ORDER

Ministry of Railways (Railway Board) have decided to constitute a Committee to examine classification of Railway Services consequent upon implementation of Railway Services (Revised Pay) Rules, 2016 in consultation with all stakeholders. The Committee will consist of the following:

1. Executive Director/Pay Commission-II, Railway Board ....Convener
2. Executive Director/ Estt.(GC), Railway Board ....Member
3. Executive Director/ Transformation (Mechanical), Railway Board ....Member

2. The Terms of Reference of the Committee will be as under:

"To examine in detail the issue of granting Group 'B' status (Gazetted/Non-Gazetted) to various existing Group 'C' posts of Indian Railways (including repercussions and modalities) in line with DoP&T's order no: 11012/10/2016-Estt.A-III dated 09.11.2017."

3. The Committee should examine the issue in consultation with various stakeholders & submit its report within one month from the date of its constitution.

4. The Headquarters of the Committee will be at New Delhi.

5. PC-VII: branch of Railway Board will be the Nodal branch for functioning of the Committee. Therefore, submission of report of the Committee for consideration of Railway Board, implementation of its recommendations and all related issues including Parl. Questions, RTI cases and other formalities with regard to the Committee, shall be dealt with by PC-VII branch.

6. The Convener and Members of the Committee will draw TA/DA as per extant rules.

(Handwritten Signature)
Under Secretary (E-I)
Railway Board

Copy to:-

1. The General Managers, all Indian Railways (Including Metro & CORE) Construction and Production Units.
2. The Director General, RDSO/Lucknow and NAIR/Vadodara.
3. PS/MR, OSD/MR, EDPG/MR, PS/Mos(S), ED(PG)/Mos(S), ED(Innovation)/Mos(S), PS/Mos(G) and EDPG/Mos(G), ED/Coord/Mos(G).
4. PSOS/Sr.PSs/PSs to CRB, FC, ME, MRS, MS, MTR, MT, Secy., All DGs/AMS/PEDs, EDEE(RS), EDPG, JS(G), JS, JS(E/I) & II, JS(P), JS(D), DF(X)-I, DIP, Dir(Tele), Dir(A), US(O&M), DS(P), US(A)I & II, DS(Protocol).
6. The FA & CAO, Northern Railway, New Delhi.
7. The Pay & Accounts Officer, Railway Board.
8. The Secretary General, FROA & IRPOF.
9. The General Secretary, AIRF & NFIR.

Contd..2/-
10. The Secretary General, AIRPFA, Rail Bhawan, New Delhi.
11. The General Secretary, IRCA, New Delhi.
12. All India SC/ST Railway Employees Association, Room No.7, Rail Bhawan, New Delhi.
13. Railway Board Secretariat Services Group 'A' Officers Association, Rail Bhawan, New Delhi.
SEE(Power) and PC-VII branch, Railway Board.
15. The Convener and Members of the Committee. The Committee is requested to finalize its report within
the prescribed tenure and a copy of the report may also be provided to ERB-I for information.
ORDER

Further to Board’s Order of even number dated 12.06.2018 constituting a Committee to examine classification of Railway Services consequent upon implementation of Railway Services (Revised Pay) Rules, 2016 in consultation with all stakeholders, Ministry of Railways (Railway Board) have decided that the tenure of the aforesaid Committee should be extended for a further period upto 11.08.2018.

Under Secretary(Estt.-I)
Railway Board

Copy to:-

1. The General Managers, all Indian Railways (including Metro & CORE) Construction and Production Units.
2. The Director General, RDSO/Lucknow and NAIR/Vadodara.
3. PS/MR, OSD/MR, EDPG/MR, PS/MoS(S), ED(PG)/MoS(S), ED(Innovation)/MoS(S), PS/MoS(G) and EDPG/MoS(G), ED(Coord)/MoS(G).
4. PSOs/Sr.PPSs/PPPs/PSs to CRB, FC, ME, MRS, MS, MTR, MT, Secy., All DGs/AMS/PEDs, EDEE(RS), EDPG, JS(G), JS, JS(E)I & II, JS(P), JS(D), DF(X)-I, DIP, Dir(Tele), Dir(A), US(O&M), DS(P), US(A)I & II, DS(Protocol).
6. The FA&CAO, Northern Railway, New Delhi.
7. The Pay & Accounts Officer, Railway Board.
8. The Secretary General, FROA & IRPOF.
9. The General Secretary, AIRF & NFIR.
10. The Secretary General, AIRPFA, Rail Bhawan, New Delhi.
11. The General Secretary, IRCA, New Delhi.
12. All India SC/ST Railway Employees Association, Room No.7, Rail Bhawan, New Delhi.
13. Railway Board Secretariat Services Group ‘A’ Officers Association, Rail Bhawan, New Delhi.
15. The Convener and Members of the Committee.

---0---
- 53 -
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
ORDER

New Delhi, the 9th November, 2017

S.O. 3578(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with rule 6 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number S.O. 2079(E), dated the 20th August, 2014, except as respects things done or omitted to be done before such supersession, the President hereby directs that with effect from the date of publication of this Order in the Official Gazette, all civil posts except persons serving in the Indian Audit and Accounts Department under the Union, shall be classified as follows:—

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Description of Posts</th>
<th>Classification of posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.</td>
<td>Group A</td>
</tr>
<tr>
<td>2</td>
<td>A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.</td>
<td>Group B</td>
</tr>
<tr>
<td>3</td>
<td>A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.</td>
<td>Group C</td>
</tr>
</tbody>
</table>

Explanation — For the purpose of this Order, 'Level' in relation to a post means, the Level specified in third row of Part A of the Schedule to the Central Civil Services (Revised Pay) Rules, 2016.

[F. No. 11012/10/2016-Estt A-III]

GYANENDRA DEV TRIPATHI, Jt. Secy.
CCS (CCA) RULES, 1965

CENTRAL CIVIL SERVICES

(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely: -

PART I

GENERAL

1. Short title and commencement

(1) These Rules may be called the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(2) They shall come into force on the 1st December, 1965.

2. Interpretation

In these rules, unless the context otherwise requires, -

(a) "appointing authority", in relation to a Government servant, means -

(i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or

(ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or
(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or

(iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post, whichever authority is the highest authority;

(b) "cadre authority", in relation to a Service, has the same meaning as in the rules regulating that Service;

(c) "Central Civil Service and Central Civil post" includes a civilian Service or civilian post, as the case may be, of the corresponding Group in the Defence Services;

(d) "Commission" means the Union Public Service Commission;

(e) "Defence Services" means services under the Government of India in the Ministry of Defence, paid out of the Defence Services Estimates, and not subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950);

(f) "Department of the Government of India" means any establishment or organization declared by the President by a notification in the Official Gazette to be a department of the Government of India;

(g) "disciplinary authority" means the authority competent under these rules to impose on a Government servant any of the penalties specified in Rule 11;

(h) "Government servant" means a person who -

(i) is a member of a Service or holds a civil post under the Union, and includes any such person on foreign service or whose services are temporarily placed at the disposal of a State Government, or a local or other authority;

(ii) is a member of a Service or holds a civil post under a State Government and whose services are temporarily placed at the disposal of the Central Government;

(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of the Central Government;
(i) "head of the department" for the purpose of exercising the powers a
appointing, disciplinary, appellate or reviewing authority, means the authorit
declared to be the head of the department under the Fundamental an
Supplementary Rules or the Civil Service Regulations, as the case may be;

(j) "head of the office" for the purpose of exercising the powers as appointing
disciplinary, appellate or reviewing authority, means the authority declared to be
the head of the office under the General Financial Rules;

(k) "Schedule" means the Schedule to these rules;

(l) "Secretary" means the Secretary to the Government of India in any
Ministry or Department, and includes-

(i) a Special Secretary or an Additional Secretary,

(ii) a Joint Secretary placed in independent charge of a Ministry or Department,

(iii) in relation to the Cabinet Secretariat, the Secretary to the Cabinet,

(iv) in relation to the President's Secretariat, the Secretary to the President, or
as the case may be, the Military Secretary to the President,

(v) in relation to Prime Minister's Secretariat, the Secretary to the Prime
Minister, and

(vi) in relation to the Planning Commission, the Secretary or the Additional
Secretary to the Planning Commission;

(m) "Service" means a civil service of the Union.

3. Application

(a) These rules shall apply to every Government servant including every civilian
Government servant in the Defence Services, but shall not apply to -

(a) any railway servant, as defined in Rule 102 of Volume I of the Indian
Railways Establishment Code,

(b) any member of the All India Services,

(c) any person in casual employment,
any person subject to discharge from service on less than one month's notice,

any person for whom special provision is made, in respect of matters covered by these rules, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the President before or after the commencement of these rules, in regard to matters covered by such special provisions.

(2) Notwithstanding anything contained in sub-rule (1), the President may by order exclude any Group of Government servants from the operation of all or any of these rules.

(3) Notwithstanding anything contained in sub-rule (1), or the Indian Railway Establishment Code, these rules shall apply to every Government servant temporarily transferred to a Service or post coming within Exception (a) or (e) in sub-rule (1), to whom, but for such transfer, these rules would apply.

(4) If any doubt arises, -

whether these rules or any of them apply to any person, or

whether any person to whom these rules apply belongs a particular Service, the matter shall be referred to the President who shall decide the same.

Government of India's decisions :

(1) Persons to whom not applicable

In exercise of the powers conferred by sub-rule (2) of rule 3 of the Central Civil Service (Classification, Control and Appeal) Rules, 1957 (now 1965), the President hereby directs that the following classes of Government servants shall be wholly excluded from the operation of the said rules, namely :-

MINISTRY OF EXTERNAL AFFAIRS

Locally recruited staff in Missions abroad.

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs Department)
22. Conditions of service of Central Government employees (excluding those under the control of the Department of Railways, the Department of Atomic Energy, the erstwhile Department of Electronics, the Department of Space and the Scientific and Technical personnel under the Department of Defence Research and Development, other than those having a financial bearing and in so far as they raise points of general service interests).

23. (a) The administration of all service rules including F.Rs, SRs, and C.S.Rs, (but excluding those relating to Pension and other retirement benefits) except--

(i) proposals relating to revisions of pay structure of employees;

(ii) proposals for revisions of pay scales of Central Government employees;

(iii) appointment of Pay Commission, processing of the recommendations and implementation thereof;

(iv) dearness allowance and other compensatory allowances and travelling allowances;

(v) any new facility to Government employees by way of service conditions or fringe benefits which involve significant recurring financial implications; and

(vi) matters relating to amendments to service rules having a predominantly financial character;

(b) initiation of proposals for new facility to Government employees by way of service conditions and fringe benefits, involving significant recurring financial implications;

(c) issue of formal orders of the Government of India in matters relating to amendments to service rules including those having a predominantly financial character referred to in item (vi) of clause (a);

(d) relaxation and liberalisation of any service rules having long-term financial implications in consultation with the Ministry of Finance.


25. Leave travel concession for civil employees other than Railway employees.


27. General policy regarding retrenchment and revision of temporary Government servants except those under the Department of Railways.


29. Uniforms for Class IV and other Government servants in the Central Secretariat, and its attached offices.

30. Working Hours and Holidays for Government of India offices.
14. General policy regarding verification of character and antecedents, suitability of candidates for appointment to Government service.

15. Policy matters relating to issue of No Objection certificate to serving personnel for registration with the Employment Exchange for higher posts.

16. Matters relating to Personal Staff of Ministers.

17. Re-deployment of staff rendered surplus in Central Government offices as a result of-
   (a) administrative reforms;
   (b) studies made by the SIU;
   (c) winding up of long term but temporary organisations.

18. Advising Ministries on proper management of various cadres under their control.

II. TRAINING

19. (a) Formation and coordination of training policies for the All India and Central Services;

   (b) Lal Bahadur Shastri National Academy of Administration and Institute of Secretariat Training and Management;

   (c) Training programmes for the Indian Administrative Service and the Central Secretariat Service;

   (d) Preparation and publication of training material and of the information of training techniques, facilities and programmes;

   (e) Liaison with training institutions within the States and abroad;

   (f) Refresher and special courses of Middle and Senior Management levels.

