

रेल मंत्रालय  
**Ministry of Railways**

(भारत सरकार)  
(Government of India)

*Report of the Committee  
on Classification of Posts*

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**REPORT OF THE COMMITTEE ON CLASSIFICATION OF  
POSTS**

**INDEX**

<b>No.</b>	<b>Item/Topic</b>	<b>Page no.</b>
1.	Executive summary	1-5
2.	Introduction	6
3.	Background	6-7
4.	Classification policy being followed presently in Ministry of Railways	7-11
5.	Litigations in the past relating to Railway's classification policy	11-13
6.	Reasons for not adopting the classification policy of DoP&T	13
7.	7 <sup>th</sup> CPC recommendations and subsequent developments	13-14
8.	Representations received by the Committee	15-20
9.	Options considered by the Committee	20-33
10.	Optimal solution recommended by the Committee	34-35
11.	Examination of the Committee's recommendations of L-7 as Gr. B (Non-Gaz)	35-36
12.	Justification & Feasibility of the recommendation	36-37
13.	Corollary steps required for implementation of the recommendation	38-43
13.	Impact of pending proposals for re-classification/up-gradation on the Committee's recommendations.	44-45
14.	Summary of recommendations	46-48
15.	List of Annexures	49-50

## **EXECUTIVE SUMMARY**

1. The Classification of posts in the Central Government into different Groups is notified after revision of pay structure following implementation of each Central Pay Commission. For Posts governed by the CCS (CCA) Rules, DoP&T issues the notification while the Ministry of Railways issues this notification for Railway employees covered under RS (RP) Rules. While classification of posts as Group-A in the Railways essentially follows the CCS (CCA) classification, this is not so for posts classified as Group-B and Group-C. Posts in GP 4200/Level-6, GP 4600/Level-7, GP 4800/Level-8 & GP 5400 (where such posts are not classified as Group-A) are classified as Group-B under the CCS (CCA) classification rules notified by DoP&T. Within this Group-B classification, posts in GP 4200/Level-6 are generally classified as 'non-gazetted' and those in GP 4600/Level-7 and above as 'gazetted' in the Recruitment Rules.

1.1 The Classification Rules followed by the Railways however provide for Group-B status (which is entirely 'gazetted') only to posts in substantive GP 4800/ (GP 5400/ for Accounts Department). Posts substantively in GP 4600/ & below are classified as Group-C. Posts of Sr. Section Officers in Accounts Department, though in GP 4800/ and analogous posts of the Teaching & Nursing categories are also classified as Group-C in the Railways. Demands have been consistently raised on behalf of Railway employees in GP 4200/ & above that their classification also be aligned with that notified by DoP&T under CCS (CCA) Rules. These demands for grant of Group-B have been raised citing grounds of parity with other Ministries/Departments, functionality & responsibility of the posts, need for adequate social status & esteem, and in the case of directly recruited SSEs their EQ of B. Tech. Ministry of Railways' stand all along has been that the classification system adopted by the Railways is appropriate, given the unique structure and functioning of the Railways. This classification system has also been upheld in judicial challenges, including before the Hon'ble Supreme Court.

1.2 After DoP&T issued the classification notification covering CCS (CCA) posts under the 7<sup>th</sup> CPC pay structure in November 2017, the Pay Commission Directorate put up a notification for classification of Railway posts covered under the RS (RP) Rules in line with the extant policy/stand in the matter. It was however decided by Board in June 2018 that the matter of aligning the classification of posts in the Railways with that by DoP&T for granting Group-B status (Gazetted/non-gazetted) to certain categories of employees presently

classified as Group-C, was to be examined comprehensively by a Committee of three Executive Directors of the Railway Board and a report submitted within a month. This time frame was later extended by another month in July 2018. The Committee's report is submitted in accordance with this mandate.

1.3 The Committee solicited views of all interested parties & stakeholders in the matter. Over 7400 e-mails and around 180 representations/views through *dak*/by hand were received. Several groups of employees also met the Committee on the designated days for such interaction. In addition, employees individually and in groups, also met individual Committee members beyond the designated days to represent on the matter. Both staff Federations stated that they would discuss the matter at more senior levels before a decision on the Committee's report was taken. In spite of requests, no response was received from either of the Officers' Federations.

1.4 The Committee sifted through the various representations and observed that there were two main grievances/demands of employees in posts of substantive Level-6 & Level-7. Firstly, they wanted the due social status & self-esteem that they believed their Group-C classification denied them vis-à-vis their counterparts in other Ministries classified as Group-B. The second was their frustration at stagnation in Level-7 (notwithstanding grant of periodic non-functional upgradation under MACPS) and demands for time-bound promotions to Level-8 & beyond. Those recruited directly at Level-7, especially SSEs, represented forcefully on this, pointed out that their minimum entry qualification was a professional degree. The upsetting of pay relativities between Technical Supervisors and several other categories that were upgraded due to the 6<sup>th</sup> CPC recommendations was an added factor that sharpened this grievance. Many of those representing also believed that both sets of demands were linked- that is, a change in their classification (from Group-C to Group-B) would also lead to improved promotional prospects.

1.5 Given its mandate, the Committee examined as to what best could be feasibly recommended as regards Classification of Railway posts to address Supervisors' grievances, given the organizational and functional structure of Railways. Adopting the DoP&T classification fully for posts in the Railways was first considered. This would mean that both Level-6 & Level-7 supervisors would be upgraded in classification from Group-C to Group-B, with Level-6 categorised as Group-B non-gazetted and Level-7 as Group-B gazetted. On

examining this option, the Committee observed that the number of Level-6 in Railways is over two lakhs and that of Level-7 is around seventy thousand. A wholesale reclassification to Group-B would therefore mean that the number classified as Group-B in Indian Railways would rise from less than around seven thousand to close to three lakhs- which works out to almost a quarter of the total employee strength of the Railways. Apart from the numbers involved and their potential implications on field working, this would also mean that there would be two classes of Group-B gazetted posts & their incumbents- those promoted from Group-C through the extant 70/30 streams, and those placed in Group-B due to re-classification. This scenario would result in several complications especially as regards further promotion. Presently, even with an approximately 1:1 cadre strength ratio between Group-B (gazetted) and Group-A, officers in several Departments complain of stagnating for several years in Group-B. The imminent Cadre restructuring of Group-A Railway Services with its emphasis on financial neutrality of the exercise may only exacerbate the problem due to likely surrender of Sr. Scale posts. If seventy thousand Supervisors (in Level-7) were to be re-classified as Group-B gazetted, the Group-B gazetted strength would rise to about seventy seven thousand – an eleven-fold increase. With less than eight thousand Group-A posts in the system and stipulated Direct Recruitment intake of 50% of vacancies into any Group-A Service, prospects of most Group-B gazetted officials for intake into Group-A would become virtually non-existent, causing tremendous frustration at this level. **The Committee therefore does not consider *in toto* adoption of DoP&T’s classification norms a feasible solution in the Railways.**

1.6 The Committee next examined whether any methodology on limiting the number of posts to be re-classified to Group-B even within the target Pay Levels of 6 & 7 could be adopted. Suggestions received in this respect included restricting Group-B to only those in ‘Safety-category’ posts; or to only those directly recruited with a professional degree; or even to only those senior & stagnating as evidenced by their non-functional (MACP) higher Pay Levels. The Committee examined these and concluded that adoption of such artificial exclusionary criteria would not be feasible, and **that the only sustainable criterion for classification of the post could, in general, be the substantive Pay Level attached to that post.**

1.7 **Based on a comprehensive consideration of all facts and circumstances, the Committee accordingly has proposed that the present Group-C posts in GP 4600/-,**

**Level-7** (including posts in higher Pay Levels but classified as Group-C in cadres such as Accounts, Teaching & Nursing) **be re-classified as Group-B non-gazetted. No change in the classification to Group-B gazetted has been recommended.** This will ensure that the primary demand of senior Supervisors for social status & esteem based on an upward classification from Group-C to Group-B will be fulfilled. Organisationally also, as the relative hierarchical structure is maintained and as the existing classification of Group-B gazetted will still be clearly distinguishable from Group-B non-gazetted in field working, there is likely to be minimal disruption of the command-and-control structure.

1.8 While one major grievance of senior supervisors will be significantly addressed due to this re-classification to Group-B (albeit with non-gazetted categorization rather than gazetted as they would have ideally preferred); **without improved promotional prospects, such re-classification would only shift stagnation from one classification nomenclature (Group-C) to the other (Group-B non-gazetted).** This, coupled with the strong reservations expressed by several stakeholders on the present written-examination based promotional system to Group-B, leads the Committee to propose a modification to the existing promotional system. **The Committee accordingly proposes that promotion to Group-B gazetted (Asst. Officers) be substantially, if not exclusively, from the re-classified senior eligible Group-B non-gazetted (Level-7) supervisors through a DPC.** A DPC-based promotional system would bring the same in line with the system followed in other Ministries/Departments. If considered necessary, an additional requirement of a qualifying paper (to those eligible for DPC consideration) could be prescribed. In case an LDCE stream is still considered essential to be retained, the Committee proposes that the percentage reserved for this be reduced from the existing 30% to not more than 15%. The Committee also recommends that any written paper (be it of qualifying level for DPC-eligible candidates or for the LDCE) be set centrally. This will not only ensure full credibility but also indirectly ensure scheduling & the timely conduct of the promotional exercise over all Zones/PUs.

1.9 For feasible implementation of the proposed re-classification, the Committee has set out certain corollary steps that need to be taken. Apart from the suggested modification to the Group-B gazetted promotional process, **these include a clear reiteration that the reclassification to Group-B non-gazetted would have no functional impact on existing duties of the post and that entitlements as regards Passes, Rest Houses etc. would remain the same. On the positive side, Allowances such as PLB, ALK, OT, Workshop**

**Incentive, Breakdown Allowance etc., wherever admissible, would continue to be paid. Eligibility to participate in activities of recognized Trade Unions would also continue. On D&A powers, the Committee recommends that consequent on the re-classification, powers of imposing stiff major penalty (Compulsory Retirement, Removal and Dismissal) be shifted upwards from Branch Officers to SAG officers, with other D&A powers continuing to rest with Controlling Officer/Branch Officers, as at present.**

1.10 The Committee also points out that classification to Group-B brings its own set of costs as well. DoP&T Rules for instance, stipulate minimum residency period of 6 years for promotion from Level-5 to Level-6 and 5 years from Level-6 to Level-7. Promotions to these grades presently suffer from no such high residency limitations within the Railways, as these are in Group-C where Recruitment Rules are made in-house. **With re-classification of Level-7 to Group-B non-gazetted, the Recruitment Rules will have to be framed and notified in consultation with DoP&T, UPSC and M/o Law.** Further, with a relatively large number of categories being re-classified (within each Department, there are several streams of Supervisors), the framing and notifying of RRs would necessarily take time and effort.

