

RAILWAY CONVENTION COMMITTEE (1991)

(TENTH LOK SABHA)

ELEVENTH REPORT

ON

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE SEVENTH REPORT OF RAILWAY CONVENTION COMMITTEE (1991) ON 'STAFF WELFARE AND INDUSTRIAL RELATIONS IN RAILWAYS'

Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____

22 DEC 1995

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LOK SABHA SECRETARIAT
NEW DELHI

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RAILWAY CONVENTION COMMITTEE

(1991)

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* Shri Nitish Kumar, MP, nominated on 17 December, 1991 vice resignation of Shri Srikanta Jena w.e.f. 16 December, 1991.

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‡ S/Shri Manmohan Singh, Madhavsinh Solanki & Ajit P.K. Jogi, MPs nominated on 18 May, 1994 vice S/Shri Ramsinh Rathwa, Dayanand Sahay and Ch. Hari Singh, MPs, ceased to be Members of the Committee consequent upon their retirement from Rajya Sabha on 2 April, 1994.

@ Shri Ram Nagina Mishra, MP nominated on 12 September, 1995 vice resignation of Shri Ram Naik, MP, w.e.f. 11 July, 1995.

INTRODUCTION

1. the Chairman of the Railway Convention Committee (1991), having been authorised by the Committee to submit the Report on their behalf, present this Eleventh Report on Action Taken by Government on the recommendations contained in the Seventh Report of the Railway Convention Committee (1991) on 'Staff Welfare and Industrial Relations in Railways'.

2. The Seventh Report of the Railway Convention Committee (1991) was presented to Lok Sabha on 23rd August, 1994 and laid on the Table of Rajya Sabha the same day. It contained 49 observations and recommendations. Action Taken Notes on all these recommendations and observations were received from the Ministry of Railways on 1st March, 1995. The Committee considered the replies of the Government at their sitting held on 2nd June, 1995 and decided to have the latest position regarding such replies in respect of which final replies of the Government were still awaited. Although the Ministry of Railways forwarded their replies on 11 July, 1995, yet final replies in respect of 11 recommendations and observations are still awaited.

3. The Committee considered and adopted the draft report at their sitting held on 8th September, 1995. The Minutes of the sitting form Part-II of the Report.

4. An analysis of action taken by the Government on the recommendations contained in the Seventh Report of the Railway Convention Committee (1991) is given at Appendix II. It would be seen therefrom that out of 49 recommendations made in the Report 13 recommendations *i.e.* about 26.53% have been accepted by the Government. The Committee do not desire to pursue 11 recommendations *i.e.* 22.44% in view of the replies furnished by the Ministry. The replies have not been accepted in respect of 14 recommendations *i.e.* about 28.57%. In respect of remaining 11 recommendations *i.e.* 22.44%, the final reply of the Government is still awaited and the Ministry have been requested to furnish the same expeditiously.

NEW DELHI;
November 16, 1995

Kartika 25, 1917(S)

M. BAGA REDDY,
Chairman,
Railway Convention Committee.

CHAPTER I

REPORT

This Report of the Committee deals with the Action Taken by the Government on the Observations and Recommendations contained in their Seventh Report (Tenth Lok Sabha) on 'Staff Welfare and Industrial Relations in Railways'. The Committee's Seventh Report was presented to Lok Sabha on 23 August, 1994. Action Taken Notes on all these observations and recommendations were received from the Ministry of Railways on 1 March, 1995. On 2 June, 1995 the Committee considered the replies furnished by the Ministry of Railways and desired to have the latest position regarding such replies in respect of which final replies of the Government were still awaited. Although the Ministry of Railways forwarded their replies on 11 July, 1995 yet some of the replies were still found to be interim in nature.

2. Replies to the recommendations and observations contained in the Report have broadly been categorised as under:

- (i) Recommendations/Observations which have been accepted by Government:

Paras 1.94, 1.95, 2.149, 2.150, 2.152, 2.155, 2.156, 2.159, 2.167, 2.169, 2.170, 2.173 & 2.174.

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies:

Paras 1.81, 1.82, 1.96, 2.153, 2.154, 2.158, 2.164, 2.165, 2.168, 2.172 & 2.175.

- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which requires reiteration:

Paras 1.86, 1.87, 1.88, 1.89, 1.90, 1.91, 1.92, 2.151, 2.160, 2.161, 2.162, 2.163, 2.166, & 2.171.

- (iv) Recommendations/Observations in respect of which final replies of the Government are still awaited:

Paras 1.75, 1.76, 1.77, 1.78, 1.79, 1.80, 1.83, 1.84, 1.85, 1.93 & 2.157.

3. The Committee desire that final replies in respect of the recommendations/observations on which only interim replies have been furnished by the Government should be submitted to them expeditiously.

4. The Committee will now deal with the action taken by the Government on some of the recommendations.

Desirability of the Principle of 'One Union for One Industry'
(Para Nos. 1.78 to 1.80)

5. Keeping in view the work force of about 16 lakhs with a multiplicity of nearly 740 categories, the Committee had, on the principle of one union for one industry, recommended:

"A peculiar phenomenon which has come to the notice of the Committee is dual membership. During evidence, the Presidents of both the Federations admitted that the concept of dual membership very much existed in the system.

The Committee feel that apart from giving a wrong signal about the actual membership of each of the federations, the Railwaymen are also put to physical harassment at the time of collection of Membership fee.

The Committee, therefore, recommend that for achieving the principle of single union in the Indian Railways, the Railway Board should *de-novo* examine the norms for recognition of Unions. Though both the Federations are in favour of introducing a system of secret ballot for the Railwaymen to choose one of the two existing Federations, the Committee feel that both these Federations should be persuaded to be amalgamated under one banner. In fact, the initiative for a single union must come from the two Federations. The Ministry could start a dialogue with the Corporate Enterprise Group (CEG) for materialising the concept of one Union for one Industry. The Committee suggest that the membership of the new Federation must represent all classes of railwaymen."

6. In their reply dated 1 March, 1995 the Ministry of Railways have stated as under:

"As suggested, it is agreed that the issue of 'One Union for One Industry' alongwith other aspects concerning it may be discussed in the next meeting of PREM at Board's level."

7. The Ministry of Railways have, in a subsequent note, informed the Committee that verification of membership of the recognised union *vis-a-vis* the other unrecognised unions is not undertaken by them. In reply to another query of the Committee whether those Unions, whose membership has come down in comparison to the membership of other unrecognised unions, would remain to be recognised, the Ministry stated:

"There is very remote possibility for such a situation to physically happen. In a democratic set up, the Union having majority following automatically emerges as a power to be reckoned with having influence on staff which gets amply reflected in the extent of labour

peace and harmony prevailing in any industry/organisation. The fact that the Indian Railways have had no case of major work stoppage/ strikes/lock outs etc. for the last two decades, shows that the present practice followed by Indian Railways has stood the test of time and appears to function satisfactorily. Besides, the system of giving recognition to two Unions in each Zone provides automatically the system of check and balance and any change in this system is likely to result in considerable work with hardly any advantage."

8. Stressing the need to activate PREM the Committee had in paras 1.87 and 1.88 of their Report, *inter-alia* observed:

"In regard to workers' participation in management, the Committee find that neither the Corporate Enterprise Group (now renamed as Group for Participation of Railway Employees in Management — PREM) meetings are held regularly nor any agenda for these meetings is decided by both the management and Unions. Hence, the Committee stress the need to activate PREM. They, therefore, recommend that if the Unions do not come forward with agenda for discussion, the Railway management should prepare and circulate the agenda and give notice for the meeting as per rule. The Committee appreciate that Ministry of Railways have already moved in this direction and taken up some important items for dialogue such as the issue of re-deployment of surplus staff after phasing out of steam locomotives and issue of gauge conversion etc. in PREM.

The Committee are of the firm view that both Unions and management should show adequate commitment and must come up with such important items which have a direct bearing on the working of Indian Railways. For making this forum more meaningful, the Committee suggest that the issue of privatisation and one union for one Industry should also be discussed in PREM. Incidentally, there has been no meeting of the 'PREM' since an announcement was made about this in February, 1994."

9. In their action taken note dated 1 March, 1995, the Ministry of Railways have stated :

"To enable the Federations to function in an effective and business-like manner, certain facilities like photocopiers, Electronic Typewriters and Telephones capable of directly being connected to General Managers and Heads of Departments on zonal Railways have been provided. Agenda covering above and other items has been circulated for the inaugural Meeting of PREM scheduled to be held shortly. The Railway Administration wants PREM to become a very effective, path breaking and interactive forum for participation of Railway employees in the Railway Management.

The inaugural meeting of PREM fixed earlier had to be postponed due to some unavoidable reasons.

10. In this connection, the Ministry of Railways have informed the Committee further as under on 11 July, 1995 :

The functioning of National Federation of Indian Railwaymen (NFIR), one of the two major constituents of PREM, has been affected due to internal dispute at the apex level, as a result of which the meetings of PREM could not be held during the last one year. With the election of the new Central Office bearers of NFIR on 16.7.95 in compliance of the directions of the Hon'ble Supreme Court, it is hoped that the dispute will be resolved amicably. PREM meetings will be reactivated soon thereafter and these issues will be taken up for consideration in that forum".

11. The Committee note that the inaugural meeting of the Group for Participation of Railway Employees in Management (PREM) could not materialise in the last one year due to some internal dispute at the apex level of National Federation of Indian Railwaymen (NFIR), one of the two major constituents of PREM. In compliance with the directions of the Hon'ble Supreme Court, the election of the new Central Office bearers of NFIR was held on 16 July, 1995.

Although the Railway Administration wants PREM to become a very effective, path-breaking and interactive forum for participation of Railway employees in the Railway Management, yet the fact remains that no meeting of the PREM could be held during the last one year. The Committee need hardly emphasis that both the Federations and the Management should show their utmost commitment for making this unique forum more meaningful. The inaugural meeting of PREM should, therefore, be convened immediately and vital issues like the privatisation and 'One Union for one Industry' should be discussed without any further delay.

Non-existence of the Scheme of Productivity-linked-incentive in the new Production Units [Para No. 1.83]

12. Commenting on the non-existence of Productivity-linked incentive scheme in the new Production Units, the Committee had in para 1.83 of their Report, observed as under:

"The Committee have been informed that staff councils exist in Production Units to look after the welfare of the workers there and that a scheme of productivity-linked-incentive exists in the Railways whereby the staff of a Production Unit is entitled for incentive when the production exceeds the target. But no such scheme exists in the new Productions Units like the Wheel & Axle Plant, Bangalore, the Rail Coach Factory, Kapurthala and Diesel Component Works, Patiala. During non-official evidence of the two National Federations, the Union Leaders expressed apprehensions that the administration was either trying to do away with the scheme or diluting the same. The Committee think that denial of such incentive scheme to

employees of new Production Units is neither in the interest of Production Units nor in the interest of Railway Industry as a whole."

13. The Ministry of Railways, in their action taken note dated 1 March, 1995 submitted:

"A successful incentive scheme is already in operation at WAP, Bangalore. Regarding the introduction of incentive schemes at DCW, Patiala and RCF, Kapurthala, studies have been undertaken to establish productivity norms and to suggest suitable incentive schemes. These reports are being scrutinised by the two Units."

14. Later on, the Ministry of Railways in their note dated 11 July, 1995 stated:

"A successful incentive scheme is already in operation at WAP, Bangalore. The proposal for incentive scheme at RCF, Kapurthala has since been received at the Board's office and is currently under consideration for approval of the Board. The incentive scheme for DCW, Patiala is being scrutinized by DCW in consultation with M/s. RITES."

15. The Committee feel constrained to note that whereas Productivity-linked-incentive Scheme has been in operation in various Production Units of the Railways, the proposal for the same for Rail Coach Factory (RCF), Kapurthala is still under consideration at Railway Board's Office and that of Diesel Component Works (DCW), Patiala has been under scrutiny in consultation with M/s. RITES. The Committee are of the view that the declaration of Productivity-linked-incentive scheme should be one time affair in both the Production Units. Implementation of the incentive scheme in one Production Unit and delaying in the other is neither a healthy managerial decision nor it is in the interest of the Railway Industry as a whole. The Committee, therefore, desire that a decision in the matter should be taken in respect of both these Units immediately under intimation to them.

Abolition of Staff Councils with the introduction of recognised Unions in the Production Units

[Para No. 1.84]

16. The Committee had, in para 1.84 of their Report, observed:

"The problems of the staff of the Production Units are because of Railway Ministry's policy not to recognise the unions of the two recognised Federations in the Production units. It is observed that the Staff Councils were abolished on the introduction of Joint Consultative Machinery (JCM) in all Departments and the two recognised Railway Federations are sole representatives of the Railwaymen at the National and Departmental levels. Therefore, continuance of the staff Councils, a legacy of the past, must end, with the recognition of the unions having affiliation to either of the two Federations in the Production Units. The Railway Ministry conceded that they have

been receiving constructive co-operation from the two recognised Federations. Therefore, there is no force in their contention that the recognition to the unions in the Production Units will retard the production in the Production Units."

17. The Ministry of Railways, in their action taken notes, dated 1 March, 1995 submitted as follows:

"The issue whether Staff Councils should continue to function in Railway Production Units as hitherto or replaced by recognised unions is under the active consideration of Railway Board. Views of the Committee will be taken into consideration while arriving at a decision."

18. Asked to furnish the latest position in the matter, the Railway Board on 11 July, 1995 stated that the issue was still under their consideration.

19. While the Ministry of Railways have clearly conceded that they have been receiving constructive cooperation from the two recognised Federations the Committee have not been able to understand the reason for delay of more than a year in recognising Unions in Production Units having affiliation to either of the two National Federations. The Committee cannot but re-emphasise their view that Unions in the Production Units should be recognised without any further loss of time.

