th	1020	1250
10th	1060	1300
11th	1100	1350
12th	1150	1400
13th	1200	1450
14th	1250	1500
15th	1300	1550
16th	1300	1600

- 21.7 This system of pay fixation on promotion to senior scale, therefore, remained enforced, after 1.1.73 and ensured a monetary benefit of approx. Rs.250/- p.m. in pay fixation to not only the Gp. 'B' officers, but to all class-I/ Gp. 'A' junior scale officers, also, on their promotion to Sr. Scale.
- 21.8 The 4th Pay Commission did not discuss the issue of pay fixation, and specially the pay fixation through Concordance Table. This Commission, was however, referred about an anomaly in fixation of pay for the officers getting pay above 1500. This issue was discussed in detail by this pay commission, and made necessary recommendation in this reference, so that the said anomaly could be avoided for all such officers who were getting the pay 1500/- or above. It will be better if the recommendation, in this reference is reproduced, as under:-

IVth PAY COMMISSION REPORT PART I VOL III CHAPTER 23, PAGE 257

(FIXATION OF PAY ON PROMOTION)

"23.14 There are two main rules governing fixation of pay of government employees on promotion from one post to another involving assumption of higher responsibilities, namely fundamental Rules (FR)-22-C and FR - 22 (a)(i). Under FR 22-C, the pay of an employee is first stepped up by one increment in the lower scale from which he is promoted and thereafter pay is fixed at the next higher stage in the pay scale of the higher post. This formula is applicable for promotion to posts carrying scales of pay the minimum of which is Rs.1500 or below. Under FR -22 (a) (i), Pay in the higher scale is fixed at stage next above the stage at which pay is drawn in the lower scale. This rule applies for the promotion to posts carrying scale the minimum of which is above Rs.1500. It has been represented by associations that the monetary benefit accruing on promotions under the existing rules is not adequate and needs improvements...."

*"23.15. We have considered the suggestions and are of the view that the formula for fixation of pay on promotion should be uniform. **We accordingly recommend that FR - 22-C should apply to all cases of promotion from one post to another** subject to the condition that the amount to be added to pay in the lower post before fixation, the pay in the higher post should not be less than 25/-. The rule may be amended accordingly."*

- 21.9 Thus evidently ,IV Pay Commission did not discuss the system of fixation of pay through Concordance Table, and in fact, the above recommendation is only concerning the fixation of pay for the posts carrying scales, the minimum of which is above Rs.1500 and it has nothing to do with the services/grades where the fixation of pay used to be through Concordance Table or otherwise. Therefore, withdrawing a benefit which is given under Civil Service rules as a consequence of earlier Pay Commissions, and reiterated by the

3rd Pay Commission which even gave definite recommendation for its extension - is surely most arbitrary and to some extent malafied even. It is worth noting that the system being modified by the Pay Commission, is due to the fact that adequate monetary benefits were not accruing to the officers drawing pay above Rs. 1500/- (old scale) as such modifying this in such a way that to deny the adequate monetary benefits to Gp. 'B' officers is totally unjustified.

- 21.10 No where in the history of Pay commissionr like bodies/committees, any monetary benefit already available for years has been recommended to be withdrawn. When this question was raised by Federation of Indian Railway promotee officers, and even by some members of Parliament, the Railway minister replied that this revised system of pay fixation had been done as per the IV pay commission recommendation. It is worthwhile to quote directly from the said reply of minister of Railway, which is reproduced as under:-

MINISTER OF RAILWAY'S LETTER No PC-IV/89/CA iii/15 DT. 25.10.1989
(ADDRESSED TO Sh. HARISH RAWAT M.P.)

“The Concordance Table was applicable in organised group 'A' services on the Railways prior to IVth Central Pay Commission in respect of fixation of pay of group 'B' officers in the then existing scale of Rs. 650-1200 to Sr. Scale Rs.1100-1600 and also for Group 'A' officers in scale Rs. 700-1300 (Junior scale) on the ground of time scale concepts in Junior Scale and Sr. Scale prevalent then. However, this concept was given up by the commission, after exhaustive examination of the procedure followed in different Ministries/Departments, recommended that the formula for fixation of pay on promotion to higher posts should be uniform and that FR-22(C) should apply to all cases of promotion from one post to another.

The Government accepted the above recommendation and decided that **FR - 22(C) should apply to fixation of pay in all cases of promotion**. Notwithstanding whether the Pay commission covered all categories of staff or only those officers whose basic pay was 1500 and above. It was within the sources of the administration to modify it to the extent that benefit of concordance table is not withdrawn, wherever existed.

The fact that Concordance Table was applicable to fixation of pay of Group 'B' officers on promotion was also specially referred to the Departments of Personnel & Training of Government of India who have confirmed that subsequent to government's acceptance of the commission's recommendations, only FR-22(C) will apply to all cases of promotions from one post to another".

- 21.11 It is evident from the above, that the Railway Administration is, time and again, insisting that the said benefit of fixation of Concordance Table has been withdrawn as per the recommendation of IV pay commission, whereas in reply to Unstarred Question No.2736

dt.4.5.1989, the Railway ministry accepts that the issue of fixation of pay through Concordance Table was not discussed by the IV Pay Commission specifically in their report. Still they insist that the IV pay commission, did make a definite recommendation to fix the pay, on promotion, in all cases through Rule FR-22-C and in support cite the recommendation made vide para 23.15. Before giving any comment on this, The following reply to an unstarred parliamentary question needs to gone through which reveal the mind of the government i.e. bureaucrats of DOP and RIs:-

ANSWER TO PARLIAMENT QUESTION (UNSTARRED) No. 2736
DT.04.08.1989.

"(b) The report of the IVth Central Pay Commission does not contain any discussion on the Concordance Table. However, in paragraph 23.15 of its Report, the Commission has recommended that FR-22(C) should apply to all cases of promotion from one post to another.

(d) Fixation of pay under the Concordance Table has been done away with consequent to the Government's acceptance of the recommendations of IVth Central Pay Commission , for fixation of pay under FR-22(C) in all promotions from one post to another

.....

(h) In view of the Government's decision to accept the recommendation of the Fourth Pay Commission to apply FR-22(C) for pay fixation in all case of promotion from one post to another and since under FR-22(C) pay has to be fixed straight-way in the scale of the post to which a person is promoted with reference to the pay drawn in the posts from which he is promoted, the question of fixation of pay in any other manner does not arise."

