



N F I R

National Federation of Indian Railwaymen

3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to :

Indian National Trade Union Congress (INTUC)
International Transport Workers' Federation (ITF)

No. I/8/Part. I

Dated: 05/10/2015

The Secretary (E),
Railway Board,
New Delhi

Dear Sir,

Sub: Denial of TA/DA to the Staff Car Drivers in the Railways-reg.

- Ref: (i) **NFIR's PNM Item No. 4/2011.**
(ii) NFIR's letter No. I/8 dated 02/04/2010.
(iii) NFIR's letter No. I/8/Pt. I dated 27/06/2013, 13/09/2013, 5/5/2014, 7/7/2014, 21/10/2014 & 11/05/2015.
(iv) Railway Board's letter No. F(E)I/2009/AL-28/21/Pt. dated 28/04/2015.
(v) Railway Board's letter No. F(E)I/2009/AI-28/21 dated 25/08/2015.

While going through the contents of Railway Board's letter dated 25/08/2015, NFIR is constrained to point out that the Board has allowed the staff car drivers to draw only the Daily Allowance for the period beyond duty hours in case the journey does not involve their absence of one night from their Headquarters with the condition that no Over Time Allowance shall be payable for the period to which DA has been drawn. Further the Railway Board has imposed condition for the Staff Car Drivers to draw either OTA or DA on any day on which such journeys have been undertaken.

2. In this connection, NFIR desires to clarify that the instructions issued vide letter dated 25/08/2015 are in violation of the codal provisions as mentioned hereunder:-

- The provisions made under Rule 1502 and Rule 1614 (1) & (2) of Indian Railway Establishment Code, Vol- II (Sixth Edition 1987 and Second Reprint Edition 2005) clearly provide that:-

1502: Over Time Allowance is an Allowance paid to Railway servants for actual time worked in excess of the hours of employment prescribed by any law or rule.

1614: (1) Daily allowance may be drawn by a Railway servant who is not in receipt of permanent travelling allowance on any day on which he proceeds on tour beyond a radius of 8 kms. from his Headquarter or returns to his headquarter from a similar distance.

(2) Daily allowance as in Sub-rule (1) would be admissible even if the place of temporary duty falls in the same municipality as (or in a municipality contiguous to) that in which the Railway servants headquarter is situated and the term 'radius of 8kms.' should be interpreted as meaning a distance of 8 kms. by the shortest practicable route by which a traveller can reach his destination by the ordinary modes of travelling.

Contd. Page ...2

NFIR
National Federation of Indian Railwaymen

//2//

From the rules mentioned in R-II and quoted above, it is clear that the Over Time Allowance and the Daily Allowance are distinct and not related to each other. The Railway Board's decision to co-relate the two Allowances with each other and imposing the condition to allow either OTA or the DA to the Staff Car Drivers, who though eligible for both i.e. daily allowance and OTA as mentioned in Rule 1502 and 1614, cannot be held sensible, besides being bad in Law. In all fairness Railway Board's instructions contained in letter dated 25/08/2015 need to be modified, for allowing both the allowances.

NFIR, therefore, once again requests the Railway Board to issue modified instructions early. A copy of the instructions issued may be endorsed to the Federation.

Yours faithfully,


(Dr. M. Raghavaiah)
General Secretary

Copy to the Executive Director F(E), Railway Board, New Delhi for information and necessary action.

Copy to the Convener, Fast Track Committee & Executive Director/IR, Railway Board, New Delhi for information and necessary action.

✓ Copy to General Secretaries of Affiliate Unions of NFIR.

Media Centre/NFIR.

File No. 4/2011 (PNM).

File No. IV/NFIR/FTC/2014 (MAIN).

In the connection, NFIR deems it proper that the instructions issued vide letter dated 25/08/2015 are in violation of the code of provisions as mentioned hereunder:-

- The provisions made under Rule 1502 and Rule 1614 (1) & (2) of Indian Railway Establishment Code, Vol- II (First Edition 1987 and Second Revised Edition 2005) clearly provide that:-

1502: Over Time Allowance is an Allowance paid to Railway servants for actual time worked in excess of the hours of employment prescribed by any law or rule.

1614: (1) Daily allowance may be drawn by a Railway servant who is not in receipt of permanent travelling allowance on any day on which he proceeds on tour beyond a radius of 8 kms. from his Headquarter or returns to his headquarter from a similar distance.

(2) Daily allowance as in Sub-rule (1) would be admissible even if the place of temporary duty falls in the same municipality as (or in a municipality contiguous to) that in which the Railway servant's headquarter is situated and the term 'radius of 8kms.' should be interpreted as meaning a distance of 8 kms. by the shortest practicable route by which a traveller can reach his destination by the ordinary modes of travelling.

Contd. Page 2