Substitution of PNM by JCM at all three level. [Para No. 1.85]

20. Recommending to substitute PNM by JCM at all the three levels, the Committee had in para 1.85 of their Report stated:

"Under the present system of collective bargaining in the Indian Railways, a Permanent Negotiating Machinery (PNM) exists at three levels i.e. Board level, Zonal level and Division /Workshop level with a provision for reference of cases to a tribunal. Similarly, Joint Consultative Machinery (JCM) functions at two levels i.e., National level and Departmental level with provision for compulsory arbitration. After reviewing the working of the PNM, the Committee feel that it has not been functioning as efficiently as it was expected to do and often leads to mutual suspicion resulting in acrimony. At lower level it had been noticed that PNM has become a forum for dealing with individual cases and such cases constitute almost the entire agenda of their meetings. Even at Zonal level, it has been noticed that due to lack of follow-up action, a particular item figures in the agenda more than once. During evidence, the Chairman, Railway Board, had admitted that there are some Zonal Railways which have failed in holding regular PNM meetings. The Committee feel that the Indian Railways should appreciate the merely setting up of such fora for regular dialogue is not the end of their responsibility. Their effective functioning with utmost dedication and commitment is the continuous responsibility of the Ministry. After going into the areas

of major disputes, the Committee observe that the problems are not of Railways only but of the entire Central Government employees and, hence, they feel that the Ministry of Railways can do away with the present system of duplication of the arrangement. As the sphere of two collective bargaining machineries i.e, PNM and JCM is the same, *the system of JCM may be retained*. PNM may be substituted by JCM at all the three levels. The Committee hope that this would help labour in the Railways to speak in one voice, thereby reducing the time involved in routine negotiations and provide adequate teeth to the whole process of consultation management. The Committee further recommend that a proper record of cases, grievances, proceedings and action taken thereon may be maintained. Target date for follow-up action may be fixed and action taken notes prepared and circulated to the Unions. It should also be ensured that action taken must be conveyed to the Unions in unambiguous and transparent terms."

21. The Ministry of Railways, in their action taken note dated 1st March, 1995 replied as under:

"While appreciating the recommendation, the Board would like to have a dialogue with both the Federations and take them into confidence to explore the feasibility of doing away with the duplicate forum for staff grievance redressal, in as much as adopt JCM and stop PNM, so that implementation is smooth sailing. The process of consultation with both the Federations will soon be initiated and further follow up action as required will be taken."

22. Asked to furnish the latest position in the matter, the Railway Board, in their reply dated 11 July, 1995 stated that the feasibility of doing away with the duplicate forum of PNM and merging the same with JCM will be consulted with both the Federations in the next PNM meeting.

23. The Committee appreciate that the Ministry of Railways have accepted in principle their recommendation of replacing the forum of PNM with JCM. Now, with the reconstitution of NFIR Executive and settlement of its internal dispute, the Ministry should not now find any excuse to delay the dialogue with the two federations for revamping the collective bargaining machinery.

Delay in implementation of Arbitration Awards [Para No. 1.87]

24. Recommending for implementation of awards given by the Boards of Arbitration within a period of three months, the Committee had in para 1.86 of their Report recommended:

"The Committee note that the JCM Scheme provides for reference of unresolved issues/demands to the Board of Arbitration, Provided these are arbitrable items. The arbitrable items are those relating to pay and allowances, weekly hours of work and leave. The award of

the Board of Arbitration is binding on both the sides. The Committee disapprove the present attitude of the Government in delaying implementation of the Arbitration awards under one pretext or the other. They, therefore, recommend that any award given by the Board of Arbitration should invariably be implemented within a period of 3 months."

25. In their reply to the above recommendation of the Committee the Ministry of Railways stated as under:

"The Department of personnel and Training under the Ministry of Personnel, Public Grievances and Pensions is the nodal agency for all matters regarding JCM Scheme, to whom the above recommendation was referred, have advised that the JCM Scheme drawn up in consultation with the Staff Side does not lay down any time limit for implementation of the Arbitration awards, nor does it provide that they should be implemented invariably. In fact, the Scheme itself provides for modification/rejection of the recommendations of the Board of Arbitration by the Central Government with the approval of the Parliament on grounds affecting national economy or social justice under Clause 21 thereof, which reads as under:

Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides.

If, for reasons to be recorded in writing, the Central Government is of opinion that all or any of the recommendations of Board of Arbitration should on grounds affecting national economy or social justice be modified, the Central Government shall, as soon as may be, lay before each House of Parliament the report of the Board containing such recommendations together with the modifications proposed and the reasons, therefor, and thereupon Parliament may make such modifications in the recommendations as it may deem fit. Modification may extend to the rejection of recommendation.

In view of this, the Deptt. of Personnel and Training have advised that it would not be possible to accept the above recommendation."

26. The Committee are aware of the over-riding authority of Parliament as enunciated in Clause 21 of the JCM Scheme. However they wanted to make authorities answerable for keeping the matter pending for years together. The Committee, therefore, recommend that if all or any of the recommendations of Board of Arbitration are to be modified on grounds of affecting national economy or social justice, the Central Govt. should, within three months of the declaration of the award, lay before each House of Parliament the report of the Board containing such recommendation(s) together with the modifications proposed and the reasons therefor. In case of Government's inability to do so within the stipulated period due to certain reasons, the fact must be brought to the notice of both the Houses of Parliament.

Abolition of two-fold classification of Gazetted Cadre [Paras 1.89 to 1.91]

27. In regard to abolition of two fold Classification of Gazetted Cadre (Group 'A' & 'B') where differentiation between the two classes was not possible; induction of Group 'B' Officers into Group 'A' and restoration of 'Concordance Table' the Committee in paras 1.89 to 1.91, had *inter-alia* recommended:

"From the Memorandum and the evidence of the Indian Railway promotee Officers' Federation, the Committee find that a two-fold classification of gazetted cadre exists in the Railways. The Group 'B' Officers, though they perform the same duties, shoulder the same responsibilities and exercise the same powers as that of Group 'A' Officers, are granted a lower-grade pay scale of Rs. 2000-3500, while the Group 'A' Officers are paid a higher scale of Rs. 2200-4000. The Committee further note that the First Pay Commission recommended abolition of two-fold classification in the departments where 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 and two groups treated as one gazetted service. But this recommendation was not accepted by the Government and this issue of Railway Gazetted Services was not examined by the subsequent Pay Commissions. Though, during evidence, the Chairman, Railway Board had assured the Committee that the Board was in the process of preparing papers for putting it before the Cabinet, the Committee strongly recommend that this two-fold classification should be done away with. However, till a final decision is taken by the Ministry of Railways on the abolition of the two-fold classification, the Group 'B' Officers of Indian Railways should be granted the scale of Rs. 2200-4000".

The Committee note that though the Group 'B' officers are physically available and working in Jr. Scale/Sr. scale of Group 'A' posts, they are not being inducted into Group 'A' as per their own quota of 40% "now 50" at the appropriate time, i.e. after 3 years as laid down in the rule No. 209 (b) of Indian Railways establishment code. Further, an inordinate delay of 3 to 4 years takes place in the induction of Group 'B' officers into Group 'A'. The Committee are of the opinion that if the Group 'B' officers are inducted into Group 'A' based on the cadre and not on the vacancies, the legitimate representation of Group 'B' in Group 'A' will be ensured that the grievances of Group 'B' officers regarding low percentage in Group 'A' will be mitigated. In this connection, the Committee learn that even the Fourth pay Commission had recommended on similar lines.

With regard to fixation of pay, the Committee regret to note that while a Group 'A' direct recruit is granted higher scale of pay in the Assistant officer Cadre and is given a further benefit of Rs. 600/- or more on his

promotion to senior scale, a Group 'B' officer holding the same post of Assistant Officer with long years of experience to his credit, gets Rs. 125 only on promotion to Senior scale. The Committee find that the system of fixing up pay of Assistant Officers on their promotion to senior scale was being done under a special fixation formula based on 'Concordance Table' from time immemorial. Even the Third Pay Commission, while appreciating the rationale behind the special fixation formula in certain organised services like Railways etc., have recommended extension of such special fixation formula to other organisations also. Now, the Committee learn that though the Fourth Pay Commission have not mentioned about the Concordance table, the Railway Board have withdrawn this benefit on the plea that the Fourth Pay commission had recommended the same. Further, it has come to the notice of the Committee that some categories of officers have represented to the Pay Commission that the benefit of promotion to them is inadequate under FR 22(A) and, accordingly, the Pay Commission recommended that the formula of fixation of pay under FR 22(C) may uniformly apply in such cases also. The Committee, therefore, strongly recommended that the Concordance table, which was in vogue for decades and withstood the test of the time, should be restored.

28. In their action taken note dated 1 March, 1995, the Ministry of Railways have replied:

"The First Pay Commission had examined in detail the need for having two categories of officers Group "B" and Group "A" (then called Class II and Class I respectively). They had indicated in their report that the majority of the Members were in favour of retaining the two classes. The Government had, therefore, decided to continue with the two separate classes of officers. This matter had subsequently been examined by the Second, Third and Fourth Pay Commissions. The views taken by the successive commissions was that the distinction should continue. Relevant recommendations of the Third and Fourth Pay Commissions are extracted in Appendix I.

In view of the recommendations of the Pay Commissions which were also accepted by the Govt., Group 'B' cadre is being retained as a separate entity. It is also relevant that the existence of Group 'B' and Group 'A' junior scale is not unique to the Railways but is available in all Ministries/Departments under the Central Government."

Para 209 (B) (1) of Indian Railways Establishment Code Volume I quoted by the Committee reads as under: —

"Appointments to the posts in the Junior scale shall be made by selection on merit from amongst Group 'B' officers of the departments concerned with not less than 3 years of non-fortuitous service in the grade."

It will be clear from the above mentioned para that 3 years non-fortuitous service in the grade is only a condition for eligibility and does not, ipso-facto, confer a right upon the eligible candidates to be automatically inducted into Group 'A'/Jt. scale immediately, on completion of 3 years of non-fortuitous service. It has to be noted that the eligible Group 'B' officers have to undergo a positive act of selection by a Departmental Promotion Committee convened by the Union Public Service Commission and the induction into Group 'A'/Junior Scale depends upon the vacancy position as also the 'merit of the candidates.

So far as the observations of the Committee on 'alleged inordinate delay of 3 to 4 years' are concerned, it may be stated that while all efforts are made to minimise the delay in holding the Departmental Promotion Committee meetings, sometimes delays do occur due to circumstances beyond control like injunctions from the various courts of law, etc.

As regards working out vacancies to be filled through direct recruitment and promotion, the Committee's suggestions have been noted for consideration.

Prior to the implementation of the revised Pay Scale with effect from 1-1-1986, fixation of officers on promotion to senior scale post was governed by the Concordance Table. This particular method of fixation was applicable in the case of the junior scale officers promoted to senior scale as well as Group 'B' officers promoted to senior scale on an officiating basis. This method of fixation envisaged that the pay of an officer was first notionally fixed in the junior scale and thereafter fixed in senior scale at the corresponding stage laid down in the Concordance Table. The Fourth Pay Commission who had examined the matters relating to scales and other service conditions of the Central Government employees had recommended that fixation on promotion to higher post should uniformly be done under FR 22C. These recommendations were accepted by the Government and have been implemented throughout the Central Govt. including Ministry of Railways. Orders for such fixation had been issued by the nodal Ministry i.e. the Ministry of Personnel, Public Grievances and Pensions and were in turn adopted by this Ministry also.

On persistent representations from Promotee Officer's Federation, the nodal Ministry had been requested for allowing double fixation when Group 'B' officers are promoted to senior scale i.e. by first fixing them in junior scale on notional basis and thereafter in senior scale again under FR 22C. This was not agreed to by the nodal Ministry. Subsequently, however, they had agreed that when a Group 'B' officers promoted to senior scale on an officiating basis, is subsequently substantively appointed in Group 'A' junior scale, his pay in senior scale may be refixed by initially fixing his pay in junior scale under FR 22 C based on the Group 'B' pay that he would have drawn but for his officiating in the senior scale, and then allowing fixation of his pay in senior scale, under FR 22 C on the basis of such junior scale pay. No further relaxation has been agreed to by

the nodal Ministry and it is not within the competency of this Ministry to make any unilateral change in the policy governing fixation of pay.

29. From the reply furnished by the Ministry of Railways, the Committee find that the Government themselves are in a dilemma about the stand to be taken by them in this matter. The Minister of State for Railways had, in reply to an unstarred question No. 7567 dated 28.4.1989, admitted in Lok Sabha that the posts of junior scale Group 'A' and Group 'B' are combined and cannot be segregated. Similarly, the Chairman, Railway Board had also assured the Committee during evidence that the Board was in the process of preparing papers for putting it (the matter) before the Cabinet. The Committee would like to know as to what happened to the above assurance. The Committee, therefore, reiterate their earlier recommendation that when it is difficult to distinguish the duties, responsibilities and powers in the two Groups (Class I & II), the two-fold classification of Group 'A' & 'B' should be abolished in the Ministry without any further delay and also that Group 'B' officers should immediately be granted the scale of Rs. 2200-4000.

Unorganised services to be brought at par with the zonal Railways' gazetted services (Para No. 1.92)

30. In para 1.92 of their Report, the Committee had recommended that:

"With regard to RDSO and other miscellaneous services, the Committee recommend that the Ministry of Railways being a modal employer, should bring these unorganised services at par with the Zonal Railways gazetted service and grant them similar facilities of promotion, scale of pay and other benefits".

