

**N F I R**

Registration No. : RTU/Nnn/31/2012

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/10-Part I

Dated: 17/07/2017

The Secretary (E),
Railway Board,
New Delhi
Dear Sir,

- Sub: Accumulation of Earned Leave/Leave on Average Pay (LAP) beyond the ceiling of 300 days - reg.
- Ref: (i) **NFIR's PNM Item No. 5/2010.**
(ii) Railway Ministry's OM No. E(P&A)I-2010/FE-4/2 dated 10/09/2012 to DoP&T.
(iii) DoP&T's reply vide OM No. 13012/1/2010-Estt (L) dated 24th September 2012.

Federation invites kind attention of the Railway Board to PNM agenda Item No. 5/2010 wherein Federation had requested the Railway Board to make necessary amendment in the rules circulated vide ACS No. 78 of IREC Vol. I i.e. to remove ceiling of accumulation of 300 days LAP in the leave account of the Railway employee, of course, without changing the ceiling for making payment of leave encashment at the time of retirement/death of the employee. Pursuant to PNM meeting discussions, the Railway Board had referred the matter to DoP&T to consider permitting accumulation of leave beyond 300 days.

The DoP&T had however not agreed to the proposal and replied to Ministry of Railways that the employees should be encouraged to avail leave to break the monotony of routine work and they should be allowed for periodic time off.

NFIR however re-iterates that DoP&T's advice is impractical in railways due to operational and complex nature of duties performed by the Rail Workforce mandated to keep the rail wheel moving 24 hours a day, 7 days a week and 365 days in a year uninterruptedly. The DoP&T has unfortunately unaware of railways working and compulsion on staff to forego leave and perform duties. The in-charge officers refuse to grant leave freely to the staff mainly in safety and technical categories where their services are indispensable while there is no replacement vice them. It seems, the Railway Ministry had not adequately impressed upon DoP&T with factual position in Railways, wherein certain safety and essential services staff are denied leave i.e. casual leave as well earned leave/LAP.

Apart from the position explained above, the Federation brings to the notice of the Railway Ministry, that the Hon'ble High Court (Punjab & Haryana) at Chandigarh under CWP No. 13702 of 2014 on 05/10/2016 held as under:-

"I am of the view that if an employee is entitled to leave encashment for maximum limit of 300 days, that does not mean that the accumulated un-utilized leave is to be reduced to 300 days, if it exceeds the said maximum limit of 300 days. The earned leave will continue to accumulate till the retirement of the petitioners and the petitioners are to be granted the maximum benefit of 300 days, as stated in the rules".

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In the light of Hon'ble High court's decision as above, the Federation's demand gained further strength, therefore the Ministry of Railways is required to reach DoP&T again for review.

NFIR, therefore, once again urges upon the Railway Board to make out proper case and send proposal to the DoP&T for fresh look for allowing accumulation of leave in railways. Federation may please be replied of action taken on the subject.

Yours faithfully,

(Dr. M. Raghavaiah)
General Secretary

✓ Copy to EDPC-I, Railway Board, Pragati Maidan, Metro Bhavan, New Delhi.

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

Media Centre/NFIR.

File No. 5/2010 (PNM).