



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. II/35/Part XIV

Dated: 21/12/2017

The Secretary,
Ministry of Defence,
Department of Ex-Servicemen Welfare,
[D(Res-I)],
South Block,
New Delhi

Kind attention: Joint Secretary (ESW)

Dear Sir,

Sub: Initial pay fixation of re-employed ex-servicemen who held post below Commissioned Officer Rank in Defence Forces, retired before attaining the age of 55 years and have been appointed on re-employment basis in civilian posts in Railways etc., - reg.

Ref: DoP&T OM F.No. 3/3/2016-Estt. (Pay-II) dated 18th October, 2017.

The Defence Forces Personnel (PBORs) have been put to grave injustice as their last pay drawn at the time of retirement from Defence Forces has not been protected on their re-employment in the Central Government Departments (Railways etc.,).

However, such of those Defence Forces Personnel retired from the Defence Forces and got re-employed in the Public Sector undertakings in the country have the benefit of pay fixation on last pay drawn at the time of their retirement from the Armed Forces. This reveals that the Force Personnel re-employed in the Railways and other Central Government Departments have been discriminated against.

The National Federation of Indian Railwaymen (NFIR), a premier Federation of Railway employees had taken up the subject matter at the level of Railway Ministry in one of the PNM meetings, demanding pay re-fixation in favour of re-employed Defence Forces Personnel on the basis of last pay drawn particularly those who were re-employed on and after 01/01/2006. Conceding the Federation's demand, the Railway Ministry vide OM No. E(G)2013/EM 1-5 dated 07/12/2016 had sent proposal to the DoP&T, but however, the same was turned down. In this connection, Federation encloses a copy of Railway Ministry OM dated 07/12/2016 addressed to DoP&T together with the reply received from DoP&T vide OM No. 1213833/2016-Estt. (Pay-II) dated 21st February 2017.

The NFIR has now learnt that the DoP&T vide OM F.No. 3/3/2016-Estt. (Pay-II) dated 18th October, 2017 has sent proposal to the Department of Ex-Servicemen Welfare, (Sena Bhawan) South Block, New Delhi, suggesting that single methodology for pay fixation of all the re-employed pensioners including the PBORs, Commissioned Officers, Ex-Combatant Clerks/Storeman etc., needs to be evolved, superseding the previous instructions contained in DoP&T OM, dated 31st July 1986. The Department of Ex-Servicemen Welfare, is consulting the re-employed Defence Forces Personnel for eliciting their views before sending its views to DoP&T for its consideration.

Contd. Page ...2

NFIR now suggests to the Ministry of Defence to consider, the following valid points for taking up the matter with the DoP&T:-

- (a) Considering the role of Defence Forces Personnel for safeguarding the Nation's integration, these personnel deserve to be given pay fixation on the basis of their last pay drawn on re-employment in the Railways and other Central Government Departments.
- (b) Their pension needs to be totally ignored as the pension is the social security net in recognition to their loyal services to the nation.
- (c) The PBORs are not the Personnel of high rankings with higher wages, therefore their case needs to be considered with greater sympathy and for the said reason their last pay drawn at the time of retirement needs to be treated as entry pay on re-employment in Railways and Central Government Departments.
- (d) Alternatively, the number of years service rendered by the PBORs in Armed Forces be taken into account for granting pay fixation duly adding equal number of increments to the minimum pay of the re-employed post. This can be made applicable to all PBORs who have joined Central Government Departments after 01/01/2006.
- (e) It is also proposed that in those cases of PBORs retired before attaining the age of 55 years and got re-employed in Government services, their initial pay on re-employment may be fixed at the minimum of the scale of pay prescribed for the post and after fixing the pay, in case the initial pay so fixed, is found to be less than the last pay drawn in the Armed Forces, all such cases may be treated as "cases of undue hardship" and in those cases, their pay may be re-fixed at higher stage duly granting one increment for each year of service rendered in the Armed Forces so as to bring their initial pay at par with the pre-retirement pay. However, the pension already drawn by these Personnel need not be meddled with.

NFIR trusts that the above suggestions may kindly be considered for inclusion in the proposal to be sent to the DoP&T. We shall be grateful if copy of the proposal sent to DoP&T is made available to the Federation to enable us to follow up the matter.

DA/As above

Yours faithfully,


(Dr. M. Raghavaiah)
General Secretary

✓ Copy to the General Secretaries of affiliated Unions of NFIR.
Media Centre/NFIR.
File No. 01/2013 (PNM).

No. E(G) 2013/EM 1-5

New Delhi, dated 21st March, 2017

The General Secretary,
National Federation of Indian Railwaymen,
3, Chelmsford Road,
New Delhi.