31. The Ministry of Railways in their reply dated 1 March, 1995 replied as follows:

"The organised services in the Ministry of Railway are as under:

1. Indian Railway Service of Engineers (IRSE)
2. Indian Railway Service of Mechanical Engineers (IRSME)
3. Indian Railway Service of Signal & Telecommunication Engineers (IRSTE)
4. Indian Railway Service of Electrical Engineers (IRSEE)
5. Indian Railway Stores Service (IRSS)
6. Indian Railway Traffic Services (IRTS)
7. Indian Railway Accounts Service (IRAS)
8. Indian Railway Personnel Service (IRPS)
9. Indian Railway Medical Service (IRMS)

Besides above these services, there are certain miscellaneous services also recruitment to which is done through UPSC as direct recruitment in senior Scale. Some important miscellaneous Departments are as under:

1. Chemist & Metallurgist
2. Senior Rajbhasha Adhikari (Senior Hindi Officer)
3. Supdt. Stationery & Printing
4. Rubber Technologist etc.

Whereas the recruitment to organised services in the junior scale is done annually through Union Public Service Commission, in the miscellaneous services/departments due to small cadre strength, the direct recruitment is resorted to in terms of Recruitment Rules as and when the vacancies arise. The important factor is that the recruitment, promotion, scale of pay and similar other benefits are governed by the Recruitment Rules of the respective departments. The Recruitment Rules have been framed in consultation with Union Public Service Commission and Ministry of law in the light of guidelines issued by the Department of Personnel and Training."

32. The Committee note that whereas the recruitment to organised services in the junior scale is done annually through UPSC, in the miscellaneous services/departments due to small cadre strength, the direct recruitment is resorted to in terms of Recruitment Rules as and when vacancies arise. The Committee feel that the rules are not so sacrosanct that they cannot be suitably amended to the benefit of the employees. They, therefore, reiterate their earlier recommendation that the Ministry of Railways should bring the unorganised services at par with the Zonal Railways gazetted services and grant them similar facilities of promotion, scale of pay and other benefits.

Need for a forum to RBSS Association at Board's level for holding dialogue. [Para 1.93]

33. In order to provide a forum to RBSS Association at Boards's level for holding dialogue, the Committee had, in para 1.93 of their report, recommended:

"From the evidence of Railway Board Secretariat Services (RBSS) Association, the Committee note that unlike the two Railway Officers' Federation, the Railway Board Ministerial Staff Association (RBMSA) AND RBSS Class I & II Officers Association, do not have the privilege of periodical dialogue with Railway Board. However, they have been provided a forum to meet the management at the level of the Secretary, Railway Board. As most of the issues/matters are decided at the Board's level, the Committee feel that the RBSS Associations should also be provided a forum at the Board's level with the provision for holding meetings/dialogue wherever necessary but at least twice a year. This will create a

healthy climate of industrial relations at the apex body of the Railways”.

34. The Ministry of Railways in their reply dated 1 March, 1995 stated that the recommendation of the Committee is under examination of the Ministry of Railways.

35. The Committee are unhappy to note that even after a lapse of more than one year the Ministry of Railways have not been able to decide whether it is desirable or not to provide a forum to RBSS Association at the Board's level for holding meeting/dialogue with them. When most of the issues/matters are decided at the Board's level the existing forum to meet the management at the level of secretary, Railway Board is most inappropriate and ad-hoc in nature. The Committee, therefore, strongly feel that it will be pertinent for the Ministry of Railways to extend the forum for discussion at the Board's level. This will not only help in doing away with existing ad-hocism, but also enable the Ministry to have a more pragmatic and healthy industrial relations at the apex body of the Indian Railways.

Compassionate Appointments [Para 2.152]

36. Regarding compassionate appointments the Committee had recommended the following:

“One of the welfare activities which calls for the attention of the Committee pertains to the appointments on compassionate grounds. The Committee are constrained to find that as many as 7700 cases of compassionate appointments were pending with the Railways as on 31st March, 1993. It was also brought to the notice of the Committee during evidence that the persons seeking employment on compassionate grounds has to appear before the Railway Authorities a number of times before he or she is actually given employment. The plea of the Government that “sometimes it so happens that the application form is incomplete and the person is called for further questions” is not acceptable to the Committee. The Committee recommend that as and when an applicant, seeking employment on compassionate grounds, approaches the concerned authorities, they should guide him properly in the first instance itself. The respective zonal authorities should also prepare and print a check list of all the documents required alongwith the application and that check-list should invariably be given to each persons seeking employment on compassionate grounds so that he may be able to submit all the relevant documents in one go.”

37. The Ministry of Railways in their reply stated as follows:

“Appointment on compassionate grounds are given to eligible and suitable persons depending on availability of suitable vacancies. Delays, however, occur due to various reasons viz. wards being minor, legal cases pending in Courts and non availability of suitable

vacancies particularly in the case of illiterate widows. The Zonal Railway administrations have been instructed to make all out efforts to provide compassionate appointment to all eligible persons as early as possible within the guidelines laid down for the purpose. In order to accommodate as many widows as possible certain categories of jobs in various departments have been identified for them.

As regards the number of cases of compassionate appointment pending it may be pointed out that 7700 cases were pending as on 31.3.93 and this number has come down to 7025 as on 30.6.94.

As regards proper guidelines been given to the candidates, instructions have been issued to the Zonal Railway administrations and Production Units etc.that proper guidance should be given to the families/applicants regarding formalities to be completed for compassionate appointment and that a brochure giving an outline of the procedure including a check list of all the documents attached to the application for compassionate appointment should be prepared by each railway/production units. etc..".

38. The Committee are disappointed to note that in a period of 15 months the Ministry of Railways have been able to dispose of only 675 cases of appointment on compassionate grounds out of 7700 cases. The Committee, therefore, strongly recommend that all out efforts should be made to dispose of the backlog and the Committee informed about the result achieved.

Railway Minister's Relief Fund [Para 2.160]

39. Regarding Railway Minister's Relief Fund the Committee, in para 2.160 of their Report had *inter-alia* recommended:

"The Committee further note that the cases received from the Railways for grant of assistance from Railway Minister's Welfare and Relief Fund are considered by a Managing Committee constituted for the purpose and the amounts sanctioned from the Fund are disbursed to the concerned employees through Zonal Railways. The Committee desires that elected representatives from the two federations are also included in the Managing Committee".

40. In their action taken note the Ministry of Railways replied as follows:

"The Railway Minister's Welfare and Relief Fund is made up of voluntary donations by Railwaymen and other individuals/institutions. The objectives of the Fund are to provide relief to Railwaymen and their families in distress and also to afford relief to institutions fund by Railwaymen in the form of grants of overcome financial difficulties. A maximum amount of Rs.5,000/-is granted in individual cases except for employees murdered or killed or died on duty or in an accident in which case a maximum of Rs.10,000/-may be granted. In addition, in respect of natural calamities affecting large number of

employees, a maximum of Rs. 1 lakh may be given to Railway Administrations for relief work. All the cases for assistance from the Fund have to be sponsored by the Railway Administrations concerned, together with their recommendations. The grant of relief, subject to the above mentioned conditions and monetary limits, is considered and approved by a Committee consisting of five senior officials of the Railway Board.

The cases for grant of relief from the Fund beyond the prescribed conditions and monetary limits are considered and approved by the Minister of Railways personally.

In view of the above position relating to the management and working of the Fund, it is not considered necessary to include representatives of the Railway Federations in the Managing Committee. Moreover, in most of the cases financial relief has to be provided on urgent basis. Convening of the meetings of the office would be time-consuming and will not be practicable in cases where urgent relief is required to be provided."

41. The Committee appreciate the view of the Ministry that the grant of relief from the Railway Minister's Relief Fund is considered and approved by a Committee consisting of five senior officials of the Railway Board and the cases for grant of relief from the fund beyond the prescribed conditions and monetary limits are considered and approved by the Minister of Railways personally. The Committee do not accept the contention of the Government that convening of the meetings of the Committee with representatives from outside the office would be time consuming and will not be practicable in cases where urgent relief is required to be provided. The Committee feel that the representatives of the Federation can be intimidated subsequently and ex-post-facto approval obtained in cases where it is not possible for the representatives of the Federation to participate in the meeting.

Expenditure on housing during Seventh Plan to be viewed in the light of inflationary trend [Para 2.161]

42. The Committee had in para 2.161 had recommended the following:

"Housing is a basic necessity of an individual; more-so-for a Government Servant with transfer liabilities. From the statistics provided by the Ministry, the Committee find the state of Affairs in Railways in regard to this very important component of their service package to their employees is quite distressing. On an average, there is hardly 40 per cent satisfaction limit, the highest satisfaction level of 63 per cent being in the North-East frontier Railway and with Southern Railway lagging far behind, with hardly 28 percent satisfaction limit. What is more discouraging is the fact that the satisfaction level, which was 37.4 percent in 1972-73, rose to 40 percent now, showing an increase of only 2.5 percent in two decades. Even in an

overall perspective, if one compares the satisfaction level of the Central Government employees vis-a-vis the general pool accommodation, which is more than 60 percent, the Railway employees appear to be at a disadvantageous position. The Ministry's contention that they have provided increased outlays for housing purposes over successive plans is also not very convincing. An increase in the annual average expenditure upto Rs. 26.3 crores during the Seventh Plan from Rs.12.1 crores of the Sixth Plan is to be viewed in the light of the inflationary trends which almost neutralised the said increase."

43. The Min. of Railways, in their action taken notes dated 1 March, 1995 submitted:

"Construction of quarters is a continuous process which is undertaken by including suitable works in Railway's annual Works Programme depending on the overall availability of funds. In view of the severe resource crunch being faced, desirable level of allocation could not be maintained for this activity. Efforts would be made to allot more funds to the extent permitted by the overall Plan size."

44. The reply of the Government that the efforts would be made to allot more funds for construction of houses for Railway employees to the extent permitted by the overall plan size seems to be vague as total allocation for staff quarters has been Rs.28.07 lakhs in 1994-95 and Rs.31.31 lakhs in 1995-96. The Committee desire to know the special efforts made to provide more funds for construction of staff quarters after presentation of this Report.

To provide adequate facilities for Railway Colonies and make the sub-standard quarters habitable by 1995-96 [Paras 2.162 & 2.163]

45. While stressing the need for providing adequate facilities to the Railway Colonies and making the sub-standard quarters habitable by the end of the current financial year, the Committee in paras 2.162 & 2.163 had *inter-alia* recommended:

"During their visit to various Railway colonies the Committee found that the condition of houses, roads, sewerage, water supply etc. was very bad. At places the overhead water tanks were leaking; water was coming out of sewer lines; and there was no proper maintenance of houses allotted to Class III and IV categories of employees. The committee, therefore, feel that adequate attention should be paid to all the above problems faced by the Railways employees."

On top of the non-achievements of the Ministry in the matter of construction of new residential units comes the fact that about 70,000 quarters, that is, almost ten percent of their existing number, are sub-standard and can be used only after basic amenities like kitchen and toilet are provided in them. While resource constraints can be advanced as a reason for not going ahead with new constructions, the

Committee fail to understand as to why this substantial number of sub-standard units cannot be made habitable by the Ministry with smaller investments. The Committee, therefore, recommend that the Railways should not even wait for their planned target of removing these deficiencies by the end of the Eighth Plan but to make these sub-standard units habitable by the end of 1995-96, so that at least 70,000 more employees are accommodated at one go and at nominal cost. Besides, action should be initiated without any further delay to replace the 31,000 quarters which have been declared too old for any cost-effective repair. This will not only save the railway from acquiring and identifying new pieces of land, which in itself is a lengthy procedure, but will also help in overcoming the botheration of creating any fresh infrastructure."

46. The Min. of Railways, in their reply dated 1 March, 1995 replied as follows:

"Although attention is already being paid for proper standard of maintenance of quarters irrespective of the fact whether these are for officers or staff, Railways have once again been directed to ensure that colony maintenance gets adequate attention.

It may be clarified that these sub-standard quarters (Nos.7000) are not only habitable but employees are already residing therein. These are actually non-standard quarters which lack some of the facilities which are normally provided in standard type-1 quarters. The Railways are committed to provide these facilities. viz., Kitchen, Bathing place, latrine, Verandah, Courtyard (where possible), in a phased manner, subject to availability of funds. As regards, replacement of old quarters, action is already being taken, to construct new quarters in lieu thereof in a phased manner depending on the availability of funds."

47. The Committee note that there are some 7000 odd non-standard Staff Quarters which lack some of the basic facilities such as bathing place, latrine; kitchen, etc. which are normally provided in standard type-I quarters. Though the Railways have stated that they are committed to provide these facilities in a phased manner, subject to availability of funds, the Committee are surprised to find as to how quarters without such basic and essential facilities can be claimed as habitable and allotted to staff. They, therefore, strongly emphasize that the basic facilities should immediately be provided in these non-standard quarters under intimation to the Committee.

The Committee find that against the Budget allocation of Rs.123.78 crores earmarked for repairs and maintenance of residential buildings for the year 1994-95, the revised estimates for the year were reduced to Rs.117.59 crores. The Committee would like to know the reasons for reducing the allocations made under this Head.

To Clear encroachments in Railway Colonies [Para 2.166]

48. Commenting on the encroachments in railway Colonies, the Committee, in para 2.166 of their Report, had recommended:

"The Committee are perturbed to note that there are about 1.85 lakh encroachments in railway colonies, covering over 0.2 lakh hectares of land. No serious efforts seem to have been contemplated by the Ministry to reclaim the encroached land. The Committee recommend that the Ministry should take up the matter seriously with the concerned State Governments to get the vacant possession of the railway land expeditiously and wherever feasible use the same for construction of additional staff quarters for railway employees."

49. In their action taken reply dated 1 March, 1995, the Ministry submitted the following:

"Action for removal of encroachments on railway land is taken under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 on a continuous basis. Concerned State Government's help is also taken while initiating operation for removal of encroachments. The land thus cleared as also the vacant land is used, required for Railway's developmental works including construction of quarters for Railway employees where need be."

50. Later on, in their note dated 11 July, 1995, the Min. of Railways stated as under:

"The eviction of encroachment from railway land is a continuous process involving finalisation of eviction proceedings under the PPE Act, contesting of appeals in Civil Courts and enforcement of eviction after getting help of Civil/Police authorities. No time limit for conducting this work can be fixed in view of the magnitude of the problem, multiplicity of Bodies involved and various other factors outside the Railways' control. It is however, only very rarely that encroachments on the railway land have come in the way of construction of additional staff quarters, the main reason for not achieving a higher housing satisfaction for staff being constraint of resources."

