

No.F(E)III/2000/PN1/67

Dated 10.01.2008

Revision of Pension of retired Running Staff Regarding.

Instructions have been issued vide Board's letter No.F(E)III/98/PN1/29pt. dt.29/12/1999 clarifying that for revision of pension /family pension of pre -1986 pensioners in terms of DOP&PW's O.M. dated 10.02.1998, circulated on the Railways on 10.03.1998, the notional pay finally fixed as on 1-1-1986 shall only be treated as average emoluments and pension/family pension shall be calculated as on 1.1.1986 as per the pension formula then prescribed, and that Running Allowance is NOT to be taken into consideration after re-fixation of pay on notional basis on 1.1.1986 in terms of DOP&W's O.M No.45/86/97-P&PW(A) dated 10.02.1998 circulated vide Board's letter no .F(E)III/98/PN1/2dt.10.3.98; and Running allowance is also NOT to be added to the minimum of the revised scale of pay as on 1/1/1996 in cases where consolidated pension/family pension is to be stepped up to 50%/30% in terms of Board's letter No.F(E)III/98/PN1/29dated 15.1.1999.

A number of retired running staff have challenged the said clarificatory instructions by filing applications before various benches of CAT. In one such case, the application filed by Shri S.R.Dhingra & others, CAT/Principal Bench/New Delhi, vide orders dt.22.1.2002 set aside the clarificatory instruction dt.29/12/1999. Northern Railway filed Writ Petition No.4648/2002 before the Delhi High Court challenging CAT/New Delhi's order s dt.22.01.2002. Considering the importance of the policy issue involved in this case, on a prayer made by the Northern Railway, the writ petition was transferred to the Hon'ble Supreme Court. The Supreme Court, in their interim order dt. 09.05.2006, which was circulated vide Board's letter of even number dated 11.08.2006, stayed proceedings in certain similar cases pending before Delhi, and Punjab & Haryana High Courts and Central Administrative Tribunal till final adjudication of the transfer Petition.

Supreme Court, in their final judgement delivered on 14.12.2007, upheld Board's instructions dated 29.12.1999. While setting aside CAT/PB/New Delhi orders dated 22.01.2002 the court ordered that their decision will govern all similar matter pending in the High Courts or Tribunal. The Court also ordered that my amount already paid to the respondent and other similarly situated persons should not be recovered from hem. A copy of Supreme Court's judgement dt.14.12.2007 is enclosed.

In the light of the above, the matter has been carefully considered by the Board and it has been decided to comply with the judgement of the Supreme Court. Accordingly, Zonal Railways are advised to treat the pension/family pension in respect of retired running staff revised in terms of Board's clarifactory instructions dt.29.12.1999 as final and not to recover over payment made to the pensioners. Railways are also advised to have similar case pending before the High Courts and Tribunal disposed of on the basis of the judgement dt.14.12.2007 of the Supreme Court.

In the Supreme Court of India Civil Original Jurisdiction.

Transfer Case (Civil) No.106of 2006.

Union of India: Petitioner

-Versus-

S.R.Dhingra and others : Respondent(s).

No.E(P&A)II-2006/RS-28

dated 2.7.2008

**Merger of Dearness Allowance equal to 50% of Basic Pay with the basic pay
w.e.f.1.4.2004**

One of the Zonal Railways have sought clarification whether Dearness Pay is to be reckoned for the purpose of fixation of pay of the running staff in stationary posts.

The matter has been examined and it is advised that the governing principle for reckoning Dearness Pay for various purpose is contained in Para 2 of this office letter No. PC-V/2004/A/DA/1 dated 11.3.2004 which stipulated that Dearness Pay would be counted for purpose like payment of allowances, transfer grant, retirement benefits, contribution to GPF License Fee, monthly contribution to CGHS, various advances etc. As these instructions do not provide for reckoning of Dearness Pay for the purpose of fixation of pay, Board have decided that Para 2 of this office letter of even number dated 24.4.2007 may be substituted to read as under.

The matter has been examined in detail by the Board and it is revealed that the instructions contained in letter No.E(P&A)II-2005 are in conflict with the instructions contained in letter No.PC-V/2004/A/DA/1 dated 11.3.2004. In suppression of the instructions contained in letter dt.8.11.2005 ibid, it is clarified that w.e.f. 1.4.2004, Dearness pay, calculated on Basic pay + 30% thereof shall also be reckoned as pay for the purpose of computation of the specific benefits as mentioned in Rule 25(excluding (a),(d) and (g) thereof) contained in “The Rules for payment of Running and other Allowances to the Running Staff on Railways,1981”. An illustration is given below:-

Basic Pay(BP)	= Rs.5000
Pay Elelmt@30% of BP	= Rs 1500
Dearness Pay(DP)	= Rs 3250(computed on BP+30%BP),
Dearness Allowance (DA)	=Rs2828(29% of(BP+DP+30%of BP),
HRA	=Rs2925(30% of (BP+DP+30% OF BP)
Leave Salary(1day)	=Rs419((BP+DP+DA+30% of BP)/30

No.E(NG)I-2006/PM7/21

dated 22.08.2008

Promotion of non –gazetted staff in loco running cadre-posts of Goods Driver redesignated as Loco Pilots (GOODS).