III. VIGILANCE AND DISCIPLINE

20. (a) Central Vigilance Commission;

   (b) All policy matters pertaining to vigilance and discipline among public servants;

   (c) Relationship between Members of Parliament and the Administration.

20A. The Prevention of Corruption Act, 1947 (2 of 1947); the Central Bureau of Investigation (the Delhi Special Police Establishment including the Legal Division, the Technical Division, the Policy Division, and the Administration Division); the Food Offences Wing; and Economic Offences Wing.

IV. SERVICE CONDITIONS

21. General questions (other than those which have a financial bearing including Conduct Rules relating to All India and Union Public Services except in regard to services under the control of the Department of
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(KARMIK, LOK SHIKAYAT TATHA PENSION MANTRALAYA)

A. DEPARTMENT OF PERSONNEL AND TRAINING  
(KARMIK AUR PRASHIKSHAN VIBHAG)

I. RECRUITMENT, PROMOTION AND MORALE OF SERVICES

1. Reservation of posts in Services for certain classes of citizens.

2. General questions relating to recruitment, promotion and seniority pertaining to Central Services except Railways Services and services under the control of the Department of Atomic Energy, the erstwhile Department of Electronics, the Department of Space and the Scientific and Technical Services under the Department of Defence Research and Development.


4. General policy matters regarding classification of posts and grant of gazetted status in relation to Services other than Railway Services.

5. Recruitment of ministerial staff for the Government of India Secretariat and its attached offices except that for the Department of Railways, the Department of Atomic Energy, the erstwhile Department of Electronics, and the Department of Space.

6. Appointment of non-Indians to Civil posts under the Government of India except posts under the Department of Railways, the Department of Atomic Energy, the erstwhile Department of Electronics and the Department of Space.

7. *****

8. Concessions to War Service candidates in respect of appointments to Civil Posts and services.

9. General policy regarding resettlement of displaced Government servants from areas now in Pakistan and retrenched temporary employees.

10. Concessions to political sufferers in the matters of first appointment or reappointment to the public services.

11. General policy regarding grant of extension to or re-employment of superannuated officers.

12. Issue of certificates of eligibility for appointment to Civil Services and posts under the Union in respect of persons other than Indian citizens.

13.(a) Deputation of Indian experts abroad under the Indian Technical and Economic Cooperation Programme of the Ministry of External Affairs and on bilateral basis of the developing countries of Asia, Africa and Latin America.

(b) Deputation of officers or placements with the United Nations and its allied agencies as also with other international agencies like ILO, FAO, etc.
ORDER

THE GOVERNMENT OF INDIA (ALLOCATION OF BUSINESS) RULES

In exercise of the powers conferred by clause (3) of article 77 of the Constitution and in supercession of all previous rules and orders on the subject the President hereby makes the following rules for the allocation of the business of the Government of India.

1. Short Title - These rules may be called the Government of India (Allocation of Business) Rules, 1961.

2. Allocation of Business - The business of the Government of India shall be transacted in the Ministries, Departments, Secretariats and Offices specified in the First Schedule to these rules (all of which are hereinafter referred to as "departments").

3. Distribution of Subjects –

(1) The distribution of subjects among the departments shall be as specified in the Second Schedule to these Rules and shall include all attached and subordinate offices or other organisations including Public Sector Undertakings concerned with their subjects and Sub-rules (2), (3) and (4) of this Rule.

(2) The compiling of the accounts of each Department shall stand allocated to that Department with effect from the date from which the President relieves, by order made under the first proviso to sub-section (1) of Section 10 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971; the Comptroller and Auditor General from the responsibility for compiling the accounts of that Department.

(3) Where sanction for the prosecution of any person for any offence is required to be accorded-

a) If he is a Government servant, by the Department which is the Cadre Controlling authority for the service of which he is a member, and in any other case, by the Department in which he was working at the time of commission of the alleged offence;

b) If he is a public servant other than a Government servant, appointed by the Central Government, by the Department administratively concerned with the organisation in which he was working at the time of commission of the alleged offence; and
31. Administration of service rules with financial content under specific
delegation made by the Ministry of Finance.

32. Advice on proposals in respect of the Ministry of Finance relating to the
number or grade of posts to the strength of a service or to the pay and
allowances of Government servants or any other conditions of their
service having financial implications.

33. General policy regarding reimbursement of legal expenses incurred by
Government Servants.

34. Proposals for grant of ex-officio Secretariat status.

35. Honorary appointments of persons in civil posts.

36. Oath of allegiance to the Constitution.

V. SENIOR AND MIDDLE MANAGEMENT

37. All aspects of Senior Management (i.e., Joint Secretaries and above and
their equivalents) including developments of personnel for it.

38.(a) Establishment Officer to the Government of India;
(b) Appointments Committee of the Cabinet;
(c) Central Establishment Board;
(d) Career Development for Middle Management (i.e. Directors, Deputy and
Under Secretaries and equivalents).

VI. GOVERNMENT EMPLOYEES RELATIONS, INCLUDING STAFF
GRIEVANCES AND WELFARE.

39.(a) Service Associations of the industrial and non-industrial employees of the
Government of India;
(b) Joint Consultative Machinery; Departmental Council for the Department of
Personnel and Training (Karmik aur Prashikshan Vibhag);
(c) machinery for the redress of staff grievances;
(d) staff welfare including sports, cultural activities, Grih Kalyan Kendras,
Canteens, Cooperative Stores, etc;
(e) all matters relating to Central Administrative Tribunals and State
Administrative Tribunals;
(f) other matters involving Government Employees relations not specifically
provided for under any other entry relating to this Ministry.

VII. UNION PUBLIC SERVICE COMMISSION

40. Union Public Service Commission.

VIII. CENTRALISED ASPECTS OF MANAGING IAS, INTER-
MINISTRY CADRES INCLUDING A CAREER PLANNING FOR
THE MEMBERS THEREOF.

41.(a) Creation of new All India Services;
(b) Rules and regulations under the All-India Services Act, 1951 (61 of 1951);
(c) All matters relating to the Indian Administrative Service including the Indian Civil Service;

(d) All India Civil List and History of Services;

(e) Central Secretariat Service, Central Secretariat Stenographers' Service and Central Secretariat Clerical Service.

IX. CAREER PLANNING AND MANPOWER PLANNING.

42. (a) General Policy questions regarding Career Planning and Manpower Planning for the All India and Central Government Services;

(b) All matters pertaining to Career Planning and Manpower Planning for the Indian Administrative Service and the Central Secretariat Service.

X. PERSONNEL MANAGEMENT AGENCIES

43. Coordination of the work of personnel management agencies within various Ministries and Departments.

XI. ALLOCATION OF PERSONNEL AND INTEGRATION OF SERVICES AS A RESULT OF STATES RE-ORGANISATION.

44. (a) Allocation of service personnel affected by re-organisation of States;

(b) Division and integration of services affected by the re-organisation of States other than the Union Territories;

(c) Protection of service conditions of personnel affected by re-organisation of States;

(d) Other matters relating to State Services affected by the re-organisation of States.

XII. PUBLIC ENTERPRISES SELECTION BOARD

45. Public Enterprises Selection Board (PESB).
COMPLETE TOB UPTO
AMENDMENT SERIES NO. 69, (Amendment
dated 06.05.2016)
ORDER

THE GOVERNMENT OF INDIA (TRANSACTION OF BUSINESS) RULES

In exercise of the powers conferred by clause (3) of article 77 of the Constitution and in supersession of all previous rules and orders on the subject, the President hereby makes the following rules for the more convenient transaction of the business of the Government of India:

1. Short Title.- These rules may be called the Government of India (Transaction of Business) Rules, 1961.

2. Definition.- In these rules, "department" means any of the Ministries, Departments, Secretariats and Offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961.

3. Disposal of Business by Ministries.- Subject to the provisions of these Rules in regard to consultation with other departments and submission of cases to the Prime Minister, the Cabinet and its Committees and the President, all business allotted to a department under the Government of India (Allocation of Business) Rules, 1961, shall be disposed of by, or under the general or special directions of, the Minister-in-charge.

4. Inter-Departmental Consultations.- (1) When the subject of a case concerns more than one department, no decision be taken or order issued until all such departments have concurred, or, failing such concurrence, a decision thereon has been taken by or under the authority of the Cabinet.

Explanation- Every case in which a decision, if taken in one Department, is likely to affect the transaction of business allotted to another department, shall be deemed to be a case the subject of which concerns more than one department.

(2) Unless the case is fully covered by powers to sanction expenditure or to appropriate or re-appropriate funds, conferred by any general or special orders made by the Ministry of Finance, no department shall, without the previous concurrence of the Ministry of Finance, issue any orders which may-

(a) involve any abandonment of revenue or involve any expenditure for which no provision has been made in the appropriation act;

(b) involve any grant of land or assignment of revenue or concession, grant, lease or licence of mineral or forest rights or a right to water power or any easement or privilege in respect of such concession;

(c) relate to the number or grade of posts, or to the strength of a service, or to the pay or allowances of Government servants or to any other conditions of their service having financial implications; or

(d) otherwise have a financial bearing whether involving expenditure or not;
Provided that no orders of the nature specified in clause (c) shall be issued in respect of the Ministry of Finance without the previous concurrence of the Department of Personnel and Training.

(3) The Ministry of Law shall be consulted on-
   (a) proposals for legislation;
   (b) the making of rules and orders of a general character in the exercise of a statutory power conferred on the Government; and
   (c) the preparation of important contracts to be entered into by the Government.

(4) Unless the case is fully covered by a decision or advice previously given by the Department of Personnel and Training that Department shall be consulted on all matters involving-
   (a) the determination of the methods of recruitment and conditions of service of general application to Government servants in civil employment; and
   (b) the interpretation of the existing orders of general application relating to such recruitment or conditions of service.

(5) Unless the case is fully covered by the instructions issued or advice given by that Ministry, the Ministry of External Affairs shall be consulted on all matters affecting India’s external relations.

5. Requests for Papers.- (1) The Prime Minister may call for papers from any Department.
   (2) The Finance Minister may call for papers from any Department in which financial consideration is involved.
   (3) Any Minister may ask to see papers in any other Department if they are related to or required for the consideration of any case before him.

6. Committees of the Cabinet.-
   (1) There shall be Standing Committees of the Cabinet as set out in the First Schedule to these Rules with the functions specified therein. The Prime Minister may from time to time amend the Schedule by adding to or reducing the numbers of such Committees or by modifying the functions assigned to them.
   (2) Each Standing Committee shall consist of such Ministers as the Prime Minister may from time to time specify.
   (3) Subject to the provisions of rule 7, each Standing Committee shall have the power to consider and take decisions on matters referred to it by order of the Minister concerned or by the Cabinet.
   (4) Ad hoc Committees of Ministers including Group of Ministers may be appointed by the Cabinet, the Standing Committees of the Cabinet or by the Prime Minister for investigating and reporting to the Cabinet on such matters as may be specified, and, if so authorised by the Cabinet, Standing Committees of the Cabinet or the Prime Minister, for taking decisions on such matters.
   (5) To the extent, there is a commonality between the cases enumerated in the Second Schedule and the cases set out in the First Schedule, the Standing Committees of the Cabinet, shall be
competent to take a final decision in the matter except in cases where the relevant entries in the First Schedule or the Second Schedule, preclude the Committees from taking such decisions.

(6) Any decision taken by a Standing or Ad hoc Committee may be reviewed by the Cabinet.

(7) No case which concerns more than one Department shall be brought before a Standing or Ad hoc Committee of the Cabinet until all the Departments concerned have been consulted.

7. Submission of Cases to the Cabinet.- (i) all cases specified in the Second Schedule to these Rules except cases covered by sub-rule(5) of rule 6, shall be brought before the Cabinet:

Provided that no case which concerns more than one Department shall, save in cases of urgency, be brought before the Cabinet until all the Departments concerned have been consulted.

Provided further that no case which falls under entry (h) of the Second Schedule and where specific powers have been delegated to Ministries/Departments or Public Sector Undertakings under a decision of the Cabinet or a Standing Committee of the Cabinet and duly notified by the concerned Department, shall be brought before the Cabinet.