51. The Committee do not accept the contention of the Ministry of Railways that no time limit for removal of encroachments can be fixed in view of the magnitude of the problem, multiplicity of bodies involved and various other factors outside the Railways' control. The Committee would like the Railways to identify the extent of encroachment in all the 9 Zonal Railways and the exact quantum of land under illegal possession; the details of occupants; the manner in which the illegally occupied land is being used and the legal action taken by the Ministry of Railways after the presentation of the 7th Report of the Committee.

Mahila Samities (Para No. 2.171)

52. In para 2.171, the Committee had recommended that :

“The Committee note that the recognised Mahila samities run Handicraft Centres, schools, creches, etc. under the aegis of these Samities some of the Handicraft Centres have undertaken various other activities like making pickles, candles, chalk-pieces, file covers, envelopes etc. for increasing their earnings. During their tours to various places, the Committee had found that the premises allotted to Mahila Samities were in a very bad shapes. At places there was no light, sewing machines were not in a working condition, there was no provision for ventilation, drinking water and toilet facilities etc. The Ministry of Railways were candid in admitting the fact ‘that the Mahila Samities are not equipped with the skill and machinery for stitching uniforms on large scale’. Since these Samities are discharging useful function, the Committee desire that the Railways should encourage them by providing proper accommodation, light and other basic facilities. The Members of these Samities should also be imparted proper training on the lines of Womens’ Polytechnics so that the Members of these Mahila Samities could become self-supporting.”

53. The Ministry in their action taken note dated 1 March, 1995 stated the following:

“The Mahila Samities have generally been provided with proper accommodation to the extent feasible. However, instructions have been issued to the Railway Administrations to provide proper accommodation and other infrastructural facilities, wherever required, as well as to impart training to the members of the Samities so as to improve their skills and fully utilise their capabilities”.

54. The Committee are not happy with the casual reply of the Ministry of Railways that Mahila Samities have generally been provided with proper accommodation to the extent feasible. They desire that some concrete steps should be taken to provide proper accommodation, infrastructural facilities, etc. under intimation to them.

CHAPTER II

RECOMMENDATIONS AND OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Para 1.94)

The Committee recommend that the Railways being a techno-commercial organisation, the RBSS staff may be exposed to some field training to have some basic knowledge about the working in the Railways.

Reply of the Government

The recommendation of the Committee has been accepted. A suitable training module is under formulation.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1.3.1995]

Recommendation (Para 1.95)

The Committee note that the Railway Board Secretariat staff are entitled to CGHS facility. However, Railway Board Ministerial Staff Association have demanded that the Railway Board staff should be allowed to avail of railway medical facilities at the places where CGHS facilities were not available. In this connection, the Member (Staff) stated, during evidence, that 'it is a problem which will have some kind of repercussion. A time may come when everybody would like to go to the nearest hospital. We will consult the Health Ministry'. The Committee recommend that the staff of the Railway Board be given a chance to opt for either CGHS or Railway Hospital facilities.

Reply of the Government

The Railway Medical facilities are already overstretched and barely enough both in terms of Budget, Medical and para-medical staff to provide medical facilities to the railwaymen who are not governed by Central Govt. Health Scheme.

The Railway Board staff by and large are governed by CGHS which have all the facilities in Delhi/New Delhi. Despite this, if some of the staff of Board's office request for Railway Medical facilities, the same will be examined and considered on merits on case to case basis.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated. 1.3.1995]

Recommendation (Para 2.149)

From the replies furnished by the Ministry of Railways the Committee note that the Indian Railways, being the largest single employer in the country, gives due importance to staff welfare measures. The welfare concept in Indian Railways is defined to cover such services, facilities and amenities as adequate canteens, rest and recreational facilities, arrangement for travel to and from work, health services, residential accommodation and such other facilities as contribute to improve the working conditions in the Indian Railways. These measures help in implementing the human resource development Programmes on the Railways in motivating, retaining and building up a committed and loyal work force.

Reply of the Government

This is merely observation and no action is required.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1.3.1995]

Recommendation (Para 2.150)

However, the Committee find that the task of resolving problems relating to welfare of staff etc. has been entrusted to the officials of the Personnel Department working at various levels. At divisional and zonal levels of the Railways, there are designated Welfare Officers who are assisted by Welfare Inspectors to deal with matters relating to staff welfare. In addition, the various welfare activities are also monitored by specific Committees consisting of representatives from the recognised unions.

Reply of the Government

This is merely observation and no action is required.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1.3.1995]

Recommendation (Para 2.152)

One of the welfare activities which calls for the attention of the Committee pertains to the appointments on compassionate grounds. The Committee are constrained to find that as many as 7700 cases of compassionate appointments were pending with the Railways as on 31st March, 1993. It was also brought to the notice of the Committee during evidence that the person seeking employment on compassionate grounds has to appear before the Railway Authorities a number of times before he or she is actually given employment. The plea of the Government that "sometimes it so happens that the application form is incomplete and the person is called for further questions" is not acceptable to the Committee. The Committee recommend that as and when an applicant, seeking employment on compassionate grounds, approaches the concerned authorities, they should guide

him properly in the first instance itself. The respective zonal authorities should also prepare and print a check list of all the documents required alongwith the application and that check-list should invariably be given to each person seeking employment on compassionate grounds so that he may be able to submit all the relevant documents in one go".

Reply of the Government

Appointment on compassionate grounds are given to eligible and suitable persons depending on availability of suitable vacancies. Delays, however, occur due to various reasons viz. wards being minor, legal cases pending in Courts and non availability of suitable vacancies particularly in the case of illiterate widows. The Zonal Railway administrations have been instructed to make all out efforts to provide compassionate appointment to all eligible persons as early as possible within the guidelines laid down for the purpose. In order to accommodate as many widows as possible certain categories of jobs in various departments have been identified for them.

As regards the number of cases of compassionate appointment pending it may be pointed out that 7700 cases were pending as on 31.3.93 and this number has come down to 7025 as on 30.6.94.

As regards proper guidelines been given to the candidates, instructions have been issued to the Zonal Railway administrations and Production Units etc. that proper guidance should be given to the families/applicants regarding formalities to be completed for compassionate appointment and that a brochure giving an outline of the procedure including a check list of all the documents attached to the application for compassionate appointment should be prepared by each railway/production units, etc.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.155)

Keeping in view the above facts and hardships faced by so many families of the deceased employees, the Committee feel that the present time limit of one year may be increased at least to 3 years. Simultaneously, the Welfare Wing should also maintain a register of all the deceased employees in Zonal Railways/divisional headquarters indicating the date on which the ward of the deceased employee would attain the age of 18 years and immediately thereafter that wing should write to the widow indicating clearly that in case her child does not apply for a post in the Railways within the stipulated time her case would be treated as time-barred.

Reply of the Government

Instructions are under issue for raising the present time limit of one year for submitting application after attaining the age of majority, to two years.

Instructions have also been issued to the Zonal Railway administrations/production units etc. that a register should be maintained by the Welfare Wing in each Division/Unit etc. containing detailed particulars of the deceased employees including the date on which the children of the deceased would attain the age of majority, etc. The Welfare Wing should intimate the widow/the family enclosing a copy of the brochure as described in reply to para 2.152 and bringing out among other things that in case the appointment is sought for the son/daughter who is minor at the time of death of the employee, application for appointment must be submitted immediately after the candidate attains the age of majority and, in any case, well within the prescribed time limit of 2 years as above, for submitting such application.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.156)

The Committee note that although provision of educational facilities are primarily the responsibility of the State Govts./Ministry of Human Resource Development. Railways have provided educational facilities where such facilities were not in existence or were found inadequate to meet the needs of the railway employees, purely as a measure of staff welfare. As on date 629 educational institutes comprising of a Degree College, Intermediate Colleges and Higher Secondary/High Middle/Primary schools recognised by the respective State Governments/CBSE are being run by the Railways. However, in their Memorandum submitted to the Committee, the NFIR have stated that the "number of primary schools is inadequate and does not cover many areas in the jurisdiction of each zone. As a result, the children of Group 'D' employees, namely Gangmen, are not able to travel long distances for getting primary education. Most of the primary schools run by the Railways do not have adequate furniture for the teaching staff and also for the students. The Committee are unhappy to observe that whenever the subject of education is discussed in the scheduled negotiation meetings, the Railway Administration comes with the ready reply that education is the responsibility of the State Governments. Article 45 of the Constitution of India lays down that the State shall endeavour to provide for free and compulsory education for all children upto the age of 14 years. Keeping in view the above principle as enunciated in the Constitution, the Committee feel that the education policy of the Ministry of Railways should be reviewed and re-oriented suiting the present day sentiments and requirements of the children of the Railway employees. As the Railwaymen, particularly the Gangmen and other Group 'D' employees, are scattered all over the country and most of them are working in remote areas where facilities for the education of their children are not available, the Committee recommend that Ministry of Railways should encourage the Mahila Samities by providing adequate funds to take the initiative in establishing and running the primary schools so that the children of Railway employees get elementary education at

least. Simultaneously, the Railway Administration should also ensure to get these children admitted in State-run schools. Appropriate grants (recurring & non-recurring) should be given to recognised educational Institutions in Railway Colonies or in the vicinity of Railway Colonies where Railwaymen's wards are admitted.

Reply of the Government

Provision of educational facilities is primarily the responsibility of the State Government/Ministry of Human Resources Development. However, purely as a staff welfare measure, Railways have provided educational facilities to the limited extent within the constraints of available resources at places with concentration of Railway employees where the educational facilities provided by other agencies are inadequate or absent.

2. Apart from Railways' own schools, which are provided where inescapable and subject to availability of resources, Ministry of Railways sponsor establishment of Kendriya Vidyalayas in areas where there is concentration of Railway employees and educational facilities are otherwise absent or inadequate in order to meet the educational needs of children of Railwaymen. Such Kendriya Vidyalayas are established either in 'Project Sector' where recurring and non-recurring expenditure is met by the Railways or in 'Civil Sector' where Railways provide the physical facilities as stipulated by the Kendriya Vidyalaya Sangathan.

3. In addition, the Railways encourage setting up of private schools in Railway colonies/vicinities by providing the necessary facilities. There is also provision for granting recurring/non-recurring aid to schools established for serving the needs of Railwaymen's wards which are managed by Railwaymen themselves, including Mahila Samities and Women's Organisations.

4. Instructions have been again issued to Railway Administration to encourage Mahila Samities to establish primary schools where such facilities are not available as well as to maintain liaison with State Authorities to facilitate the admission of Railwaymen's wards in State-run schools.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.159)

The Committee find that the Railways have established Staff Benefit Fund which provides assistance to employees and their dependents for their education, relief during times of distress including sickness, development of sports and scouts activities, etc. Railways make a contribution of Rs. 14.50 per capita to the Fund and the Railway Employees do not have to make any contribution to this Fund. From the information furnished to the Committee they find that the per capita rate of Rs. 14.50 have already been enhanced to Rs. 20.00 per capita since 1993-94. The Committee, therefore, recommend that the rate should be reviewed annually and

enhanced/adjusted according to the rate of inflation from year to year basis.

Reply of the Government

The enhancement of per capita contribution to staff benefit Fund is based on a number of factors such as utilisation of the existing funds, expansion of the scope of the activities and financial position of the Railways. The Consumer Price Index is also given due consideration. it will not be appropriate to base the increase of per capita contribution solely on the rate of inflation. The adequacy of the funds under the Staff Benefit Fund, however, will continue to be reviewed periodically, taking into account all relevant factors.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.167)

The Committee note that as of date the Railway's medicare system comprises 114 adequately staffed hospitals and 645 health units which provide a comprehensive range of medical facilities to the Railway employees. Besides, while common speciality services are available in Divisional and Zonal hospitals, super-specialist services are also available in eight of the Hospitals.

Reply of the Government

The observations made have been noted.

[Ministry of Railways (Railway Board) Om No. 91/RCC/206/8 dated
1-3- 1995]

Recommendation (Para 2.169)

The Committee have been informed by one of the Federations of the Railways that the medicare facilities for road-side staff and families are not at all satisfactory. There is a system of having a line doctor covering a distance of 100 to 120 kms from morning till evening by a passenger train dispensing medicines enroute at every stoppage. The Committee can well envisage the scene being enacted during such 'shirlwind medical tours' where a doctor gets hardly one or two minutes to not only diagnose the ailments of his patients, but also to dispense medicines before his train 'whistles away' to the next destination. By having such an impractical system, the Railways instead of taking care of the health requirements of the employees and being acknowledged as a benevolent employer only invites ridicule. The Committee, therefore, desire that the present system must be dispensed with immediately and serious thought must be given to either introducing special medical vans on Railways for this purpose or road ambulances which can cover a fixed area during the course of the day.

Reply of the Government

Railway employees and their families in remote areas are being provided the medical cover both in respect of preventive and curative medicare, by identifying some easily approachable stations in convenient trains and deputing the doctors from nearby Health Units/Hospitals on programme basis to attend to the medical needs of the staff attending there.

Moreover, Railway beneficiaries at such remote areas can take treatment in any Government/Private Hospitals or from private doctors in times of emergencies and can claim reimbursements for which the powers for sanction have been decentralised.

However, road mobile vans/road ambulances, wherever available are being utilised for arranging the visits of doctors to such areas for providing preventive and curative medical services to the Railway employees and their families.