- 21.12 As already mentioned earlier, the recommendation made in para 23.15 can be read in reference to para 23.14 only, and not in isolation. It is surprising or rather shocking that a system in existence for decades, incorporated in Civil Services rules, having specific recommendations from 3rd pay commission, for extending the system to such other ministries, where it was not in existence, has been withdrawn with a stroke of pen, on the basis of a passing recommendation, not directly related to the issue at stake, and was actually meant only for the posts having more than the minimum pay Rs.1500/- only. Such an attitude from a government, which should behave as a model employer, is definitely disturbing, and unwarranted and thus is a cause of great frustration among the Gp. 'B' officers of all departments.

21.13 It is worth mentioning here that the case of Gp. 'B' officers working in Railway is somewhat different from the Gp. 'B' officers of other ministries as the number of posts in senior scale required to be manned by Gp. 'B' officers by making officiating arrangements is quite large compared to any other ministry. This is so because there has always been a heavy shortfall in Gp. 'A' officers who would normally be expected to man senior scale posts mainly on account of work charged posts and therefore administrative interest compels making ad-hoc arrangements to man senior scale posts by Gp. 'B' officers under this background, it so happens that when a Gp. 'B' officer gets cleared by UPSC for empanelment for Gp. 'A' after getting through the laid down procedure, he has already been drawing officiating pay in senior scale for number of years. In such a situation if a rigid view is taken of the guidelines of DOP, it results in the officer getting fixed in senior scale without going through junior scale even notionally, which lead to meager benefits.

21.14 It may be mentioned, that it has always been the policy of the government to bestow adequate benefit on staff particularly when they climb up higher echelons of management, it is in this spirit that the government have issued orders recently in OM No.5/3/89-estt. (Pay-I) dated 6.3.1991 where-in under-secretary in scale Rs.3000-4500, on promotion to Deputy Secretary in scale Rs.3700-5000, gets a minimum benefit of Rs.250/- in basic pay per month.

It is worth mentioning here that this system of fixation, as recommended by the IV Pay Commission vide their report para, chapter 9, para 9.25, was not accepted by the Government of India, but has now been accepted the same vide afforsaid letter dated 6.3.1991.

Here the pertinent point is how the same government has deviated from the recommendation of 4th Pay commission if it applied universally to all promotions. Definitely this modification in the secretariate promotion has been done to restore the scheme of benefit already available to them. It is on the same analogy concordance table should be restored in the case of Railways also.

21.15 Otherwise also, it may be said that Gp. 'B' officers deserve to be given additional monetary benefit on their fixation because senior scale posts against which Gp. 'B' officers are required to officiate on adhoc basis, are Gp. 'A' posts. Therefore on regularisation of an officer while working in senior scale, he has to be given substantive appointment through junior scale only. Moreover there is no provision for a Gp. 'B'

officers to be given senior scale directly under the rules, but in Railways a Gp. 'B' officer has to be promoted to senior scale due to administrative need. However, very recently as a result of an half hearted attempt, the Rly. Board has decided that after a Gp.'B' officers, officiating in sr.scale, is absorbed in Gp.'A', his pay should be first fixed notionally in junior scale and then in senior scale. This benefit of two increments will accrue. But this will not apply to those who are officially officiating in sr.scale on ad-hoc basis. Consequent to this relaxation, hardly 200 Gp.'B' officer/year will be benefitted.

- 21.16 It has been said earlier, that pay commissions, in general, always increase the monetary benefits available to the employees and perhaps in no case the benefits already available, have been withdrawn or even curtailed, as has happened in this case. Therefore this issue is required to be examined afresh, as the recommendation given for-in reference to para 23.14 - cannot be taken to be a general recommendation applicable to all situations. This was not a sweeping recommendation, and the Pay Commission was aware of existence of a separate system of pay fixation is evident from the paragraph of its recommendation, which is reproduced as under (while discussing the case of Telecomm. Inspectors for more promotional prospects)

4th. PAY COMMISSION REPORT PART I, VOL.II, CHAPTER 10 PAGE 128-

para 10.64

" 10.64..... The association of promoted officers has represented that group 'B' officers, on adhoc promotion to group 'A' senior time scale posts, have to continue as "holding charge" divisional engineer for a long time without regularisation of their promotion and this period is not taken into account for future promotion. We have been informed that group 'B' officers, on promotion to JTS, are notionally fixed in junior time scale for the purpose of seniority with respect to direct recruits as per the present quota system. But functionally they are placed directly in the senior time scale as the posts in that scale are more than in the junior scale and they continue on adhoc basis for some years until the corresponding direct recruit after completing prescribed service in the junior time scale is promoted to the senior time scale. They are, however, given special benefit in the pay fixation....."

Evidently This means, the Pay commission was fully aware of separate system of pay fixation, which was actually the concordance table. Hence if the Pay commission would have recommended for abolition of concordance table altogether, they would have mentioned here definitely to do away the Concordance Table or any other system of pay fixation. On the contrary in another para - chapter-9 para 9.25 - they themselves recommended to give minimum monetary benefit to U/Secy. on their promotion to the

post of Dy. Secretary (This was earlier rejected but now conceded). Therefore the contention of DOP para 23.15 contains the recommendation for fixation of pay only through FR-22-C in all the case is not based on fact at all.

- 21.17 In the extent case, it is only Gp. 'B' officers, who get lesser monetary benefits even as compared to what they were getting before 1.1.86. All the remaining cadres i.e. Gp. 'A', Gp. 'C' and Gp. 'D' get much more monetary benefits as compared to what they were getting earlier. A small chart in this respect shall clarify this point, in a better way, and is placed as under:-

Gp. 'A'	Promotion from to	Monetary Benefit		Percentage increase	
		EARLIER		NOW	
	HOD TO AGM/CAO	Rs.250		Rs.600	140%
	JAG TO SAG	250	900	260%	
	SR.SCALE TO JAG	80	200	200%	
	JR.SCALE TO SR.SCALE	200	500	150%	
Gp. 'B'					
	Asstt. Officer to Sr. Scale.	250	125	Reduced	50%
Gp. 'C'					
	700-900 - 840-1040	60	200	233.3%	
	380-560 - 425-700	20	60	200%	
	260-400 - 330-560	16	30	187.5%	
Gp. 'D'					
	196-212 - 200-240	4	25	325%	

Evidently the monitory benefits on their promotion is quite lucrative to all other categories i.e. Gp. 'D' 'C' & 'A', and in the case of Gp. 'B' only, it has been reduced, naturally it is discriminatory from all corners.