Provided also that cases pertaining to the implementation of the nuclear doctrine and handling/deployment of the strategic assets, including matters relating to staffing and creation of the assets, shall be brought before the Political Council of the Nuclear Command Authority, headed by the Prime Minister.

(ii) The Prime Minister may from time to time amend the Second Schedule by adding to or reducing the number or class of cases required to be placed before the Cabinet.

8. Submission of Cases to the Prime Minister and the President.- All cases of the nature specified in the Third Schedule to these Rules shall, before the issue of orders thereon, be submitted to the Prime Minister or to the President or to the Prime Minister and the President, as indicated in that Schedule.

9. Submission of Periodical Returns to the Cabinet.- Each department shall submit to the Cabinet a monthly summary of its principal activities and such other periodical returns as the Cabinet or the Prime Minister may from time to time require.

10. Submission of Certain Papers to the President.- The periodical reports and other papers specified in the Fourth Schedule to these Rules shall be submitted to the President for information as early as possible.

11. Responsibility of Departmental Secretaries.- In each department, the Secretary (which term includes the Special Secretary or Additional Secretary or Joint Secretary in independent charge) shall be the administrative head thereof, and shall be responsible for the proper transaction of business and the careful observance of these rules in that department.

12. Departure from Rules.- The Prime Minister may, in any case or classes of cases permit or condone a departure from these rules, to the extent he deems necessary.

RAJENDRA PRASAD,
President.
<table>
<thead>
<tr>
<th>Name of the Standing Committee</th>
<th>Functions</th>
</tr>
</thead>
</table>
| 1. Appointments Committee of the Cabinet | (i) To take decisions in respect of appointments specified in Annexure I to the First Schedule to the Government of India (Transaction of Business) Rules, 1961; and to decide upon temporary upgradation of post(s) to the level of Joint Secretary and above (namely, post(s) carrying Grade Pay of Rs.10,000 in Pay Band-4 and above) for a maximum period of two years from the date of upgradation and to decide upon temporary downgradation of such post(s) for a specified period;  
Note: The cases of temporary upgradation or downgradation of posts are to be placed before the Appointments Committee of the Cabinet after completing requisite inter-ministerial consultations including with the Department of Expenditure.  
(ii) to take decisions in respect of empanelments specified in Annexure II to the First Schedule to the Government of India (Transaction of Business) Rules, 1961;  
(iii) to decide all cases of disagreement relating to appointments between the Department or Ministry concerned and the Union Public Service Commission;  
(iv) to decide cases of extension of tenure, under the Central Staffing Scheme(s) or relevant central tenure norms, of officers belonging to the All India Services and other Group 'A' Services beyond the prescribed limits;  
(v) to decide cases relating to lateral shift of officers serving on Central deputation;  
(vi) to decide cases of premature repatriation of officers serving with the Central Government to their parent cadre or Department;  
(vii) to decide cases relating to inter-cadre deputation or transfer of All India Services Officers;  
(viii) to decide cases of extension of service beyond the age of superannuation under Fundamental Rule 56(d);  
(ix) to decide all cases of disagreement with the recommendations of the Search-cum-Selection Committee constituted in accordance with the statutory requirements or the relevant instructions of the Department of Personnel and Training in respect of officers of the rank or pay (pay band plus Grade Pay) equivalent to or higher than a Joint Secretary of the Central Government;  
(x) to consider and decide representations, appeals and memorials from officers of the rank or pay (pay band plus Grade Pay) equivalent to or higher than a Joint Secretary in the Central Government, except from those working in the cadre, against adverse remarks; |
(x) to decide all cases of disagreement, including in the order of preference of the Public Enterprises Selection Board panel, between the administrative Ministry or Department concerned and the Public Enterprises Selection Board;

(xii) to decide all cases of inter-company transfers of Chairman, Managing Director and functional Directors of Public Sector Undertakings between holding companies and subsidiaries and within the subsidiaries including Memorandum of Understanding signing Public Sector Undertakings;

(xiii) to decide all cases relating to intra-company transfer of Managing Director and functional Directors of Public Sector Undertakings including Memorandum of Understanding signing Public Sector Undertakings; and

(xiv) to decide cases relating to employment or re-employment of any person, who has attained the age of superannuation, in any Department of the Government of India, any State-owned public corporation, company or enterprise, in a post, appointment to which requires approval of the Appointments Committee of the Cabinet.

| 2. Cabinet Committee on Accommodation. | (i) to determine the guidelines or rules and terms and conditions to govern out-of-turn allotment of Government accommodation;

(ii) to decide upon the allotment of Government accommodation to various categories of non-eligible persons and organisations and the rate of rent to be charged from them;

(iii) to consider the question of allotment of accommodation from the General Pool to the Members of Parliament;

(iv) to consider proposals regarding shifting of existing Central Government Offices to places outside Delhi and the location of new offices in Delhi; and

(v) to consider and decide upon the proposals relating to-

(a) revision of scales of accommodation to various categories of persons;

(b) revision of licence fee for various types of Government accommodation; and

(c) other matters like allotment of accommodation to the various categories of Central Government servants from the 'Central Pool' or 'Special Pool'.

[The minutes of the meeting of the Cabinet Committee on Accommodation will be submitted to the Prime Minister for his information before they are issued].

-70-
3. **Cabinet Committee on Economic Affairs.**

(i) to review on a continuous basis economic trends, problems and prospects for evolving a consistent and integrated economic policy framework for the country;

(ii) to direct and co-ordinate all activities in the economic field requiring policy decisions at the highest level including foreign investment;

(iii) to deal with matters relating to fixation of prices of agricultural products and price control in respect of industrial raw materials and products;

(iv) to deal with increase in the prices of essential commodities or bulk goods under any form of formal or informal control;

(v) to lay down priorities for public sector investment and to consider:

   (a) proposals for investment of more than one thousand crore rupees including those recommended by the Public Investment Board/Expenditure Finance Committee/Expanded Board of the Railways or any other appraisal fora/committee except in cases where separate thresholds have been laid down by the Cabinet, Committee of the Cabinet or other competent authority; and

   (b) proposals recommended by other appraisal fora/Committee such as Public Private Partnership Appraisal Committee beyond the threshold laid down/ approved by the Competent Authority for approval by such fora but does not include proposals involving setting up of new Companies, Autonomous Bodies, Institutions, Special Purpose Vehicles, etc. or creation of posts carrying pay scale or pay band plus Grade Pay equivalent to that of a Joint Secretary to the Government of India and higher, which shall continue to be placed before the Cabinet;

(vi) to consider cases of increase in the firmed up cost estimates or revised cost estimates due to reasons such as time overrun, changes in scope, underestimation, etc. in respect of proposals that are required to be placed before the Cabinet Committee on Economic Affairs for which the procedure stipulated in the Second Schedule to the Government of India (Transaction of Business) Rules, 1961, in respect of similar cases will apply;

(vii) to deal with industrial licensing policies and proposals including those relating to establishment of Joint Sector Undertakings;

(viii) to review the performance of Central Public Sector Enterprises and consider the cases relating to their structural re-organisation or financial restructuring;

(ix) to review progress of activities related to rural development including those concerning small and marginal farmers;
(x) to review the accomplishments of the Ministries, Agencies and Public Sector Undertakings/other bodies involved in implementation of prioritised schemes or projects;

(xi) to consider issues relating to disinvestment and to decide:—

(a) the quantum of shares to be transacted, mode of sale and final pricing of the transaction or lay down the principles/guidelines for such pricing; and

(b) the selection of strategic partner/buyer, terms and conditions of sale in case of the strategic sale.

(xii) to decide the price band and final price of sale of shares held by the Government of India in all Central Public Sector Enterprises;

Note 1: Matters in respect of functions under sub-paragraph (xii) will, unless modified by the competent authority specified in sub-rule (4) of rule 6, be put up for the approval of the Minister of Finance, the Minister of Road Transport and Highways and the Minister-in-charge of the administrative Ministry concerned with the public sector enterprise whose proposals come for consideration.

Note 2: The above composition shall, if modified by the competent authority, be duly notified by the Cabinet Secretariat.

Note 3: The above mechanism shall be serviced by the Department of Investment and Public Asset Management (DIPAM).

(xiii) to monitor the general price situation in the country and to decide upon appropriate corrective measures including measures relating to prices of essential commodities;

(xiv) to assess the internal availability of all essential and agricultural commodities and to authorise effective steps;

(xv) to take decisions on export of all essential and agricultural commodities particularly from Food Corporation of India stocks keeping in view the price implications for the domestic market;

(xvi) to consider measures required for making the Public Distribution System more efficient and effective and to determine the prices of articles supplied through the System;

(xvii) to consider measures necessary for augmenting the supply of requisite commodities for stabilizing the prices including through imports;

(xviii) to review measures regarding enforcement of the Essential Commodities Act and other related statutory provisions;

(xix) to consider and decide on issues pertaining to the World Trade Organization; and

(xx) to consider issues relating to the Unique Identification Authority of India including its organization, plans, policies, programmes, schemes, funding and methodology to be adopted for achieving the objectives of that Authority.
| 4. Cabinet Committee on Parliamentary Affairs. | (i) To watch the progress of Government business in Parliament and to give such directions as may be necessary from time to time, in order to secure smooth and efficient conduct of such business;  
(ii) to scrutinise, and to consider the attitude of the Government on non-official Bills and resolutions to be presented to Parliament;  
Note: The Minister of Parliamentary Affairs, may take a decision in cases, where the recommendation of the concerned Ministry/Department is that the non-official Bill/Resolution may be opposed, or the Members may be persuaded/requested to withdraw the Bill/Resolution, failing which it may be opposed. Decisions so taken by the Minister may be placed before the Cabinet Committee on Parliamentary Affairs or if no meeting of the Committee is envisaged, within a reasonable period of time, these may be circulated to the Members of the Committee for ratification.  
(iii) to review legislations undertaken by State Legislatures from an all-India point of view; and  
(iv) to consider proposals to summon or prorogue the Houses of Parliament.  
Note: The Committee shall, unless otherwise decided by the Cabinet Secretary, be serviced by the Ministry of Parliamentary Affairs. |
| 5. Cabinet Committee on Political Affairs. | (i) To deal with problems relating to Centre-State relations;  
(ii) to consider economic and political issues that have to be judged with a wider perspective; and  
(iii) to deal with policy matters concerning foreign affairs that do not have external or internal security implications. |
8. **Cabinet Committee on Security.**

(i) to deal with all Defence related issues;

(ii) to deal with issues relating to law and order, and internal security;

(iii) to deal with policy matters concerning foreign affairs that have internal or external security implications including cases relating to agreements with other countries on security related issues;

(iv) to deal with economic and political issues impinging on national security;

(v) to review the manpower requirements relating to national security including proposals concerning creation of posts carrying the pay scale or pay band plus Grade Pay equivalent to that of a Joint Secretary to the Government of India and higher, and setting up new structures to deal with security related issues;

(vi) to consider all cases-

(a) involving capital expenditure of more than rupees one thousand crore-

(I) in respect of-

(A) the Department of Defence Production; and

(B) the Department of Defence Research and Development;

(II) in respect of the Capital Works projects, Services Capital Acquisition plans, schemes, projects, procurement of security related equipment, non-scaled and new items in respect of Department of Defence; and

(b) involving security related expenditure of more than one thousand crore rupees in respect of Departments not included in item (a), except in cases where higher powers for disposal of cases or class of cases have been delegated to the specified authorities;

(c) involving capital expenditure of more than two hundred fifty crore rupees in respect of land acquisition by the Department of Defence where land acquisition is undertaken separately;

(vii) all matters relating to atomic energy; and

(viii) to consider cases of—

(i) increase in the firmed up cost estimates or revised cost estimates of schemes, projects, acquisition, or procurement in respect of items covered by entry (vi), for reasons such as time overrun, changes in scope, or under-estimation, to the extent such increase is more than twenty per cent of the original cost estimates already approved by the competent authority;

(ii) any further increase of more than five per cent in the revised cost estimates referred to in item (i):

Provided that no case of revised cost estimate where such revised cost estimate is one thousand crore rupees or less or other cases falling within the powers delegated to other authorities by the Central Government, shall be required to be brought before the Cabinet Committee on Security except in cases, where the Minister-in-charge directs any case to be placed before the Committee:

Provided further that any escalation due to increase in statutory levies, exchange rate variation and price escalation envisaged within the original approved project time cycle at the time of approval by the competent authority shall be excluded for determining increase in the cost under this entry.
7. Cabinet Committee on Investment

(i) to identify key projects required to be implemented on a time-bound basis, involving investments of Rs. 1000 crore or more, or any other critical projects, as may be specified by the Committee, in sectors such as infrastructure, manufacturing, etc.;

(ii) to prescribe time limits for issue of requisite approvals and clearances by the Ministries/Departments concerned in respect of projects in identified sectors;

(iii) to monitor the progress of identified projects including the time prescribed/taken to obtain each approval/clearance and delays, if any;

(iv) to review implementation of projects that have been delayed beyond the stipulated timeframe, including issues causing delay in grant of clearances/approvals;

(v) to review the procedures followed by Ministries/Departments to grant/refuse approvals and clearances;

(vi) to take decision regarding grant/refusal of approval/clearance of specific projects that are unduly delayed, if deemed necessary;

(vii) to consider and decide measures required for expeditiously granting/refusing approvals/clearances in identified sectors including simplification of rules/procedures followed by the respective Ministries/Departments for decision making; and

(viii) to require statutory authorities to discharge functions and exercise powers under the relevant law/regulation within the prescribed time frames for promoting investment and economic growth.

