



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: 19/03/2018

The Chairman,
Railway Board
New Delhi
Dear Sir,

Sub: **Revision of Pension of Pre-2016 Retired Running Staff-Improper instructions of Railway Board - reg.**

- Ref: (i) GS/NFIR's letter to Railway Board vide No. II/35/Part XIV dated 15/01/2018.
(ii) Railway Board's letter No. D-43/34/2017-F(E)III dated 24/01/2018.
(iii) NFIR's letter No. II/35/Part XIV dated 12/02/2018 & 26/02/2018.

Kind attention of the Railway Board (CRB) is invited to NFIR's letter of even no. dated 26/02/2018 urging for review and withdrawal of RBE No. 13/2018 dated 24/01/2018 as the instructions contained in the said communication are defective and not in consonance with the decision of the Ministry of Finance.

In order to impress upon the Railway Ministry that the points already brought out by NFIR in its letter dated 26/02/2018 are valid, the Federation lists below the anomalies relating to fitment factor in the case of pre 01/01/2016 retired Running Staff.

A. Anomalies in RBE No. 13/2018 dated 24/01/2018

- The equated stationery basic pay / emoluments for calculations / revision of pension to be taken as base shown as Rs.1566 in the annexure. The basic pay at the time of retirement was Rs.1010 in scale Rs.950-1500 of 4th CPC.
- Rs.1566 was taken as equated stationery basic pay for notional pay fixation in 5th CPC though the said amount of Rs.1566 was in excess of the pay scale Rs.950-1500.
- The sum arrived in 5th CPC is Rs.4767 and shown Rs.4590 (max) + 177 PP in scale Rs.3050-4590 of 5th CPC.
- For the 6th CPC notional pay calculation, only Rs.4590 has been taken and excess amount of Rs.177 shown as PP has not been taken into consideration.

NFIR's Comments

- When the amount Rs.66 in excess of the pay scale 950-1500 was taken for the notional pay fixation from 4th to 5th CPC, why the amount Rs.177 in excess of the pay scale Rs.3050 has not been taken for the notional pay fixation from 5th to 6th CPC?
- In the illustration, low pay of the scale is taken in three cases shown in annexure. If the maximum pay of the scale is taken for illustration. the amounts arrive in three cases will be high and in excess of the scales of pay and by not taking the excess amount for notional pay fixation the retired running staff are deprived of their legitimate dues on par with retired non-running staff.

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B. Denial of 40% fitment benefit in 6th CPC to retired running staff while calculating notional pay in RBE No.13/2018 letter dated 24/01/2018
Extract from 6th CPC para 1.2.3 :- Fitment benefit

“The Commission is recommending a new structure of running pay bands and grade pay. In the structure, grade pay has been normally taken at 40% of the maximum of the pre revised pay scale. Grade pay is therefore, in the nature of fitment benefit.

Para 5.1.47 of 6th CPC : Fitment benefit to the past pensioners

The Commission, accordingly, recommends that all the past pensioners should be allowed fitment benefit equal to 40% of the pension”.

In spite of the above recommendation accepted by Government, the 40% fitment benefit was not ensured in the calculation of notional pay fixation under RBE letter No.13/2018 dated 24/01/2018.

While calculating notional pay from 5th to 6th CPC grade pay was taken which is less than the 40% of equated stationery BP/emoluments during 5th CPC period. For example, if a running staff retires in 5th CPC pay scale 5500-9000 and his last pay drawn is Rs.9000, the equated stationery BP / emoluments worked out as per RBE letter are Rs.13650 (Pay + 55%) and its 40% fitment benefit is Rs.5580/- whereas GP 4200 only taken. In this calculation, most of the retired running staff have been deprived of 40% fitment benefit and reduced pension.

C. Running staff retired during 6th CPC period (01/01/2006 to 31/12/2015) deprived the benefit of 7th CPC 14.29% increase in RBE No.13/2018 calculation :-

An illustration of a Mail Guard retired on 31/12/2015

Particulars

Name of the employees	:	K.Moorthy
Designation	:	Mail Guard
Date of Retirement	:	31/12/2015
Scale of Pay	:	9300-34800 + GP 4200
Last Pay Drawn	:	26680
Average emoluments	:	41354

I. Notional fixation of pay and pension in 7th CPC as per RBE No.13/2018

a)	Equated stationary BP / emoluments in 6 th CPC (Pay + 55% PE)	-	41354
b)	DA appropriate to applicable pay slab 125%	-	51693
c)	Fitment benefit 32%	-	31234
d)	Sum of a to c	-	106281
	Total basic pay (pay in pay matrix) in revised / replacement pay scale wise -		109100
	next cell in level 6		
	Basic Pay	-	109100
	Pension during 7 th CPC	-	54550