- 21.18 People, sometimes say that the system of Concordance Table fixation has been withdrawn, without any logic - because this is no longer beneficial to Gp. 'A, direct recruits. It may be recalled that earlier the system of pay fixation through Concordance Table was applicable to both direct recruits as well as promotee/Gp. 'B' officers. Since the

time for promotion to senior scale was 5-6 years, by that time class-I used to cross Rs. 1100 stage - the minimum of senior scale -and therefore, to ensure a minimum benefit of satisfactory level, Concordance Table used to be applied. Now, however, the Gp. 'A'/direct recruits get a raise of more than Rs.500/- after 4 years in junior scale, the application of Concordance Table was not needed for them. Hence the Government (DOP) withdrew the system. Such a situation speaks that how discriminatory the attitude of the government is. Such a situation cannot be conducive for the well being of any organisation, as the feeling of discrimination, always mars the interest of the victims, in this case Gp. 'B' officers.

21.19 One more aspect is required to be borne in mind, in this respect and that is the total likely expenditure to be incurred by the government in implementing the Concordance Table again. It is well known fact that the total number of Gp. 'A' senior scale and above posts on Indian Railways is about 6000, on the basis of 4% wastage every year approximately 250 promotions are required to be made in senior scale, out of which 150 posts are taken by direct recruits leaving only 100 posts for promotions every year for Gp. 'B' officers, on adhoc basis. The total difference in the existing system and the proposed system is only about Rs.150/- p.m. which means an expenditure of less than Rs.2 lakhs/year only. Expenditure of this amount, to create a feeling that, one is not being discriminated is just a cost of peanut and the government is just only making a prestige issue for nothing. It is therefore quite worthwhile to re-examine the whole issue again and take a positive decision at the earliest.

21.20 SUMMARY

- i) Prior to 1.1.86 i.e. implementation of IV Pay Commission report, the pay of junior scale and also of Gp. 'B' officers on their promotion to senior scale, used to be fixed through Concordance Table, ensuring a minimum rise of Rs.250/- p.m. (which could have been equivalent to Rs.500/- after 1.1.86.
- ii) W.e.f. 1.1.86, this system of pay fixation has been replaced with the system under rule FR-22-C, thereby reducing the monetary benefit for Gp. 'B' officers only to just half of the pay benefit before 1.1.86.
- iii) The system of Concordance Table pay fixation was introduced by 1st pay commission, and incorporated in Central Civil Services rule -13A, the 3rd Pay Commission, even recommended for extending this system to such other Central Organisations, where it was not in existence earlier. This ensured a minimum benefit of Rs.250/- p.m. on promotion to senior scale.

- iv) The IV Pay Commission, discussed the pay fixation of post having minimum of Rs.1500/- and recommended that the same should be fixed under Rule FR-22-C. In fact it did not discuss the Concordance Table system of pay fixation at all, and therefore there was no question of making any recommendation about its abolition as the system incorporated under Civil Services rule cannot be dispensed with a passing recommendation at all.
- v) The claim of the Railway administration/DOP that this benefit has been done away with, due to the recommendation of IV pay commission is not correct. It has been accepted clearly in a Parliament Question reply that the issue of Concordance Table was not discussed by this commission specifically.
- vi) The recommendation vide para 23.15 can only be read in respect with 23.14 and not otherwise.
- vii) It is a well known fact, that Pay Commissions, normally bestow additional benefits, and do not snatch the benefits already available to the employees.
- viii) Even the IV pay commission report contains such references, which show that the IV pay commission, knew that some other system of pay fixation - than FR-22-C are in existence.
- ix) It is only Gp. 'B' officers, who get reduced monetary benefits as compared to before 1.1.86, otherwise in all the other cadres i.e. Gp. 'D', 'C' & 'A' all are getting much increased pay benefits as compared to before 1.1.86.
- x) It is some times said that the system of Concordance Table has been withdrawn because it is no longer beneficial for Gp. 'A' direct recruits now.
- xi) The total expenditure, in implementing the Concordance Table again, shall be Rs.2 lakhs/year only.

PART-G

22.0 MISC.MATTERS- R.D.S.O. & MISC. CATEGORIES

22.1 UNORGANISED SERVICES

No where in the Establishment code or manual, organized and unorganised services have been defined. The names of certain number of organized services have been given. It is given to understand that any service, which has the appointments through direct recruitment as well as through promotions from GP 'B' at the junior scale level and have generally all India Character are known as Organised Services, as we have in Railways, viz Engineering, S&T, Mech. Personnel, Accounts,

Electrical Engg., Stores and Traffic services-in all 8 Services. On the other hand, there, are many services/posts, which do not have) direct recruitment at the junior scale level, and are known as Unorganized service. The number of posts in) such services is generally very small, isolated and scattered at places, and therefore the direct recruitment is neither warranted nor required. However the job involved is generally specific and in some cases technical even, thus not permitting their filling up through deputation from other departments/services and hence specific recruitment becomes essential for such services, such as Chemists & Metallurgists, printing & Stationery Superintendents, Hindi Officers, Sport Officers, Public Relation Officers and Law Officers etc.

- 22.2 In addition of the above mentioned services, which known as miscellaneous categories belonging to unorganized services the gazetted cadre of Research & Design standard organisation (R.D.S.O.) is also dealt with differently than the officer, belonging to organised services. In fact Gp. 'B' officers of R.D.S.O. are governed by almost similar rules regulating the service conditions of misc. categories except in a few aspects.

We have till now discussed the service conditions of the organised services. Let us now discuss service conditions of the misc. categories too, including that of R.D.S.O. Which being the largest chunk of these categories shall be discussed first.

- 22.3 Notwithstanding there is considerable ambiguity about the service conditions of the Gp.'B' officers belonging to Misc. categories As the name suggests, all these categories including R.D.S.O are in fact unorganized services, as regards to their service conditions too, and the overall situation prevailing in these categories is much worse than the organized services even, naturally sense of deprivation as well as the extent of frustration prevalent is much more as compared to their counterparts in organised services. Despite stricter norms and higher educational qualifications,for recruitment and these services being highly technical, the overall service conditions are much worse.

22.4 **RESEARCH & DESIGN STANDARD ORGANISATION (R.D.S.O)**

Amalgamation of two organisations known earlier as testing and Research Centre (RTRC) and Central Standard office (COS) by the Board in 1959 gave birth to R.D.S.O.

and as the name suggests, is the sole body responsible for research and standardization on the Railways. The organization serves as technical consultants for Railways as a whole, to enable the railways to keep pace with day to day improvements and advancements in technology of various disciplines all over the world. The R.D.S.O. therefore functions as a technical consultant for Indian Railways & Railway Board, and the organization is entrusted with the task of designing of rolling stock, preparation of technical specifications, updating Technical know-how, development of equipment techniques etc. Evidently such a job demands a high technical caliber, requiring a special bent of mind, specialized & continuous regeneration of knowledge and cultivation of established expertise. It is a well-known fact that any Research and Designing Organization calls for a permanent set up of personnel tuned to the specific needs of the organization to enable them to build up continuous expertise/technical know-how).

