

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. I/8/Part I

Dated: 04/01/2018

The Secretary (E),
Railway Board,
New Delhi

Dear Sir,

Sub: Non-payment of Over Time Allowance to the staff working on Track Machines on South East Central Railway-reg.

- Ref: (i) CPO, SEC Rly's letter No. P-HQ/RUL/118/2/6234 dated 24/25-02-2015 and P-HQ/RUL/118/2/767 dated 15/05/2015.
(ii) Railway Board's letter No. E(LL)/98/HER/9 dated 09/04/2015.
(iii) NFIR's letter No. I/8/Part I dated 06/06/2016.
(iv) Railway Board's letter No. 98/E(LL)/HER/9 dated 24/03/2017.
(v) NFIR's letter No. I/8/Part I dated 10/04/2017.

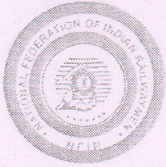
Responding to Railway Board's reply received vide letter dated 24/03/2017 Federation vide its letter dated 10/04/2017 conveyed detailed reasons, clearly stating the reasons as to why Board's reply is erroneous, as such, not acceptable to the Federation. Thereafter a period of over eight months had passed, unfortunately, no instructions have been issued to settle the grievance of the Track Machine staff.

While enclosing copy of Federation's letter dated 10/04/2017, NFIR once again urges upon the Railway Board to review its decision conveyed through clarification dated 24/03/2017 and issue fresh instructions to the Zonal Railways, more particularly South East Central Railway for allowing payment of Over Time with retrospective effect. Copy of the instructions issued may be endorsed to the Federation.

Yours faithfully,


(Dr. M. Raghavaiah)
General Secretary

Copy to the Executive Director (IR), Railway Board, New Delhi.
Copy to the General Secretary, SECRMC, Bilaspur for necessary action.
Copy to the General Secretaries of Zonal Unions of NFIR (except SECRMC) to pursue at their level.
Media Centre/NFIR.



NFIR

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3, CHELMSFORD ROAD, NEW DELHI - 110 055

Affiliated to :

Indian National Trade Union Congress (INTUC)
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No. I/8/Part I

Dated: 10/04/2017

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

Sub: Non-payment of Over Time Allowance to the staff working on Track Machines on South East Central Railway-reg.

Ref: (i) CPO, SEC Rly's letter No. P-HQ/RUL/118/2/6234 dated 24/25-02-2015 & P-HQ/RUL/118/2/767 dated 15/05/2015.
(ii) Railway Board's letter No. E(LL)/98/HER/9 dated 09/04/2015.
(iii) NFIR's letter No. I/8/Part I dated 06/06/2016.
(iv) Railway Board's letter No. 98/E(LL)/HER/9 dated 24/03/2017.

Federation is disappointed to note the contents of Railway Board's letter dated 24/03/2017 wherein Board has clarified to the GM (P)/S.E.C. Railway that the principle of averaging for payment of OT Allowance to the Track Machine Staff to be given effect from 10/07/2013, the date of issuance of Board's letter. Federation is constrained to state that the Board has completely ignored the rule position contained in letter dated 06/07/2000, 10/07/2013 & 16/06/2016 and issued wrong clarification. Federation also feels sad to convey that mere copy has been endorsed to NFIR, without mentioning NFIR's reference to Railway Board.

So far as clarification issued by Board is concerned, the Federation does not agree with the same in the light of the following facts/merits.

- i) The Railway Board vide letter No. E(LL)98-HER/9 dated 06/07/2000 had introduced duty roster in respect of Staff working on Track Machines and laid down rostered hours of work for three weeks at a stretch followed by rest for a continuous period of one week at the Headquarters in consultation with the Ministry of Labour. These instructions further stipulated that the individuals shall not be employed for more than 12 hours on any day and in respect of Overtime payment, the staff will be governed by the extant instructions under HOER i.e. principle of averaging.
- ii) Subsequently Railway Board vide letters dated 09/09/2009 & 30/10/2012 had conveyed continuance of three weeks' roster at a stretch followed by continuous rest of one week at the Headquarters (valid upto September, 2015).
- iii) On raising the issue relating to non-payment of Overtime to the Track Machine staff working on Zones by the NFIR at Board's level, Railway Board vide letter dated 10/07/2013 had again issued instructions that the Track Machine Staff when deployed for 3 weeks continuously followed by one week rest, the payment of overtime be regulated by the principle of averaging on four weekly basis whenever working hours exceed 192 hours and keeping in view the provisions of Board's letter dated 11/06/1974.

Contd. Page ...2

1/2/1

- iv) Railway Board vide letter dated 16/06/2016 has again reiterated for implementation of instructions envisaged in Board's letter dated 6/7/2000.
- v) It needs to be appreciated that Board's instructions dated 06/07/2000 have neither been modified nor superseded. Therefore, payment of Overtime to the staff working on Track Machines is required to be regulated in terms of Board's instructions dated 06/07/2000 from that date and not from the date of issue of Board's letter dated 10/07/2013.

The facts mentioned above clearly establish the entitlement of overtime payment with effect from 06/07/2000 and not prospectively. Accordingly, the Track Machine Staff of South East Central Railway who have been denied Overtime payment from August 2010 by the Zonal Railway due to mis-interpretation of Rules are rightly entitled from August, 2010.

NFIR, therefore, requests the Railway Board to review its clarification dated 24/03/2017 and issue fresh clarification to the Zonal Railways in general and South East Central Railway in particular for implementing instructions dated 06/07/2000 and allowing overtime payment retrospectively. A copy of the instructions issued may be endorsed to the Federation.

Yours faithfully,

(Dr. M. Raghavaiah)
General Secretary

Copy to the Executive Director (IR), Railway Board, New Delhi.