## **INTRODUCTION**

2. Ministry of Railways (Railway Board) vide order No. ERB-I/2018/23/29 dated 12.06.2018 (*Annexure-I*) constituted a Committee to examine Classification of Railway Services consequent upon implementation of Railway Services (Revised Pay) Rules, 2016, in consultation with all Stakeholders. The Committee had the following composition: -

- (i) **Executive Director/Pay Commission – II (Convener)**
- (ii) **Executive Director/Estt. (GC) (Member)**
- (iii) **Executive Director/ Transformation (Mechanical)(Member)**

2.1. The terms of the Committee are as under:

*“To examine in detail the issue of granting Group ‘B’ status (Gazetted/Non Gazetted) to various existing Group ‘C’ posts of Indian Railways (including implications and modalities) in line with DOP&T Order No. 11012/102016-Estt.A.III dated 09.11.2017”*

2.2 The tenure of the Committee was initially fixed at one month from the date of its constitution which was subsequently extended up to 11.08.2018 vide Railway Board’s order No. ERB-I/2018/23/29 dated 12.07.2018 (*Annexure-II*).

### **3. Background**

3.1 Classification of posts governed by CCS (CCA) Rules is a process done by DoP&T consequent to implementation of every Pay Commission. Consequent to the implementation of 7<sup>th</sup> CPC, DoP&T vide its order No. 11012/102016-Estt.A.III dated 09.11.2017 (*Annexure-III*) issued orders regarding revised classification norms in respect of the posts covered under Central Civil Services (Classification to the Control and Appeal) Rules, 1965. As per these orders, revised classification of posts is as under: -



S.No.	Description of Posts	Classification of Posts
(1)	(2)	(3)
1	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.	Group A
2	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.	Group B
3	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.	Group C

4. **Classification Policy being followed presently in Ministry of Railways.**

4.1 **The classification of posts issued by DoP&T is under CCS (CCA) Rules and is not applicable to Ministry of Railways, whose employees are governed by RS (RP) Rules, and therefore orders classifying various posts in Railways are invariably issued separately. In fact, as per Rule 3 (1) (A) of CCS (CCA) Rules, 1965 (Annexure – IV) itself, the said Rules are not applicable to Railway servants.** Ministry of Railways have historically been issuing their own orders notifying revised norms for classification of posts on Railway Services in tune with Railway’s structure and functions. The classification policy of Ministry of Railways was driven by the fact that Indian Railways is a multi-disciplinary operational organisation with characteristics, structure and functions unlike typical Government Ministries/Departments. **The Transaction of Business Rules and Allocation of Business Rules also specifies that classification of (Railway) services is a delegated power to the Ministry of Railways (Annexure-V).**

4.2 **The Classification Norms :-**

4.2.1 The classification norms of various posts in Indian Railways are broadly covered under Rules 106-108 of Indian Railway Establishment Code volume 1 which is as under: -

- (i) For the purpose of all these rules, the Railway Services shall be classified as followed w.e.f. 01.04.1976.

**a. Gazetted**

- (1) Railway Services Group 'A'                      (2) Railway Services Group 'B'

**b. Non-Gazetted**

- (1) Railway Services Group 'C'                      (3) Workshops Staff Group 'C' & 'D'  
(2) Railway Services Group 'D'

4.2.2 Rule 107 of IREC laid down the general norms on classification of post into different Groups. Rule 108 specifically list out the various categories falling in different Groups as follows:

- (i) Group 'A' posts have been specifically listed out.  
(ii) Group 'B' posts are those Gazetted post not falling in Group 'A'.  
(iii) Group 'C' & 'D' posts are to be classified posts of general norms laid down in Rule 107. **The classification of various posts on Indian Railways so far visualises all Group 'B' posts to be only of 'Gazetted' nature.**

4.3 Various Group 'B' and Group 'C' posts in Indian Railways are classified as under:

S.no.	Broad Category / Dept.	Post	5 <sup>th</sup> CPC scale	Revised pay structure recommended by the 6 <sup>th</sup> CPC	7 <sup>th</sup> CPC pay level
<b>Group B (Gaz.) posts on the Railways</b>					
1	Accounts	AAO	7500-12000	<b>PB2 GP 5400</b>	<b>Level-9</b>
2	Other Deptt.	APO/AEN/ACM/AOM etc.	7500-12000		<b>Level 8</b>
3	NFSG-Gr. B (80%) of Organised services		8000-13500	<b>PB3 GP 5400</b>	Level-10
4	RBSS/	SO/PS	6500-10500		Level-8
5	RBSSS	NFSG SO/PS	8000-13500	<b>PB3 GP 5400</b>	Level-10

6	Other Misc. Rly. Bd. Categories		6500-10500	PB-2/GP-5400	Level -9
7	Teachers	Hd. Masters (Inter Colleges Higher Secondary schools)	7500-12000	PB-3/5400	Level 10
8		Sr. Grade	8000-13500	PB-3-GP-6600	Level 11
9	Nurses	ANOs	7500-12000	PB-3/GP-5400	Level-10
10	Library	ALIO	6500-10500	Pb-2/GP-4600	Level 7
<b>Group C posts on Zonal Railways</b>					
11	Accounts	Sr. SO	6500-10500 /7450-11500	PB—GP-4800	Level 8
12		SO	5500- 9000/6500- 10500		
13	Other major deptts.	SSE/SS/	7450-11500	PB-2/GP-4600	Level 7
14		SE/Dy. SS	6500-10500	PB-2/GP-4600	Level 7
15	PGTs	PGTs Basic Gr.	6500-10500	PB-2/GP-4800	Level 8
16		PGT Sr. Grade	7500-12000	PB-3/GP-5400	Level 10
17		PGT Sel. Gr.	8000-13500	PB-3/GP-6600	Level 11
18	TGTs	TGTs Basic Gr.	5500-9000	PB-2/GP-4600	Level 7
19		TGT Sr. Grade	6500-10500	PB-2/GP-4800	Level 8
20		TGT Sel. Gr.	7500-12000	PB-3/GP-5400	Level 10
21	Primary teachers	PRTs Basic Gr.	4500-7000	PB-2/GP-4200	Level 6
22		PRT Sr. Grade	5500-9000	PB-2/GP-4600	Level7
23		PRT Sel. Gr.	6500-10500	PB-2/GP-4800	Level 8
24	Nurses	Chief Matron	7450-11500	PB-3/GP-5400	Level10
25		Matron	6500-10500		
26		Nursing Sister	5500-9000	<b>PB-2/GP-4800</b>	Level 8
27		Staff Nurse	5000-8000	PB-2/GP-4600	Level 7

4.4 Consequent to the implementation of 6<sup>th</sup> CPC recommendations, some of the Group 'C' /'B' posts were placed (Nursing Staff/Teachers/SO(A/Cs) etc corresponding to a higher classification Group. **However, while considering the issue of adoption of above revised pay structures, Nurse/Teachers/Accounts Staff were continued to be placed in existing**



	Band PB-2 (₹ 9300-34800) Matron/Chief Matron (Merged Grade) carrying Grade Pay ₹ 5400 in Pay Band PB-3 (₹ 15600-39100) Primary School Teacher/Trained Graduate Teacher/Post Graduate Teacher and equivalent (Basic/Senior/Selection Grade) carrying Grade Pay ₹ 4800/5400/6600 in Pay Band PB-2/PB-3 (₹ 9300-34800/15600-39100) will continue to be classified as Group 'C'.	
4.	A Railway Service post carrying Grade Pay ₹ 1650, ₹ 1600, ₹ 1400, ₹ 1300 in Pay Band 1S (₹ 4440-7440)	Group 'D' (till the posts are upgraded) to Group 'C'

Copy of the order is enclosed as ***Annexure – VI***.

## **5. Litigations in the past relating to Railways' distinct classification policy**

5.1 There have been several litigations in the posts relating to the classification policy being followed by Ministry of Railways. Details of some of these cases are mentioned below:

5.2 The Hon'ble Supreme Court has upheld the classification policy being followed by Ministry of Railways in **CA No. 4647/1992** vide judgment dt. **21.01.1998** while dealing with a demand of reclassification of accounts staff of Indian Railways as Group 'B' based on classification of Audit and Account staff in other Dept./Ministry of the Central Government. Above matter was decided by Hon'ble Supreme Court, observing as follows:

*“Thus, the simplistic solution to classification merely based on the scales of pay might lead into various complications and might lead to administrative hierarchical imbalances in any particular organization. Selection procedure for appointment to a particular group post and requirements of a department for classification of posts are valid considerations and any disturbance thereof would certainly lead to compounding of problems. We, therefore, cannot subscribe to the view that the scale of pay alone can be the criteria for classification of posts. Respondents have given valid and justifiable reasons as to why the Account Staff in the scale of ₹ 2000-3200/- cannot be put at par with their counterparts in CAG or CGDA in respect of*

*putting the Accounts Staff in Group 'B' posts merely on the basis of parity of pay scales.*

*There is no merit in this appeal. Therefore, the appeal is dismissed with costs."*

(Copy of the order is enclosed at **Annexure VII**)

5.3 **OA No. 60/00211/2017** filed by Indian Railways' Technical Supervisors Association over the same issue i.e. grant of Group 'B' status to JEs/SSEs was dismissed by Hon'ble CAT, Chandigarh vide its order dated 12.03.2016 (**Annexure VIII**) with the following observations.

**2.6** *"We find no justification for grant of Group-B status to the applicants. The OA is a gross abuse of process of law because the matter had already attained finality with Order dated 21-02-1992, letter dated 27-04-1992 and orders dated 19-04-1994 and dated 04-01-1996. The OA is completely devoid of substance and is accordingly dismissed. No costs."*

5.4 Similar judgement has also been passed by Hon'ble CAT, Madras vide its order dated 05.06.2012 in OA no. 658/2010 (S. Sivagurunathan and others vs. Union of India), Hon'ble CAT Bengaluru vide its judgement dated 13.04.2016 in OA no. 640-641/2014 (V. N. Narayanappa and others vs. Union of India) and OA no. 1001-1030/2014 (G. Pavanasam and others vs. Union of India). Copy of these orders are enclosed at **Annexure-IX**.

5.5 In a recent order dated 12.06.2018 in O.A. No. 148/2015 filed by Indian Railways' Permanent Way Engineers Association and others vs Union of India, Hon'ble CAT/Ernakulam Bench dismissed the O.A. with the following observations :

*".....We did not propose to venture into the detail pleading of the applicants in the O.A. in above paragraphs of this order because we are of the opinion that the O.A. could be disposed of on the preliminary objections pointed out by the respondents. The issue involved in this case being the need for re-classification of the posts held by the applicants from Group 'C' to Group 'B' keeping in view of the position of Group 'B' and Group 'C' posts in other departments of the Central Government, we feel that it is an issue which has to be dealt with by the respondent Railways as a policy decision on account of the special nature of functioning of the Railways which cannot be given a text book comparison with the Central*

*Government servants in other departments. The respondents in their preliminary objections have explained the nature of functioning of Railways which obviously is quite distinct from other administrative departments of the Government of India and its other organisations.....*

8. *We are of the opinion that since the relief sought in this Application fall under the realm of policy decisions of the Railway Board/Ministry of Railways, the preliminary objections raised by the respondents have to be given credence to and accordingly, the Original Application is only to be dismissed. In the result, the Original Application is dismissed. No order as to costs.*

Copy of the order is placed at ***Annexure-X***.