22.4.1 THE SET UP:

The gazetted cadre of R.D.S.O. for which R&D rules were framed in 1967 - comprises of officers from two sources i.e. officers promoted from the rank of senior subordinates/class-III belonging to the organization only, and by inducting officers on deputation from organised services of Technical Cadres of Railways. The induction of officers from the Railways used to be at the level of Assistant Directors only and all Gp. 'B' posts were filled by promotion. 20% of the posts of senior Scale were reserved for class-II officer's promotion.

The idea in having two sources of officers, presumably, was that the R.D.S.O. Cadre officers did not possess experience of Railway Working and hence it was necessary to induct suitable officers from Railway working.

22.4.2 The officers of R.D.S.D., who possess the degree of Engineering and with a minimum experience of 5 years in Assistant officers cadre only were eligible for promotion to senior scale class-I, and what was more surprising, these rules of 1967 did not provide for any promotion to RDSD Cadre officers beyond the senior scale class-I level.

22.4.3 FAULTY RECRUITMENT RULES/POLICY

The reasons of induction of officers from Railways in such a large number (above 60% - as senior scale posts and all posts higher than this used to be filled by officers from Railways) are not fully known. Since these officers are brought on deputation to RDSO (for max. 5 years) they take their own time to get acctumised to the highly technical working of RDSO. By the time, they acquir knowledge of working of RDSO and develop propensity of mind to research,their tenure in RDSO is over and they revert to their railway/unit . Thus no tangible gain aurues to the organization in actuality. It is not exagaration that in many cases their postings in RDSO turns out to a sort of holidaying. In fact no serious thought is given to the specific needs of RDSO and suitability of an officer before posting him on deputation. Thus such an appointment becomes just another postings.

- 22.4.4 In 1961, the then Director; General of RDSO Sh. A.C.Mukherjee (second D. G. only) had in fact, recommended in his report that the gazetted cadre in R.D.S.O. should be manned by R.D.S.O. personnel only and only a small percentage officers be inducted though deputation in RDSO. This recommendation, made by the highest technical consultant of the Railway organisation, was however, not accepted, with no plausible reasons. Perhaps the recommendation, might have been turned down so as not to deprive the Railway officers of their additional prospects.

In fact most ideal policy would have been to reserve 80% of the posts up to the level of JA grade for officers of R.D.S.O. Cadres only and the balance 20% posts to be" filled by Railway officers through deputations.

- 22.4.5 With the rapid promotions to Senior Scale in the near past, which started taking place within 1-2 years of their probation, unlike earlier periods, when' the direct recruits had to wait for at least 5-6 years in junior scale, it was felt that the experience acquired is, not up to the mark. A few changes in the policy of recruitment in R.D.S.O. were made. According to this - in order to provide more upgrading to direct officers, a number of posts of Sr. Scale (Dy. Directors) were upgraded to Joint Director Level and now the induction of Railway Officers was confined to JA grade only. Consequently the posts of Assistant Officers as well as senior scale (Asstt.Directors and Dy.Directors) are now filled by the promotion Gp. ' B' officers only. In addition 20% of the posts of JA grade

were reserved for those Gp. 'B' officers who were cleared for Cl. I. But this quota is truncated in its application.

The high handedness and discriminatory attitude of the administration shall be quite evident from the fact that the R.D.S.O. Gp. 'B' Officers - cleared for Cl. I are being adjusted against the 20% of the earlier existing posts of JA grade and the quota of 20% the posts recently upgraded from senior scale to JA grade for ensuring upgradations for direct recruits is not being given to these officers on the plea that these posts were not meant for Gp. 'B' officers. This is evidently a unique argument. Leave apart the rule of 20% quota in JA grade for promotion, it is belated demonstration of partisan ship discrimination at its height. Upgradation should help only one class and not the other because the former belongs to its own tribe (DATA-ADATA)

22.4.6 The scheme of recruitment the class-I & class-II officers of RDSO is not in consonance with the various observations made by the eminent bodies/commissions from time to time, which shall be evident from the following extracts.

INAUGURAL ADDRESS OF SHRI K.HANUMANTHAIYA

“Especially in the research organisation, the promotions should be person-wise and not office wise or place-wise. It is no use bringing new and fresh people every time and ask them to begin all over again. Research is such a task that it needs long time dedication. It is not a question of a few months or a few years. The policy of promotions, awards and emoluments must be readjusted so that a person continues to get promotions and emoluments in the same Research Organisation. I have enunciated the true spirit of the principle. The officers should be retained and transferred in order to suit the research work.”

ADMINISTRATIVE REFORMS COMMISSIONS
RECOMMENDATIONS 65(6)

“The prospects of the officers in the RDSO should be made attractive and

should not, in any case, be less than those of their counterparts in operational and executive organisations of the Railways."

22.4.7 Apart from the above, the RDSO matters were discussed by IIIrd Pay Commission also, and the relevant paras, produced in their report are extracted below:-

IIIrd PAY COMMISSION REPORT VOL II PART II CHAPTER 36 PAGE 21

21. CLASS II OFFICERS IN THE R.D.S.O. The principal grievance of the class II officers of RDSQ is that instead their promotion has been confined to 20% of the posts of Assistant Directors (Rs. 100 - 1250). The revised procedure was introduced only in 1967 .and the first selection has been held only in 1969; as such, it is somewhat premature to draw any valid conclusions. If after a further period of trial the RDSO Class II officers are still not satisfied, we would suggest that the Railway Board should review the position. ",

"22: The RDSO Officers are also aggrieved over, the fact that the possession of an Engineering degree and 5 years service in Class II have been made a condition for promotion of RDSO Class II Officers as Assistant DirectorWe are of the view that if an engineering degree is considered essential, then there should be no exception, and this qualification should be insisted upon whether the Class II officer under consideration comes from the RDSO or the Zonal Railways".