Contd..3

II. If notional of pay worked out on 01/01/2016 as we proposed or had he retired on 31/01/2016 instead of 31/12/2015. His pay fixation and pension shall be as below :-

a) Last pay drawn / basic pay x 2.57 26680 x 2.57	-	68567.6
b) 125% DA on PE (30% of basic pay on pre-revised pay) 8004 x 125%	-	10005
c) Sum of a and b	-	78572.6
d) Fixation in pay matrix level 6 Ref: RBE No.93/2016 dated 02/08/2016 (enclosed)	-	78800
e) Revised fixation in pay matrix level 6 as the increase less Than 14.29% Ref: RBE No.99/2017 dated 21/08/2017 (enclosed)	-	81200
f) 7 th CPC notional pay on 01/01/2016	-	81200
g) Add 55% PE	-	44660
h) Sum of f and g (emoluments / basic pay)	-	125860
i) Pension during 7 th CPC	-	62930

Note: By not taking 14.29% increase benefit and adding 55% pay element before 01/01/2016 resulted in less pension of Rs.8380 and hence parity in pension is denied.

D. Different standards adopted in the case of retired medical officers and retired running staff

The instructions vide DoP&PW letter dated 11/09/2016 communicated through RBE No.154/2017 are as follows :-

- a) **“for the purpose of revision of pension of pre 2016 retired medical officers in accordance with this O.M. dated 12/05/2017 their pay will be notionally revised w.e.f. 01/01/2016 based on the formula for revision of pay as applicable to the medical officers in the 7th CPC as well as in the intervening pay commissions. NPA at the rate as applicable as on 01/01/2016 shall be added to such notional pay as on 01/01/2016 to arrive at pension/family pension of retired medical officers w.e.f. 01/01/2016”.**
- b) Whereas for retired running staff, the pay element of 55% added to the last pay drawn at the time of retirement and then notional pay worked out to arrive at pension/family pension w.e.f.01/01/2016 (RBE No.13/2018 dated 24/01/2018). By adopting different method to retired running staff from the method adopted to retired medical officers by DoP&PW and by Railway Board, the retired running staff are placed at great disadvantage to their pension benefits.

E. Addition 55% pay element to basic pay and treating it as reference basic pay

It is stated in para 4 of RBE No.13/2018 dated 24/01/2018” as per extend instructions, 30% pay element is reckoned for in service benefits and 55% pay element is reckoned for retirement benefits”.

For notional fixation of pay, a retired employee treated as deemed to be in service. In the annexure of RBE 13/2018 letter, calculations are worked out for notional pay fixation from 4th to 5th CPC 148% DA, IR 2 and fitment benefits are worked out based on 55% pay element. But 55% pay element is to be reckoned for retirement benefits and not for notional pay fixation as per tis own orders.

The instructions in RBE No.153/97 dated 7/11/1997 (enclosed) are dearness allowance and second installment of interim relief for running staff should be calculated on the basic pay + 30% of basic pay while fixing pay in 5th CPC. Whereas in the calculations, 55% pay element of basic pay taken for fitment benefit alongwith DA & IR 2 while arriving notional pay from 4th to 5th CPC. These calculations are not in conformity with the extant instructions.

F. Additional para added RBE No.13/2008 dated 24/01/2018

- a) Para 7 of RBE order dated 24/01/2018 is an additional para which does not find in DoP&PW O.Ms dated 12/05/2017 and 11/09/2017.
- b) In para 7, the corresponding pay scale / grade pay from which a running staff (Loco Pilot-Mail) retired (scale (10A) 6000-9800) is not available in DoP&PW O.M. dated 06/07/2017, but this scale is available in RBE Nos.103 & 109 of 2008.

G. Notional Pay

The instructions in DoP&PW letter dated 10/02/1998 cited in para 6 of OM 12.5.2017 are clear. In that, it stated that the notional pay to be arrived on 01/01/1986 and it shall be taken as emoluments for pension/family pension fixation. Hence the same procedure of arriving pay on 01/01/2016 and then add 55% pay element to arrive at pension/family pension needs to be followed for retired running staff also.

Concluding, NFIR once again urges upon the Railway Board (CRB) to kindly get the matter re-investigated for issuing fresh instructions in lieu of those contained in Board's letter dated 24/01/2018.

Yours faithfully,


(Dr. M. Raghavaiah)
General Secretary

Copy to the Member Staff, Railway Board, New Delhi.

Copy to the Financial Commissioner, Railway Board, New Delhi.

Copy to the Director General (Personnel), Railway Board, New Delhi.

Copy to the Addl: Member (Staff), Railway Board, New Delhi.

Copy to the Executive Director, PC-I, railway Board, DFCC Building, Pragati Maidan, Metro Bhavan, New Delhi for information and necessary action please.

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

✓ Copy to the General Secretaries of Zonal Unions of NFIR.

Media Centre/NFIR.

File No.IV/RSAC/Conf./Pt.IX.