Railways have also been advised to procure the ambulances wherever justified in phased manner in their annual machinery and plants procurement programmes, keeping in view the directives issued by Ministry of Finance for the procurements of new vehicles.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.170)

The Committee note that 377 Handicraft Centres having a Membership of 29429 are being run with assistance from the Staff Benefit Fund for training wives and children of the Railway employees, in useful crafts. These Centres mainly undertake stitching of uniforms for the railway employees, railway school children, railway hospitals etc. and the rates for stitching are fixed by a Committee duly constitute for the purpose. Assistance of the local Railway Women's Organisation is also taken in maintaining these Centres. From the data supplied to the Committee it is surprising to note that the Ministry of Railways were not able to give the details of the expenditure incurred on Handicraft Centres in Eastern, North-Eastern, South-Eastern and Western Railways. What is more disturbing is the fact that the Ministry of Railways have not been able to compute the average monthly income of the women working in the Handicraft Centres. The Committee desire that proper attention should be given to these Handicraft Centres so that the family Members of railway employees can utilise their spare time in useful and profitable activities.

Reply of the Government

Railway Administrations have been instructed to streamline and regularly monitor the working of Handicraft Centres.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated
1-3-1995]

Recommendation (Para 2.173)

The Committee find that the Railways have Holiday Homes at 41 centres in the Country. In addition to these Holiday Homes, Railways have also provided Convalescent Homes at different places. The Committee desire that the adequacy of Holiday and Convalescent Home reviewed keeping in view the large number of railway employees who are entitled to avail of this facility.

Reply of the Government

Railway Administrations have been advised to undertake a review of the adequacy of Holiday Homes and Convalescent Homes.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.174)

The Committee note that Railways are providing two types of Canteens—Statutory and Non-Statutory. The Statutory Canteens are to be set up in establishments which are covered by the Factories Act, 1948 and employ more than 250 workers, Whereas non-statutory canteens are set up as a welfare measure, where the strength of staff is 100 or more. At present, the Railways have been running 267 Staff Canteens including 94 Statutory Canteens. These Canteens are run on 'no-loss no-profit' basis and the Advisory Committees consisting of Staff representatives oversee the working of the Canteens. The Staff working in these Canteens has been treated as Railway employees and *ipso facto* their wages are being borne by Railway Administration.

Reply of the Government

This is merely an observation and no further action is required.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

CHAPTER III

RECOMMENDATIONS AND OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

Recommendation (Paras 1.81 and 1.82)

The Committee further note that since early 1970s there has been a rise in category-wise unions and attempt is being made to form a third Federation by bringing together all these unrecognised category-wise unions. The Railway Board had stated that they do not hold dialogue with these unions but accept their Memoranda and redress their grievances. The Committee feel that for an industry with 740 categories of workers performing diverse functions ranging from engineering, production, medical, catering, tourism transportation etc., recognition of such sectional unions is not at all in their interest. The Committee observe that mushrooming of category-wise unions reflects a clear failure both on the part of the Federations and the Management. Perhaps, these categories did not have enough membership in either of the two Federations and the genuine demands of these workers seemed to have been over-looked both by the Federations and the Management.

The Committee, therefore, recommend that category-wise Unions should not have a legitimate place in the Railways' collective bargaining system, as this will lead to serious problems in the administration, thereby defeating the very concept of collective bargaining. The Committee hopes that the Federations will adequately reflect the interest of the category employees thereby rendering the very basis of category-wise Unions redundant.

Reply of the Government

There is precious little that can be done to avoid mushrooming of unrecognised unions in a democratic set up. So long as no cognizance is given to these unrecognised unions and no negotiations are held with them, their existence has little meaning. Railways are already following a policy of not having any dialogue/negotiation with these unrecognised unions/Associations.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 1.96)

The Committee recommended that the Indian Railways being the biggest industry of the country, employing largest number of employees in a single unit, should have certain amount of autonomy to settle the problems and grievances of employees, without any reference to the Ministry of Finance and Department of Personnel. The Railway Board is a statutory body with a Financial Commissioner holding the rank of Finance Secretary and

Member Staff with the rank of Secretary, Services and therefore, the recommendation made should be accepted by the Government.

Reply of the Government

Grievances of Railway employees relating to their service condition and welfare, etc. are resolved through "Permanent Negotiating Machinery" and "Joint Consultative Machinery".

Permanent Negotiating Machinery:

In order to maintain contact with the organised labour on the Railways and to resolve disputes and differences which may arise between them and the Administration, a Permanent Negotiating Machinery on the Railways has been set up. The Machinery works in three tiers, viz.,

- (i) The Railway level, in which the recognised unions have access to the Divisional and Workshop Officers and to Officers at the Headquarters of the Railway Administration including the General Manager. The Divisional/Zonal Officers are empowered to resolve grievances under their own powers;
- (ii) The Railway Board level in which the representatives of the recognised Federations of Railway employees meet the Railway Board to obtain decision on matters which have not been settled at the Railway level; and
- (iii) The Tribunal level, in cases in which agreement is not reached between the Federations and the Railway Board and the matters are of sufficient importance to merit reference being made to an *ad hoc* Tribunal consisting of representatives of the Railway Administration and the labour presided over by a neutral Chairman.

Joint Consultative Machinery:

Under the Joint Consultative Machinery, a National Council, Departmental Councils and Office Councils have been constituted. The councils discuss matters relating to conditions of service and work, welfare of the employees and improvement of efficiency and standard of work. Matters of interest affecting the Central Government employees generally are considered by the National Council. The Departmental Council of the Ministry of Railways deals with matters affecting the staff employed on the Zonal Railways. The Departmental Council is presided over by Member/Railway Board in charge of staff matters. It is also provided that where final disagreement is recorded on any matter in the Departmental Council and the matter is one for which compulsory arbitration is provided, it has to be referred to arbitration, if so desired by either side observing the procedure therefor. However, in respect of arbitrable items, before disagreement is recorded, the matter has to be submitted for consideration of the cabinet. In respect of non-arbitrable items, however, a convention has been established by which the staff side if they so desire can place their views

before the Committee consisting of Home Minister, Labour Minister and the Minister administratively concerned with the subject.

The Railway Board headed by a Chairman and having one Financial Commissioner and four other Members, is the top executive body on Indian Railways. It functions both as a Ministry of the Government of India and as an executive organisation. It is vested with the full powers of the Government of India in both executive as well as financial matters under the over all charge of the Minister of Railways. By virtue of inclusion of the Cabinet Minister, the Railway Board functions as a full fledged Ministry and as such enjoys all powers vested in a Ministry under the Transaction of Business Rules. The Railway finances stand separated from general finances and the Financial Commissioner/Railways who is an *ex-officio* Secretary to the Government of India enjoys full financial powers in matters of sanctioning and incurrence of expenditure subject to over all control of the Parliament.

The Ministry of Railways, therefore, enjoys autonomy both in executive and financial matters. The Ministry of Railways, as a Ministry of the Government of India is, however, to follow by and large the policy guidelines of the Government of India, and have also to inter-act with Ministry of Finance and other Ministries in matters where a decision may have a bearing on the matters relating to the policy of the Government and general instructions and guidelines issued by the Ministry of Finance etc., in that regard are to be followed.

The problems and grievances of the employees in most of the cases are, therefore, resolved by the Railways themselves. A reference to the Ministry of Finance or Department of Personnel and Training is made only in matters where necessary.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.153)

One of the difficulties in granting employment to the next of kin and kin of the deceased employee is reported to be non-availability of suitable vacancies. The Committee desire that as and when any such occasion arises, Ministry of Railways should allow the respective zonal railways to create supernumerary posts which could be adjusted against the future vacancies.

Reply of the Government

Para 122 of Indian Railway Establishment Code, Vol. I 1985 edition define supernumerary posts as under:

“Supernumerary posts are permanent posts created under special circumstances for operation for a limited period as such at the discretion of the Competent Authority to create the posts in the Administrative convenience.”

It is also provided that a supernumerary post is only a shadow post and can be created only if a vacant post is available elsewhere to provide work

for the incumbent of the post. Such a post cannot be created as an additional post to accommodate some one whom the administration are unable to recruit for want of vacancies.

[Ministry of Railways (Railway Board), OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.154)

The Committee also find that a widow who has minor children, at the time of the death of an employee, has to apply immediately after her ward attains the age of 18 years and in case she does not apply within one year of this date, his/her claim becomes time barred. It is painful for the Committee to note that the number of cases of compassionate appointments rejected on this ground has been as high as 1244 during 1989 to 1991.

Reply of the Government

The Committee has pointed out that the number of cases on compassionate appointment rejected on the ground that the candidate did not apply within one year of his attaining majority is as high as 1244 during 1989 to 1991.

It is pointed out that the figures furnished to the Committee for the number of cases rejected on the ground of being time barred, during the years 1989, 1990 and 1991 are 435, 404 and 405 respectively totalling upto 1244. These figures not only includes the cases rejected for not submitting the applications within the time limit of one year but also includes cases rejected on the ground that the relaxation of time limit has been sought in cases which are not covered in terms of extant policy.

Therefore the statement of the Committee that the number of cases rejected on the ground of late submission of applications is not correct as it has not taken into account other factors also.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.158)

Normally, the Railways provide subsidised hostels in such places where educational facilities are inadequate and employees are at one place and there is a need to put the children in hostel. The Indian Railways have provided 20 hostels in 59 divisions for the wards of railway employees. The Committee would like the Ministry of Railways to examine the feasibility of setting up of more subsidised hostels, particularly in those divisions where this facility is not available.

Reply of the Government

The objective is to provide Subsidised Hostels in principal educational centres for boarding the wards of Railway employees who are serving in places distant from Educational Centres. The aspects to be considered in selecting the station where the hostel is to be provided are:—

(i) The station itself should be an educational centre with schools and colleges where general and professional education may be available.

(ii) the number of children who are likely to take advantage of the hostel.

(iii) There should, as far as possible, be Railway buildings readily available for housing the hostel or suitable railway land should be available for construction of new building.

(iv) Preference should be given to towns where there is a Railway school/college.

Provision of additional hostels will have to be considered based on merit, keeping in view the above factors and the availability of finances.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.164)

Time and again, the Ministry has cited resource constraint as the main reason for their non-achievements in the housing sector. The Committee think that in the current times when liberal housing finance and other such facilities are being encouraged by the Government of India, through its several financial institutions and other agencies. Railways should explore the possibilities of putting their housing projects financed by such agencies like HUDCO, LIC etc., which provide long term loans at reasonable rates of interest.

Reply of the Government

Railway Plan Expenditure is financed from Budgetary support (Capital), internal resources and Bonds (raised by IRFC for Rolling Stock only). Budgetary support which is being provided by Ministry of Finance has been declining from year to year. It is about 18% in the year 1994-95 as compared to 75% in the Vth Five Year Plan.

Expenditure on all residential buildings is charged to 'Capital' on which a certain dividend has to be paid to the General Revenues. Funding of housing for staff on loans from agencies like HUDCO, LIC etc. would heavily burden the Railways by way of increased interest on loan taken from these agencies.

The satisfaction level of housing of employees has been improving in the recent past as more and more liberal house building advances are being made available to them, encouraging them to build their own houses. This reduces their dependence on Railway housing.

Higher payment of House Rent Allowance, consequent to the Report of 4th Pay Commission, has resulted in the employees striving to own houses and live in them.

With the emerging technologies and consequent savings in labour and with the corporate objective being one of cost-effectiveness to generate internal funds for developmental effort, containment of manpower has assumed importance. This will tend to increase the satisfaction level in the matter of residential accommodation.

As such, there is no proposal under consideration of the Ministry of Railways at present for getting their housing projects financed by agencies like HUDCO, LIC etc.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.165)

The Committee have been apprised that hardly 50 per cent of the gangmen and other categories of the Railwaymen, who, by the nature of their duties, are scattered throughout the length and breadth of the Indian Railways, are provided with residential accommodation of some sort by the Railways. They are compelled to live in tents, barracks, wagon bodies, sleeper huts and mud huts. As a result of the representations by one of the Unions of the Railways, the Railway Board has issued instructions that the staff living in sleeper huts, tents, barracks and wagon bogies should be granted full house rent allowance. However, a similar demand for gangmen and gatemen living in huts and mud huts is still pending. The Committee desire that a favourable decision be taken in this regard without any further delay.

Reply of the Government

As per extant rules all railway employees including Gangmen not in occupation of the Government accommodation and living in rented accommodation or in their own accommodation and furnishing a certificate that they are incurring some expenditure in maintaining their accommodation are allowed House Rent Allowance. In case of Gangmen and other staff living in tents, barracks, wagon bodies, sleeper huts and mud-huts also HRA has been made admissible provided the railway servant concerned are compelled to live in their inadequate accommodation in exigency of the public service and also incur extra expenditure on engaging separate accommodation for their families.

HRA, however, is not admissible to Gangmen living in Gang-huts as Gang-huts are not comparable to sleeper huts, wagon bodies, barracks, etc. Gang-huts are pucca accommodation and they fall in the category of regular Government Accommodation where not only the families of the allottees are residing or can reside but also license fee is being charged. On the other hand, sleeper huts, barracks, tents, wagon bodies, etc. cannot be treated as regular Government accommodation as they are improvised and temporary accommodation where employees have to stay in view of the special needs of the service and where they are forced not to keep their families with them. That is to say there is no scope for keeping families in this accommodation while in case of Gang-huts such possibilities always exist and in some cases it is actually so. Thus, those residing in Gang-huts are not treated on par with those living in barracks, tents, etc. and relaxed provisions for grant of HRA mentioned above have therefore, not been extended in case of Gangmen residing in Gang-huts.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.168)

Despite this vast paraphernalia existing with the Railways, the Committee has received several complaints regarding the shortcomings in the medicare facilities being provided by the Railways to its employees. While there is no dearth of facilities, apparatus, equipment, etc., there is shortage of doctors and medicines. Evidently, the machinery and apparatus cannot substitute for doctors and medicines. This gives rise to a feeling that the sincere efforts of Railways in providing medicare to their employees are being negated by the insufficiency of doctors and medicines. It is, therefore, but imperative that necessary steps be taken immediately in this direction. The Ministry has submitted before the Committee that the shortage of doctors is due to the fact that though a big panel of 500 doctors is selected through the UPSC, most of them are reluctant to join the Railway Service. The problem does not end here. Even the doctors who join leave the service once they get a better posting. To combat this problem, the Railways are entering into contracts with locally available doctors, whom they are offering very good remuneration. The Committee think that this arrangement with private doctors cannot be a reliable and permanent solution and is, therefore, recommend that in order to attract medical talent to Railway service necessary provisions may be made for grant of special pays/emoluments, etc., to the doctors who are posted to field/hard/remote areas. The Committee think that this would go a long way in obtaining the desired results. They would like to know the outcome of the efforts made in this regard.