22.4.8 No further argument or facts/figures are required to be given to prove that the situation in RDSO is not very conducive for efficient working as even the recommendations given by high levels teams/ organisations are not being honored/ implemented. A very depressing and sad state of affairs indeed. The Railway Board has not reviewed the matter as suggested by the Pay

Commission, and the degree, as recommended, is not considered necessary for all. Few other instances of discriminations are mentioned below:-

22.4.9 SPECIAL PAY

The special pay for promotee class-II officers was withdrawn from Sept. 1969 and was challenged by the RDSO class-II officers in the Allahabad High Court. These orders were quashed as being discriminatory. On appeal by the Railway Administration, the Supreme Court also upheld the judgment of the Hon'ble High Court. The RDSO class-II officers, however, are still denied the special pay and a case is pending with CAT, Allahabad. The Railway Board recently has played one trick up by replacing the term special pay with Tenure Allowance and thus depriving the RDSO cadre from any such benefit.

22.4.10 The first departmental promotion committee (D.P.C.) met in 1969 where upon, only 6 class-II officers were promoted to class-I filling less than 50% quota out of the 65 initial cadre posts, although sufficient number of eligible class-II officers were available for selection, since no RDSO class-II officer was promoted to class-I between years 1960-1969. The D.P.C next met Q in 1913, cleared another 6 class-II officers to fill the balance quota for 1967 while the quota vacancies for the Assistant Directors posts for the years between 1961-1913 continued to accumulate. The last D.P.C was held in 1985 and adhoc promotion is still allowed to continue.

22.4.11 The Third Pay Commission recommended that the special pay should be paid most sparingly but where the special pay is prescribed for the posts filled on tenure basis, higher scale of pay should be prescribed for the post filled on non-tenure basis. The Railway Administration denied these recommendations in the case of RDSO Class-II officers and on the other hand increased the special pay for the Transferee Officer's Category.

22.4.12 A good number of class-I gazetted posts have been upgraded during past few

years basically to offset stagnation in the class-I gazetted cadre but nothing for the RDSO cadre officers (Class-II in particular) where stagnation is actually much more.

- 22.4.13 Under the Colombo Plan a number of officers for the RDSO are regularly sent abroad for higher studies but most sadly perhaps not a single officer belonging to RDSO cadre has been so sent yet. The transferee officers so sent normally go back to the Railway and thus the benefits of such higher studies do not become available to the RDSO.

22.4.14 DISCRIMINATION AND EXPLOITATION OF RDSO CADRE OFFICERS.

As a direct impact of the unjustified recruitment policy described above, the output of the organisation is bound to suffer. Crores of rupees are being spent on this organisation every year, yet the achievements are, not commensurate with the expenditure which is mainly due to the lack of cohesion between the upper and lower strata of this organisation.

The upper stratum of officers drawn from Railways who occupy all the higher posts of RDSO on tenure basis as already explained earlier the first two or three years are spent in understanding the problems and work entrusted to them. The remaining part of their stay is utilized in chasing their postings.

As could normally be expected, these officers depend upon RDSO cadre officers with their working groups, for showing the progress of work, and, therefore, resort to patting or exploitation, with the type of RDSO staff who are much more qualified than their counterparts on the Railways due to the stringent qualifications laid down in the recruitment rules the process of patting is comparatively less effective, the officers from Railways then resort to severe methods of victimization in the process of exploitation. These methods which have been carefully brought into action are' (a) withdrawal of

special pay, (b) limiting the promotional prospects of the RDSO cadre officers so that they are always governed by the Railway officers and (c) refusing upgradations proposals which has not been granted to RDSO officers on any of the last four occasions. It has been presumably thought that such actions would enable RDSO officers and staff lying low and under control so that, in the hope of getting promotions, they always have to depend upon the mercy and kindness of the Railway officers and keep the organisation moving as a faithful working category of slaves. The awakening which is noticeable throughout in this country and elsewhere has not changed the outlook of this class of rulers.

22.4.15 Such apathetic attitude even, could be pardonable if it did not affect the work produced by RDSO. All the claims made at present are past claims. There is hardly any addition of new activities except inspection works on the pretext of development of new items. There is an atmosphere of discontent prevailing in all categories which is suicidal to efficiency. The officers and staff of the RDSO have now begun to feel that they are victims and once this is realized, it brings an end to process of exploitation by the comparatively stronger section against the weaker section. It is regretted to refer that the stronger section, however, has failed to even take notice of the problems of the RDSO officers and staff, therefore, the dilemma. In the present state of affairs, the RDSO is standing on the most unstable state of equilibrium and stability could be brought only by fair play and justice based on equality.

22.4.16 The above facts convincingly indicate that the Railway Class-I direct recruits have been progressively improving their own prospects at the cost of the RDSO cadres also while the latter and the RDSO suffer. The following steps, out of many more, deserve urgent consideration to increase efficiency and productivity of the RDSO and avoid wasteful expenditure and human resources:

SUGGESTIONS

- i. The Cadre of Gp. 'B' officers, be merged with the open line, in all respect" which shall solve all the problems of the R.D.S.D. officers.
- ii. There should be a reasonable proportion between the officers from two sources, i.e. transferees and promotees groups. An ideal situation could be that for every working group headed by a RDSO cadre officers there should be one officer drawn from the Railways so that the R.D.S.O. Cadre officers are supplemented by the working experiences of the Railways for best efficiency and productivity.
- iii. The officers drawn from Railways on tenure basis should be sent back to the Railways as soon -as the tenure period is completed. Retention of such officers in RDSO after tenure period on any administrative reasons should not be agreed to because (i) such cases are always linked with some favorable consideration at some levels and (ii) the continuity of the work is always maintained by the RDSO officers attached with the particulars problem without the need of the retention of the Railway officers for any purpose whatsoever and thereby debarring other officers of the Railways being acquainted with the RDSO work.
- iv. Only J.A. grade officers with sufficient experience of the Railway working in the respective department should be brought so that they can really supplement and guide the RDSO working in a proper manner. The minimum period of induction for RDSO should be about 12-15 years of Railway experience. Young officers when brought to RDSO hardly pay any interest in the work and are busy all the time in consulting classified list counting their chances of promotion.
- v. The status and service conditions of RDSO cadre officers.
The Railway officers should be identical so that there is no feeling between these two groups which may ultimately affect the functioning and efficiency of the RDSO. The induction of officers from Railways at Senior Scale and above and stoppage of promotions of the RDSO cadre officers up to a particular level is responsible for the down-ward trend of the efficiency of this organization.

- vi. The disparities so far caused in respect of (i) special pay, (ii) promotional prospects, (iii) up-gradation etc should be immediately solved.
- vii. The application of concordance table withdrawn with effect from 31.8.80 for Class-II promotee officers of RDSO to be immediately restored.