8. Cabinet Committee on Skill Development

(i) to provide direction and consider all policies, programmes, schemes and initiatives for skill development aimed at increasing the employability of the workforce for effectively meeting the emerging requirements of the rapidly growing economy and mapping the benefits of demographic dividend;

(ii) to direct and coordinate all activities relating to skill development, enhancing workforce participation, fostering employment growth and identification and removal of the gaps between the requirements and availability of skills in different sectors;

(iii) to lay down targets for expeditious implementation of all skill development initiatives by the Ministries/Departments and to periodically review the progress in this regard; and

(iv) to consider any other matter relating to skill development.

Note: Monetary threshold laid down for submission of cases before the Cabinet Committee on Economic Affairs shall also be followed for clearance of cases, where required, by the Cabinet Committee on Skill Development.
ANNEXURE I TO THE FIRST SCHEDULE
APPOINTMENTS REQUIRING THE APPROVAL OF THE
APPOINTMENTS COMMITTEE OF THE CABINET

<table>
<thead>
<tr>
<th>Departments</th>
<th>Appointments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. All Ministries/Departments</td>
<td>1. Secretariat appointments of and above the rank of Joint Secretary in the Central Government.</td>
</tr>
<tr>
<td></td>
<td>2. All other appointments of civilian officers in the Government of India carrying a salary or salary scale or pay band plus Grade Pay equivalent to or higher than the minimum of such scale or pay band plus Grade Pay payable to a Joint Secretary to the Government of India except -</td>
</tr>
<tr>
<td></td>
<td>(i) appointment of Indian Police Service officers of Inspector General and Additional Director General levels in the Central Police Organisations under the Ministry of Home Affairs;</td>
</tr>
<tr>
<td></td>
<td>(ii) appointment of officers of the Defence Forces of the rank of Major General or equivalent in the Central Police Organisations under the Ministry of Home Affairs; and</td>
</tr>
<tr>
<td></td>
<td>(iii) appointment of organised Group ‘A’ Central Services officers to the posts in the cadre other than the posts which carry the pay scale equivalent to the Secretary to the Government of India.</td>
</tr>
<tr>
<td></td>
<td>3. Appointment of officers abroad (other than officers belonging to the Ministry of External Affairs), to the posts of the rank of Third Secretaries or equivalent and above in Indian Missions or outside such Missions.</td>
</tr>
<tr>
<td></td>
<td>4. Appointment of Private Secretaries, and Officers on Special Duty, in the office of the members of the Union Council of Ministers.</td>
</tr>
<tr>
<td></td>
<td>5. Appointment in autonomous institutions and statutory bodies, under the Central Government to the posts of the Chief Executive in the salary or salary scale or pay band plus Grade Pay equivalent to or higher than the minimum of such scale or pay band plus Grade Pay payable to a Joint Secretary to the Government of India.</td>
</tr>
<tr>
<td></td>
<td>6. Appointment, whether salaried or not, of Chairman, and other Members of the Board of Management (including the Managing Director and the Financial Adviser, if the Financial Adviser is a member of the Board of Management) of any Schedule ‘A’ or Schedule ‘B’ State-owned public corporation, Public Sector Banks, Public Sector Insurance Companies and Financial Institutions, company or enterprise, except where such appointment is made ex-officio by the Government.</td>
</tr>
</tbody>
</table>
7. Appointment to the posts of part-time non-official Directors on the Boards of Management of any State-owned public corporation, company or enterprise.

8. Appointment of Chief Vigilance Officers (CVOs) in Public Sector Undertakings, Autonomous organizations and statutory bodies, under the Central Government in the salary or salary scale or pay band plus Grade Pay equivalent to or higher than the minimum of such scale or pay band plus Grade Pay payable to a Joint Secretary to the Government of India.

<table>
<thead>
<tr>
<th>Ministry of Defence</th>
<th>1. Scientific Adviser to the Defence Minister.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Director General, Armed Forces Medical Services.</td>
</tr>
<tr>
<td></td>
<td>3. Director General, Ordnance Factories.</td>
</tr>
<tr>
<td></td>
<td>4. Additional Director General, Ordnance Factories.</td>
</tr>
<tr>
<td></td>
<td>5. Director General, Defence Estates.</td>
</tr>
<tr>
<td></td>
<td>6. Director General, Quality Assurance.</td>
</tr>
<tr>
<td></td>
<td>7. Additional Director General, Quality Assurance.</td>
</tr>
<tr>
<td></td>
<td>8. Director Grade I in Director General Quality Assurance Organisation.</td>
</tr>
<tr>
<td></td>
<td>10. Additional Controller General of Defence Accounts.</td>
</tr>
<tr>
<td></td>
<td>11. Principal Controllers of Defence Accounts and equivalent posts in Indian Defence Accounts Service.</td>
</tr>
<tr>
<td></td>
<td>12. Director, Institute for Defence Studies and Analyses (IDSA).</td>
</tr>
<tr>
<td></td>
<td>13. Chief of the Army Staff.</td>
</tr>
<tr>
<td></td>
<td>14. Vice-Chief of the Army Staff/General Officers Commanding-in-Chief, Central Command, Southern Command, Eastern Command, Western Command, Northern Command, South Western Command and Army Training Command.</td>
</tr>
</tbody>
</table>
15. Principal Staff Officers at Army Headquarters, namely, Deputy Chief of the Army Staff, Adjutant General, Quarter-Master General, Master General of the Ordnance, Military Secretary, Engineer-in-Chief and Director General of Military Operations (DGMO).

NAVY

16. Chief of the Naval Staff.

17. Flag Officers Commanding-in-Chief, Western, Eastern and Southern Naval Commands, Vice-Chief of the Naval Staff and Principal Staff Officers at Naval Headquarters in the rank of Vice-Admiral, that is, Chief of Personnel, Chief of Material, and Deputy Chief of the Naval Staff.

AIR FORCE

18. Chief of the Air Staff.

19. Vice Chief of the Air Staff; Air Officers Commanding-in-Chief of the Western, Central, Eastern, Maintenance, Training, Southern and South Western Air Commands.

20. Principal Staff Officers at Air Headquarters, that is, Deputy Chief of the Air Staff; Air Officer-in-charge, Maintenance, Air Officer-in-charge, Administration, Air Officer-in-charge, Personnel, and Inspector General.

HEADQUARTER INTEGRATED DEFENCE STAFF AND INTER-SERVICE COMMANDS

21. Chief of Integrated Defence Staff to the Chairman; Chiefs of Staff Committee; Commander-in-Chief, Andaman and Nicobar Command; and Commander-in-Chief, Strategic Force Command.

22. Deputy Chief of Integrated Defence Staff (Doctrine, Organisation and Training); Deputy Chief of Integrated Defence Staff (Policy, Planning and Force Development); Deputy Chief of Integrated Defence Staff (Operations); and Director General Defence Intelligence Agency and Deputy Chief of Integrated Defence Staff (Intelligence).

Note.- No reference to the Appointments Committee of the Cabinet is required for transfer of an officer approved for an appointment to any post included in entries 14, 15, 17, 19, 20 and 22 to another post included in the same entry;

<table>
<thead>
<tr>
<th>Ministry of Finance</th>
<th>Governor and Deputy Governors of the Reserve Bank of India.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Law and Justice</td>
<td>Solicitor General and Additional Solicitor General.</td>
</tr>
<tr>
<td>Ministry of Railways</td>
<td>1. Chairman, Railway Board.</td>
</tr>
<tr>
<td></td>
<td>2. Members and Additional Members of the Railway Board.</td>
</tr>
<tr>
<td></td>
<td>3. Financial Commissioner for Railways.</td>
</tr>
<tr>
<td></td>
<td>4. General Managers of Railways and equivalent appointments.</td>
</tr>
</tbody>
</table>
ANNEXURE II TO THE FIRST SCHEDULE
EMPANELMENTS REQUIRING THE APPROVAL OF THE
APPOINTMENTS COMMITTEE OF THE CABINET

1. Empanelment of officers of All India Services, and Organised
Group 'A' Central Services for holding Secretariat posts at the level
of Joint Secretary, Additional Secretary and Secretary in the
Central Government.

2. Empanelment of officers belonging to the Central Secretariat
Service for appointment to posts at the level of Joint Secretary,
Additional Secretary and Secretary in the Central Government.

3. Empanelment for making appointment to posts in Grades I to III of
the Indian Foreign Service.

4. Empanelment of Indian Police Service officers for holding posts at
the level of Inspector General, Additional Director General and
Director General or equivalent ranks in the Central Police
Organisations.

5. Empanelment of Indian Forest Service Officers for holding the post
of Inspector General of Forests, Additional Director General of
Forests and Director General of Forests.

6. Empanelment for making appointments to the Senior Administrative
Grade of organized Group 'A' Central Services other than
Organised Group 'A' Services under the Ministry of Railways and
Indian Telecommunications Services and other services under the
Department of Telecommunications.

7. Empanelment of officers of all Central Services under the Ministry
of Railways for making appointment to the posts of Additional
General Manager and above in the Indian Railways.

8. Empanelment of officers of the Indian Telecommunications
Services for making appointment to a post carrying a Pay Scale of
Rs. 67000-(annual increment @ 3%) - 79000 and above under the
Telecom Commission.

9. Empanelment for making appointments to the posts of Lieutenant
General in the Indian Army and equivalent ranks in the Indian Navy,
and the Indian Air Force; Director General of Armament Supply,
Naval Armament Supply Officer (SAO) and Senior Director (Naval
Stores) in Naval Head Quarter, and Additional Director General,
Chief Engineer, Chief Architect and Chief Engineer (Quantity
Surveying and Contract) in Military Engineer Services.
THE SECOND SCHEDULE

(Rule 7)

CASES WHICH SHALL BE BROUGHT BEFORE THE CABINET

(a) Cases involving legislation including the issue of Ordinances.

(b) Addresses and messages of the President to Houses of Parliament.

(c) Proposals to summon or prorogue the Houses of Parliament or dissolve the House of the People.

(d) Cases involving negotiations with foreign and Commonwealth countries on treaties, agreements and other important matters:

Provided that-

(i) Cultural Agreements and Agreements on Science and Technology not impacting the national security or our relations with other countries which are duly approved by the Minister-in-Charge of the Department concerned and the Minister of External Affairs and where requisite inter-Ministerial consultations in terms of rule 4 have been carried out may only be circulated to the Cabinet for information;

(ii) such foreign aid agreements and commercial agreements as are duly approved by the Minister-in-Charge of the concerned Department and as are within the broad framework already approved by the Cabinet need not be formally placed before the Cabinet.

(e) (i) Cases relating to commencement or cessation of a state of war and related matters.

(ii) Cases relating to a proclamation of emergency under articles 352 to 356 of the Constitution and other matters related thereto.