Sir,

Sub: Initial pay fixation of re-employed ex-servicemen who held post below Commissioned Officer rank in Defence Forces, retired before attaining the age of 55 years and have been appointed on re-employment basis in civilian posts – Regarding.

The undersigned is directed to refer to NFIR's letter No.II/35/Part XIII dated 23.11.2016 on the above subject and to state that with the reference to Board's letter of even number dated 7/12/2016 addressed to DOP&T pursuant to the discussion in the separate meeting on the issue held on 27/9/2016, DOP&T vide their OM No.1213833/2016-Estt(Pay-II) dated 21/2/2017(copy enclosed) have clarified that the pay of non-commissioned ex-servicemen(PBOR) who retire from the Defence Forces before attaining the age of 55 years is to be fixed as per the entry pay in the revised pay structure of the re-employed post applicable in the Direct Recruits appointed on or after 1.1.2006 without any protection of last pay drawn, in accordance with prevailing guidelines vide para 4 of OM dated 31.07.1986 as amended vide OM dated 05.04.2010 which provide for methodology of pay fixation on re-employment.

DA: As above.

Yours faithfully,


for Secretary/
Railway Board

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S. Pal

Dy. No. 1213833/2016-Estt.(Pay-II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

North Block, New Delhi
Dated: 21 February, 2017

OFFICE MEMORANDUM

Subject: Initial pay fixation of re-employed ex-servicemen who held post below Commissioned Officer rank in Defence Forces, retired before attaining the age of 55 years and have been appointed on re-employment basis in civilian posts - reg.

Ref: Railway Board, Ministry of Railways' OM No. E(G)2013/EM1-5 dated 07.12.2016

The undersigned is directed to refer to Railway Board, Ministry of Railways' OM dated 07.12.2016 on above cited subject.

2. It is informed that the pay of non-commissioned ex-servicemen (PBOR) who retire from the Defence Forces before attaining the age of 55 years is to be fixed as per the entry pay in the revised pay structure of the re-employed post applicable in the case of Direct Recruits appointed on or after 1.1.2006 without any protection of last pay drawn, in accordance with prevailing guidelines vide para 4 of OM dated 31.07.1986 as amended vide OM dated 05.04.2010 which provide for methodology of pay fixation on re-employment.

3. It is also advised that in case, clarification/interpretation of any of the rule position is required, the proposal may be referred to this Department in accordance with the procedure laid down in this Department's OM No.43011/9/2014-Estt.(D) dated 28.10.2015.

4. This has the approval of Joint Secretary (GDT).

Pushpender Kumar
(Pushpender Kumar)
Under Secretary to the Government of India
Tel. No.2304 0489

To

6) Shri S. Pal, Joint Director Estt.(Genl.)
Ministry of Railways,
Railway Board,
Rail Bhavan,
New Delhi

[Signature]
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27/1/17
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GOVERNMENT OF INDIA भारत सरकार
MINISTRY OF RAILWAYS रेल मंत्रालय
RAILWAY BOARD रेलवे बोर्ड

No.E(G)2013/EM 1-5

New Delhi, dated 7/12/2016

OFFICE MEMORANDUM

Sub: Initial pay fixation of re-employed ex-servicemen who held post below Commissioned Officer rank in Defence Forces, retired before attaining the age of 55 years and have been appointed on re-employment basis in civilian posts - Regarding.

The undersigned is directed to refer to a demand by the National Federation of Indian Railwaymen (NFIR), a recognised Federation of Railwaymen, who have requested that the initial pay of non-commissioned ex-servicemen (PBOR) who are re-employed on the Railways should be fixed by taking into account the service rendered by them in the Defence Forces. They are insisting that the fixation done in the minimum of the scale of the re-employed post should be according to the procedure laid down in para 4 (b) (ii) of DOP&T's OM s dated 31/7/86 as amended vide OM dated 11th November 2008, 5th April 2010 & 8th November, 2010. The Federation states that the content of these OMs clearly states that the Pay of re-employed former Defence Forces Personnel should be fixed as per Rule 7 of CCS (RP) Rules 2008 i.e. at the same stage of their last basic pay drawn at the time of retirement i.e. allowing one increment (in the post held at the time of retirement) for each year of service the ex-servicemen has rendered at the time of retirement with the proviso that the pay thus fixed does not exceed:-

(a) the pay drawn prior to retirement for non-commissioned officer of all three forces like Army, Navy and Air Force (Sub para 2 (ix) of Para 3 & Para 4 (b) (ii) of OM dated 31st July 1986 are relevant).