Reply of the Government

The Railways Hospitals are generally well equipped with wide range of medicines. The budgetary allocation for purchase of medicines is also relatively revised upwardly every year as is clear from the comparative figures mentioned below:—

1992-93	35.10 crores
1993-94	36.28 crores
1994-95	47.56 crores

Apart from these annual supplies made available in Health Units / Hospitals, there is a well defined system of making local purchase of medicines from the open market under the variable schedule of powers of doctors at all levels.

In addition to this, Railways is also making reimbursements to the employees in cases where they had to take treatment/medicines from Government hospitals/non-Government hospitals on reference from Authorised Medical Attendants or otherwise.

Problem of shortage of regular UPSC selected doctors is still existing, basically for reasons as informed in the last RCC meeting.

Possibility of making provisions for the grant of special pay/emoluments to doctors joining at field/hard/remote areas was considered, but it could not perhaps be found feasible in view of its adverse effects that it is likely

to have an other sister services in Group 'A' as also Group 'B', 'C' and 'D' staff, doing duties all over the country and in areas, some of which are more remote and difficult terrain than others.

Moreover, Railway doctor's emoluments are basically kept at par with the emoluments being given to other Central Government doctors working under the Ministry of Health and Family Welfare, which is nodal Ministry for such decisions.

However, a couple of steps like placing larger indents on UPSC, and allocating the Railways for placements of new entrants as per their choice as far as possible, been taken to improve the materialization rate of the panels.

System of engaging contract doctors to meet with the urgent requirements of beneficiaries at least till the regular selected doctors from UPSC are available for postings at these places, will therefore, per force, have to be continued.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995].

Recommendation (Para 2.172)

The Committee note that the policies with regard to giving appointments/incentives to sportsman are reframed from time to time according to the sports scenario prevailing in the country. There is constant interaction and coordination with the Sports Authority of India and other Sports Control Boards to evolve concerned approach for overall development of sports in the Railways. The Railway Sports Control Board is affiliated to different Boards Federations and is represented on their executive councils. Although Railways have made arrangements for training/coaching of promising wards of the railway employees yet the NFIR, in their Memorandum submitted to the Committee, have stated that the existing facilities were not adequate for giving training to the youngsters in certain streams like hockey and football. They have also complained that the scouts and guides quota for filling up Group 'C' & 'D' vacancies has recently been abandoned. The Committee recommend that the Railways should make adequate arrangements for training/coaching of promising wards of Railway employees and necessary facilities such as qualified coaches in selected disciplines, assistance for equipments, training/exposure abroad to promising youngsters etc. should also be provided to them. They also desire that sports quota and quota for scouts and guides in Groups 'C' and 'D' vacancies should also be restored with immediate effect.

Reply of the Government

Railways have been giving due emphasis to development and promotion of sports among juniors, including wards of Railway

employees. The Railways have been taking part in Junior National Championships in the following disciplines:—

1. Weightlifting
2. Swimming, Diving
3. Cricket (Under 19)

Depending upon the regulations of the Federations concerned, wards of Railway employees have also been taking part in the events. Some of the Railway players, on the basis of their performances, have even been selected to represent India in International competitions.

2. During the recent meeting of the General Council of RSCB, the question of promotion of sports in general, amongst Railway employees, as distinct from competitive sports handed by RSCB, was considered and it was decided to give attention to strengthen the development aspect. This objective essentially include promotion of sports amongst wards of Railway employees and in Railway Schools.

3. In the above context, schemes are being drawn up to study holding of short duration camps for selected wards and students of Railway Schools. Holding of Inter Zonal competitions and schemes for assistance to Railway Schools by providing them equipment/sports gear/coaching are being given attention.

4. It may be added that starting with 1993-94 , a part of sports grant to the Railways and Units has been separately earmarked for Railway Schools.

5. Railways have also a scheme under which cash assistance is provided to promising Railway wards to acquire equipment or for specialised training including training abroad. Some wards have availed assistance under the scheme.

6. In the light of the foregoing, it is evident that Railways are already taking active interest in promoting sports and are committed to make sports activities more broad based.

7. As regards sports quota, it is clarified that no reduction/stopping has taken place.

8. There is no complete ban on recruitment of Scouts and Guides. Instructions exist that the Railway Scouts and Guides Associations may sponsor the cases of meritorious candidates to Railway Board for consideration.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995].

Recommendation (Para 2.175)

The facilities at the Staff Canteens are also not adequate. For instance, during their Study Tour to Bhubaneswar, the Committee found that the Canteen in Carriage Repair Workshop at Mancheswar was not upto the mark and the eatables supplied often remained inadequate. In this

connection, the Railway Board have informed the Committee that they have augmented the existing strength of canteen staff to enable them to meet the increasing demands for meals etc. and that it is proposed to make this canteen a 'model canteen' in the Railways. The Committee would like to know the criteria fixed for converting a canteen into a model canteen. They may also be informed as to how many other canteens are also likely to be converted into model canteens in the entire Railways.

Reply of the Government

One Workshop canteen on each Zonal Railway/Production Unit has been selected for modernisation as a model canteen on the lines of facilities, equipments, furnitures etc. available in the canteen at Diesel Component Works/Patiala. To begin with the following canteens on other Railways/Production Units have been taken up for modernisation: —

1. Mantunga Workshop Canteen (Central Railway)
2. Liluah Workshop Canteen (Eastern Railway)
3. Jagadhari Workshop Canteen (Northern Railway)
4. Gorakhpur Mechanical Workshop Canteen (North Eastern Railway)
5. New Bongaigaon Workshop Canteen (Northeast Frontier Railway)
6. Perambur Workshop Canteen (Southern Railway)
7. Lallaguda Workshop Canteen South Central Railway)
8. Mancheswar Workshop (South Eastern Railway)
9. Parel Workshop Canteen (Western Railway)
10. C.L.W. Loco Works Canteen
11. D.L.W. Workshop Canteen
12. I.C.F. Canteen.

Modernisation of other Workshop canteens will be taken up in a phased manner.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995].

CHAPTER IV

RECOMMENDATIONS AND OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Para 1.86)

The Committee note that the JCM Scheme provides for reference of unresolved issues/demands to the Board of Arbitration provided these are arbitrable items. The arbitrable items are those relating to pay and allowances, weekly hours of work and leave. The award of the Board of Arbitration is binding on both the sides. The Committee disapprove the present attitude of the Government in delaying implementation of the arbitration awards under one pretext or other. They, therefore, recommend that any award given by the Board of Arbitration should invariably be implemented within a period of 3 months.

Reply of the Government

The Department of Personnel and Training under the Ministry of Personnel, Public Grievances and Pensions is the nodal agency for all matters regarding JCM Scheme, to whom the above recommendation was referred, have advised that the JCM Scheme drawn up in consultation with the Staff side does not lay down any time-limit for implementation of the arbitration awards, nor does it provide that they should be implemented invariably. In fact, the scheme itself provides for modification/rejection of the recommendations of the Board of Arbitration by the Central Government with the approval of the Parliament on grounds affecting national economy or social justice under Clause 21 thereof, which reads as under:—

Subject to the overriding authority of Parliament, recommendations of the Board of Arbitration will be binding on both sides.

If, for reasons to be recorded in writing, the Central Government is of opinion that all or any of the recommendations of Board of Arbitration should on grounds affecting national economy or social justice be modified, the Central Government shall, as soon as may be, lay before each House of Parliament the report of the Board containing such recommendations together with the modifications proposed and the reasons therefor, and thereupon Parliament may make such modifications in the recommendations as it may deem fit. Modification may extend to the rejection of recommendation.

In view of this, the Deptt. of Personnel and Training have advised that it would not be possible to accept the above recommendation.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Paras 1.87 & 1.88)

In regard to workers' participation in management the Committee find that neither the Corporate Enterprise Group (now renamed as Group for Participation of Railway Employees in Management—PREM) meetings are held regularly nor any agenda for these meetings is decided by both the Management and Unions. Hence, the Committee stress the need to activate PREM. They, therefore, recommend that if the Unions do not come forward with agenda for discussion, the Railway management should prepare and circulate the agenda and give notice for the meeting as per rule. The Committee appreciate that Ministry of Railways have already moved in this direction and taken up some important items for dialogue such as the issue of re-deployment of surplus staff after phasing out of steam locomotives and issue of gauge conversion etc. in PREM.

The Committee are of the firm view that both Unions and Management should show adequate commitment and must come up with such important items which have a direct bearing on the working of Indian Railways. For making this forum more meaningful, the Committee suggest that the issue of privatisation and one union for one Industry should also be discussed in PREM. Incidentally, there has been no meeting of the 'PREM' since an announcement was made about this in February, 1994.

Reply of the Government

To enable the Federations to function in an effective and business-like manner, certain facilities like Photocopiers, Electronic Typewriters and Telephones capable of directly being connected to General Managers and Heads of Departments on Zonal Railways have been provided. Agenda covering above and other items had been circulated for the Inaugural Meeting of PREM scheduled to be held shortly. The Railway Administration wants PREM to become a very effective, pathbreaking and interactive forum for participation of Railway employees in the Railway Management.

The inaugural meeting of PREM fixed earlier had to be postponed due to some unavoidable reasons.

[Ministry of Railways (Railway Board) OM No 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 1.89)

From the Memorandum and the evidence of the Indian Railway Promotee Officers' Federation, the Committee find that a two-fold classification of gazetted cadre exists in the Railways. The Group 'B'

Officers, though they perform the same duties, shoulder the same responsibilities and exercise the same powers as that of Group 'A' Officers, are granted a lower-grade pay scale of Rs. 2000-3500, while the Group 'A' Officers are paid a higher scale of Rs. 2200-4000. The Committee further note that the First Pay Commission recommended abolition of two-fold classification in the departments where 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 and two groups treated as one gazetted service. But this recommendation was not accepted by the Government and this issue of Railway Gazetted Services was not examined by the subsequent Pay Commissions. Though, during evidence, the Chairman, Railway Board had assured the Committee that the Board was in the process of preparing papers for putting it before the Cabinet, the Committee strongly recommend that this two-fold classification should be done away with. However, till a final decision is taken by the Ministry of Railways on the abolition of the two-fold classification, the Group 'B' officers of Indian Railways should be granted the scale of Rs. 2200-4000.

Reply of the Government

The First Pay Commission had examined in detail the need for having two categories of officers Group 'B' and Group 'A' (then called Class II and Class I respectively). They had indicated in their report that the majority of the Members were in favour of retaining the two classes. The Government had, therefore, decided to continue with the two separate classes of officers. This matter had subsequently been examined by the Second, Third and Fourth Pay Commissions. The views taken by the successive Commissions was that the distinction should continue. Relevant recommendations of the Third and Fourth Pay Commissions are extracted below:—

Paras 1.5 to 9 of Chapter 13, Part III, Vol. I of 3rd Central Pay Commission's Report

"The association of Class II Gazetted Officers have demanded the abolition of the Class II gazetted services and their merger with the junior scale of the corresponding Class I services, on the plea that members of the Class II service normally perform the same function 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.

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 the 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 or the lowest segment of the integrated scale, as the case may be. During this period, which is usually 6 years or so, the direct recruit undergoes a period of inservice 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 senior 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 exercises 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 greater degree of supervision. We are of the view that having regard to the different roles assigned to these services, and to the need for building up cadres to man the senior administrative posts, the existing division into Class I and Class II services should be retained.

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 promotion prospects of the directly recruited Class I officers, render that service very unattractive and the Class I services would thus fail to attract candidates of the right calibre. There would also be another serious objection. If all the Class II posts are converted into Junior Class I, it would mean that selection to the new cadres 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 to Class I implies that to the extent that these posts are filled by direct recruitment, the avenues of promotion now available for Class III would shrink.

Most of the official witnesses have favoured the continuance of the existing differentiation. In regard to the practice in some Department of recruiting personnel for Class I and the 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.

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 a separate entity."

Para 11.2 of part I of IVth Central Pay Commission's Report

Group 'B' gazetted engineering officers mostly assist the Group 'A' officers. The main demand of associations of Group 'B' gazetted engineering officers has been for the merger of Group 'B' posts with Group 'A'. The Railway association has specifically represented that Group 'B' and junior scale Group 'A' officers perform the same duties with similar responsibilities and therefore these two scales should be merged on the principle of 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, Group 'B' posts mainly serve as promotional avenues for Group '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 'A') is justified and it is not repugnant to any particular principle.

In view of the above recommendations of the Pay Commissions which was also accepted by the Govt., Group 'B' cadre is being retained as a separate entity. It is also relevant that the existence of Group 'B' and Group 'A' junior scale is not unique to the Railways but is available in all Ministries/Departments under the Central Government.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 1.90)

The Committee note that though the Group 'B' officers are physically available and working in Jr. Scale/Sr. Scale of Group 'A' posts, they are not being inducted into Group 'A' as per their own quota of 40% (now 50%) at the appropriate time, i.e. after 3 years as laid down in the rule No. 209 (b) of Indian Railways establishment code. Further, an inordinate delay of 3 to 4 years takes place in the induction of Group 'B' officers into Group 'A'. The Committee are of the opinion that if the Group 'B' officers are inducted into Group 'A' based on the cadre and not on the vacancies, the legitimate representation of Group 'B' in Group 'A' will be ensured that the grievances of Group 'B' officers regarding low percentage in Group 'A' will be mitigated. In this connection, the Committee learn that even the Fourth Pay Commission had recommended on similar lines.