(f) Proposals to appoint public commissions or committees of inquiry and consideration of the reports of such commissions or committees.

(g) Any proposal to withdraw otherwise than in accordance with competent legal advice, any prosecution instituted by or at the instance of the Government of India.

(h) Proposals relating to-

(i) (A) creation of new corporations or companies wholly owned by the Central Government or by a public sector undertaking;

(B) setting up of new autonomous bodies, institutes of national importance, Central Universities or deemed to be universities, special purpose vehicles etc.;

(ii) participation by the Central Government or a public sector undertaking in providing share capital to a new or an existing corporation or company involving investments of more than one thousand crore rupees except in cases where the authority to do so has specifically been delegated to other authorities and other than the proposals to acquire shares from the public in private sector organisations in which Government have a share or an interest;
(iii) winding up, amalgamation or such other major schemes of structural re-organisation of public sector undertakings;

except in pursuance of a decision already taken by the Cabinet or the Standing Committee(s) of the Cabinet;

(iv) (1)(i) increase in the firmed up cost estimates of schemes and projects, procurement and acquisition cases relating to different departments including the Ministry of Railways, the State owned public corporations, companies, enterprises and projects, where such increase is more than twenty percent of the original cost estimates based on feasibility report already approved by the competent authority;

(ii) cost increase due to reasons such as time overrun, changes in scope, under-estimation, etc. for the purpose of entry (iv) (1) (i) to be arrived at after excluding the escalation due to increase in statutory levies, exchange rate variation and price escalation within the original approved project time cycle;

(2) any further increase of more than five per cent in the revised cost estimates referred to in entry (iv) (1) (after excluding the escalation due to increase in statutory levies, exchange rate variation and price escalation within the approved project time cycle):

Provided that no case of revised cost estimates mentioned in entry (h) (iv) where the revised cost estimate is one thousand crore rupees or less or is within the powers delegated under second proviso to rule 7 irrespective of the authority which had initially approved the project, shall be brought before the Cabinet;

(v) Cases relating to establishment or expansion of any scheme (including any lines of production) and procurement or acquisition by any Department, State-owned public corporation, company or enterprise where such cases involve an outlay of more than one thousand crores rupees.

(i) Proposals relating to creation of all posts carrying Grade Pay of Rs.10,000 in Pay Band-4 and above.

Note.- This clause does not apply to posts in Public Sector Undertakings and scientific posts under the Flexible Complementing Scheme.

(l) Cases involving financial implications on which the Minister of Finance desires a decision of the Cabinet.

(k) Cases in which the Minister-in-Charge of the concerned department desires a decision or direction of the Cabinet in a matter of importance on a subject assigned to his charge.

(l) Cases in which a difference of opinion arises between two or more Ministers and a Cabinet decision is desired.

(m) Proposals to vary or reverse a decision previously taken by the Cabinet.

(n) Any other cases which the President or the Prime Minister may by general or special order require to be brought before the Cabinet.

Note.- (i) For the purpose of this Schedule, any case or the class of cases that are covered or have been included in the First Schedule to these rules shall be disposed of by the concerned Committee of the Cabinet and shall not be required to be placed before the Cabinet except in terms of sub-rule (6) of rule 6. Such disposal by the concerned Committee of the Cabinet shall not include cases relating to legislation referred to in (a) above.
(ii) The cases relating to creation of new posts carrying Grade Pay of Rs.10,000 in Pay Band-4 and above, setting up of Joint Ventures, special purpose vehicles, new entities such as institutes of national importance, Central Universities or deemed to be universities, Public Sector Undertakings, etc. shall be brought before the Cabinet and not disposed of by the Standing Committees except in respect of requirements relating to national security:

Provided that the cases of temporary upgradation of post(s) to the level of Joint Secretary and above (namely, post(s) carrying Grade Pay of Rs.10,000 in Pay Band-4 and above) for a maximum period of two years from the date of upgradation and to decide upon temporary downgradation of such post(s) for a specified period shall be disposed of by the Appointments Committee of the Cabinet.
### THE THIRD SCHEDULE

(Rule 8)

**CASES FOR SUBMISSION TO THE PRIME MINISTER AND THE PRESIDENT**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Nature of Cases</th>
<th>Reference to provision of the Constitution, if any</th>
<th>Authority to whom to be submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>President's emoluments, allowances, privileges and official residences.</td>
<td>Article 59(3)</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>2</td>
<td>Grant of pardons, reprieves, respites, suspension, remission or commutation of a Sentence of death.</td>
<td>Article 72</td>
<td>The President.</td>
</tr>
<tr>
<td>3</td>
<td>Appointment and resignation of the Prime Minister and other Ministers of the Union.</td>
<td>Article 75</td>
<td>The President.</td>
</tr>
<tr>
<td>4</td>
<td>Appointment, resignation and removal of the Attorney General for India.</td>
<td>Article 76</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>5</td>
<td>Nomination of members of either House of Parliament.</td>
<td>Articles 80 and 331</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>6</td>
<td>Summoning or prorogation of the Houses of Parliament or dissolution of the House of the People.</td>
<td>Articles 85 and 108</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>7</td>
<td>The President's address and messages to Houses of Parliament.</td>
<td>Articles 86 and 108</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>8</td>
<td>Disqualifications of Members of Parliament</td>
<td>Article 103</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>9</td>
<td>Bills passed by the Houses of Parliament for the President's assent.</td>
<td>Article 111.</td>
<td>The President.</td>
</tr>
<tr>
<td>10</td>
<td>Recommendations of the President for presentation to the Houses of Parliament of Annual Financial Statements and Statements relating to supplementary, additional or excess grants; appropriation bills, bills affecting taxation in which States are interested.</td>
<td>Articles 112, 114, 115, 117, and 274.</td>
<td>The President.</td>
</tr>
<tr>
<td>11</td>
<td>Promulgation and withdrawal of Ordinances.</td>
<td>Article 123</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Nature of Cases</td>
<td>Reference to provision of the Constitution, if any</td>
<td>Authority to whom to be submitted</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>12.</td>
<td>Appointment, resignation and removal of Judges of the Supreme Court of India.</td>
<td>Articles 124, 126, 127 and 128.</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>13.</td>
<td>References to the Supreme Court of India.</td>
<td>Article 143</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>15.</td>
<td>Appointment, resignation and removal of Governors of States and Administrators of Union Territories of the status of Lieut. Governor.</td>
<td>Articles 155 and 239.</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>16.</td>
<td>Provision for the discharge of the functions of the Governor of a State or in case of failure of constitutional machinery in States.</td>
<td>Articles 160 and 356.</td>
<td>The President.</td>
</tr>
<tr>
<td>17.</td>
<td>Bills reserved by the Governor of a State for the President's assent.</td>
<td>Article 201</td>
<td>The President.</td>
</tr>
<tr>
<td>19.</td>
<td>Establishment of Inter-State Councils.</td>
<td>Article 263</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>20.</td>
<td>Appointment, suspension, resignation and removal of the Chairman and Members of the Finance Commission.</td>
<td>Article 280</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>21.</td>
<td>Appointment, resignation and removal of Chairman and Members of the Union Public Service Commission.</td>
<td>Articles 316 and 317.</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>22.</td>
<td>Appointment, resignation and removal of the Chief Election Commissioner and other Election Commissioners.</td>
<td>Article 324</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>23.</td>
<td>Appointment, resignation and removal of Special Officer for Scheduled Castes and Scheduled Tribes.</td>
<td>Article 338</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>24.</td>
<td>Appointment, resignation and removal of the Chairman and Members of the Commission to report on the administration of Scheduled Areas and the Welfare of Scheduled Tribes in the States.</td>
<td>Article 339</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Nature of Cases</td>
<td>Reference to provision of the Constitution, if any</td>
<td>Authority to whom to be submitted</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>25.</td>
<td>Appointment, resignation and removal of the Chairman and Members of the Commission to investigate into conditions of backward classes.</td>
<td>Article 340</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>26.</td>
<td>Appointment, resignation and removal of the Chairman and Members of the Commission on Official Language of the Union.</td>
<td>Article 344</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>27.</td>
<td>Proclamation of Emergency and Proclamation as to financial emergency and other provisions arising out of such proclamations.</td>
<td>Articles 352 to 360</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>27A.</td>
<td>Declaration of commencement or cessation of a State of war.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>28.</td>
<td>Recognition of Rulers of former Indian States.</td>
<td>Article 366(22)</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>29.</td>
<td>Amendment of the Constitution.</td>
<td>Article 368</td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>30.</td>
<td>Proposals under Articles 370 and 371.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>31.</td>
<td>Assent to Regulations made under paragraph 5(2) of the Fifth Schedule to the Constitution.</td>
<td></td>
<td>The President.</td>
</tr>
<tr>
<td>32.</td>
<td>Appointment and removal of Ambassadors, Ministers, Charge d'Affaires and other high dignitaries accredited to the foreign countries.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>32A.</td>
<td>Grant of refusal of agreement for persons proposed to be accredited as heads of foreign diplomatic missions /High Commissions and declaring them persona non grata.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>33.</td>
<td>Award of Medals, Decorations and &quot;Mention in Despatches&quot;.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>34.</td>
<td>Messages to Heads of foreign countries.</td>
<td></td>
<td>The President.</td>
</tr>
<tr>
<td>35.</td>
<td>Appointments, resignations and removal of such other authorities as the President may, by general or special order, prescribe.</td>
<td></td>
<td>The President.</td>
</tr>
<tr>
<td>36.</td>
<td>Such other cases of administrative importance as the Prime Minister may specify.</td>
<td></td>
<td>The President.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Nature of Cases</td>
<td>Reference to provision of the Constitution, if any</td>
<td>Authority to whom to be submitted</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>37</td>
<td>Appointment, resignation and removal of Chairman and members of any other statutory Commissions, not mentioned above and important ad hoc Commissions and members thereof.</td>
<td></td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>38</td>
<td>Appointment of Indians to important posts on executive and other organs of International bodies such as the International Monetary Fund and the International Bank.</td>
<td></td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>39(i)</td>
<td>Cases of disciplinary action where the authority otherwise competent under the relevant rules concludes that the penalty of dismissal, removal, compulsory retirement or reduction in rank is justified to be imposed on the holder of a post, appointment to which ordinarily requires approval of the Appointments Committee of the Cabinet.</td>
<td></td>
<td>The Prime Minister and the President.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Cases of disciplinary action, against officers of the All India Services and all Group A Central Civil Services including those under the Ministry of Railways, where there is a difference of opinion between the Departments concerned or between the Department concerned and the Union Public Service Commission, and which are not required to be placed before the Prime Minister and the President in accordance with 39(i) above.</td>
<td></td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>40</td>
<td>Delegations to International (including Commonwealth) Assemblies and Conferences.</td>
<td></td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>41(i)</td>
<td>Cases considered by the Group of Ministers (GoM) relating to grant of permission, for taking up remunerated employment in any private (commercial, industrial or other) concern to a person who held a post in the rank of Secretary to the Government of India or</td>
<td></td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Nature of Cases</td>
<td>Reference to provision of the Constitution, if any</td>
<td>Authority to whom to be submitted</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td></td>
<td>equivalent or higher and immediately before his retirement belonged to: (a) an</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>All India Service and was under the Central Government at any time during a</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>period of two years prior to his retirement; or (b) any of the Central Civil</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services including those under the Ministry of Railways.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note.- The requests for grant of permission in respect of all officers of the level of Secretary and above, shall, before being placed before the Prime Minister, be considered by a Group of Ministers (GoM) comprising the Minister of State in the Department of Personnel and Training or when there is no Minister of State in the Department of Personnel and Training, the Minister-in-Charge of the Department of Personnel and Training, the Minister-in-charge of the cadre controlling Department of the Service to which such person belongs to, and the Minister-in-Charge of the Department where such a person worked during last one year. Provided that in cases, where the Cadre Controlling Ministry of the officer whose case is being considered is also the Department of Personnel and Training, the Group of Ministers shall include the Minister of Home Affairs.