In terms of provisions of this Ministry’s letter No.E(NG)I-94/PM7/16 Pt.I dated 1.5.96 whenever the Railways are unable to fill in the vacancies of Goods Driver through shunters in terms of Board’s letters of same number dated 3.8.95 and dated 13.12.95, Railways may, with the personal approval of General Manager, also consider First Fireman/Diesel/Elect. Assts. (including shunters with less than 3 months service) for filling up the vacancies of Goods Drivers provided they have put in:-

1. 6 years service (combined as Second Fireman and First Fireman/Diesel Asst./Elec Asst.)
2. 2 years service as First Fireman/Diesel Asst./Elec.Asst. and
3. 60,000km experience on foot plate as First Fireman/Diesel Asst./Elec Asst.

In view of the fact that the posts of second Fireman and First Fireman are no longer in existence, some of the railways are experiencing difficulties in filling up the posts of Goods Drivers as per the conditions stipulated in letter dated 1.5.96

The matter has accordingly, been considered by the Board and it has been decided that the eventuality of non-availability of Shunters General Managers may consider Diesel/Elec. Assistants with 2 years service as Diesel Asst/Elec.Asst and 60,000 Km. experience on footplate, for selection for promotion to the post of Loco Pilot (Goods) subject to the following conditions:-

1. Suitability of such Asst.Loco Pilots to work independently as Driver (Loco Pilot (Goods) shall be personally certified by the Mechanical/Electrical officer (as the case may be), incharge of power of the Division concerned;
2. Such promotee drivers be placed under the supervision of a dedicated Loco Inspector for 5 trips or 500 kms. of driving whichever is earlier;
3. For sections classified as ghats such promotee drivers may work with a regular driver as co-driver for seven days or 1000kms, whichever is later;
4. Provision of hands on training for independent Loco driving to Diesel/Elec.Asst in their induction and refresher courses shall be included in the course content for the promotional trainings.
5. Training centres should be got equipped with simulators progressively.

No.E(P&A)II-2005/RS-34

Dated 26.12.2008

Pay Element in Running Allowance in the Railway Services (Revised Pay) Rules, 2008 and revised rates of Kilometreage Allowance and Allowance in lieu of Kilometreage

The new scales of pay of Running staff following Government's decision on the recommendations of the 6th central pay commission have been notified vide Board's letter No.PC-VI/2008/I/RSP/1 dated 11.9.2008. The matter of reckoning the pay element in Running Allowance for computation of Retirement and other specified benefits of the running staff in the consultation with the two recognized Federations, viz All India Railwaymen's federation and National Federation of Indian Railwaymen.

The president is pleased to decide that the pay element in Running Allowance for running staff would be 30% of the basic pay under the Railway Services Revised Pay) Rules, 2008 for computation of the specified benefits excluding retirement benefits. For the purpose of computation of retirement benefits of running staff, an additional quantum of 55% of Basic pay under the Railway services (Revised Pay) Rules, 2008 would be reckoned.

In the Case of Loco Insdpectors governed by the scheme contained in Board's letter No.E(P&A)II/83/RS-10(iv) fated 25.11.1992, an additional quantum of 30% of Basic Pay under the railway Services (Revised Pay) Rules, 2008 would be reckoned for the purpose of computation of pensionary benefits only.

The president is also pleased to decide that the rates of Kilometrage Allowance and allowance in lieu of kilometrage (ALK) at out station for Running Staff in the Railway Services (Revised Pay) Rules, 2008 shall be as indicated below.

s.no	category	Pay Band Plus Pay band	Grade pay Grade Pay	Rates of kilometrage Allowance(per 100kms)inRs.	Rate of ALK(per 160kms)in Rs
1	2	3	4	5	6
	LOCO RUNNING STAFF				
1	Loco Pilot Mail	9300-34800	4200	170.00	272.00
2	Loco Pilot Passenger/Motorman	9300-34800	4200	169.00	270.00
3	Loco pilot Goods	9300-34800	4200	168.00	269.00
4	Loco Pilot Shunting Gr.I	9300-34800	4200	130.00	208.00
5	Loco Pilot Shunting GrII	5200-20200	2400	126.00	202.000
6	Sr.FM-1,Sr.Asst.LP(Diesel/ElEc)	5200-20200	2400	126.00 81.00 shunting	202.00
7	FM-1,Asst.LP(Diesel/Elec)	5200-20200	1900	121.00 78.00 shunting	194.00
8	Sr.Second FM	5200-20200	1900	121.00 78.00 shunting	194.00
9	Second FM	5200-20200	1800	102.00 61.00 shunting	163.00
1	TRAFFIC RUNNING STAFF Mail Express Guard	9300-34800	4200	154.00	246.00
2	Passenger Guard	9300-34800	4200	153.00	245.00
3	Sr.Goods Guard	9300-34800	4200	152.00	243.00
4	Goods Guard	5200-20200	2800	151.00	242.00
5	Sr.Asst.Guard/Sr.Brakesman	5200-	2400	90.00	144.00

		20200			
6	Asst.Guard/Brakesman	5200-20200	1900	86.00	138.00

The Running Staff may be granted Kilometerage Allowance/Alk at the above rates w.e.f..1.9.2008 or from the date they elect to come over to the Railway Services(Revised Pay) Rules,2008, whichever is later . The other terms and conditions for sanction of kilometerage allowance/Allowance in lieu of Kilometerge shall remain unchanged.

This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

No.E(W)2008/ED-2/4

Dated 1.10.2008

Recommendations of the 6th Central Pay Commissions –Implementation of decisions relating to the grant of Children Education Assistance and Reimbursement of Tuition Fee.

A copy of the office Memorandum No. 12011/03/2008-Estt. (Allowance) dated 2.9.2008 of the Ministry of personnel, public Grievances and pension (Deptt' Of Personnel & Training) Conveying Government's decisions on the recommendations