22.5 MISC CATEGORIES

As already explained in para 22.1, there are certain categories of posts known as Misc. Categories, which do not form part of the eight organized services. The service conditions of these categories, specially those in Gp.'B' are more miserable than their counter parts of the organized services. Since there is no direct recruitment at the level of Junior Scale for these categories, all posts are entirely filled by Gp 'B' officers, promoted from the respective cadres of the Senior Subordinate. Still vast difference exists between the service conditions of these officers of misc. categories and of organised services. The eligibility period for promotion to Senior Scale is 8 yrs, as compared to 3 yrs for organised service officers. These posts being isolated and few in numbers, the seniority and promotions are on All India basis, even on Ad-hoc basis resulting in delays and also transfers at old age would result in frustrations or even refusal for promotions.

22.5.2 PROMOTIONS

very recently vide Rly. Boards letter No. E (GP) 81/I/91 Dt. 01.06.91 & 29.08.90 General Managers have been given powers to promote a group B officer to senior scale on ad-hoc basis after 3 years service but without the benefit of fixation of pay (with a charge allowance only) unlike the Gp.'B' officers of organized services. Here also all the Misc. cadres have not been covered. In some cases 2-3 zones have been clubbed for the purpose of ad-hoc promotions. However Rly Board continue to control the regular promotions after 8 years service in Gp.'B'.

22.5.3 FIXATION OF PAY ON PROMOTION

There is discrimination in fixation of pay of Misc. cadres, as unlike officers of organized cadre, who are given regular fixation even if promoted on ad-hoc basis after 3 years service in gp.B- these officers are given only charge allowance until they are given Gp.A. After induction in Gp.A, they are not given double fixation as in the case of organized services.

22.5.4 **UPGRADATION**

What –so-ever little benefit of upgradation that was given to the officers of organized services, was not extended to some misc.cadres,i.e. Hindi Officers cadre.

Still more strangely, the only senior scale posts available to a group B officer of a misc.cadre was upgraded to JA grade and the poor man had to retire as Gp.B or Gp.A junior scale officer despite considerable gazette service because the only senior scale post was upgraded to benefit-off-course rightly also, to the direct recruit.

22.5.5 Besides, the cadre of each Misc.cadre being small, has all india seniority. The higher grade posts are either not there or are quite meagre in number. For promotional opportunity to senior scale or JA grade, are either nil or very rare. Secondly, if higher grade posts what-so-ever are there, a Gp. B assistant officer-at an advanced age has to move out to distant railway/units on promotion, which many times results in loss of emoluments which he will be drawing in lower grade.

The woes of the Gp.'B' officers of misc. categories are many but much is not being done rather not being thought even.In fact there is no need now to maintain such a distinction between the officers of organized and unorganized services , especially when the number of officers belonging to misc, categories is small. They feel segregated and isolated.

PART-H

23. ASSURANCES

The cadre of Gp. ' B' officers has now become quite used to vain assurances emanating from the higher quarters of the Railway Administration hierarchy in response to its grievances and demands concerning service conditions etc. A brief account of a few of such assurance should be enough to indicate what credentials the custodians of our civil jurisprudence possess and how they have sought to negate the spirit of equality, fair play and justice enshrined in the constitution. They all along been getting number of assurances from administration or otherwise, regarding their demands and service condition etc., but all most all of these assurances remain unfulfilled even today. If only the assurances given to these officers would have been fulfilled, there would have been no cause of complaint left with officers today. In other words, it can be said that they are the victims of assurances. It shall, however, be a few of these assurances here for the purpose of information, and to know the extent of discrimination

23.1 ABOLITION OF CLASS-II

- (i) British war and Transport minister in his budget speech in Central Lagislative Assembly in Feb.44 announced the govt.'s decision government to abolish the Lower gazetted service (later on Cl. II/ Gp. 'B')
- (ii) Railway Board, in their memorandum to the Standing Finance Committee in 1946 (proceeding Standing Finance Committee in 1946 Vol. XXIII Annexure A,B,C) stated that the change (abolition of LGS) will be budget for 1947-48 and the abolition would be made effective from 1st April 1941.
- (iii) In the meanwhile, First CPC was set up and the matter was included in their Terms of Reference. The Chief Commissioner of Railways in his evidence reiterated the commitment of the Government of India to amalgamate LGS with Superior service (later known as Class I/Gp.'A').

- (iv) The first Pay Commission in 1947-48, recommended that where duties and responsibilities were same, and it was not possible to segregate the posts (as in Railways) class -II be abolished.
- (v) On 14.09.1969 Minister for Railways Sh. C.M.Poonacha while addressing the the first convention of Indian Railways Class II Officers Federation at Gorakhpur – declared, that the distinction between class II & Class I (now Gp. 'A' & Gp. 'B') should be and shall be abolished.
- (vi) On 25.11.1973, Sh. George Fernandez, as President of AIRF had agreed in a joint statement with GS CI-II Federation – that the classification on Railways are futile and be abolished (this was recommended by 2nd Pay Commission too).But later on when he became the cabinet minister and later on Minister of Railways even ,he perhaps, no time to dwell on it.
- (vii) Sh. Madhu Dandavate- Minister for Railways assured the Federation representatives that class-II-Assistant officers would be promoted to Sr.Scale on time bound basis. On par with the directly recruited class I officers.

TO-DAY'S POSITION

None of the above assurances has yet been accepted, and thus classification, as well as LGS/ CI. II/Gp. 'B' still continue.

23.2 DPCs Delay - retrospective effect etc.

- (i) Railway Board in their meeting with the Federation on 1980, and in almost every meeting thereafter and in various communications to the Federation and members of parliament assured for no delay in D.P.C.
- (ii) Sh. Madhav Rao Scindia on 18.5.89 - in a meeting with this Federation, assured that the matter of ensuring retrospective effect to delayed D.P.Cs be referred to DOP with positive recommendations, and will be chased.

He also assured that delay in DPC selection will be avoided.

TO-DAY'S POSITION

All these assurances had no effect as excessive delay is taking place even today, and no reference has made to DOP regarding retrospective effect.

23.3 Fixations of pay on promotion to Sr. Scale Concordance Table.

- (i) 3rd Pay commission, not only advocated about the continuance of the Concordance Table, but also recommended extension to such ministries where it was not applicable at that time.
- (ii) Sh. Madhav Rao Scindia - on 18.5.89 - promised that the system of fixation of pay on promotion through Concordance Table shall be got restored.
- (iii) Minister of State for Railways (MOSR) on 14.2.91 during a meeting with Federation, assured to take up this matter with concerned authorities/ departments/ministers.
- (iv) The Railway Board, in their meetings with the Federation in 1988, 1989, and 1991 assured that the matter regarding pay fixation on promotion to Sr. Scale shall be got settled suitably.