**5.6 The Classification Policy being followed by Ministry of Railways is distinct from that adopted by DoP&T for other Ministries/Departments of the Central Government that are governed by the CCS (CCA) Rules. This distinction has been clearly upheld judicially by various Hon'ble Courts of Law, including the Hon'ble Apex Court.**

6. **Reasons for not adopting the classification policy followed by DOP&T in Ministry of Railways.**

6.1 The Committee observed that classification of norms regarding Group 'A' posts have been generally same on the Railways as are followed for other Civil Posts. However, so far, CCA (CCS) norms for classifying the Group 'B' posts have not been adopted in the Railways, due to the reasons enumerated while obtaining approval of the Classification policy after the 6<sup>th</sup> CPC. Copy of the relevant noting is at ***Annexure-XI***.

**7. 7<sup>th</sup> CPC's RECOMMENDATIONS**

The issue of distinct classification of Group-B posts in the Railways was also examined by the 7<sup>th</sup> CPC. Vide para 11.40.114 of its Report (***Annexure-XII***), the 7<sup>th</sup> CPC observed as below:

*11.40.114 Regarding the grant of Group 'B' status, Ministry of Railways is of the view that the grant of Group 'B' status to employees with identical Grade*

*Pay in other ministries is as per the provisions of CCS(CCA) Rules, 1965, while posts in Railways are specifically excluded from the purview of these rules vide Rule 3(1)(a). Similarly, Central Civil Services (Revised Pay) Rules, 2008 are also not applicable to Railway servants who are governed by RS(D&A) Rules, 1968 and Railway Services (Revised Pay) Rules, 2008. This differentiation has been done keeping in view the unique functional, administrative and operational requirements of Railways which are very different from any other ministry or department in Government of India. The Ministry of Railways further contends that these views of the ministry have been upheld by the Hon'ble Supreme Court and no change is warranted.*

7.1 Consequent to the issue of the clarification orders of DoP&T on 09.11.2017 there have been demands from various Staff Associations and groups of employees to adopt the classification of posts done by DoP&T in the Railways too. Prominent among those so representing are Technical Supervisors (SSEs) in Level-7 (PB-2 GP-4600) who are classified as Group 'C' in Railways while their counterparts in other Ministries are generally in Group 'B'. In addition, there were several references from Hon'ble MPs in this regard. One such reference forwarded by Prime Minister's Officer on 03.08.2017 was signed by as many as 32 Hon'ble MPs. The said reference was replied vide CRB's letter dated 21.09.2017 (**Annexure-XIII**); nevertheless keeping in view of the persistent demand on the issue, the present Committee was constituted vide Board's order dated 12.06.2018 (**Annexure-I**).

7.2 In order to solicit views from all the Stakeholders, the Committee created a mail ID ([railwayclassificationcommittee@gmail.com](mailto:railwayclassificationcommittee@gmail.com)) facilitating all concerned to submit their representations directly to the committee. Further, a letter was issued to all Railways (**Annexure-XIV**) requesting all the PCPOs to give wide publicity so that stakeholders could forward the views to the Committee. In addition, the Committee also sought views of the recognised staff Federations of AIRF and NFIR, as well as from FROA & IRPOF. The Committee also held a public hearing on both **5<sup>th</sup> & 6<sup>th</sup> July, 2018** in Room No. 376 (Transformation Cell meeting room) of Railway Board wherein stakeholders were invited to interact and submit their views. Thus all feasible steps were taken to obtain views from interested persons/groups.



### 7.3 **Representations Received by the Committee**

7.3.1 In response to the views consolidated by the Committee 7424 mails were received by the Committee. Details of these mails are placed at ***Annexure-XV***. In addition to this 180 number of representations were also received by the Committee. Detailed list of these representations are placed at ***Annexure-XVI***.

#### 7.3.2 **Demands raised various Associations in their representations.**

The Committee received representations from the following broad categories :-

- (i) Railway Engineers Associations on behalf of SSEs & JEs.
- (ii) Indian Railway Legal Men's Association on behalf of Legal Cadre.
- (iii) All India Station Masters' Association on behalf of Station Masters.
- (iv) All India Commercial Apprentice Association
- (v) Public Prosecutors.
- (vi) Individual representations

#### 7.3.3 **Representations received from Associations representing SSEs & JEs**

Groups of Technical Supervisors have represented through associations having the following names :

- (1) Associations of Railway P.Way Engineers (ARPWE)
- (2) All India Railway Engineers' Associations (AIREA) and its affiliated Unions.
- (3) Indian Railway Technical Supervisors' Associations.
- (4) All India Direct SSE Federations.
- (5) Indian Railway Technical Supervisors Associations.

7.3.4 There have been various demands raised by various associations on behalf of Technical Supervisors. While some primarily demanded Group 'B' status on the ground that they possess the qualification of Bachelors' Degree in Engineering – often from premier institutes of the Country; others focused mainly on lack of promotional avenues and on need for career progression. Broadly, following demands have been raised by these associations in respect of the Technical Supervisors' categories.

- (i) Grant of Group 'B' (Non-gaz) status to Junior Engineers in Level-6.
- (ii) Grant of Group 'B' (Gaz) status to Senior Section Engineers in Level-7 at par with other Central Govt. Engineers related departments like CPWD/MES/CWC etc. without in changes operational and functional requirements of the Railway.
- (iii) Further progression to Level-8 & beyond in a time-bound manner.

7.3.5 In numbers as well as in intensity, an association called All India Engineers Federation (AIREF) has been most active in projecting demands on behalf of Technical Supervisory categories. This body has also attempted to counter what it perceives to be objections/problems to grant of Group 'B' status to Technical Supervisors, as under:

<b>Problems</b>	<b>AIREF's Remarks</b>
Gr. B Officers may need secretarial/stenographical assistance involving additional man power.	In Railways only JAG Officers and few Sr. Scale Officers are availing secretarial assistance and Jr. Scale Officers are generally not availing this facility. Secretarial assistance is made available considering the necessity, availability of man power and availability of fund etc. by Competent Authority. Therefore Railway would not be in obligation to provide. Secretarial assistance to all Gr. B Officers.
May hamper Organisational hierarchy.	As per data on hand (Annexure-4), the no. of Gr. A officers (8748) is more than the no. of Gr. B officers (7652), as on 01.03.2011. The trend violates the pyramid structure and no. of Gr. B officers should be enhanced.
May need additional Pass Facilities.	The nature of duty of Railway Engineers is such that it is not feasible for them even to avail the 03 sets of prevailing passes every year. Therefore the fear regarding additional passes is needless.
May need additional official accommodation	At present all In-charge SSEs have their own official accommodation facilities. Remaining engineers can be accommodated as per provisions given in Banking & Public sectors. Therefore there need be no apprehension on this account
May need additional Vehicles	Vehicles are sanctioned by Competent Authority keeping in view the actual requirement in the field. Recently SOPs have been revised to allocate/hire vehicles by field Engineers. Availability of vehicle to official requirement at the time of need would increase the efficiency of system.
May have interpersonal problems	As there would be no change in operational and functional requirements, fear of interpersonal problems is not justified.

7.3.6 Some demands raised on behalf of Technical Supervisors included upgrading their GP / Pay Level by placing JEs in Level-8 (GP 4800) and SSEs in Level-10 (GP 5400).

### **7.3.7 Demands raised by Station Masters :**

All India Station Masters Association (AISMA) claiming to be representing Station Masters category, has requested for grant of Group 'B' Status to Supervisory Station Masters citing the nature of duties performed by them. They highlighted the disciplinary powers, inspectorial authority and administrative control over subordinates and financial powers as the reason for grant of Group 'B' status to Supervisory Station Masters, in their representations.

### **7.3.8 Demands raised by other Supervisors of Traffic & Commercial Departments :-**

A body called the All India Traffic Apprentice Association represented on behalf of Supervisors such as Traffic Inspector, Chief Controllers, Station Managers and Chief Yard Masters. The demands raised by this association are as under : -

- Grant of Group 'B' (Non-gaz) status to all Traffic Inspectors, Chief Controllers, Station Managers and Chief Yard Masters in Level-6.
- Grant of Group 'B' (Gaz.) status to all Railway Traffic Inspectors, Chief Controllers, Station Managers and Chief Yard Masters in Level-7 at par with other Central Govt. employees working in Customs / Excise and Income Tax Department.

*(Note : It was pointed out during interactions that Inspectors in GP 4600/Level-7 in the Income Tax Dept. were still classified as Group 'C'; as seen in SSC Notification at Annexure-XVII)*

The association has also raised following demands:

- 1<sup>st</sup> (Seniority cum Suitability Promotion Channel) : -
  - i) Entry Grade should be 4600 GP Level 7 – 50% of the total strength
  - ii) 4800 GP Level 8 – 20% of the total strength Gr. B Non-Gazetted
  - iii) 5400 GP Level 9 – 25% of the total strength Gr. B Gazetted
  - iv) 6600 GP Level 10 – 5% of the total strength Gr. B Gazetted

- 2<sup>nd</sup> (Fast Track Promotion Channel) : Through a tough examination for talented employees. After induction in Gazetted cadre there should be time bound promotion.

Representatives of Commercial Inspectors met the Committee and asked for Group-B status for Supervisors in Commercial Department who have to interact with Railway clients & customers. It was represented that their present Group-C classification was not merely affecting the supervisors' social status & esteem but was also responsible for clients & customers not treating them with the seriousness that their functional role required. This, it was submitted, was against the organisation's commercial and financial interests as well.

### **7.3.9 Demands raised by Legal Cadre :-**

Representations in respect of Legal Cadre were given by Indian Railway Legal Men's Associations. The Demands raised by the Legal Cadre are as under: -

- Including post of Chief Law Assistants (CLAs) of Indian Railway for upgradation to Law Officer (Gazetted).
- Change the designation in the entry Level of the post of CLA without the term 'Assistant'.

7.3.10 In their justification, the association submitted that despite often possessing a Master's degree in law, the Group-C classification and designation as Chief Law Assistant reduces their efficacy while interacting with various officials and advocates.

### **7.3.10 Demands raised by the Prosecution Cadre :-**

The following points were highlighted by Public Prosecutors belongs to Prosecution Cadre, while demanding Group 'B' gazetted status :

- The post of Public Prosecutor (PP) and Assistant Public Prosecutor (APP) are statutory in nature under the provision of Section 24 and 25 of CRPC 1973.
- The statutory post of PPs and APPs are categorised as Gazetted in all the states including in the department of CBI and NCT Delhi.

- The minimum qualification for the recruitment of applicants to the post of Inspector Prosecution was fixed to be LLB and standing practice of 5 years as an advocate.