(b) Para 5 of DoP&T's OM No. 3/13/2008-Estt.(Pay-II) dated 11th November, 2008 stipulated enhancement of existing ceiling of Rs. 26000/- for drawal of pay plus gross pension on re-employment to Rs. 80,000/- p.m.

2. However, their attention was drawn to the provisions in DOP&T's OM No. 3/1/85-Estt.(pay-II) dated 31st July 1986 and OM NO. 3/19/2009-Estt.(Pay-II) dated 5th April 2010, governing initial pay fixation, inter alia, of re-employed ex-servicemen who held post below Commissioned Officer rank in Defence Forces and retired before attaining the age of 55 years and have been appointed on re-employment basis in the

gk

Ministry of Railway Board रेलवे बोर्ड / Railway Board
अनुमति प्राप्त जारी Issued with Enclosure
हस्ताक्षर Signature
जारी की तिथि Date of Issue

21/12/16

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Railways. As per these orders, the initial pay of such re-employed pensioners is to be fixed in terms of provisions of Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986 issued by Department of Personnel and Training vide OM No. 3/1/85-Estt.(Pay-II) dated 31/7/1986 as amended from time to time.

3. It is to be seen that revised provision contained in Para 2 of OM dated 5th April 2010 revising the contents of Para 4(d)(i) of CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986 provides that in case of ex-servicemen who held post below Commissioned Officer rank in the Defence Forces and in the case of civilians who held posts below Group 'A' posts at the time of their retirement before 55 years of age, the entire pension and pension equivalent of retirement benefits shall be ignored, i.e. no deduction on this count is to be made from the initial pay fixed on re-employment. Also, in terms of the Para 4(a) and Para 4(b)(i) of CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986, as amended vide DOP&T's OM No. 3/19/2009-Estt.(Pay.II) dated 5/4/2010, the initial pay on re-employment of such pensioners shall be fixed as per the entry pay in the revised pay structure of the re-employed post applicable in the case of Direct Recruits appointed on or after 1/1/2006 as notified vide Section II, Part A of First Schedule to CCS(Revised Pay) Rules, 2008. As is explicit, these instructions do not provide for protection of last pay drawn before retirement, in such cases. Therefore, the fixation of pay of re-employed ex-servicemen is being done accordingly on the Railways.

4. However, the Federation does not agree with the above contention and desires that the pay of ex-Defence Forces personnel re-employed in Railways should be fixed in accordance with the clarification issued vide DoP&T's OM dated 5th April, 2010 in Para 3 (iv) & (v) which contain clarifications duly stating that the pay of the ex-servicemen, re-employed in the Central Government Organizations will be fixed in accordance with the provision contained in DoP&T's OM No. 3/13/2008-Estt.(pay-II) dated 11/11/2008 after exercising option in the manner laid down in Rule 6 of CCS (RP) Rules, 2008 and the fixation of pay is to be regulated in accordance with the provisions of Rule 7 of CCS (RP) Rules 2008.

The Federation has further pointed out that the initial pay of a re-employed military pensioner and a direct recruit cannot be the same in view of the fact that the pay of the re-employed Defence Forces Pensioner is to be done as per the provisions of Rule 7 of CCS (RP) Rules, 2008 as mentioned in the DoP&T's OM dated 11/11/2008 and not under Rule 8 of CCS (RP) Rules, 2008 applicable to direct recruits – the two entrants being independent and have no co-relation with each other.

5. After protracted correspondence and discussion of the issue between NFIR and the concerned officials of this Ministry, as NFIR are still not convinced with the official

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stand on this issue and insisting on implementation of Para 3 (iv) and (v) of DoP&T's O.M. Dated 5/4/2010. Hence, it was decided to refer the matter to DOP&T for clarification.

6. In the light of the position as brought out above, DOP&T are requested to clarify specifically as to whether the contention of NFIR that the pay of non-commissioned ex-servicemen (PBOR) who retire from the Defence Forces before attaining the age of 55 years, and are subsequently re-employed on the Railways should be fixed by taking into account the service rendered by them and last pay drawn in the Defence Forces, is in order, or the procedure being followed on the Railways i.e. fixing the pay of such re-employed ex-servicemen as per the entry pay in the revised pay structure of the re-employed post applicable in the case of Direct Recruits appointed on or after 1/1/2006, without any pay protection is correct.

7. An early reply in the matter is solicited.



(S. Pal)

Jt. Dir. Estt. (Genl.)

Shri A.K. Jain,
Deputy Secretary (Pay),
Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel and Training,
North Block,
New Delhi.