TO-DAY'S POSITION

None of these implemented and the Gp. 'B' officers are still continuing without Concordance Table thereby lesser pay benefits on promotion.

- 23.4 Railway Board in their meeting with Federation in 1980 - assured to consider sympathetically to grant Junior Administrative grade without class-I, after fixed length of service in Gp. 'B', on adhoc basis, to avoid stagnation,

TO-DAY'S POSITION

ASSURANCE NOT YET IMPLEMENTED

23.5 QUOTA IN POSTS.

4th Pay Commission vide para 23.11 of its report, recommended that the quota of Gp. 'B' be fixed in posts and not in vacancies as at present.

TO-DAY'S POSITION

Department of Personnel & Training (DOP) did not accept this recommendation and no reference from Railways to D.O.P.

- 23.6 Department directives 23.11.1981, Gp. 'B' of Personnel and Training (DOP vide their notification NO.2/1/81-PP dt. 23.11.1987 to **have periodical cadre reviews even for Gp.'B'.**

TO-DAY'S POSITION

Not implemented by the Board on one plea or the other.

- 23.7 **Assurances given by Sh. Madhav Rao Scindia-** the then State Minister for Railways (MOSR)) in a meeting with the representatives of the Federation of Indian Railway promotee officers, on 18.5.1989.(in addition to matter referred above).

- (i) The subject of anomaly in pay scales - i.e. granting of higher pay scale to subordinates as compared to Gp. 'B' officers - shall be suitably taken up with the Finance Ministry and DOP at appropriate level, if need be at minister's level also.
- (ii) The DPC, if delayed, should be given retrospective effect - matter to be taken up with DOP.
- (iii) No vacancy will be kept in senior scale.
- (iv) Federation will be provided with suitable accommodation near New Delhi Rly. Station for office purpose.
- (v) Sufficient number of card passes will be issued to the office bearers of the Federation for organizational purpose.

- (vi) Quota for recruitment will be increased from 40% to 50%.
- (vii) All the 1760 Gp. 'B' officers working on adhoc basis in senior scale -will be regularized as a onetime exception.

TO-DAY'S POSITION

None of the above - except granting 3 card passes only for organisational purposes - has been implemented and in most of the cases, the issues have not been initiated.

23.8 Assurance by Sh. Bhakta Charan Dass- the then MOSR - during meeting with representatives of Federation of Indian Railway promotee offices on 14.2.91.

- (i) All the demands raised by the Federation v i z ; delay i-n DPC, provision of accommodation, grant of additional passes, removal of anomaly in pay scales, revised system pay fixation on promotion to senior scale increase in the quota of recruitment etc. be looked into sympathetically and another & meeting be called within one month .
- (ii) Special efforts will be made to find ways to fill up 5500 vacancies in Gp. 'A'.

TO-DAY'S POSITION

All the notes taken during the meeting, perhaps have been thrown in the waste paper basket and no action was taken on any assurance of the issue probably Rly. Board expected change and it did take place.

23.9 Assurances given to Federation during various meetings held during last few years.

- (i) To increase quota of Gp. ' B' in Gp.'A' from 40% to 50%.
- (ii) To avoid delay in DPC, selections
- (iii) To evolve ways how to avoid inclusion of officers who had expired were about to retire or were not available for some reason.

- (iv) To find ways to avoid acute stagnation.
- (v) To modify the calculation of vacancies for induction in Gp 'A' suitably.
- (vi) To avoid discrimination in promotions to senior scale and to rationalise the various directions issued on the subject.
- (vii) To promote the officers available on the date of occurrence of vacancy.
- (viii) To have at least two formal meetings a year with the Federation.
- (ix) To share information/statistics with the Federation concerning Gp. 'B' officers.
- (x) To provide accommodation for office of Federation near New Delhi Station.
- (xi) To grant additional passes to Federation office bearers for organization purpose.

TO-DAY'S POSITION

Almost all these assurances/promises have either not been initiated or have been arbitrarily rejected without discussions and citing reasons.

23.10 It is evident, that though there is no dearth of positive assurances in the matter of removing discrimination to Gp. 'B' officers of Indian Railways, still there is very little which has actually been done by the administration and also almost nil efforts are made by the administration to fulfill their assurances. What is being observed is that decisions taken by ministers are shelved as soon as he is not at the Centre stage - due to any reason. The Gp. 'B' officers are there, where they were, decades earlier. Obviously, assurance have been given with gay abandon and Railway Board with their unshakable belief in the “ khsan BHANGURTA of the promises wait amusingly for the depart and live happily ever after.

PART-I

24.0 CONCLUSION

24.1 A careful reading of this compendium, is able to project the aspect of historical injustice to Gp. 'B' officers of Indian Railway. It has also been amply illustrated that the sense of deprivation among the class of Gp. 'B' officers of Indian Railways is not at all related to monetary considerations; but with the self respect and pride of a class only. Discrimination in respect with service conditions is wide spread and deep rooted. Hostile working conditions have been created to brow-beat their efforts for relief. The frustration is so acute that it may lead to certain unhealthy trends. It is high time some satisfactory solution to the problems of Gp.'B' is found out. There is no doubt that the sentiments of this class are being injured regularly and they are being treated as second class officers only, in every sphere of their life, whether it is in working environment, pay scales, promotional service condition or even in social Justice. There is no doubt of instances where-in it has been found that discriminatory attitude is being adopted for dealing the Gp. 'B' officers even in social circles. This is, therefore, the greatest cause of continuous alliation of the Gp. 'B' officers, as a whole. Such a situation has been prevailing since long or say from the very beginning, but the impact of this was not felt earlier, because, this was taken to be as their fate as they used to be promoted to the cadre of gazetted officer, during the last leg of their working life, and they never expected any promotion further in the cadre of officers. On the other hand their promotion to gazetted cadre was considered to be a status symbol, only, and after their promotion to gazetted officer, they used to feel as if greatest award has been conferred on them. On the contrary, now with the rapid improvements in the promotional prospects made in the cadre of Gp. 'C', and also due to the introduction of LDCE system against 25%, the average age of persons, at the time of their

promotion to gazetted cadre has been reduced considerably, thus increasing the expectations as well as aspirations of employees for further advancement in their gazetted cadre even, a thing which was not existing in earlier times. Once the expectations of any person arise - that also in a legitimate way- this has to find a path.