7.3.11 The associations also enclosed Gazette Notification dated 09.11.2017 and requested to grant Group 'B' (Gazetted) Status to Public Prosecutors in Railways working in the Grade Pay of 4600 on par with their counterparts in other Departments.

### **7.3.12 Demands raised by Indian Railway Dieticians Association :**

Indian Railway Dieticians Association in their representation demanded to bring the pay scales of the dieticians in railways at par with employees in the various hospitals of Ministry of Health and Family Welfare along with Group 'B' status. Their demand was based on the grounds that they are a very small cadre and have no promotional avenues.

7.3.13 **Individual representations :** Various individual representations have also been received from various employees raising similar demands for Upgradation of their posts/grant of Group-B classification.

## **8. Details of interactions with recognised Federations : -**

The Committee had sought views from the recognised staff Federations ( AIRF, NFIR) and also from IRPOF and FROA, and also invited them for interaction. NFIR and AIRF in a joint reference dated ( *Annexure-XVIII* ) desired separate interaction at senior Levels, before any decision was taken on this Committee's recommendations. NFIR vide their reference dated 06.07.2018 sought various information which were *prima facie* hypothetical in nature. However, AIRF vide their letter dated 18.07.2017 (**Annexure-XIX**) state that directly recruited SSEs with the qualification of B.Tech are facing lots of problems especially lack of avenues for further promotion and demanded that they should be given promotion in Group 'B' after 10 years **otherwise recruitment of the Graduate Engineers for the SSEs should be stopped immediately.**

## **9. Overview of the Demands raised:**

The Committee observed that the major demand raised is to grant Group 'B' (Gaz) status to Level 7 (GP-4600) and Group 'B' (Non Gaz) to Level (6) i.e. on the same lines of DOP&T though there is no financial benefit associated with it. The Committee found that demand for Group 'B' status raised on behalf of most Supervisory categories is because of the social status associated with it. It is also observed by the Committee that this demand for Group 'B' Status was also linked with the stagnation in the present Apex Level of Group 'C' and perceived lack of promotional avenues to Group 'B' & beyond under the existing 70/30 written examination-based promotional scheme.

## **10. Various options considered by the Committee.**

The Committee has analysed various options in this regard, as below:

### **10.1 Incorporate the CCS (CCA) classification system *in toto*, as demanded by various stakeholders who are in GP 4200/Level-6 and GP 4600/Level-7.**

Most of the representations received in the matter seek to bring the classification system of the Railways fully in alignment with DoP&T's classification under the CCS (CCA) Rules. As per this classification (*Annexure-IV*), posts in Level-6 and Level-7 are in Group-B. While categorisation of 'Gazetted' and 'non-Gazetted' within Group-B is not mentioned in this Order, executive instructions/RRs issued earlier (*Annexure-XX*) categorise posts in GP-4200 (present Level-6) as Group-B non-Gazetted and those in GP 4600/ (present Level-7) as Group-B Gazetted. It is this comparison/analogy that is being referred to in demands received for classifying Railway servants in GP 4200/Level-6 as Group-B non-Gazetted and all those in GP 4600/Level-7 as Group-B Gazetted.

#### **10.1.1 Advantages of aligning Railway Classification system fully with that of DoP&T's CCA (CCS)**

- i) It will remove resentment/sense of discrimination among a large number of Railway employees in supervisory positions who, in terms of job functionality, pay level and qualifications are on par with their peers in other Departments under the Government of India. However, while their peers in Level-6 & level-7 are classified as Group-B, Railway supervisors still chafe under the

classification of Group-C. The example of CPWD is relevant where JEs in 4200/ are classified Group-B non-Gazetted, and those in 4600/Level-7 are called Assistant Engineers and classified as Group-B Gazetted.

- ii) The upgradation in classification to Group-B will lead to increased self-esteem and status in these front-line supervisors and will thus improve their performance as well.
- iii) With adoption of modern technology and fixing of Diploma & Degree in Engineering qualifications respectively as entry DR qualification for JE & SSE, grant of Group-B status is essential in attracting and retaining quality talent in Railways.
- iv) With the virtual abolition of Group-D categorization, both the supervisors and the supervised (including unskilled categories of employees) are in Group-C. This affects the ability of senior supervisors to extract work and maintain discipline & control over workers who are in the same Group-C classification.
- v) Many categories of senior Supervisors (in GP 4600/Level-7) have to interact on a daily basis with outside agencies. Chief Law Assistants & Prosecution Cadre officials, for example, represent the Railways in dealing with Advocates and before Courts of Law. They enter Railways after a professional Law Degree and minimum Bar experience; yet their designation and Classification (as Group-C) lead to their not being accorded the consideration they deserve. This not only is personally humiliating for them, but also affects the Railways' interests as they are the principal face of the Railways in Court. Similarly, Chief Commercial Inspectors in Level-7, who have to canvass business and interact with Railways' customers, also suffer due to this Group-C classification and this also impacts the organization's interests. Classifying them as Group-B would not only raise their 'status', but would benefit the organisation as their interactions/inputs would be taken more seriously/given due consideration by the concerned outside agencies.
- vi) The upgradation of classification to Group-B would have positive financial implications for the Railways, as several Allowances presently payable to Supervisors classified as Group-C, would no longer be need to be paid. Views

of Board (including FC) on this matter, as recorded earlier *in 2007*, have been annexed by several representationists in this connection (**Annexure- XXI**).

#### **10.1.2 Additional contentions made in support of the demand for placing all level-6 & level-7 in Group-B**

- (i) Those recruited in Level-7 do not get any functional assured promotion in their usual AVC. Upgradation of Level-6 to Group-B non-Gazetted, and of Level-7 to Group-B Gazetted will remedy this, **if accompanied by further regular promotion within Group-B to Level-8 & Level-9.**

*(During interactions, it was pointed out that there was already a system of 70:30 promotion scheme based on written exam and further suitability testing of eligible Group-C employees. The demand/suggestion for regular promotion from Level-7 to Level-8/Level-9 would therefore clash with the existing system for promotion to Group-B. Many stakeholders were vociferous that the present system was flawed and opaque and that it prevented a hard-working field supervisor from qualifying to Group-B in a written examination-based system)*

- (ii) The percentage of Group-B employees is lowest in Railways (0.29%) as compared to all other Ministries/Departments of the Govt. of India (**Annexure- XXII**). Increase of this percentage will only bring the cadre structure more aligned with the rest of the Central Government.
- (iii) Admittedly, the Group-C classification of Supervisors in the Railways is a historical legacy. However, other Technical Departments where Supervisors were initially classified similarly, have moved on and have re-classified Supervisors as Group-B. Ordnance Factories under the MoD is an illustrative example where Supervisors in GP 4200 & GP 4600 are now classified in Group-B; even though in earlier Pay Scales, they were classified as Group 'C'.

#### **10.1.3 Arguments against the proposition to bring classification of Railway servants in full alignment with CCS (CCA) classification**



(a) **Organisational Legacy**

- (i) This is a time-tested and familiar classification that has served the Railways well so far and therefore no tinkering is really necessitated.
- (ii) Supervisors, including Sr. Section Engineers in the Railways, are essentially re-designated Inspectorial staff. They have always been (and are meant to be) the bridge between Gazetted Officers (Group-A & Group-B) and working hands. Classifying them as Group-B would bring them into the Officers categorisation and affect their supervisory functionality.
- (iii) **Courts have all along upheld the distinct system of classification of posts in the Railways.** Latest Judgment in the matter is of CAT/Ernakulam dated 12-06-2018 in OA No. 148/2015. **Any change in status-quo, would mean resiling from our long-held position on the matter, including replies sent to Hon'ble MPs and to PMO.**
- (iv) The Railway system of classification into Groups is straightforward. Groups- A & B are entirely 'Gazetted' and Group-C is non-Gazetted. Intake into Group-B is fully through promotion from Group-C . The promotion process is through two streams-70% & 30% and both streams involve qualifying through a written examination. Re-classifying certain categories of Group-C posts now as Group-B, could mean that there would be two sets of Group-B induction- one due to normal promotion and the other due to re-classification. Sustaining such a dual/parallel classification at the cutting-edge Supervisor/Asst. Officer level may not really be feasible.

(b) **Arguments from Administration's point of view**

- (i) All employees who entered Railway service were/are aware of the rules of the game before they joined Railway service. It is not as if they were misled into joining a Group-C post.
- (ii) The argument that all Civilian posts in GP-4600/ are Group-B is fallacious. Even today, there are several important categories of Civilian Posts in GP 4600/ that are still classified in Group-C. The recent notification of SSC is

enclosed in this connection, that shows Income Tax Inspectors in GP-4600/ to be classified as Group-C. (copy of notification enclosed as *Annexure-XVII*)

- (iii) The most vociferous proponents of being granted Group-B status are directly recruited Senior Section Engineers, who argue that as they have a Degree in Engineering, they should be granted this status. This argument has two fallacies- firstly, does it follow therefore that SSEs who come up from below through promotion (and are not B Tech qualified) should not be classified Group-B? Opinion among SSEs themselves is divided on this issue, as the Committee observed during its interactions with several SSEs on the 5<sup>th</sup> and 6<sup>th</sup> of July 2018. Secondly, just because minimum EQs are the same, pay scale & classification need not be the same. A B.Tech EQ is sufficient to clear the UPSC Engineering Services examination and join as a Group-A Officer, just as the same EQ is prescribed for an SSE. Similarly, a Bachelor's Degree in any subject is the minimum EQ both for a Sr. Clerk post in Railways/equivalent in other Central Government Depts. and for becoming an IAS officer through UPSC's Civil Services examination. Parity in classification & pay structure therefore cannot be claimed merely because of parity in entry qualifications.
- (iv) There are Professional Degree holders who still join in entry grades that are below 4600/. For instance, Physiotherapists whose entry EQ is a 4 year Degree in Physiotherapy + 2 years experience join in GP 4200/ and reach 4600/ via promotion reportedly after an average period of 8-10 years of service. Pharmacists, who have an entry EQ of a 4 year B Pharm degree, join in GP 2800/ and are upgraded to GP 4200/ after 2 years. To hold that SSEs in GP 4600/ constitute a special category that needs a higher status would therefore not be reasonable or fair in the context of relativities.
- (v) In the present system of classification, Group-B means Group-B Gazetted in Railways. Posts in GP 4600/ are Group-C. Any change in classification would entail changes in all rule books include IREC, IREM, RRs and in delegation of powers in various matters. It is pointed out that as per Rule 123 and 124 of IREC, Board has rule-making power only for Group-C. Re-classification to Group-B (whether Gazetted or non-Gazetted) would take away these powers.

As a corollary, delegation of powers to GMs on these matters (where it is not in conflict with Board's rules) would also be taken away.

