

No. II/1B/2018

Dated: 24/09/2018

The Chairman,
Railway Board,
New Delhi
Dear Sir,

Sub: Non-redressal of issues discussed by the Federations – Grant of regular absorption of staff working in Quasi Administrative Offices/Units in the erstwhile Group 'D' posts – reg.

Ref: Federations Joint letters No. II/1B dated 09/05/2016 & 15/05/2017 to CRB.

Federations have repeatedly been inviting kind attention of the Railway Board at all levels including at the level of Hon'ble MR, CRB to the DC/JCM item No.27/2006, urging decision for absorption of staff working in the Quasi Administrative Office/Units against erstwhile Group 'D' vacancies since long. The subject was also discussed by NFIR and AIRF in full Board meetings held on 07/02/2014, 01/10/2015 and 04/02/2016. Federations are deeply disappointed that though years passed, the issue is still pending unresolved. The Federations Joint communications to the Railway Board Chairman vide letters dated 09/05/2016 and 15/05/2017 have unfortunately not yielded positive result.

The Federations have re-iterated through joint letter dated 09/05/2016, the justification for restoration of the earlier policy formulated in the year 1973 & 1977 to facilitate regular absorption of staff working in Quasi Administrative Offices/Units. The Federations had sent another letter dated 15/05/2017 requesting to arrange a meeting at the level of Hon'ble MR and CRB, unfortunately no meeting has been convened as yet. Federations desire to state that 12 valid points were conveyed to the Railway Board on the legal opinion tendered by the Learned ASG relating in this particular case, but however there has been no positive response yet. Federations once again enclose a copy of 12 points for consideration at the level of Railway Ministry which we feel are sufficient to keep the policy alive. The subject was also highlighted by the Federations during Standing Committee Meetings held between the Federations and the Railway Board (MS, DG/P etc.,) on 7th Feb, 2018, 4th April, 2018 without any positive result which is unfortunate.

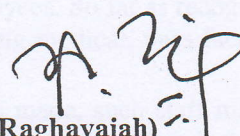
The Federations also reiterate that the decision of Railway Board vide dated 10/06/1997 was arbitrary as the same was issued without consultations with us which amounts to breach of agreement reached with the Federations during previous periods.

We therefore requests the CRB again to kindly intervene and see that a meeting takes place at your level early to settle this long pending issue besides other issues where agreements have been reached but not implemented so far. Alternatively, we suggest a special meeting with Hon'ble Railway Minister early.

DA/As above

Yours faithfully


(Shiva Gopal Mishra)
General Secretary/AIRF


(Dr M. Raghavaiah)
General Secretary/NFIR

Copy forwarded to the:-

Member (Staff), Railway Board, New Delhi.

Addl. Member (Staff), Railway Board, New Delhi.

Executive Director Esstt (IR), Railway Board, New Delhi.

Copy to the General Secretaries of affiliated Unions of NFIR.

Media Centre/NFIR.

Screening and absorption of Quasi Administrative Units Staff in Railways

Points for consideration:

1. The Railway Ministry had formulated policy in the year 1977 in consultation with the Federations for screening and absorption of Quasi Administrative Offices/Units Staff connected with the Railways.
2. Pursuant to the said policy decision, the screening and absorption of Quasi Administrative Units staff against Group 'D' vacancies was being done since then onwards in the Railways.
3. The Railway Board had however cancelled its policy decision arbitrarily in June 1997 without even consulting the Federations. When the Federations lodged protest, the Board had issued orders for screening and absorption of those on rolls as on 10/06/1997.
4. Federations have been continuously insisting that the Quasi Staff should be continued to be considered for absorption duly restoring the policy decision of 1977. The Railway Board have however chosen to obtain legal opinion from the learned Additional Solicitor General of India.
5. The learned ASG in Para 4 of his legal opinion had stated that "a relaxation or modification of an earlier policy should only be made in rare cases and any action taken by the Railways should be just, fair and reasonable and in public interest. No relaxation can be given for the mere asking."
6. The legal opinion of learned ASG vide point no. 5 above establishes the position that the cancellation of earlier policy decision of 1977, that too without prior consultations with the Federations was unjustified, unfair and un-reasonable.
7. Federations contention all throughout has been that the policy decision, which was in vogue for over four decades, should have been continued and cancellation of said policy was unjust and arbitrary.
8. Coming to Point no. 5 of the legal opinion of learned ASG, it may be appreciated that the Federation did not propose dilution of educational qualification for absorption of Quasi Staff in GP 1800/- (PB-1). However, age relaxation needs to be allowed, as is granted in the case of ex-servicemen, SC/ST and OBC candidates. In the past such relaxations were granted.
9. In Board's letter No. E(NG)II/2006/RR-4/3 dated 06/08/2015, addressed to the General Secretaries of NFIR & AIRF, it was stated that "Legal Directorate on the issue has opined that in view of Supreme Court's order, any scheme of regularization of persons irregularly appointed earlier is permissible as a one-time measure only and there should be no further bypassing of the Constitutional requirement". In this connection, the Federation desires the Railway Board to appreciate that the Quasi Staff are being appointed by the Institutions i.e. Railway Institutes, Co-operative Societies, Recognized Unions etc. The Railway Institutes are headed by the Railway Officer of the rank of JA Grade as chairman and under his/her control the managing committee of Institute functions. In this connection, Para 2208 to 2217 of IREM-Vol. II (1990 edition) may be referred to. So far as the Staff of recognized Unions are concerned, they are granted medical and travel facilities by the Railway Board which are equally allowed to those working in Railway Institutes, Clubs, Cooperative Societies etc. IREM provisions clearly indicate that the Quasi Staff are Railway related staff and not outsiders. Thus the Federation's contention that the staff working in the Quasi Administrative Units are "not irregularly appointed staff" is valid, therefore Apex Court's decision is not relevant in the instant case.
10. The Board had laid down policy in the year 1977, recognizing the fact that Quasi Administrative Railway Staff are serving the institutes etc., for the Welfare of Railway employees. So far as recognized Unions are concerned, the Railway Board had accorded approval for granting medical, pass facilities etc., to their staff duly imposing ceiling on such number.
11. The Supreme Court's Order stipulates that where irregular appointments are made, such staff may be considered for absorption if the persons have put in more than 10 years service without break. In this case, the appointments made were not irregular and the staff have been continuously working since several years. Therefore, their absorption would not fall foul of the intent and spirit of the judgment of the Apex Court.
12. Summing up, Federations request for restoration and continuance of the policy to facilitate absorption of Quasi Administrative Units/Offices Staff against vacancies in GP 1800 (PB-1)/Pay Level-1.