(ii) Cases relating to grant of permission to officers of the level of Joint Secretary to the Government of India or equivalent and higher but less than the Secretary to the Government of India or equivalent belonging either to the All India Services or the Central Civil Services including those under the Ministry of Railways, where the GoM in accordance with 41(i), did not recommend grant of such permission. Provided that approval of the Prime Minister shall not be required, where the GoM recommends grant of such permission to an officer of this level.

The Prime Minister.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Nature of Cases</th>
<th>Reference to provision of the Constitution, if any</th>
<th>Authority to whom to be submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>41A.</td>
<td>Engagement of a non-governmental foreign agency for investigation or detective purposes.</td>
<td>..</td>
<td>The Prime Minister.</td>
</tr>
<tr>
<td>42.</td>
<td>Any other matter which the Prime Minister may from time to time by general or special order, specify.</td>
<td>..</td>
<td>The Prime Minister.</td>
</tr>
</tbody>
</table>
THE FOURTH SCHEDULE
(Rule 10)

PERIODICAL REPORTS AND OTHER PAPERS WHICH SHALL BE SUBMITTED TO THE PRESIDENT FOR HIS INFORMATION

(1) Agenda and connected papers for meetings of the Cabinet and its Committees and cases circulated to the Ministers for recording their opinion.

(2) Record of decisions reached on cases either circulated to Ministers, or decided at a meeting of the Cabinet or any of its Committees.

(3) Monthly summaries and such other periodical returns as are required to be submitted by departments to the Cabinet.

(4) Weekly Intelligence summaries from the Director, Intelligence Bureau.

(5) Fortnightly reports about the internal political situation, etc., from States and Union Territories.

(6) Annual reports or reports submitted by officers, committees and commissions appointed either by Government or by the President in accordance with the provisions of the Constitution.

(7) Important telegrams exchanged between the Ministry of External Affairs and Representatives abroad.

(8) Copies of orders issued by departments conveying -

(a) Instructions from the President under the proviso to clause (I) of article 213 for the promulgation of ordinances by Governors of States; and

(b) Sanctions of the President under the proviso to article 304 to the introduction in the Legislature of a State of Bills or amendments imposing restrictions on the freedom of trade, commerce or intercourse with or within that State.

(9) Such other information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for.
<table>
<thead>
<tr>
<th>Amendment Series No.</th>
<th>Order No.</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>74/7/CF-62</td>
<td>28.03.1962</td>
</tr>
<tr>
<td>2</td>
<td>74/25/CF-62</td>
<td>01.06.1962</td>
</tr>
<tr>
<td>3</td>
<td>74/25/CF-65</td>
<td>06.01.1965</td>
</tr>
<tr>
<td>4</td>
<td>74/25/CF-65</td>
<td>16.03.1965</td>
</tr>
<tr>
<td>5</td>
<td>74/25/CF-65</td>
<td>03.04.1965</td>
</tr>
<tr>
<td>6</td>
<td>74/25/CF-65</td>
<td>30.04.1965</td>
</tr>
<tr>
<td>7</td>
<td>74/25/CF-65</td>
<td>09.07.1965</td>
</tr>
<tr>
<td>8</td>
<td>74/25/CF-65</td>
<td>15.10.1965</td>
</tr>
<tr>
<td>9</td>
<td>74/25/CF-69</td>
<td>28.04.1969</td>
</tr>
<tr>
<td>10</td>
<td>74/25/CF-69</td>
<td>30.04.1969</td>
</tr>
<tr>
<td>11</td>
<td>74/25/CF-69</td>
<td>02.09.1969</td>
</tr>
<tr>
<td>12</td>
<td>74/1/3/CF-70</td>
<td>11.05.1970</td>
</tr>
<tr>
<td>13</td>
<td>74/1/3/CF-70</td>
<td>20.10.1970</td>
</tr>
<tr>
<td>14</td>
<td>74/1/3/CF-70</td>
<td>30.01.1971</td>
</tr>
<tr>
<td>15</td>
<td>74/1/2/71-CF</td>
<td>22.01.1972</td>
</tr>
<tr>
<td>16</td>
<td>74/1/4/72-CF</td>
<td>29.06.1972</td>
</tr>
<tr>
<td>17</td>
<td>74/1/3/74-CF</td>
<td>30.09.1974</td>
</tr>
<tr>
<td>18</td>
<td>74/1/3/74-CF</td>
<td>30.11.1974</td>
</tr>
<tr>
<td>19</td>
<td>74/1/3/75-CF</td>
<td>06.05.1975</td>
</tr>
<tr>
<td>20</td>
<td>74/1/3/75-CF</td>
<td>16.08.1975</td>
</tr>
<tr>
<td>21</td>
<td>74/1/3/75-CF</td>
<td>21.11.1975</td>
</tr>
<tr>
<td>22</td>
<td>74/1/4/76-CF</td>
<td>23.09.1976</td>
</tr>
<tr>
<td>23</td>
<td>74/1/1/77-CF</td>
<td>29.04.1977</td>
</tr>
<tr>
<td>24</td>
<td>74/1/3/78-CF</td>
<td>26.09.1978</td>
</tr>
<tr>
<td>25</td>
<td>74/1/3/78-CF</td>
<td>22.12.1978</td>
</tr>
<tr>
<td>26</td>
<td>74/1/1/79-Cab.</td>
<td>29.01.1979</td>
</tr>
<tr>
<td>27</td>
<td>74/1/3/81-Cab.</td>
<td>16.07.1981</td>
</tr>
<tr>
<td>28</td>
<td>74/1/7/83-Cab.</td>
<td>06.05.1983</td>
</tr>
<tr>
<td>29</td>
<td>74/1/2/85-Cab.</td>
<td>04.06.1985</td>
</tr>
<tr>
<td>30</td>
<td>74/1/2/86-Cab.</td>
<td>27.03.1986</td>
</tr>
<tr>
<td>31</td>
<td>74/1/3/86-Cab.</td>
<td>03.08.1988</td>
</tr>
<tr>
<td>32</td>
<td>74/1/2/87-Cab.</td>
<td>21.11.1988</td>
</tr>
<tr>
<td>33</td>
<td>74/1/2/87-Cab.</td>
<td>24.11.1988</td>
</tr>
<tr>
<td>34</td>
<td>74/1/1/89-Cab.</td>
<td>08.01.1990</td>
</tr>
<tr>
<td>35</td>
<td>74/1/6/89-Cab.</td>
<td>14.03.1990</td>
</tr>
<tr>
<td>36</td>
<td>74/1/8/90-Cab.</td>
<td>03.08.1990</td>
</tr>
<tr>
<td>No.</td>
<td>Date</td>
<td>Number</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>38</td>
<td>03.10.1992</td>
<td>74/1/4/92-Cab.</td>
</tr>
<tr>
<td>39</td>
<td>16.10.1992</td>
<td>74/1/5/90-Cab.</td>
</tr>
<tr>
<td>41</td>
<td>08.03.1994</td>
<td>74/1/8/93-Cab.</td>
</tr>
<tr>
<td>42</td>
<td>26.06.1997</td>
<td>1/20/2/97-Cab.</td>
</tr>
<tr>
<td>43</td>
<td>02.07.1998</td>
<td>1/22/2/98-Cab.</td>
</tr>
<tr>
<td>44</td>
<td>27.08.1998</td>
<td>1/22/2/98-Cab.</td>
</tr>
<tr>
<td>45</td>
<td>01.12.1998</td>
<td>1/22/2/88-Cab.</td>
</tr>
<tr>
<td>46</td>
<td>18.02.2000</td>
<td>1/22/2/89-Cab.</td>
</tr>
<tr>
<td>47</td>
<td>24.08.2001</td>
<td>1/22/2/2001-Cab.</td>
</tr>
<tr>
<td>48</td>
<td>11.02.2002</td>
<td>1/22/2/2002-Cab.</td>
</tr>
<tr>
<td>49</td>
<td>05.12.2002</td>
<td>1/22/2/2002-Cab.</td>
</tr>
<tr>
<td>50</td>
<td>26.03.2003</td>
<td>1/22/2/2003-Cab.</td>
</tr>
<tr>
<td>51</td>
<td>09.10.2004</td>
<td>1/22/2/2004-Cab.</td>
</tr>
<tr>
<td>52</td>
<td>03.05.2005</td>
<td>1/22/2/2004-Cab.</td>
</tr>
<tr>
<td>53</td>
<td>02.08.2005</td>
<td>1/22/2/2005-Cab.</td>
</tr>
<tr>
<td>54</td>
<td>01.05.2006</td>
<td>1/22/2/2006-Cab.</td>
</tr>
<tr>
<td>55</td>
<td>15.10.2007</td>
<td>1/20/1/2007-Cab.</td>
</tr>
<tr>
<td>56</td>
<td>15.10.2007</td>
<td>1/20/1/2007-Cab.</td>
</tr>
<tr>
<td>57</td>
<td>06.07.2009</td>
<td>1/22/2/2009-Cab.</td>
</tr>
<tr>
<td>59</td>
<td>03.11.2009</td>
<td>1/20/2/2009-Cab.</td>
</tr>
<tr>
<td>60</td>
<td>18.01.2010</td>
<td>1/20/2/2007-Cab.</td>
</tr>
<tr>
<td>61</td>
<td>01.04.2010</td>
<td>1/22/2/2010-Cab.</td>
</tr>
<tr>
<td>63</td>
<td>02.01.2013</td>
<td>1/22/2/2012-Cab.</td>
</tr>
<tr>
<td></td>
<td>08.01.2013</td>
<td>1/22/2/2012-Cab. corrigendum</td>
</tr>
<tr>
<td>64</td>
<td>10.06.2013</td>
<td>1/22/1/2013-Cab.</td>
</tr>
<tr>
<td>65</td>
<td>25.06.2014</td>
<td>1/20/2/2014-Cab.</td>
</tr>
<tr>
<td>66</td>
<td>29.08.2014</td>
<td>1/20/6/2013-Cab.</td>
</tr>
<tr>
<td>67</td>
<td>01.12.2014</td>
<td>1/20/7/2014-Cab.</td>
</tr>
<tr>
<td>68</td>
<td>11.05.2015</td>
<td>1/20/5/2015-Cab.</td>
</tr>
<tr>
<td>69</td>
<td>06.05.2016</td>
<td>1/20/1/2016-Cab.</td>
</tr>
</tbody>
</table>

- 91 -
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

S.No. PC VI-177
No. PC VI/2009/I/RSRP/4

RBE No. 5/2010
New Delhi, Dated 08.01.2010

The General Managers
All Indian Railways and Production Units
(As per mailing list)

Sub: Classification of Railway Services consequent upon introduction of Railway Services (Revised Pay) Rules, 2008.

In exercise of powers conferred by proviso to Article 309 of the Constitution of India, the President hereby directs that with effect from the date of issue of these orders, subject to exceptions made in the footnotes below and also subject to such exceptions as Ministry of Railways may, by any general or special orders make from time to time, Railway Service posts shall be classified as follows:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Description of Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (a)</td>
<td>A Railway Service post in Apex Scale (Rs.80000-100000); Higher Administrative Grade plus scale (Rs.75500-80000) and HAG Scale (Rs.67000-79000); and</td>
</tr>
<tr>
<td>(b)</td>
<td>A Railway Service post carrying Grade Pay Rs.10000, Rs. 8900 and Rs. 8700 in Pay Band PB-2 (Rs. 37400-67000) and Grade Pay Rs. 7600, Rs. 6600 and Rs. 5400 in Pay Band PB-3 (Rs. 15600-39100) but excluding the posts falling in S.No. (2) &amp; (3) below.</td>
</tr>
<tr>
<td>2</td>
<td>A Railway Service post carrying Grade Pay Rs.5400 and Rs.4800 in Pay Band PB-2 (Rs.9300-14800) but excluding the posts falling in S.No. (3) below.</td>
</tr>
<tr>
<td></td>
<td>The posts of Assistant Nursing Officer carrying Grade Pay Rs.5400, Principal/Head Master/Head Mistress (Secondary/High School &amp; equivalent) (Basic Grade &amp; Sr. Grade) carrying Grade Pay Rs.5400/6600 in Pay Band PB-3 (Rs.15600-39100) and Non-functional Grade of Group 'B' Gaz. posts of various organized railway services &amp; RBSS/RBSSS carrying Grade Pay Rs.5400 in Pay Band PB-3 (Rs.15600-39100) will continue to be classified as Group ‘B’ (Gaz.).</td>
</tr>
<tr>
<td>3</td>
<td>A Railway Service post carrying Grade Pay Rs.4600 and Rs.4200 in Pay Band PB-2 (Rs.9300-13800), Grade Pay Rs.3800, Rs.3400, Rs.2000, Rs.1600 and Rs.1800 in Pay Band PB-1 (Rs.5200-10200).</td>
</tr>
<tr>
<td></td>
<td>The posts of SI (Acting)/Sr. SO (Acting), TTA/Sr. TTA and ISA/Dr. ISA (Merged grades) carrying Grade Pay Rs.4800 in Pay Band PB-2 (Rs.9100-14800), Nursing Sister carrying Grade Pay Rs.4800 in Pay Band PB-2 (Rs.9100-14800) Matron/Chief Matron (Merged Grade) carrying Grade Pay Rs.5400 in Pay Band PB-3 (Rs.15600-39100).</td>
</tr>
<tr>
<td>4</td>
<td>A Railway Service post carrying Grade Pay Rs.1650, Rs.1600, Rs.1400, Rs.1300 in Pay Band IS (Rs.4440-7440).</td>
</tr>
</tbody>
</table>

Notes:

(a) A person placed in higher Grade Pay/Pay Band under In-situ promotion scheme/ ACP or MACP Schemes will continue to retain the classification of his Basic Post.