- (vi) RRs for Group-B posts (whether Gazetted or non-Gazetted) are notified in consultation with UPSC. Presently, the number of Group-B cadres are limited. If posts in GP 4200 & GP 4600/ were to be classified as Group-B, the number of cadres/seniority units would be very large and framing & notifying the RRs would be a long and tortuous exercise.
- (vii) Since RRs of Group-C posts can be modified by the Administrative Ministry, issues regarding framing & review of EQs and fixing/relaxation of residency period are done in-house by the Railway Board. Therefore, minimum residency norms as prescribed by DoP&T are not applied in Railways. Once these posts are classified as Group-B, any amendments to RRs including EQs and residency period will need consultation with UPSC.
- (viii) Many Senior Supervisors even now are in GP of 4800/ and 5400/ on non-functional basis (MACP). The Command & Control structure in Railways is arguably still intact because they are still classified as Group-C whereas Assistant Officers are in Group-B. If Supervisors too are classified as Group-B (and especially Group-B Gazetted), then will they be amenable to administrative oversight by Assistant Officers? **In fact, one of the important reasons advanced by SSEs etc. is that they are finding it a problem to supervise effectively because those being supervised are also classified the same as Supervisors- in Group C. Applying the same logic, if senior supervisors and Asst. Officers are both in Group-B, and especially the Senior Supervisor is already in GP 5400/ (due to MACP), will the Asst. Officer in GP 4800/ be able to exercise effective control over him in field working?** In fact, the 7<sup>th</sup> CPC, rejected the demand for Chief Controllers for upgradation of Chief Controllers precisely on the grounds that any such upgradation would affect the command & control of the AOM over the Controller (para 11.40.49 of 7<sup>th</sup> CPC Report, enclosed at *Annexure-XXIII*)
- (ix) Branch officers in Railways exercise full D&A powers over all Group-C staff, including Supervisors in GP 4600/. There is no denying that D&A powers form an integral part of the command & control structure in the field. Presently, GM

is the appointing authority for Group-B officers in Railways, who are Gazetted officers. Conferring of Group-B status to Supervisors would therefore mean that the current delegation would no longer hold. Implications of this not only on field working but on logistics & management of a large number of D&A cases being transferred to senior management as a result of Group-B status to Supervisors, would be significant.

(c) **Systemic problems with increase in Group ‘B’ strength:**

The number of Group-B officers in Railways is presently only around 7000. If Group-B status is given to Supervisors who are presently in Group-C, the numbers involved are as below:

**Table**

SSEs only GP 4600/ (1)	JEs only (GP 4200/) (2)	SSEs + JEs only (3) = (1) + (2)	All Safety Categ Supervisors in GP 4600/ (4)	All Safety Categ. Supervisors in GP 4200/ (5)	All Safety Categ. Supervisors (6) = (4) + (5)	All GP (safety + non-safety) 4600/ (7)	All GP (safety + non-safety) 4200/ (8)	All GP 4600/ + 4200/ (9)
39000	19500	58500	59000	92500	151500	<b>70000</b>	220000	<b>290000</b>

(Basis; sanctioned strength as on 01.04.2014 enclosed as *Annexure – XXIV*)

10.1.4 Increasing the Group-B strength to several times its present strength, will present following operational, functional and logistics issues:

- (i) Promotions to Group-A now take place from Group-B officers, in consultation with UPSC. There is only one set of Group-B officers eligible for promotion to Group-A in the department as per suitability and seniority. If Group-C Supervisors are also upgraded to Group-B, then there will be two sets of Group-B officers in the system- one coming through the normal 70/30 promotional

route from Group-C, and the other consisting of erstwhile Supervisors now upgraded to Group-B. How will their *inter-se* seniority be regulated?

- (ii) As a corollary to the above, it is pointed out that promotion from one Group-B Gazetted post to another Group-B Gazetted post on functional basis is normally avoided . Even in the case of a field technical organisation such as CPWD (which is often cited by SSEs), JEs in 4200/ progress to AE in GP 4600/ (in Group-B Gazetted). Thereafter, AE does not progress to GP 4800/, but to Group-A posts- of course, only after prescribed years of service. **Overlapping of different Group-B seniority groups/cadres competing for the same entry grade of Group-A is neither the common practice in other organisations nor is introduction of such a structure desirable in Railways.**
- (iii) The cadre structure ratio between Group-A and Group-B which is now around 1:1 will get severely distorted if several tens of thousands of Supervisors now get added to the Group-B strength.
- (iv) It may be recalled that, unlike in many other Central Government Departments, entry-level Group-A and Group-B officers have the same Asst. Officer designation. There have already been several demands raised in the past by Group-B/promotee officers that they be merged with Group-A. **With the large influx of Supervisors into Group-B, existing stream of Group-B officers would probably demand merger with Group-A also arguing that if they and Supervisors are both in Group-B, they would be unable to exert effective control over the Supervisors.**
- (v) Grant of Group-B status (especially Gazetted) to Supervisors will inevitably lead to demands for facilities associated with this Classification & status- metal passes, duty passes & Privilege passes parity, office and ORH accommodation parity, and stenographic assistance parity. Instead of 15000 Officers (Group A & Group-B) presently entitled for such facilities, the number will increase by several times- as brought out at Table under sub-para (vii) above. This will be a reversal of the current efforts to make Railways a leaner and more efficient organisation.

### **10.1.5 Arguments from the employees' point of view**

Reclassification to Group-B is not an unmixed blessing for Supervisors who are presently in Group-C. The likely costs that are attached to this change in classification are also significant. These include:

- (i) Change of classification is seen to be conflated with improved promotional prospects in the perception of Supervisors, when the Committee interacted with them. This is an erroneous perception. **Change of classification to Group-B by itself will not lead to a higher pay or a higher pay grade. The existing stagnation at GP 4600/ Group-C will merely be transferred to GP 4600/ Group-B.** Service Rules are quite clear that intake into Group-A cannot be more than 50% by promotion for any vacancy year. As it is, entry into Group-A from Group-B even with the existing cadre structure of 1: 1 takes several years, with the problem bound to get aggravated after the Group-A cadre restructuring is finalised, as the number of junior posts will decrease in this restructuring exercise. **Addition of a corpus of anywhere between 70,000 Supervisors (in GP 4600/) to around 300,000 (GP 4600 + GP 4200) to this Group-B pool will ensure that stagnation at this level will reach unprecedented levels with virtually no hope for those at the tail-end of this Group to ever enter Group-A before their superannuation.** In the existing system, the Supervisor at least has a chance every year of breaking out of Group-C into Group-B through an examination. This hope, expectation and motivation will be completely extinguished once he/she is automatically classified Group-B and knows that the inexorable facts and circumstances of Service Rules governing Group-A entry, limited number of vacancy arising every year and his/her own seniority position in a gigantic group of candidates, render the likelihood of entering Group-A service in the next 15, 20 or even 30 years virtually non-existent. Breeding of such frustration at the cutting –edge Group-B level is neither in the organisation's nor the employee's interest.
- (ii) **Several Allowances are now given to Group-C staff, irrespective of the Pay Grade/Level that they hold.** JEs & SSEs, for example, get Workshop Incentives, Breakdown Allowance etc. Running Staff get Running Allowances and Loco Inspectors get ALK. Section Controllers and Chief Train Controllers

get Special Train Controller Allowance. All Group-C staff (even if they are drawing pay in GP 5400/Level-9 on MACP basis) get PLB. **Change of Classification, especially to Group-B Gazetted would lead to stoppage of these Allowances.** As some of these Allowances- such as PLB, Workshop Incentives and Running Allowances/ALK are significant in monetary terms, it is extremely unlikely that a change in “status” due to re-classification would compensate the affected employees for the real and material financial loss they would suffer on account of such re-classification.

- (iii) For Group-C staff, especially those in sensitive categories such as Running Staff, Train Controllers, Station Managers etc., there is a roster system of working with statutory hours. Classification to Group-B (and especially Group-B Gazetted) would threaten this system, as it could legitimately be argued that all these posts now come under the “Excluded” categorisation of HOER, to whom rostered & statutory hours of duty are not applicable.
- (iv) Reclassification to Group-B (and especially Group-B Gazetted) would take away the employee’s right to be the member of a recognised Trade Union and the protection/facility of collective bargaining that this offers.
- (v) Transfers of Group-C employees are normally within the Division, while for Group-B, transfers are across the Railway. Re-classification from Group-C to Group-B therefore, will potentially mean that Supervisors will be liable for inter-Divisional transfers also- if necessary, by maintaining his lien in the parent seniority unit, but transferring him/her freely across Divisions on administrative grounds, based on functional requirements.
- (vi) **Once posts are classified as Group-B, cadre restructuring will require approval of DoP&T/MoF.** The higher ratio of posts of SSEs (66.67%) as compared to JEs (33.33%), for instance, and the higher percentage of Level-6 & Level-7 posts in many cadres has been possible because these are classified as Group ‘C’ posts and hence restructuring has been in-house. Reclassification to Group ‘B’ will mean that restructuring percentage of posts in Level-6 & Level-7 will no longer be possible in-house and this will be to the disadvantage of Railway Staff.

- (vii) The minimum residency period for promotion from 2800/Level-5 to GP 4200/Level-6 is 6 years, and for promotion from Level-6 to GP 4800/Level-7 is 5 years, in terms of DoP&T rules (*Annexure-XXV*). In comparison, the minimum residency period for promotion within Group-C is only 2 years in the Railways. Further, GMs have power to relax this by one year in the interests of safety of operations. Once however Supervisors in Level-6 & Level-7 are classified as Group-B, the RRs will have to be notified with UPSC's concurrence, and UPSC is likely to insist on these being in line with DoP&T's minimum residency period. Relaxation in the residency period for promotion to Level-6 & Level-7 will then not be able to be done with GM's approval, as is the practice now. **Promotional prospects of many staff in feeder grades of Level-5 & Level-6 is therefore likely to actually decrease from the current scenario if the promotional grades of Level-6 & Level-7 are classified as Group-B.**

**The Committee therefore concludes that *in toto* adoption of DoP&T's classification norms as regard Group 'B' will not be feasible on the Railways.**



## **10.2 Considering only a limited pool of Supervisors for Group ‘B based on functional criteria/seniority of Service or EQ:**

During interactions with the Committee Members, several stakeholders too recognized that *in toto* application of CCS (CCA) classification was not a feasible option in the Railways set-up. Several of the representations received also acknowledged this and suggest instead that a limited pool of Senior Supervisors be considered for Group-B Gazetted status. Suggestions for limiting the pool essentially proposed any or a combination of the broad parameters- (a) **By mode & EQ of recruitment into Level-7** - Directly recruited SSEs as stakeholders argued for this parameter proposing that as B.Tech holders, they deserved Group-B Gazetted status when compared to other categories of Supervisors (b) **By length of service in Level-7-** Some SSEs & other categories of senior supervisors argued that those in Level-7 could be given Group-B Gazetted status after they had stagnated for a particular period of time in Level-6 & Level-7, say after they had got their first or second MACP.