Reply of the Government

Para 209 (B) (1) of Indian Railways Establishment Code Volume I quoted by the Committee reads as under:-

"Appointments to the posts in the Junior scale shall be made by selection on merit from amongst Group 'B' officers of the departments concerned with not less than 3 years of non-fortuitous service in the grade."

It will be clear from the above mentioned para that 3 years non-fortuitous service in the grade is only a condition for eligibility and does not, *ipso-facto*, confer a right upon the eligible candidates to be automatically inducted into Group 'A'/Jr. scale immediately, on completion of 3 years of non-fortuitous service. It has to be noted that the eligible Group 'B' officers have to undergo a positive act of selection by a Departmental Promotion Committee convened by the Union Public Service Commission and the induction into Group 'A'/Junior scale depends upon the vacancy position as also the merit of the candidates.

So far as the observations of the Committee on alleged inordinate delay of 3 to 4 years are concerned, it may be stated that while all efforts are made to minimise the delay in holding the Departmental Promotion Committee meetings, sometimes delays do occur due to circumstances beyond control like injunctions from the various courts of law, etc.

As regards working out vacancies to be filled through direct recruitment and promotion, the Committee's suggestions have been noted for consideration.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 1.91)

With regard to fixation of pay, the Committee regret to note that while a Group 'A' direct recruit is granted higher scale of pay in the Assistant officer Cadre and is given a further benefit of Rs. 600/- or more on his promotion to senior scale, a Group 'B' officer holding the same post of Assistant Officer with long years of experience to his credit, gets Rs. 125 only on promotion to Senior scale. The Committee find that the system of fixing up pay of Assistant Officer on their promotion to senior scale was being done under a special fixation formula based on 'Concordance Table' from time immemorial. Even the Third Pay Commission, while appreciating the rationale behind the special fixation formula in certain organised services like Railways etc., have recommended extension of such special fixation formula to other organisations also. Now, the Committee learn that though the Fourth Pay Commission have not mentioned about the Concordance table, the Railway Board have withdrawn this benefit on the plea that the Fourth Pay Commission had recommended the same. Further, it has come to the notice of the Committee that some categories of officers have represented to the Pay Commission that the benefit of promotion to them is inadequate under FR 22(A) and, accordingly, the Pay Commission recommended that the formula of fixation of pay under FR 22(C) may uniformly apply in such cases also. The Committee, therefore, strongly recommended that the Concordance table, which was in vogue for decades and withstood the test of the time, should be restored.

Reply of the Government

Prior to the implementation of the revised Pay Scale with effect from 1-1-1986, fixation of officers on promotion to senior scale post was governed by the Concordance Table. This particular method of fixation was applicable in the case of the junior scale officers promoted to senior scale as well as Group 'B' officers promoted to senior scale on an officiating basis. This method of fixation envisaged that the pay of an officer was first notionally fixed in the junior scale and thereafter fixed in senior scale at the corresponding stage laid down in the Concordance Table. The Fourth Pay Commission who had examined the matters relating to scales and other service conditions of the Central Government employees had recommended that fixation on promotion to higher post should uniformly be done under FR 22C. These recommendations were accepted by the Government and have been implemented throughout the Central Govt. including Ministry of Railways. Orders for such fixation had been issued by the nodal Ministry i.e. the Ministry of Personnel, Public Grievances and Pensions and were in turn adopted by this Ministry also.

On persistent representations from Promotee Officers' Federation, the nodal Ministry had been requested for allowing double fixation when Group 'B' officers are promoted to senior scale i.e. by first fixing them in junior scale on notional basis and thereafter in senior scale again under FR 22 C. This was not agreed to by the nodal Ministry. Subsequently, however, they had agreed that when a Group 'B' officer promoted to senior scale on an officiating basis, is subsequently substantively appointed in Group 'A' junior scale, his pay in senior scale may be refixed by initially fixing his pay in junior scale under FR 22 C based on the Group 'B' pay that he would have drawn but for his officiating in the senior scale, and then allowing fixation of his pay in senior scale under FR 22 C on the basis of such junior scale pay. No further relaxation has been agreed to by the nodal Ministry and it is not within the competency of this Ministry to make any unilateral change in the policy governing fixation of pay.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 1.92)

"With regard to RDSO and other miscellaneous services, the Committee recommend that the Ministry of Railways being a modal employer, should bring these unorganised services at par with the Zonal Railways gazetted service and grant them similar facilities of promotion, scale of pay and other benefits."

Reply of the Government

1. The organised services in the Ministry of Railways are as under:

1. Indian Railway Service of Engineers (IRSE)

2. Indian Railway Service of Mechanical Engineers (IRSME)
3. Indian Railway Service of Signal & Telecommunication Engineers (IRSTE).
4. Indian Railway Service of Electrical Engineers (IRSEE).
5. Indian Railway Stores Service (IRSS)
6. Indian Railway Traffic Service (IRTS)
7. Indian Railway Accounts Service (IRAS)
8. Indian Railway Personnel Service (IRPS)
9. Indian Railway Medical Service (IRMS)

2. Besides above these services, there are certain miscellaneous services also recruitment to which is done through UPSC as direct recruitment in Senior Scale. Some important miscellaneous Departments are as under:

1. Chemist & Metallurgist
2. Senior Rajbhasha Adhikari (Senior Hindi Officer)
3. Supdt. Stationery & Printing
4. Rubber Technologist etc.

3. Whereas the recruitment to organised services in the junior scale is done annually through Union Public Service Commission, in the miscellaneous services/departments due to small cadre strength, the direct recruitment is resorted to in terms of Recruitment Rules as and when the vacancies arise. The important factor is that the recruitment, promotion, scale of pay and similar other benefits are governed by the Recruitment Rules of the respective departments. The Recruitment Rules have been framed in consultation with Union Public Service Commission and Ministry of Law in the light of guidelines issued by the Department of Personnel & Training.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.151)

As the Personnel Officers who are also the incharge of the Welfare Wing generally remain busy in administrative matters and hardly find any time to promote welfare activities. The Committee, therefore, recommend that Welfare Wings should be headed by an independent Welfare Officer who should be entrusted no other work except the welfare activities.

Reply of the Government

Welfare of the staff is an essential function devolving upon the Railways as the employer and welfare of the staff is reflected in the personnel policy of the Railways in order to ensure smooth industrial relations. The Personnel Officers, while looking after the personnel aspects, have to

necessarily keep in mind staff welfare. It, therefore, becomes imperative that personnel and welfare aspects should be considered together and controlled by the same organisation and any segregation of welfare from the Personnel Department may not be desirable. On the Indian Railways, sufficiently senior officials of the Junior Administrative Grade are incharge of the Personnel and Welfare activities.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.160)

"The Committee further note that the cases received from the Railways for grant of assistance from Railway Minister's Welfare and Relief Fund are considered by a Managing Committee constituted for the purpose and the amounts sanctioned from the Fund are disbursed to the concerned employees through Zonal Railways. The Committee desires that elected representatives from the two federations are also included in the Managing Committee".

Reply of the Government

"The Railway Minister's Welfare and Relief Fund is made up of voluntary donations by Railwaymen and other individuals/institutions. The objectives of the Fund are to provide relief to Railwaymen and their families in distress and also to afford relief to institutions run by Railwaymen in the form of grants to overcome financial difficulties. A maximum amount of Rs. 5,000/- is granted in individual cases except for employees murdered or killed or dead on duty or in an accident in which case a maximum of Rs. 10,000/- may be granted. In addition, in respect of natural calamities affecting large number of employees, a maximum of Rs. 1 lakh may be given to Railway Administrations for relief work. All the cases for assistance from the Fund have to be sponsored by the Railway Administrations concerned, together with their recommendations. The grant of relief, subject to the above mentioned conditions and monetary limits, is considered and approved by a Committee consisting of five senior officials of the Railway Board.

The cases for grant of relief from the Fund beyond the prescribed conditions and monetary limits are considered and approved by the Minister of Railways personally.

In view of the above position relating to the management and working of the Fund, it is not considered necessary to include representatives of the Railway Federations in the Managing Committee. Moreover, in most of the cases financial relief has to be provided on urgent basis. Convening of the meetings of the office would be time-consuming and will not be practicable in cases where urgent relief is required to be provided".

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.161)

Housing is a basic necessity of an individual; more-so-for a Government Servant with transfer liabilities. From the statistics provided by the Ministry, the Committee find the state of Affairs in Railways in regard to this very important component of their service package to their employees is quite distressing. On an average, there is hardly 40 per cent satisfaction limit, the highest satisfaction level of 63 per cent being in the North-East Frontier Railway and with Southern Railway lagging far behind, with hardly 28 per cent satisfaction limit. What is more discouraging is the fact that the satisfaction level, which was 37.4 percent in 1972-73, rose to 40 per cent now, showing an increase of only 2.5 per cent in two decades. Even in an overall perspective, if one compares the satisfaction level of the Central Government employees vis-a-vis the general pool accommodation, which is more than 60 per cent, the Railway employees appear to be at a disadvantageous position. The Ministry's contention that they have provided increased outlays for housing purposes over successive plans is also not very convincing. An increase in the annual average expenditure upto Rs. 26.3 crores during the Seventh Plan from Rs. 12.1 crores of the Sixth Plan is to be viewed in the light of the inflationary trends which almost neutralised the said increase.

Reply of the Government

Construction of quarters is a continuous process which is undertaken by including suitable works in Railway's annual Works Programme depending on the over all availability of funds. In view of the severe resource crunch being faced, desirable level of allocation could not be maintained for this activity. Efforts would be made to allot more funds to the extent permitted by the overall Plan size.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.162)

During their visit to various Railway colonies the Committee found that the condition of houses, roads, sewerage, water supply etc. was very bad. At places the overhead water tanks were leaking; water was coming out of sewer lines; and there was no proper maintenance of houses allotted to Class III and IV categories of employees. The Committee, therefore, feel that adequate attention should be paid to all the above problems faced by the Railway employees.

Reply of the Government

Although attention is already being paid for proper standard of maintenance of quarters irrespective of the fact whether these are for officers or staff, Railways have once again been directed to ensure that colony maintenance gets adequate attention.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8 dated 1-3-1995]

Recommendation (Para 2.163)

On top of the non-achievements of the Ministry in the matter of construction of new residential units comes the fact that about 70,000 quarters, that is, almost ten percent of their existing number, are sub-standard and can be used only after basic amenities like kitchen and toilet are provided in them. While resource constraints can be advanced as a reason for not going ahead with new constructions, the Committee fail to understand as to why this substantial number of sub-standard units cannot be made habitable by the Ministry with smaller investments. The Committee, therefore, recommend that the Railways should not even wait for their planned target of removing these deficiencies by the end of the Eighth Plan but to make these sub-standard units habitable by the end of 1995-96, so that at least 70,000 more employees are accommodated at one go and at nominal cost. Besides, action should be initiated without any further delay to replace the 31,000 quarters which have been declared too old for any cost-effective repair. This will not only save the railway from acquiring and identifying new pieces of land, which in itself is a lengthy procedure, but will also help in overcoming the botheration of creating any fresh infrastructure.

Reply of the Government

It may be clarified that these sub-standard quarters (Nos. 7000) are not only habitable but employees are already residing therein. These are actually non-standard quarters which lack some of the facilities which are normally provided in standard type-I quarters. The Railways are committed to provide these facilities, viz., kitchen, bathing place, Latrine, Verandah, Courtyard (where possible), in a phased manner, subject to availability of funds. As regards, replacement of old quarters, action is already being taken, to construct new quarters, in lieu thereof in a phased manner depending on the availability of funds.

[Ministry of Railways (Railway Board) OM No. 91/RCC2068
dated 1-3-1995]

Recommendation (Para 2.166)

The Committee are perturbed to note that there are about 1.85 lakh encroachments in railway colonies, covering over 0.2 lakh hectares of land. No serious efforts seem to have been contemplated by the Ministry to reclaim the encroached land. The Committee recommend that the Ministry should take up the matter seriously with the concerned State Governments to get the vacant possession of the railway land expeditiously and wherever feasible use the same for construction of additional staff quarters for railway employees.

Reply of the Government

Action for removal of encroachments on Railway land is taken under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 on a continuous basis. Concerned State Government's help is also taken while initiating operation for removal of encroachments. The land thus cleared as also the vacant land is used/required for Railway's developmental works including construction of quarters for Railway employees where need be.

[Ministry of Railways (Railway Board) OM No. 91/RCC/2068
dated 1-3-1995]

Recommendation (Para 2.171)

The Committee note that the recognised Mahila Samities run handicraft centres, schools, creches, etc. Under the aegis of these Samities some of the handicraft centres have undertaken various other activities like making pickles, candles, chalk-pieces, file covers, envelopes etc. for increasing their earnings. During their tours to various places, the Committee had found that the premises allotted to Mahila Samities were in a very bad shape. At places there was no light, sewing machines were not in a working condition, there was no provision for ventilation, drinking water and toilet facilities etc. The Ministry of Railways were candid in admitting the fact "that the Mahila Samities are not equipped with the skill and machinery for stitching uniforms on large scale." Since these Samities are discharging useful function the Committee desire that the Railways should encourage them by providing proper accommodation, light and other basic facilities. The members of these Samities should also be imparted proper training on the lines of Womens' Polytechnics so that the members of these Mahila Samities could become self-supporting.

Reply of the Government

The Mahila Samities have generally been provided with proper accommodation to the extent feasible. However, instructions have been issued to the Railway Administrations to provide proper accommodation and other infrastructural facilities, wherever required, as well as to impart training to the members of the Samities so as to improve their skills and fully utilise their capabilities.