(b) The classification of Non-functional posts, Sr. & Selection Grade posts of Teaching/School staff will continue to remain the same as applicable to Basic Grade post.

(c) The Assistants of Railway Board Sectt. Service & Personal Assistants of Railway Board Sectt. Stenographers Service will continue to be classified as Group 'B' (Non-gazetted) as laid down in respective service rules.

(d) If higher classification than that indicated above is presently prescribed for any specific post in the respective service rules, the same shall continue till further orders.

2. Posts created subsequent to date of effect of these orders as specific additions to existing cadres shall have the same classification as posts in the cadre to which they are added.

3. For the purpose of these orders Pay Band, in relation to a post, means the running Pay Bands specified in Part A, Section I, Column 5 of the First Schedule to the Railway Services (Revised Pay) Rules, 2008 & Board’s letter No. PC VI/2008/1/RSRP/1 dated 11.09.2008.

4. Accordingly, the President is pleased to direct that Rule 107 of Indian Railway Establishment Code Vol. I (Fifth Edition-1985) shall be amended as in the Advance Correction Slip No.110 (enclosed).

5. This issues with the concurrence of the Finance directorate of the Ministry of Railways.

6. Please acknowledge receipt.

Encl: Code Correction Slip No.110

No. PC VI/2009/1/RSRP/4

Copy (with 40 spares) forwarded to ADAI (Railways), New Delhi.

New Delhi, Dated 08.01.2010

(Kiwsy Thomas)
Joint Director Pay Commission II
Railway Board

for Financial Commissioner/Railways.
Advance correction slip No.110

Rule 107 of Indian Railway Establishment Code Vol. I (Fifth Edition-1985) shall be substituted as under:

107. (1) With effect from 08.01.2010 subject to exceptions made in the footnotes below and also subject to such exceptions as Ministry of Railways may, by any general or special orders make from time to time, Railway Service posts shall be classified as follows:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Description of Posts</th>
<th>Classification of posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (a)</td>
<td>A Railway Service post in Apex Scale (Rs.80000-fixed), Higher Administrative Grade plus scale (Rs.75500-80000) and HAG Scale (Rs.67000-79000); and</td>
<td>Group A (Gaz.)</td>
</tr>
<tr>
<td>(b)</td>
<td>A Railway Service post carrying Grade Pay Rs.10000, Rs. 8900 and Rs.7600 in Pay Band PB-4 (Rs. 37400-67000) and Grade Pay Rs. 6600 and Rs. 5400 in Pay Band PB-3 (Rs.15600-39100) but excluding the posts falling in S.No. (2) &amp; (3) below.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>A Railway Service post carrying Grade Pay Rs.5400 and Rs.4800 in Pay Band PB-2 (Rs.9300-13800) but excluding the posts falling in S.No. (3) below. The posts of Assistant Nursing Officer carrying Grade Pay Rs.5400, Principal/Head Master/Head Mistress (Secondary/High School &amp; equivalent) (Basic Grade &amp; Sr. Grade) carrying Grade Pay Rs.5400/6600 in Pay Band PB-3 (Rs.15600-39100) and Non-Functional Grade of Group ‘B’ Gaz. posts of various organized Railway services &amp; RBSS/RBSSS carrying Grade Pay Rs.5400 in Pay Band PB-3 (Rs.15600-39100) will continue to be classified as Group ‘B’ (Gaz.)</td>
<td>Group B (Gaz.)</td>
</tr>
<tr>
<td>3</td>
<td>A Railway Service post carrying Grade Pay Rs.4600 and Rs.4200 in Pay Band PB-2 (Rs.9300-13800), Grade Pay Rs.2800, Rs.2400, Rs.2000, Rs.1900 and Rs.1800 in Pay Band PB-1 (Rs.5200-20200). The posts of S.O. (Accts) / Sr. SO (Accts), TIA / Sr.TIA and ISA / Sr. ISA (Merged grades) carrying Grade Pay Rs.4800 in Pay Band PB-2 (Rs.9300-13800), Nursing Sister carrying Grade Pay Rs. 4800 in Pay Band PB-2 (Rs.9300-13800), Matron / Chief Matron (Merged Grade) carrying Grade Pay Rs.5400 in Pay Band PB-3 (Rs.15600-39100), Primary School Teacher/Trained Graduate Teacher/Post Graduate Teacher and equivalent (Basic/Senior/Selection Grade) carrying Grade Pay Rs.4800/5400/6600 in Pay Band PB-2/PB-3 (Rs.9300-13800/15600-39100) will continue to be classified as Group ‘C’.</td>
<td>Group C</td>
</tr>
<tr>
<td>4</td>
<td>A Railway Service post carrying Grade Pay Rs.1650, Rs.1600, Rs.1400, Rs.1300 in Pay Band 15 (Rs.4440-7440).</td>
<td>Group D (all the posts are upgraded)</td>
</tr>
</tbody>
</table>
Notes:

(a) A person placed in higher Grade Pay / Pay Band under In-situ promotion scheme / ACP or MACP Schemes will continue to retain the classification of his Basic Post.

(b) The classification of Non-functional posts, Sr. & Selection Grade posts of Teaching / school staff will continue to remain the same as applicable to Basic Grade post.

(c) The Assistants of Railway Board Sectt. Service & Personal Assistants of Railway Board Sectti. Stenographers Service will continue to be classified as Group ‘B’ (Non-gazetted) as laid down in respective service rules.

(d) If higher classification than that indicated above is presently prescribed for any specific post in the respective service rules, the same shall continue till further orders.

(2) Posts created subsequent to date of effect of these orders as specific additions to existing cadres shall have the same classification as posts in the cadre to which they are added.


(Authority: Ministry of Railway’s letter No. PC VI/2009/1/RSRP/4 dated 08.01.2010)

- 95 -
JUDGMENT:

THE 21ST DAY OF JANUARY, 1998

Present: 
Hon'ble Mrs. Justice Sujata V. Manohar 
Hon'ble Mr. Justice D.P. Wadhwa 
Mr. S.K. Mehta, Mr. Dhruv Mehta, Mr. Pazlin Anam and Ms. 
Shobha Verma, Advocates for the appellants. 
Mrs. K. Amruthwari, Sr. Advocates, Mr. A.K. Sharma and Ms. 
Anjani Ayyengar, Advocates with her for the respondents. 

JUDGMENT

The following Judgment of the Court was delivered: 
D.P. Wadhwa, J.

The appellants are aggrieved by that part of the order dated April 26, 1991 of the Central Administrative Tribunal (for short 'the Tribunal') whereby the Tribunal did not accept their contention that they being in the pay scale of Rs. 2000-3200 be also granted the Group B status like their counterparts in the office of the Comptroller and Auditor General of India (CAG) and the Controller General of Defence Accounts (CGDA). 

The appellants had also raised another issue before the Tribunal that they should also be granted revised pay-scale of Rs. 2000-3200 w.e.f. 1.1.1986 and not from 1.4.1987 as was granted by the respondents. The Tribunal directed the respondents to fix the appellants in the revised scales of pay w.e.f. 1.1.1986 on notional basis and make actual payment of the differential amount consequent to re-fixation of pay in the revised scales w.e.f. 1.4.1987. Against this part of the relief granted to the appellants by the Tribunal, Union of India came in appeal in this Court and by judgment dated July 15, 1994 (1995 Supp 3 SCC 600) the court reversed the decision of the Tribunal and held that the appellants would be entitled to revised pay scales only with effect from 1.4.1987. It is therefore not necessary for us to go into this controversy which stands settled. 

The first appellant is an Association of Subordinate Account Service (SAS) Staff working in the Railways. Other appellants are serving in the Railways as Section Officers or Travelling Inspectors of Accounts. The appellants contend that in various Ministries and Departments of the Central Government, notably Railways, Defence, Posts and Telegraphs,
CAG, CGDA etc., there is an Accounts establishment called SAS. They, therefore, contend that SAS Railways have always been equated and granted parity with SAS (CAG) in the matter of selection grades, pay scales, status etc. and that any deviation from the traditional parity with the SAS Railways and SAS (CAG) and SAS (CGDA) etc. would be discriminatory and violative of Articles 14 and 16 of the Constitution. The main grievance of the appellants, therefore, is that while they have been placed in the pay scale of Rs. 2000-3200, they have not been granted Group 'B' status as has been done in respect of their counterparts in CAG and CGDA in the same pay scale.

The genesis of the dispute it would appear relates back to the report of the Fourth Central pay Commission (Commission for short). The Commission noted that there were about 65,000 posts of accounts staff in Groups B and C working in different departments/offices of the Government of India and that the posts were in different pay scales and designation. It noted that there were organised accounts cadres under CGDA, CAG, Railways and Departments of Posts and Telecommunication. The Commission considered the existing pay-scale of the accounts posts in the organised cadres and it then looked into the representations of the associations of the accounts staff. The report of the Commission relating to accounts staff, in relevant part, is as under:

*11.36. The main demand of the associations of accounts staff under CGDA, CAG, Railways and Departments of Posts and Telecommunications is that their pay scales should be the same as for the staff in the Indian Audit and Accounts Department (IA&AD). They have pointed out that there was parity all along, which was disturbed in March, 1984 when there was a restructuring of IA&AD into two separate cadres, i.e. audit cadre and accounts & establishment cadre. As a result, higher pay scales were given to 80 per cent of the staff on the audit side. They have also claimed that the duties and responsibilities performed by them and the staff on the audit side of IA&AD are comparable. The all India Defence Accounts Association had also filed a writ petition in the Supreme Court requesting the Hon'ble Court to direct the government for bringing the pay scales of auditors and section officers working in the Defence Accounts Department at par with those in the IA&AD. The writ petition was however allowed by the Supreme Court as both the parties agreed that the questions raised in the petition would be better decided by this Commission. The association subsequently made their submission before us both in writing and orally.
37. Some of the official witnesses have also emphasised the need for parity in pay scales between I&AD and other departments. The Controller General of Defence Accounts has stated that the nature of duties and responsibilities assigned to the auditors and section officers of the defence accounts department is an integrated one combining audit, payment, accounting, financial advice and allied functions. He has therefore suggested that, having regard to the complexity and arduous nature of the jobs, they should be given the highest scale of pay given to the corresponding staff in I&AD. The Controller General of Accounts has stated that the statutory audit functions performed by the staff of I&AD are in no way unique as the internal audit functions of the civil accounts staff under his organisation include most of the audit functions performed by the statutory audit staff. Railway have pointed out that their accounts cadre had a traditional parity with audit which should be maintained considering the diversity, nature and quality of their work. The Departments of P&T have suggested that whatever pay scales are given to the accounts staff in other departments, should be given to the accounts staff in these departments also.