10.2.1 The Committee has carefully considered the limitation criteria proposed. While the sentiments of directly recruited B.Tech SSEs are acknowledged, it would be neither legally sustainable nor organisationally fair to treat one set of Supervisors with a professional qualification of an engineering degree differently from other sets of Supervisors in the same Level with qualifications of say, an LLB degree or a B.Pharm degree. Secondly, even within SSEs, the directly recruited ones (with a minimum entry EQ of B.Tech) are only a subset of the total group that includes a significant number of “promotees”- including those initially recruited as erstwhile Group-D, those recruited as Technician-III and those recruited as JEs. Obviously, discrimination as regards Classification within a Pay Level based on mode of recruitment & qualifications is neither organisationally desirable nor even legally sustainable.

10.2.2 The Committee also examined the suggestion that those Supervisors who are placed in GP 4800/Level-7 and above on MACP basis (thus indicating their seniority & stagnation in promotion) be given Group-B Gazetted status. **This too is an unworkable proposition because Classification has to be based on post and not the person occupying the post and the grant of MACP to a person is not synonymous with that person’s seniority in the substantive post held by him/her.** The example given in *Annexure-XXVI* may be illustrative in this regard.

10.2.3 Two more possible methodologies as regards the limiting criterion have been examined by the Committee. One was to limit the Group-B status to only ‘Safety Category’ Supervisors (in only Level-7 or in both Level-6 & Level-7), who need this enhanced classification to better perform their duties in the field. There are three issues with this option. Firstly, categorisation as “safety” and “non-safety” is not based on the IREC but is an executive/administrative classification. The list of ‘safety categories’ is also not constant with demands being received for inclusion of more categories of posts – as for example, the proposal to include Works Supervisors of the Engineering department . In such a dynamic situation, linking Group-B classification with safety category categorisation would be unwise. Secondly, not all Safety Category Supervisors work in the field. There are a number of such Supervisors posted in Divisional Offices, Zonal Railway HQ offices, and in the Railway Board. This posting is often on deputation/rotation basis. Having a system where a Group-B Field Supervisor reverts to Group-C in a ‘non-field’ posting would clearly be unworkable. Thirdly, excluding non-Safety Category Supervisors from Group-B classification would neither be in the interests of organisational harmony and equity, nor would it be defensible in legal challenges that would inevitably follow, if such selective classification were attempted.

10.2.4 The final option considered by the Committee under this head was whether it would be possible to restrict the number of Group-B posts to those that were earlier classified as the Apex Group-C grade of 2375-3750 (4<sup>th</sup> CPC)/7450-11500 (5<sup>th</sup> CPC), prior to the merger of scales in the 6<sup>th</sup> CPC. There are three problems in adopting this methodology. Firstly, cadre restructuring done in-house in 1993, 2013 & 2013 has changed the percentages of Group-C (including senior supervisors) posts from the one that existed at the beginning of each Pay Commission. Secondly, merger of posts in 6500-10500 and 7450-11500 has specifically been done and revised GP of 4600/ recommended by the 6<sup>th</sup> CPC. To artificially dis-aggregate them now for classification purposes would not be legally sustainable. Thirdly, some of the posts that were earlier in 7450-11500 do not exist in that grade any longer. For example, earlier posts of Chief Crew Controller and Chief Power Controller existed in 7450-11500 alongwith Chief LIs as Running Supervisors. Presently, however, these posts (of CCC, CPC and CTPC) have been merged with and form part of the Loco Running cadre in GP 4200/Level-6. Using the earlier 2375-3750 or the 7450-11500 apex Group-C scales as the criterion for a revised classification of posts, therefore, is not feasible.

**10.2.5 Accordingly, the Committee concludes that any re-classification has to be attempted on a broad criterion of Level of pay in the substantive post and any other selective/limiting criteria are not feasible.**

### 10.3 Optimal solution as recommended by the Committee

The Committee points out that maintaining status quo as regards classification of Railway Services (that is, continue with Classification issued on 08.01.2010 in the 7<sup>th</sup> CPC Pay structure, as well) is still relevant- considering its historical/time-tested aspects, the distinct functional structure of the Railways and the consistent legal validation to the Railways' classification structure by various Courts of Law, including the Hon'ble Supreme Court. The Committee notes that the nodal Directorate had also proposed accordingly on File No. PC-VII/2017/RSRP/2 for the approval of the Competent Authority.

10.3.1 Given however, the specific mandate to the Committee, and acknowledging the reality of the aspirations of Railway supervisors in a comparative social milieu, the Committee recommends the following Classification system that attempts to balance the organisational interests with senior Supervisors' aspirations for social mobility and improved promotional prospects.

#### 10.3.2 The Committee accordingly proposes the following Classification system:

- (i) All employees in GP 4600/Level-7 on a substantive basis will be classified as Group-B (non-Gazetted). In categories such as Sr. Section Officers in Accounts Department, Nursing Staff and Teaching Staff, where employees in Level -8 & Level-9 are also categorised presently as Group-C, these posts will also be included in the Group-B non-Gazetted classification.
- (ii) Total number of Group-C posts re-classified to Group-B (non-Gazetted) as a result of (i) above would be approximately 70,000.
- (iii) The revised classification, based on substantive/functional Pay Level, would therefore be essentially four-fold as below:

- **Group-A (Level-10 & above) (around 8000 in number)**
- ↑
- **Group-B (Gazetted) (Level-8 & 9) (around 7000 in number)**
- ↑
- **Group-B (non-Gazetted) (Level-7) (around 70,000 in number)**
- ↑
- **Group-C (Level-6 & below) (over 12 lakhs in number)**

- (iv) **The proposed re-classification to Group-B non-Gazetted is recommended to be contingent on modification to the existing system of promotion to Group-B (Gazetted), as brought out at para 11.4 of the report.**

## **11 Examination of the Committee's recommendation on classification of Level-7 as Group-B non-Gazetted**

### **11.1 Rationale**

11.1.1 DoP&T's classification of posts under CCS (CCA) Rules talks only of classification as Group-A, Group-B, Group-C and Group-D (prior to 6<sup>th</sup> CPC). Classification orders in this regard are at *Annexure-XXVII*. Thus, the classification orders do not distinguish between 'Gazetted' and 'non-Gazetted' and it is the executive instructions/RRs that bring out this distinction of Gazetted and non-Gazetted, especially within Group-B posts.

11.1.2 From many of the representations received as well as interactions with stakeholders, the Committee **observed that the primary grievance of SSEs, CLAs & Prosecution Cadre officials etc. was their classification as Group-C , which they wanted upgraded to Group-B. The issue of 'non-Gazetted' and 'Gazetted' was additional/secondary to the main issue of Group-B classification vis-a-vis their existing Group-C classification.** It is in this context and background therefore that the Committee recommends Classification of senior Supervisors (those in substantive Level-7) as Group-B (non-Gazetted). Classifying them as Group-B automatically satisfies their social esteem needs & requirements while the 'non-Gazetted' caveat ensures that the existing structure & hierarchy is not fatally disturbed.

11.1.3 Also, functional promotions from Group-B Gazetted to Group-B Gazetted, as pointed out earlier, are **not** the norm in Ministries/Departments- be they in the Secretariat (CSS/AFHQ etc.) or in field-oriented organisations (CPWD/Ordnance Factories under MoD etc.). Even in the Railway Board, ASOs in GP 4600/Level-6 are classified as Group-B non-Gazetted, who then get promoted to Group-B Gazetted in Level-7 and thereafter are promoted to Group-A. The Committee's recommendation therefore to grant Group-B non-Gazetted status (and not Group-B Gazetted status) to Level-7 posts (with further progression to Group-B Gazetted in Level-8 as per normal AVC) is in conformity with this system of progression.

11.1.4 **Once posts in GP 4600/Level-7 are granted Group-B non-Gazetted status, it is neither feasible nor desirable that posts in GP 4200/Level-6 also be granted the same**

**classification.** Even in numerical terms, having around 77000 posts in Group-B (around 7000 in Group-B Gazetted and around 70000 in Group-B non-Gazetted) works out to a Group-B percentage of around 6% in a total strength of around 13 lakhs. If all GP 4200/Level-6 posts are also included, the total strength of Group-B becomes around 3 lakhs (7000 Group B Gazetted + 70000 in Level-7 + 220000 in Level-6), which comes to around 23 % of the total strength of around 13 lakhs. This is an unreasonably high figure and is clearly not implementable in the field-based organisation that the Indian Railways is.

**11.1.5 Hence, the rationale for restricting the re-classification to Group-B non-Gazetted and to all employees in substantive Level-7 (GP 4600/-) as proposed by the Committee.**

## **11.2 Justification & Feasibility of the recommendation**

11.2.1 The primary grievance of Senior Supervisors (including SSEs and those with public interface) that they are still classified as Group-C, will be addressed with their proposed re- classification to Group-B.

11.2.2 JEs & others in Level-6, who would still be classified as Group-C, would still be assured that in a time-bound manner, they would get the Group-B classification on promotion to Level-7. Considering the ratio of Level-7 to Level-6 posts in most cadres (*Annexure-XXVIII*), this wait would not be long for most.

11.2.3 The relativity of the command & control structure in the field is not being disturbed. Level-7 posts classified as Group-B non-Gazetted & their incumbents would still be subordinate in terms of Pay Level, functionality and classification to Group-B Gazetted posts and their incumbent Asst. Officers in Pay-Levels 8 & 9.

11.2.4 Since promotion to Group-A would only be from Group-B Gazetted, the approximately 1 : 1 ratio between Group-A and the feeder promotional grade of group-B Gazetted would not be affected.

11.2.5 The existing written-based promotional examinations from Group-C to Group-B has several issues of concern. Zone-wise variations in frequency of conducting the examinations and concerns in the setting of question-papers, evaluation of answer-books & the *viva-voce process* (as also reflected in vigilance investigations in Group-B selections) are known and were also raised by various stakeholders during their

interactions with the Committee. Besides, it is a fact the promotions from Group-B to Group-A are DPC-based in other Ministries/Departments of the Government. Granting Group-B non-Gazetted status to Level-7 and adopting the modified system for promotion to Group-B Gazetted as recommended by the Committee in 11.4 of their report will therefore be a feasible and credible alternative to the existing system of classification and promotion to Group-B.