- 24.2 The various problems concerning Gp. 'B' officers have been discussed at length in the earlier part of this compendium, and it can safely be said that almost all grievances of this class, viz - non grant of the grade commensurate to their duties and responsibilities despite numerous recommendations and logics, removal of anomaly in pay scales and also in pay fixation on promotion to senior scale, delay in DPC and non acceptance of the demand to implement it retrospectively in case of delay, removal of defects in DPC procedure, filling up the excessive vacancies in Gp. 'A' including filling up the vacancies as per the existing quota, and enhancement of quota from the existing 40% to 50% at least based on cadre strength, avoidance of stagnation in the category by evolving a satisfactory career planning for Gp. 'B' officers, and in the last their representation in J.C.M. & equal treatment to R.D.S.O./ Misc category officers , are such grievances which are quite genuine and therefore should have been conceded long before. Their redressal will cost the exchequer little, but the resultant benefits to the railways will be manifold.

It has however been observed, that the present rulers meaning bureaucrats, are also behaving in the way, the British rulers used to treat - brown Indians - in all spheres of their life, i.e. as second class citizens. The height of the things can be gauged from the fact, that despite specific demands and even norms being in favour of Gp. 'B' officers, the Railway Board Members and Chairman Railway Board, except Member staff, perhaps consider below their dignity, to attend the formal meeting with Gp. 'B' officers whereas the same Members and Chairman Railway Board turned up in full strength during the similar formal meetings with Gp. 'A' officers Federation. No other example of double - standard dealing, is needed after these instances, regarding the attitude of the Board and so called bureaucracy, The proof of (he

discriminatory attitude can be illustrated further, with the fact that though the formal meetings with the Federation of Gp. 'B' was started in 1978, with at least 2 meetings in a year, but during 14 yrs, up to 1991, only 1 such meetings could be conducted with this Federation and the minutes too are distorted to the disadvantage of the group 'B' officers. It has already pointed out in the 'Assurance Fulfilling', chapter earlier that though sometimes assurances are made in between but only to be backed out . This type of attitude with a cadre of officers - back bone of the middle management - constituting 70% of the total officers cadre, is definitely not conducive for the well being of any organisation.

24.3 It has been brought out earlier very clearly, that the Board, every time, in order to reject the legitimate and genuine demands/grievances of Gp. 'B' officers, have all along been citing one or the other recommendation of pay commissions. The second most prominent plea being that the department of Personnel (DOP) and the Ministry of Finance are not agreeing with the demands of Gp. 'B' officers. Whenever, however, the Gp. 'B' officers have been submitting to the Board with the recommendations of the very pay commission, the issues are conveniently ignored and the demands are rejected without any plausible reasons.

24.4 In this, a recommendation made by the IV pay commission, represents the issue involved here in a very fair way, which speaks that:-

IV PAY COMMISSION REPORT PART I. VOL.I CHAPTER-7 PAGE 88

"7.48. The pay scale has to be such that it may not give rise to a sense of deprivation or frustration in the employee on comparing his lot with his compeers. Even where the emoluments are lesser it may well be that, all the factors or points into consideration, he is not worse off than others. The

efforts should be to provide, as far as possible, comparable emoluments for comparable work."

This is what the Gp. 'B' officers, have been saying from the very beginning rather the birth of this cadre, but with no results at all; and the demand of the cadre that they should be paid emolument at least comparable to the work they are putting-in, is rejected out rightly.

- 24.5 The very pay commission further, while dealing with the principles to be adopted for fixation of scales has to say as under:-

IV PAY COMMISSION REPORT PART-I VOL. 7 CHAPTER 7
PAGE-88

"1.41..... The level of satisfaction will no doubt differ from grade to grade of service, but unless it is reasonably satisfactory, will not be conducive to efficient work or provide the social status which goes with Govt. employment. The society also expects or involves certain norms for adjudging a post, and that should have some relevance to the scale of pay."

This speaks of providing the social status, equivalent to the importance of the work being done by a particular cadre, as is evident for Gp. '8' officers, but even this has not been given any due importance by the administration.

- 24.6 The following quote from the report of IV pay commission's -a report which is quoted by the Board time to time, to reject the demands of Gp. 'B' officer -is relevant.:-

IVth PAYCOMMISSION REPORT PART I, VOL.I, CHAPTER 7 PAGE
88

"7.45..... A dissatisfied person will not like to employ himself whole-heartedly in the discharge of his York and would be wasting some of his time and energy in seeking another employment. The salary should, therefore, be satisfactory enough to retain him in job and encourage him to seek his promotional career in his service."

24.7 The 3rd Pay commission had also said earlier, viz:-

*IIIrd PAY COMMISSION REPORT VOL.I PART II CHAPTER 5
PAGE 43*

"7... A dispirited public service can never be expected to function satisfactorily and to rise to the occasion, when a crisis occurs. It should not be forgot ten, as pointedly referred to again by the Pries Commission, that the process of deterioration arising from a sense of grievance on the part of the staff may be slow one, particularly in a service with high traditions. By the time the tendency manifests itself, irreparable damage may have been done. We may add that because of the cadre system, the full impact of deterioration in recruits will be felt by the country after a time lag of 20-25 years....."

The IV pay commission again said as under:-

IVth PAY COMMISSION REPORT PART.1 VOL.1 CHAPTER PAGE 89

"7.52 The effort should be to generate in the employees a pervading feeling that he is serving an employer which has a genuine desire to look after him not only during the tenure of his employment but thereafter also. An employee who feels that the employer cares for his welfare, will feel contented and secure and give his best to his

service. So also, the employee should have the feelings that if his job has any genuine special difficult ties, problems or hazards, they will be looked after, remedied or compensated as far as possible."

24.8 All the above quoted positive and unambiguous recommendations ,however as usual, are forgotten while dealing with the cadre of Gp 'B' officers. The Gp.'B' officers are frustrated due to the discriminatory attitude of the administration in all spheres.

24.9 *An attempt, through this humble contribution, has been made by the author of this booklet, to let every Gp. 'B' officers, know the historical background of the birth of the category, equally historically the injustice being done to very vital category of railwaymen, for the well being of this great organisation of railways, with the illustrations from serious extracts from all the important 'recommendation/observation made for this group/similar groups - starting from the recommendation of the Islington Commission in 1912-15 who can be considered as the initiator of this class of officials.*

24.10 *It is therefore, time to reconsider out over all approach to this administration - Liberal in their words - ye promotee officer, so that the Railway administration could be told in very clear terms that that the so long oppressed class of Gp.'B' officers on Indian Railways has now awoken from their sleep and has come to know their rights as also their importance in railway organization and will, no longer, tolerate these policies akin to 'apartheid ' and the times of adopting 'apartheid' policies has ceased.*

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