[Ministry of Railways (Railway Board) OM No. 91/RCC/ 2068
dated 1-3-1995]

CHAPTER V

RECOMMENDATIONS AND OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

Recommendation (Paras 1.75 to 1.80)

From the history of evolution of Trade Unions in the Indian Railways, the Committee note that the Railway companies provided a natural platform for the labour movement and as early as in 1897, an 'Amalgamated Society of Railway Servants of India and Burma', came up as a sequel to a strike by the guards of that Company. Between 1897 and 1919, a large number of unions sprang up and many of them cut across staff categories and, therefore, laid the framework of the broad labour fronts. These unions were functioning in isolation and there was a growing consciousness that the labour was not unified enough to negotiate from a position of strength. However, in 1925, all the unions came together to form All India Railwaymen's Federation (AIRF), which continues to exist even today.

Indian National Railway Workers' Federation (INRWF) was formed in 1947 and it was granted facilities for consultation in December, 1949. In 1952 both the federations were merged and this resulted in the emergence of a single federation for labour on the Railways which called itself the National Federation of Indian Railwaymen (NFIR). This was perhaps the most noteworthy feature in the Indian Railways' labour movement. But unfortunately, during the subsequent years there came a phase of deterioration in the labour movement, thereby depriving the railway workers of having a unified labour representation. A maturity in approach was noticed subsequently during the first half of 1950s, but it was shortlived. In 1955, some former Members of the AIRF held a separate convention. That resulted in the revival of AIRF in August, 1957. Though considerable efforts were made by the then Railway Ministers in 1957 and in 1973-74 to unite both the recognised Railway Federations viz. AIRF & NFIR but amalgamation could not materialise.

A peculiar phenomenon which has come to the notice of the Committee is dual membership. During evidence, the Presidents of both the Federations admitted that the concept of dual membership very much existed in the system.

The Committee feel that apart from giving a wrong signal about the actual membership of each of the federations, the Railwaymen are also put o physical harassment at the time of collection of Membership fee.

The Committee, therefore, recommend that for achieving the principle

of single union in the Indian Railways, the Railway Board should *de-novo* examine the norms for recognition of Unions. Though both the Federations are in favour of introducing a system of secret ballot for the Railwaymen to choose one of the two existing Federations, the Committee feel that both these Federations should be persuaded to be amalgamated under one banner. In fact, the initiative for a single union must come from the two Federations. The Ministry could start a dialogue with the Corporate Enterprise Group (CEG) for materialising the concept of one Union for one industry. The Committee suggest that the membership of the new Federation must represent all classes of railwaymen.

Reply of the Government

As suggested, it is agreed that the issue of "One union for one industry" alongwith other aspects concerning it may be discussed in the next meeting of PREM at Board's level.

[Ministry of Railways (Railway Board) OM No. 91/RCC/2068
dated 1-3-1995]

Recommendation (Para 1.83)

The Committee have been informed that staff councils exist in Production Units to look after the welfare of the workers there and that a scheme of productivity-linked incentive exists in the Railways whereby the staff of a Production Unit is entitled for incentive when the production exceeds the target. But no such scheme exists in the new Production Units like the Wheel & Axle Plant, Bangalore, the Rail Coach, Factory, Kapurthala and the Diesel Component Works, Patiala. During non-official evidence of the two National Federations, the Union Leaders expressed apprehensions that the Administration was either trying to do away with the scheme or diluting the same. The Committee think that denial of such incentive scheme to employees of new Production Units is neither in the interest of Production Units nor in the interest of Railway Industry as a whole.

Reply of the Government

A successful incentive scheme is already in operation at WAP, Bangalore. Regarding the introduction of incentive schemes at DCW, Patiala and RCF, Kapurthala, studies have been undertaken to establish productivity norms and to suggest suitable incentive schemes. These reports are being scrutinised by the two Units.

[Ministry of Railways (Railway Board) OM No. 91/RCC/2068
dated 1-3-1995]

Recommendation (Para 1.84)

The problems of the staff of the Production Units are because of Railway Ministry's policy not to recognise the unions of the two recognised Federations in the Production Units. It is observed that the Staff Councils

were abolished on introduction of Joint Consultative Machinery (JCM) in all Departments and the two recognised Railway Federations are sole representatives of the Railwaymen at the National and Departmental levels. Therefore, continuance of the Staff Council, a legacy of the past, must end, with the recognition of the unions having affiliation to either of the two Federations in the Production Units. The Railway Ministry conceded that they have been receiving constructive cooperation from the two recognised Federations. Therefore, there is no force in their contention that the recognition of the unions in the Production Units will retard the production in the Production Units.

Reply of the Government

The issue whether Staff Councils should continue to function in Railway Production Units as hitherto or replaced by recognised unions is under the active consideration of Railway Board. Views of the Committee will be taken into consideration while arriving at a decision.

[Ministry of Railways (Railway Board) OM No. 91/RCC/2068
dated 1-3-1995]

Recommendation (Para 1.85)

"Under the present system of collective bargaining in the Indian Railways, a Permanent Negotiating Machinery (PNM) exists at three levels i.e. Board level, Zonal level and Division/Workshop level with a provision for reference of cases to a tribunal. Similarly, Joint Consultative Machinery (JCM) functions at two levels i.e., National level and Departmental level with provision for compulsory arbitration. After reviewing the working of the PNM, the Committee feel that it has not been functioning as efficiently as it was expected to do an often leads to mutual suspicion resulting in acrimony. At lower level, it had been noticed that PNM has become a forum for dealing with individual cases and such cases constitute almost the entire agenda of their meetings. Even at Zonal level, it has been noticed that due to lack of follow-up action a particular item figures in the agenda more than once. During evidence, the Chairman, Railway Board, had admitted that there are some Zonal Railways which have failed in holding regular PNM meetings. The Committee feel that the Indian Railways should appreciate that merely setting up of such fora for regular dialogue is not the end of their responsibility. Their effective functioning with utmost dedication and commitment is the continuous responsibility of the Ministry. After going into the area of major disputes, the Committee observe that the problems are not of Railways only but of the entire Central Government employees and, hence, they feel that the Ministry of Railways can do away with the present system of duplication of this arrangement. As the sphere of two collective bargaining machineries i.e. PNM and JCM is the same, the system of JCM may be retained. PNM may be substituted by JCM at all the three levels. The Committee hope that this would help labour in the Railway to speak in one voice, thereby reducing the time

involved in routine negotiations and provide adequate teeth to the whole process of consultation management. The Committee further recommend that a proper record of cases, grievances, proceedings and action taken thereon may be maintained. Target date for follow-up action may be fixed and action taken notes prepared and circulated to the Unions. It should also be ensured that action taken must be conveyed to the Unions in unambiguous and transparent terms."

Reply of the Government

"While appreciating the recommendation, the Board would like to have a dialogue with both the Federations and take them into confidence to explore the feasibility of doing away with the duplicate forum for staff grievance redressal, in as much as adopt JCM and stop PNM, so that implementation is smooth sailing. The process of consultation with both the Federations will soon be initiated and further follow up action as required will be taken."

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 1.93)

From the evidence of Railway Board Secretariat Service (RBSS) Association, the Committee note that unlike the two Railway Officers' Federation, the Railway Board Ministerial Staff Association (RBMSA) and RBSS Class I & II Officers Association, do not have the privilege of periodical dialogue with Railway Board. However, they have been provided a forum to meet the management at the level of the Secretary, Railway Board. As most of the issues/matters are decided at the Board's level, the Committee feel that the RBSS Associations should also be provided a forum at the Board's level with a provision for holding meetings/dialogue wherever necessary but atleast twice a year. This will create a healthy climate of industrial relations at the apex body of the Railways.

Reply of the Government

The recommendation of the Committee is under examination of the Ministry of Railways.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

Recommendation (Para 2.157)

The Committee note that the Railways have also set up Kendriya Vidyalayas at places where there is a concentration of transferable railway employees and where adequate educational facilities are not available. There are at present 66 Kendriya Vidyalayas functioning in railway colonies, of which 6 are in the Project Sector and the remaining are in Civil Sector. In Civil Sector Schools, priority in admission is given to children of transferable Central Government employees whereas in Project Sector schools priority in admission is given to children of the

employees of the unit concerned which is meeting all the expenditure. For example during their tour to Bhubaneswar the employees of Khurda Division of South-Eastern Railway informed the Committee that most of the employees remain at one place of posting and as such the rules of the Kendriya Vidyalayas may be so amended as to get their wards admitted in the Kendriya Vidyalayas. During evidence the Member (Staff), Railway Board, informed the Committee that they have taken up the matter with the Education Ministry to treat the Kendriya Vidyalayas located in production units in a different manner and to give a different formula of admission to the schools so that their children get a much higher percentage of admission. The Committee would like the Railways to pursue the matter and also desire that the Ministry of Education should accede to the request made by the Ministry of Railways.

Reply of the Government

Kendriya Vidyalaya Sangathan has since earmarked upto 10 seats (to be done by Commissioner, KVS) for admission in Kendriya Vidyalayas, to the sponsoring authority. The matter of increasing this quota to 60% of the seats has been taken up with the Department of Education in the Ministry of Human Resources Development.

[Ministry of Railways (Railway Board) OM No. 91/RCC/206/8
dated 1-3-1995]

NEW DELHI;
November 16, 1995

Kartika, 25, 1917(S)

M. BAGA REDDY,
Chairman,
Railway Convention Committee.

APPENDIX I

(Vide Para 28)

Paras 1.5 to 9 of Chapter 13, Part III, Vol. I of 3rd Central Pay Commission's Report

"The association of Class II Gazetted Officers have demanded the abolition of the Class II gazetted services and their merger with the junior scale of the corresponding Class I services, on the plea that members of the Class II service normally perform the same function 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.

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 the 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 or the lowest segment of the integrated scale, as the case may be. During this period, which is usually 6 years or so, the direct recruit undergoes a period of inservice 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 senior 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 employee, though direct recruitment also does take place, as indicated earlier. While the Class II officers often exercises 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 greater degree of supervision. We are of the view that having regard to the different roles assigned to these services, and to the need for building up cadres to man the senior administrative posts, the existing division into Class I and Class II services should be retained.

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 promotion prospects of the directly recruited Class I officers, render that service very unattractive and the Class I services would thus

fail to attract candidates of the right calibre. There would also be another serious objection. If all the Class II posts are converted into Junior Class I, it would mean that selection to the new cadres 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 to Class I implies that to the extent that posts are filled by direct recruitment, the avenues of promotion now available for Class III would shrink.

Most of the official witnesses have favoured the continuance of the existing differentiation. In regard to the practice in some Department of recruiting personnel for Class I and the 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.

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 a separate entity."

Para 11.2 of Part I of IVth Central Pay Commission's Report

Group 'B' gazetted engineering officers mostly assist the Group 'A' officers. The main demand of associations of Group 'B' gazetted engineering officers has been for the merger of Group 'B' posts with Group 'A'. The Railway association has specifically represented that Group 'B' and junior scale Group '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, Group 'B' posts mainly serve as promotional avenues for Group '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 'A') is justified and it is not repugnant to any particular principle.

APPENDIX II

(Vide para 4 of Introduction)

Analysis of the action taken by Government on the Recommendations/ Observations Contained in the Seventh Report of Railway Convention Committee (1991)

I. Total number of recommendations	49
II. Recommendations/Observations which have been accepted by the Government (<i>Vide</i> recommendations at S. Nos. 1.94, 1.95, 2.149, 2.150, 2.152, 2.155, 2.156, 2.159, 2.167, 2.169, 2.170, 2.173 & 2.174)	
Number	13
Percentage to total	26.53%
III. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government (<i>Vide</i> recommendations at S. Nos. 1.81, 1.82, 1.96, 2.153, 2.154, 2.158, 2.164, 2.165, 2.168, 2.172 & 2.175)	
Number	11
Percentage to total	22.44%
IV. Recommendations/Observations in respect of which the replies of the Government have not been accepted by the Committee and which required reiteration (<i>Vide</i> recommendations at S. Nos. 1.86, 1.87, 1.88, 1.89, 1.90, 1.91, 1.92, 2.151, 2.160, 2.161, 2.162, 2.163, 2.166, & 2.171)	
Number	14
Percentage to total	28.57%
V. Recommendations/Observations in respect of which final replies of the Government are still awaited (<i>Vide</i> recommendations at S. Nos. 1.75, 1.76, 1.77, 1.78, 1.79, 1.80, 1.83, 1.84, 1.85, 1.93 & 2.157)	
Number	11
Percentage to total	22.44%

PART II

Minutes of the 58th Sitting of the Railway Convention Committee (1991) held on 8th September, 1995

58th sitting of the Railway Convention Committee was held on Friday, the 8th September, 1995 in Committee Room 'D' Parliament House Annexe from 1500 hrs. to 1600 hrs.

The following were present:

Shri M. Baga Reddy—*Chairman*

Lok Sabha

2. Shri Saifuddin Choudhury
3. Prof. Prem Dhumal
4. Shri Gurudas Vasant Kamat
5. Shri Aslam Sher Khan
6. Shri Rajvir Singh
7. Shri Lokanath Choudhury

Rajya Sabha

8. Shri Madhavsingh Solanki
9. Shri P. Upendra
10. Shri Ranjan Prasad Yadav

SECRETARIAT

1. Shri T.R. Sharma—*Deputy Secretary*
2. Shri R.C. Gupta—*Under Secretary*

2. The Committee took up for consideration the Draft Report on Action Taken by the Government on the recommendations contained in the Seventh Report of RCC (1991) on 'Staff Welfare & Industrial Relations in Railways' and adopted the same with the stipulation that para Nos. 1.89 to 1.91, 2.161, 2.162 to 2.163 and 2.166 may be re-categorised and suitably commented upon with the approval of Chairman.

3. The Committee also authorised the Chairman to present the Report to both the Houses of Parliament after making other consequential changes arising out of factual verification by the Ministry of Railways or otherwise.

The Committee then adjourned.

CORRIGENDA TO ELEVENTH REPORT OF RAILWAY CONVENTION COMMITTEE
(1991)

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