### 11.3 Necessary Caveats and Corollaries for implementation of the recommendation

For the modified classification system to work without disrupting field working, the following subsidiary recommendations also need to be adopted:

### 11.4 Modification in promotion to Group-B (Gazetted)

The existing system provides for intake into Group-B Gazetted through promotion (by 70% & 30% quota examinations) from eligible Group-C staff. Eligibility for consideration for promotion is GP 4200/Level-6 with prescribed minimum regular service in the grade. With the proposed re-classification of Level-7 regular posts as Group-B non-Gazetted, intake into Group-B Gazetted (Asst. Officer) will have to be essentially through promotions from Supervisors in Group-B non-Gazetted. Otherwise, having posts classified as Group-B non-Gazetted, and yet having existing system of promotion to Group-B through fully decentralized written-examinations & viva-voce with Group-C (level-6) minimum eligibility conditions, would lead to frustration & resentment in the re-classified Group-B non-Gazetted categories of employees. This would also potentially disrupt the linear chain of command from Group-C (Level-6 & below) → Group-B non-gazette (Level-7) → Group-B Gazetted (Asst. Officer) → Group A higher posts. It is therefore essential for the success of the proposed re-classification that the primary, if not sole intake into Group-B Gazetted (Asst. Officer) level be from the Group-B non-Gazetted (Level-7) category. To safeguard the interests of field Supervisors who may not have the time & access to preparation that non-field Supervisors might have, and also to take care of the present widespread apprehensions on the credibility & transparency of the written-examination & viva-voce based promotional process, it is necessary that this be replaced by a DPC-based system, as in other Ministries/Departments in the Govt. of India. **It is recommended that promotions from Level-7 (Group-B non-Gazetted) to Level-8/Level-9 (Group-B Gazetted for Accounts & non-Accounts Asst. Officers respectively) be made through DPC mode (as in other Ministries of the Govt of India).** Thus, record of service and usual clearances will determine suitability for promotion from Level-7 to Level-8/Level-9, with seniority & roster determining field of eligibility as for other DPCs. Keeping in view the argument that in the Railways' setup, professional/managerial competence needs to be tested before intake as an Asst. Officer, **a qualifying test to ensure threshold competence can perhaps be administered to eliminate any unsuitable candidates.** This test, which will be only of



qualifying nature, can perhaps be set Centrally and sent in sealed covers for being administered by Zonal Railways- akin to the Appendix examinations system in the Accounts Department. This would improve the credibility of the exercise as well as introduce a degree of uniformity in the scheduling and quality of Asst. Officers intake across Zonal Railways/PUs.

11.4.1 The Committee does not consider that an LDCE stream for promotion to Group-B is necessary to be retained. This is due to two reasons. Firstly, the LDCE system of written examination & viva-voce is subject to the same pitfalls/issues that the existing system is perceived to suffer from. Secondly, with a relatively large feeder grade of Level-7 employees (around 70000) and a much smaller promotional grade of Group-B Gazetted posts (around 7000), it would perhaps be unfair to divert a portion of the vacancies that arise each year away from the DPC stream. The Committee agrees however that there can also be a case to be made for recognizing and rewarding outstanding talent that may not be senior enough to figure in the DPC eligibility. Accordingly, if an LDCE component is considered necessary, the Committee recommends that it not exceed 15% of the vacancy arising in a year (as against the 30% at present). Whether this LDCE component should be restricted only to Level-7, or be thrown open to both Level-6 & Level-7 is a decision for management to take- though the Committee, on balance, feels that the former would be preferable. Also, the Committee is clear that **if the LDCE component is retained, then the written examination papers would have to be set centrally and central observers to be involved in the administration of the exam conducted in each Railway/PU.**

11.4.2 Once intake into Group-B Gazetted as Asst. Officer is defined as above, further upgradation of Group-B officers into Level-10 (after 4 years service), wherever admissible, and their intake into Group-A will follow the usual extant procedure.

**11.5 Stopping of Direct Recruitment in SSEs and in Level-7 in any other cadre where there is a feeder grade of GP 4200/Level-6 in the cadre :** The maximum number of representations and the most forceful demands for Group-B status is from the category of SSEs. While Group-B status was the primary grievance, directly recruited SSEs repeatedly brought out their lack of an assured functional promotion in the AVC, in their representations to and interactions with the Committee members. Several SSEs brought out that they were stagnating at this Level for over 20 years without a functional promotion. It is a fact that the

7th CPC has also commented on this aspect in *para 11.40.113* of their Report (***Annexure-XII***). Stopping of Direct Recruitment at SSE level, and at 4600/Level-7 in all other cadres that have a feeder grade at Level-6, is therefore recommended by the Committee. This will ensure that employees can look forward to at least one assured functional promotion in their normal AVC (subject to suitability & usual clearances), apart from non-functional MACP financial upgradation. While most categories of employees would be covered, there are certain categories (such as CLA & Prosecution cadre) where the initial intake is itself in GP 4600/Level-7. These will have to be looked at separately to see if specific solutions can be designed. Else, they will in any case, get Group-B non-Gazetted status, and financial upgradations under MACPS. Stopping of Direct SSE –level recruitment has also been deliberated in Railway Board. Staff Federations too would perhaps not be opposed to this decision, as seen from AIRF’s letter at ***Annexure-XIX***.

11.5.1 A possible argument against the stopping of DR in SSEs is that qualified B.Tech candidates will then not become available and this would be a matter of concern in a scenario where qualified supervisors are essential in adopting and maintaining increasingly technology-oriented work processes in the Railways. A look at the JE direct recruitment statistics is however sufficient to counter this argument. Even though minimum qualification for JE is Diploma (for DR), out of the 399 empanelled by the nodal RRB (RRB/SC) against the last examination (conducted in 2015), as many as 316 were B.Tech holders. Thus, almost 80% of Directly Recruited JEs are graduate engineers. That this is not a regional phenomenon is seen from figures furnished by RRB/Patna that show that 56 out of 72 JEs are graduate engineers (***Annexure-XXIX***). Therefore, recruiting similarly qualified persons at a higher level of SSE through Direct Recruitment does not seem indicated.

## **11.6 Functional aspects:**

A clear and unequivocal statement that the Supervisors re-classified to Group-B non-Gazetted will continue with all their functional duties and responsibilities just as they did while classified as Group-C. This clause will have to be worded carefully into the relevant gazette notification as well as executive orders /RRs. It may desirable to have this accepted (through signature on a copy of the order/option form) by individual employees as a mark of abundant precaution.

## 11.7 No enhanced eligibility for entitlements

The present system of eligibility for entitlements of Group-B officers as regards Passes, Office & Rest House accommodation, allotment of residential accommodation, stenographic assistance will be available only for Group-B Gazetted Officers who are in Level-8 & 9 on substantive basis. Officials who are in substantive Level-7 (or the analogous higher Levels applicable to Sr SOs of Accounts Department, Nursing Staff & Teaching Staff) classified as Group-B non-Gazetted will continue to be governed by all their existing entitlements/privileges only. A useful reference point here is that of ASOs in the Railway Board in GP 4600/Level-7 who are classified as Group-B non-Gazetted but do not have the entitlements of Group-B Gazetted Officers for Passes, Rest House accommodation etc.

## 11.8 Framing of Rules

RRs of Group-B posts need to be framed in consultation with UPSC and Ministry of Law (*Annexure-XXX*). The proposed Group-B (non-Gazetted) classification will affect a large number of posts- SSEs within a Department itself, for instance, will belong to different streams- and each such distinct stream will require a distinct RR. Framing & notifying these RRs will therefore require sustained effort and co-ordination- both intra-Ministerial within the Railway Board Directorates, and inter-Ministerial. **Correspondingly, the RRs of existing Group-B (Gazetted) posts will also need to be modified** in consultation with UPSC & Ministry of Law, to take into account revised eligibility for promotion from the newly classified Group-B non-Gazetted posts. **Corresponding amendments in IREC and other rule books will also need to be made.**

**11.8.1** Therefore, while powers of classification of posts rest with the Ministry of Railways in terms of the relevant Allocation of Business Rules (*Annexure-XXVII*), the RRs for Group-B posts (whether Gazetted or non-Gazetted) can be framed only in consultation with UPSC & M/o Law. **This will necessarily involve both lead time and a building of consensus.** Hence this aspect will have to be made clear while notifying revised classification so that expectations are grounded in reality.

## 11.9 Disciplinary powers over the re-classified Supervisors:

With Group-B non-Gazetted status to senior Supervisors, the issue of Disciplinary Powers over them will also need to be addressed. The Committee recognizes that existing

system of working in the field should not be adversely impacted due to the re-classification. For this, it is essential that Controlling Officers & Branch Officers continue to have adequate administrative (including Disciplinary) powers over these senior Supervisors, even after their re-classification. The Committee therefore recommends that all Disciplinary powers **except** the stiff major penalties of Compulsory Retirement, Removal and Dismissal from service be retained at the Controlling Officer/Branch Officer Level, as at present. Stiff major penalties (Compulsory Retirement, Removal and Dismissal) that are presently being exercised by JAG/Branch Officers at present be shifted upwards to SAG (either ADRM or functional HoD at HQ) with the CHoD/PHoD then becoming the Appellate Authority for these (stiff major penalties). As the number of cases of Level-7 employees requiring stiff major penalty is not likely to be large, this proposed shift in D&A is not likely to overburden senior officers or dilute effective administrative control of Controlling Officers/Branch Officers in the field.

17.7 A related aspect that will have to be taken care of is that the definition of ‘Appointing Authority’ for Group-B non-Gazetted should not contradict the delegation of powers to various authorities as regards D&A matters.

#### **11.10 Retention of existing allowances after re-classification:**

The proposed re-classification of senior Supervisors to Group-B non-Gazetted will not entail any functional change in duties, responsibilities and processes of working. Even those demanding Group-B status broadly agree with this. This being so, there is no reason for denial of the existing Allowances payable to these Supervisors- including PLB, ALK/Breakdown Allowance/Workshop Incentive etc., as admissible to their functional designation & Pay Level. There are three reasons for this recommendation. Firstly, as the Committee has not agreed with the demand for Group-B Gazetted status to senior Supervisors and does not recommend grant of any of Gazetted Officers’ entitlements of Passes, ORH etc., it would not be fair or just to take away long-held Allowances either on account of this re-classification. Secondly, Allowances often (especially ALK & Workshop Incentive) are the functional basis on which work output & productivity is determined in the field and doing away with them would impact the present system of working adversely. Thirdly, payment of such Allowances emphasizes and reiterates the distinction between the non-Gazetted Classification of Supervisors and the higher Gazetted Classification of existing Group-B officers. This is likely to prove significant in defending against any future demand (including legal challenge) for any parity between Group-B non-Gazetted and Group-B Gazetted officials.

**11.10.1 Similarly, the Committee also recommends that the re-classified Group-B non-Gazetted employees continue to be eligible for participating in recognized Trade Union activities, as at present.** Demands have been received (especially from SSEs) that they be allowed to form a separate Association/Union to negotiate on their behalf with Administration. The Railways' stand has consistently been that recognized Trade Unions at the Divisional/Unit Level with their Zonal structure and ultimate affiliation to either of the two recognized Staff Federations (AIRF & NFIR) represent all Departments and are thus authorized to negotiate with Administration without Departmental or Post bias. In a multi-disciplinary & multi-Departmental organisation such as the Railways, this obviously is of critical importance. Permitting Post-based Associations would go against this fundamental concept. As the functional nature of their job profile does not change even after the proposed re-classification to Group-B non-Gazetted, the Committee recommends that their eligibility to participate in recognized Trade Union activities will continue as at present.

