



FEDERATION OF RAILWAY OFFICERS' ASSOCIATIONS

President

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Secretary General

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No. 2018/FROA/1

Date: 16.03.2018

To

Chairman

Railway Board

New Delhi

Sub.: Fixation of inter-se seniority of Direct Recruit Group A Officers and Promotees on induction to Group 'A' Junior Scale.

Ref.: Railway Board's letter no. E(O)I/2014/SR-6/11CCpt. dated 05.03.2018 (**RBE 33/2018**)

Dear Sir,

1. The Governing Council of FROA, during its meeting held on 09.03.2018 and 15.03.2018 has resolved to convey its disagreement and disappointment on the above referred revised inter-se seniority rule as the same has:
 - (a) apparently not taken into cognisance the judgement of Hon'ble CAT/Patna (dated 03.05.2016) and Hon'ble High Court/Patna (dated 12.05.2017);
 - (b) retained the old rule of antedating of seniority of promotees up to 5 years will increase adverse consequences on direct officers.
 - (c) "reused" the concept of "Year of Allotment vis -a-vis the concept of "Recruitment Year" ordered by Hon'ble Supreme Court in NR PARMAR case and notified by the Central Government vide DOPT's OM dated 04.03.2014, thereby inflicting a further disadvantage upto 2 years on the direct recruits.
2. While the legality of the revised rule dated 05.03.2018 and the legal wisdom behind it will undergo judicial scrutiny in due course, FROA is indeed concerned on its adverse outcome in governance of Indian Railways as thousands of junior and middle level direct Group


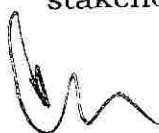
A Railway Officers , are demoralized. The impact it will have on the functioning of the railway system can be well imagined.

3. Since 2014, FROA has made a series of representations to Railway Board on this intensely contested subject and has received only one reply vide Board's letter no. E(GP)2016/1/20 dated 11/01/2017. Para 3.3 of this letter reads as follows: "*Antedated seniority to Group 'B' officers on induction to Group 'A'/junior scale is based on the provisions contained in the Indian Railway Establishment Manual, Volume-I. Incidentally, it was challenged by Shri R.K.Kushwaha before Hon'ble Tribunal in OA No. 50/2016. The Hon'ble Tribunal was pleased to dispose of the OA vide order dated 03.05.2016. IRPOF has filed a petition against the said order and the Hon'ble High Court, Patna has granted ad-interim stay on the operation of the impugned order dated 03.05.2016 in WP No. 10669/2016, which is still continuing. As such, the existing practice of antedated seniority is being followed presently.*"
4. This raised a fond hope that if the Direct Recruits succeed in Hon'ble High Court, Patna, the infamous discriminations antedating rule would be rescinded. While Hon'ble High Court, Patna has ruled in favour of Direct Recruits, Railway Board has dashed the hopes by retaining antedating up to 5 years. Thus RBE 33/2018 marks a regression vis-à-vis the position taken by Railway Board in January, 2017. It also runs contrary to the law as espoused by Hon'ble Supreme Court in its landmark judgement dated 03/07/2013 the case of P Sudhakar Rao Vs Govinda Rao.

Railway Board has yet to enforce the mandatory 50:50 rule, effecting induction from group B to Group A, or carrying forward the past excess induction for future vacancies.


5. In spite of a series of representations by FROA in the matter ,Ministry of Railways has ignored the Railway officers legitimate promotional avenues and pitted them against Group C and D (promoted to group B!!!) for more than a decade. Elsewhere the contentions of establishment rules ,manuals,promotional avenues etc..are between directly recruited Class 1 and Class 2 officers,however in Rlys.we have ignored the rigours of recruitment of a Group A officer and trying to bring all at par!!!

Establishment policies have been changed without any formal stakeholder consultation resulting in all round stagnation in the



cadres of Group A Railway services. As making written submissions to Railway Board on this issue has become a futile exercise, FROA, in its last letter dated 18/01/2018, had requested for a formal meeting with Board. FROA reiterates its request for a meeting with **full Board** to articulate the grievances of Direct Recruits and seek their redressal.

With regards,


President/ FROA



Secretary General FROA

Copy : 1) PS to Hon'ble MR

2) PS to Hon'ble MoSR (S) and Hon'ble MoSR (G)
FC, ME, MRS, MS, MF, MTR *16/1/18* *Joy*

4) DG (Personnel), DG (Stores) and DG (S&T)
5) Secretary, Railway Board *16/2/18*

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