12. **Impact of pending proposals for re-classification/upgradation of Level-7 (GP 4600/) on the Committee's recommendation**

12.1 As mentioned earlier also in the Report, improvement in status & promotional prospects of senior Supervisors has been a longstanding demand and the 7<sup>th</sup> CPC also, in para 11.40.112-11.40.113 (*Annexure-XII*) of their report, have agreed that their promotional prospects need to be improved. Two parallel proposals were initiated in this regard by the Railway Board. The first was to upgrade around 5% of total GP 4600/Level-7 posts (around 3500 posts) to Group-B Gazetted to provide additional promotional prospects to senior Supervisors. This proposal has four drawbacks. From the employees point of view, it addresses only a small portion (5%) of the total stagnation issue. From the administrative point of view, it does not take into account the void in supervisory functions at the ground level if 3500 of the existing front-line Supervisors become Group-B Gazetted officers. From the organisational point of view, the issue of filling up of these upgraded posts remains. If the upgraded posts in Group-B Gazetted are filled up in the normal manner of 70/30 with written examinations & viva voce, then there is no assurance that those senior/stagnating in Level-7 will get relief. If this system of granting of in-situ upgradation & promotion to Gazetted status is considered, then there will be two mutually exclusive streams of Group-B Gazetted officials in the organisation- with all the concomitant problems (including *inter-se* seniority for Group-A intake) that this would entail. Finally, from the systemic point of view, while the strength of Group-B Gazetted cadre would increase by 50% (from the present around 7000), intake into Group-A would continue to be governed by organised Service Rules of 1:1 (DR : Promotion). The stagnation in Group-B Gazetted that is now being brought out by Promotee Officers would get further exacerbated. In other words, the stagnation problem in Level-7 would only get replicated upwards with a multiplier effect (due to the smaller size of the Group-B Gazetted cadre). **This proposal is accordingly not being followed up further in favour of the second proposal mentioned below, as decided by the Railway Board.**

12.2 The second proposal was for upgrading 75% of Level-7 posts to an intermediate stage of GP 4800/Level-8, to be operated in Group-C itself with appropriate Recruitment Rules to be framed by the Ministry of Railways. This proposal had the twin objectives of improving promotional prospects of Level-7 employees as well as address the upsetting of parity between Accounts & non-Accounts officials after the 6th CPC implementation. This proposal is being followed up with the Ministry of Finance presently (*Annexure-XXVIII*). This proposal benefits a majority of the affected Level-7 employees and does not suggest change in

their classification. If Ministry of Finance does at all agree to this proposal, then this will only mean that an additional functional level of promotion in Level-8 will open to Supervisors. These posts can be re-classified as Group-B non-Gazetted (as with posts at Level-7) and will still be distinguishable from Group-B Gazetted posts in Level-8/9/10. In fact, even now, Sr. Section Officers in the Accounts Department in the field are already in GP 4800/ Level-8, but still classified as Group-C. **Therefore, any approval of MOF to this pending proposal, as & when received, can still be harmonized with the Committee's recommendation on re-classification of Level-7 to Group-B non-Gazetted.**

### 13. SUMMARY OF RECOMMENDATIONS :

After examining all issues related with re-classification and consulting the stake holders , Committee submits the following recommendations :-

- (i) All employees in **GP 4600/Level-7 on a substantive basis** will be classified as Group-B (non-Gazetted). In categories such as Sr. Section Officers in Accounts Department, Nursing Staff and Teaching Staff, where employees in Level -8 & Level-9 are also categorised presently as Group-C, these posts will also be included in the Group-B non-Gazetted classification. Total number of Group-C posts re-classified to Group-B (non-Gazetted) as a result of the change in classification would be approximately 70,000.
- (ii) The revised classification, based on substantive/functional Pay Level, would therefore be essentially four-fold as below:

- **Group-A (Level-10 & above) (around 8000 in number)**
- ↑
- **Group-B (Gazetted) (Level-8 & 9) (around 7000 in number)**
- ↑
- **Group-B (non-Gazetted) (Level-7) (around 70,000 in number)**
- ↑
- **Group-C (Level-6 & below) (over 12 lakhs in number)**

- (iii) Direct Recruitment in SSEs and in Level-7 in any other cadre where there is a feeder grade of GP 4200/Level-6 in the cadre to be **discontinued forthwith**.
- (iv) In order to bring bring transparency and dispel the existing complaints of the present written-examination & viva-voce based promotional process to Group 'B', it is recommended that the present system(70/30) of promotion to Group 'B' (**from Level-7 (Group-B non-Gazetted) to Level-8/Level-9 (Group-B Gazetted for Accounts & non-Accounts Asst. Officers respectively )** be replaced by a DPC-based system, as in other Ministries/Departments in the Govt. of India. If considered required, a qualifying paper could be administered to ensure that those figuring for empanelment in terms of DPC eligibility conditions, meet minimum



threshold requirements. It would be desirable to have even this qualifying paper set centrally and administered appropriately in field units. Minimum benchmark score, validity and administering agency can perhaps also be defined for enhancing credibility of the process.

- (v) Once re classifiedn as Group 'B'/ (Non Gaz), there shall be no change in any functional discharge of duties, responsibilities and processes of working and as such they will be entitled for Allowances/incentives such as PLB, ALK/Breakdown Allowance/Workshop Incentive etc., as admissible to their functional designation & Pay Level.
- (vi) There shall be no change in the entitlements such as Passes, ORH etc in respect of re-classified Group 'B' (Non-Gazetted) employees.
- (vii) The re-classified Group-B (Non-Gazetted) employees shall continue to be eligible for participating in recognized Trade Union activities, as at present.
- (viii) Committee do not agree to the demands received (especially from SSEs) that they be allowed to form a separate Association/Union to negotiate on their behalf with Administration as permitting Post-based Associations would go against the fundamental concept of the Railways' stand that the recognized Trade Unions at the Divisional/Unit Level with their Zonal structure and ultimate affiliation to either of the two recognized Staff Federations (AIRF & NFIR) represent all Departments and are thus authorized to negotiate with Administration without Departmental or Post bias.
- (ix) On reclassification as Group 'B'(Non Gazetted), all Disciplinary powers **except** the stiff major penalties of Compulsory Retirement, Removal and Dismissal from service be retained at the Controlling Officer/Branch Officer Level, as at present. Stiff major penalties (Compulsory Retirement, Removal and Dismissal) that are presently being exercised by JAG/Branch Officers at present be shifted upwards to SAG (either ADRM or functional HoD at HQ) with the CHoD/PHoD then becoming the Appellate Authority for these (stiff major penalties).

- (x) The RRs for Group-B posts (whether Gazetted or non-Gazetted) will have to be framed as per the procedure laid down after having consultation with DoP&T, UPSC & M/o Law. Other rule books, including the IREC, will also have to be amended to reflect the changed classification.

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**Board**  
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**List of Annexures**

<b>S. No.</b>	<b>Annexure</b>	<b>Details of Annexure</b>	<b>Page No.</b>
1	Annexure-I	Board's Order dated 12.06.2018 regarding constitution of a Committee to examine the issue of granting Group 'B' Status to various existing Group 'C' Posts.	51-52
2	Annexure-II	Board's Order dated extending the tenure of the Committee upto 11.08.2018.	53
3	Annexure-III	DoP&T's Order dated 09.11.2017 regarding classification of Central Civil Services.	54
4	Annexure-IV	Rule 3 of CCS(CCA) Rules, 1965	55-58
5	Annexure-V	Allocation of Business Rules -1961 and Transaction of Business Rules.	59-91
6	Annexure-VI	Board's letter RBE No. 05/2010 dated 18.01.2010 regarding classification of Railway Services consequent upon introduction of RS(RP) Rules, 2008.	92-97
7	Annexure-VII	Judgement dated 21.01.1998 of Hon'ble SC in CA No. 4467/1992 regarding demand of reclassification of Accounts Staff of Indian Railway Railways as Group 'B' based on classification of Indian Audit and Accounts Staff.	98-109
8	Annexure-VIII	Order dated 12.03.2016 of Hon'ble CAT Chandigarh in OA No. 60/00211/2017 filed by IRTSA.	110-127
9	Annexure-IX	Order dated 13.04.2016 of Hon'ble CAT Madras in OA No. 658/2010 (S. Sivagurunathan and other vs. UOI), Judgement dated 13.04.2016 of CAT/Banguluru in OA No. 640-641/2014(V. N. Narayanappa and other vs. UoI) and OA No. 1001-1030/2014 (G Pavanasam and other vs. UoI).	128-167
10	Annexure-X	Order dated 12.06.2018 of CAT/Ernakulam in OA No. 14/2015 filed by Indian Railway's Permanent Way Engineers Association and other vs UOI.	168-174
11	Annexure-XI	Copy of Notings of F. No. 2009/I/RSRP/4 relating to classification policy after 6 <sup>th</sup> CPC	175-190
12	Annexure-XII	7 <sup>th</sup> CPC's recommendations regarding classification of Technical Supervisors of Railways.	191-193
13	Annexure-XIII	Letter dated 21.09.2017 from Board (CRB) to Addl. Principal Secretary, PMO regarding demands of Technical Supervisor of Railways for classification as Group 'B'.	194-196
14	Annexure-XIV	Board's letter dated 18.06.2018 addressed to	197

		all PCPOs requesting to give wide publicity and to obtain the representation from all the stakeholders and forward the same to the Committee on Classification of Railway Services.	
15	Annexure-XV	List of emails received various stakeholders.	198-339
16	Annexure-XVI	List of representations received by the Committee.	340-345
17	Annexure-XVII	SSC CGLE recruitment notification 2017	346-351
18	Annexure-XVIII	Joint letter of federations dated 05.07.2018	352-353
19	Annexure-XIX	AIRF's letter reg. SSE dated 18.07.2018	354
20	Annexure-XX	OM of M/o PPG&P reg. RRs dated 31.12.2010	355-357
21	Annexure-XXI	Observations of Board(FC) in 2007 in File no. PC-V/2006/PNM/AIRF/2	358-359
22	Annexure-XXII	Percentage of Gr. B employees in MoR and in other Ministries	360
23	Annexure-XXIII	7 <sup>th</sup> CPC report reg. Controllers.	361-362
24	Annexure-XXIV	Railway-wise number of categories in GP 4200/4600/4800 and SS/MOR position.	363
25	Annexure – XXV	DoP&T's OM dated 24.03.2009 reg. 6 <sup>th</sup> CPC recommendations – revision of pay scales – amendments of SRs / RRs.	364-369
26	Annexure-XXVI	Illustration to show that pay level based on MACP is not necessarily indicative of seniority	370
27	Annexure – XXVII	DoP&T's classification of posts prior to 6 <sup>th</sup> CPC.	371-373
28	Annexure - XXVIII	Proposal of Railway Board dated 08.02.2017 to MoF reg. Upgradation of pay scales of Tech. Supervisors and Gr. B officers.	374-375
29	Annexure - XXIX	Information regarding empanelled candidates having B.Tech degrees for the various posts of JEs.	376
30	Annexure - XXX	FAQs on RRs – issued by DoP&T	377-385