38. We have considered the matter. There has all along been parity between the staff in the I&AD and accounts staff of other departments, which has been disturbed by restructuring I&AD into two separate cadres viz., audit cadre and accounts and establishment cadre and giving higher pay scales to a major portion of staff on the audit side. The audit and accounts functions are complementary to each other and are generally performed in many government offices in an integrated manner which is necessary for their effective functioning. The staff in these offices perform functions of internal check and audit suited to the requirements of each organisation which are equally important. There is direct recruitment in the scale of Rs.330-560 in all the audit and accounts cadres through Staff Selection Commission/Railway Recruitment.
Boards from amongst university graduates. We are therefore of the view that there should be broad parity in the pay scales of the staff in IA&AD and other accounts organisation. Accordingly, we recommend that the posts in the pay scale of Rs. 425-700 in the organised accounts cadres may be given the scale of Rs. 1400-2600. In the Railways, this will apply to the posts of sub-head in both the ordinary and selection grades. We also recommend that this should be treated in future as a functional grade requiring promotion as per normal procedure. The proposed scale of Rs. 2000-3200 of section officer may also be treated as a functional grade. With the proposed scales, there will be no selection grades for any of the posts. As regards the number of posts in the functional scales of Rs. 1400-3600 and Rs. 2000-3200, we note that about 53 per cent of the total posts of junior/senior auditor and 66 per cent of the total posts of ordinary and selection grade of section officer in IA&AD are in the respective higher scales. Government may decide the number of posts to be placed in the scales of (i) Rs. 1400-2600 and (ii) Rs. 2000-3200 in the other organised accounts cadres taking this factor into consideration. All other accounts posts may be given the scales recommended in chapter 8.

On the basis of the recommendation of the Fourth Pay Commission aforesaid, Central Government, in the Ministry of Railways (Railway Board) issued an order dated June 18, 1987 relating to restructuring of accounts staff, which is as under:

"The General Managers,
All Indian Railways,
Production Units, etc.
(As per mailing list)
Subject: Restructuring of Accounts staff.

The Fourth Central Pay Commission vide para 11.38 of Part-I of its Report have recommended that there should be broad parity in the pay scales of the staff in IA&AD and other Accounts Organisations. It has further recommended that the proposed scales of pay of Rs. 1400-2600 and Rs. 2000-3200 may be treated as functional grades in future and that there will be no selection grade for any of these posts. As regards the number of posts in the higher functional scales, the Commission left this
utter for the Government to
decide.
2. The revised scales of the pay
for the Accounts staff have already
been notified vide this Ministry's
letter No. PCIV 86/Imp/Schedule/1
dated 24-9-1986. In accordance with
the orders therein, certain persons
have already been allowed the
higher revised scales of pay
subject to the conditions laid down
therein.
3. The question regarding number
of posts to be placed in the higher
scales of pay has been under the
consideration of this Ministry. It
has now been decided that the ratio
of number of posts in higher and
lower scales in the accounts cadres
may be as follows:-
(i) Section officers (A/cs.) Rs. 2000-60– 80%
Inspector of Stores
Account (ISA), Inspector
of Station Accounts (TIA)
Rs.1640– 60– 20%
2600– 75– 2900
2300– 75– 3200

(ii) Clerks Grade-I (including Rs.1400-40– 80%
existing Sub-Heads)
1600-50– 2300–
EB-60– 2600
Rs. 1200-30– 20% 1560-EB-
40– 2040

As regards designation, orders will follow.
4. These orders take effect from
1-4-1987. As regards criteria for
appointment to the higher
functional grades requiring
promotion to the grades of Rs.1400-
40-1600-50-2300-EB-60-2600 and Rs.
2000-60-2300-EB-75-3200, orders
will follow.

sd/-

(G. CHATTERJEE)
Executive Director, Pay Commission.
Railway Board.

As seen above the validity of this order has been
upheld by this Court fixing the revised scale of pay with
effect from 1.4.1987.

As far as the recommendation of the Commission is
concerned revised pay scale has been given to the
appellants. There cannot be any grievance on that score as
the recommendation has been accepted by the Central
Government. The Commission, however, in its report did not
recommend that posts in pay-scale of Rs.2,000-3200 in CAG,
CGDA and other Ministries and Railways be all treated as
group B posts. The Commission recognised that grouping did
not strictly follow the pattern based on pay-scale in
various Ministries etc. and observed that the existing
classification for those posts might continue.

In 1984, the work organisation in the CAG's office was
restructured and the functioning of Audit and Accounts were
separated. 80% of the posts of Section Officers (Audit) were
upgraded to the pre-revised scale of Rs. 640-1040/- and
given the Group B gazetted status. The staff who were
manning the accounting functions work, however, continued in
the scales of pay for the account staff. This disturbance in
the parity in pay scales between the Audit and Accounts
staff was not only resented in the establishment of CAG but
also led to protest from the Accounts staff of the Railways.
This gave rise to the demand from the Railway Account staff
for re-establishing the parity in the pay scales etc. with the
Audit staff in the CAG's office. The parity in the pay
scale was, however, restored on the recommendations of the
Commission and in pursuance thereof the Department of
Expenditure, Ministry of Finance, Government of India, issued
instructions, among others, to the Finance Commissioner, Railways for reconstructing the Accounts
staff, as per instructions extracted below:

4. The question regarding number
of posts to be placed in the higher
scales of pay has been under the
consideration of the Government and
it has now been decided that the
ratio of number of posts in higher
and lower scales in the organised
Accounts cadres as well as in the
Accounts Wing of the IA&AD may be
as follows:

i) Section Officer (SG) Rs.
2000-60-2300-EB-75-3200 80%
ii) Section Officer Rs.
1640-60-2600-EB-75-2900 20%
iii) Section Accountant Rs.
1400-40-1600-50-2300-EB-
60-2600 80%
iv) Junior Accountant Rs.
1200-30-1560-EB-40-2040 20%

The designations in different
Organised Accounts cadres may be
different. In such cases also, the
pay structure on these lines may be
decided.

5. These orders take effect from
1.4.1987. The respective cadre
controlling authorities may now
take necessary action to prescribe
criteria for appointment to the
higher functional grades requiring
promotion to the grades of Rs.
1400-40-1600-50-2300-EB-60-2600 and
Rs. 2000-60-2300-EB-75-3200 on the
same lines as adopted for Audit
stream and thereafter take
necessary action to implement these
orders.

As seen above the restructuring of the Accounts cadre
in the Railways had accordingly been carried out and
relevant section of the staff granted the scale of pay of
Rs. 2000-3200/- which is same as in CAG office. The
appellants, however, submit that not only that they have
been granted the same pay scales but they should also be
accorded parity in group classification with their
counterparts in CAG and CGDA organisations. This the
respondents are not prepared to grant.

Promotion to the level of Section Officer (Accounts),
Inspector of Stores Accounts, Inspector of Station Accounts
with the Railways from Upper Division Clerks etc. is after
passing an examination conducted by the Railways and it is
admitted that the standard of examination is comparable to
that obtaining in the SAS examination of the Audit
Department of CAG. However, it is submitted that standard of examination alone cannot be the sole criterion for determining parity in all respects. As seen above, the Commission had also gone into the question of classification of posts in the Central Government in detail and made certain recommendation for classification of posts in various groups. But then the Commission also recommended that where there were deviations of the nature as recommended by it, the existing classification for those posts might continue and the Government might, however, review the classification in such cases as and when necessary. The Pay Commission accepted the rationale of certain deviations from the classifications recommended by it.

The respondents have submitted that the matter of classification of posts in the Railways was examined in the context of the recommendations of the Pay Commission but it was decided to leave the existing classification untouched. Accordingly the posts carrying pre-revised scales of Rs. 700-900/- and Rs. 650-960/- were granted replacement scale of Rs. 2000-3200/- and the posts carrying the scale of Rs. 840-1040/- were allotted the replacement scale of Rs. 2375-3500/- and all these posts continued to be in Group 'C' 80% of the posts of Section Officer (Accounts) which were in the pre-revised scale of Rs. 500-900/- were given the upgraded revised scale of Rs. 2000-3200/- and classified as Group 'C' on par with other posts which had been granted the replacement scale of Rs. 2000-3200/-. It was, therefore, submitted that within the Railways, there was no discrimination against any section of employees. It is submitted that Group 'B' posts in the Railways of all departments are placed in the scale of Rs. 2000-3200/- but in the Account Department it is in the scale of Rs. 2375-3500/-. It is then submitted that appointments to Group 'B' posts in the Railways are made in accordance with certain prescribed selection procedure. The selection process is different in the Accounts Department and other departments in the Railways. The procedure followed in other departments of Central Government, according to the respondents, is not relevant as each department is free to evolve its own procedure for promotion etc. to suit its requirements. Respondents also submitted that, while contradicting the plea of the appellants, Section Officers in CAG, CGDA, not form an organised All India Service and, therefore, their pay, status, promotional prospects have to be decided keeping in view the peculiar and special needs of the different departments. Respondents denied that there was any violation of fundamental rights of the Accounts employees of the Railways in not according Group 'B' status though they were placed in the revised scale of Rs. 2000-3200/- as their counterparts in CAG and CGDA. The Tribunal considered various aspects of the matter and also reports of the earlier Pay Commissions and rejected the claim of the appellants. This is how the Tribunal examined the matter:

"It will be observed from the above that the intent of the Pay Commission's observation regarding parity has been made in the context of pay scales. The said recommendation does not allude to the status and the avenues of promotion etc. In fact, the Pay Commission has stated that promotion from the functional grade
shall be "as per normal procedure". Obviously, the applicants have in their mind the horizontal relativity with the audit staff when they articulate about traditional parity but this is not supported by the relevant recommendation of the Pay Commission. Railways are a multi-disciplined organisation and for them the internal relativities both the vertical and horizontal within the organisation are of much greater import and relevance than a horizontal comparison within an outside organisation/agency. In fact, no case has been made out before us to establish that there has always been a complete parity between the Audit staff and the Railways Accounts staff. Group 'C' officers in the Railway Accounts staff have always been subjected to a more rigorous selection for promotion to Group 'B' than has been the case in other departments e.g. C&AG, CGDA etc. Besides, as said earlier, the Railways are multi-disciplined and multi-dimensional organisation. This is not the case either in the case of C&AG or in the case of organisation of CGDA etc. The Railways cannot be expected to blindly follow the path followed by "inclusive" organisations. Compared to C&AG, the Railways are 'exclusive' organisation, being a multi disciplined one. Besides to our mind, there has never been complete parity between the Railway staff and the Audit/other Accounts staff in the other departments and as observed earlier, nor any such case has been made out. For instance, the Railway employees have traditionally enjoyed and zealously protected certain benefits exclusively available to them which are denied not only to other Accounts establishments but also to the generally of Central Government employees. The traditional parity has been only in the pay scale and this has been re-established w.e.f. 1.4.1987. Even the parity in the pay scale is a later development consequent to broad banding of the scale of pay by respective Pay Commissions. In the case before us it is the Railway SAS employees who are seeking to be equated in the matter of status, promotional procedure etc. with the Section Officers in
The C&AG's office and CGDA's office. The offices of CGDA and C&AG are not multi-disciplined organisations like the Railways. The internal relativity in the Railways would thus carry great weightage with the Railway Administration when they consider equation with outside organisations of a section of the staff from within the organisation. The total parity with outside organisations would disturb the internal relativity which have far-reaching implications both positive and negative. The negative aspects of total parity cannot be brushed under the carpet. Further the procedure for promotion are designed to suit the special requirements of the organisational structure. The Railways have always followed a more rigorous selection procedure, as group 'B' Accounts Officer have also per force to acquire reasonable knowledge of the functioning of the other disciplines within the Railway to become effective in their job besides the accounts and financial function. We do not, therefore, see any merit in the petition for diluting the procedure of selection to Group 'B' posts followed on the Railways which has stood the test of time.

We are of the view that the Tribunal has taken a correct view of the matter. As noted above, the Fourth Central Pay Commission had recommended that the existing system of classification of posts in various departments of the Central Government may be continued and had indicated the corresponding pay limits in the revised pay structure. The Commission had also recommended that the Government might, however, review the classification in such cases as and when necessary. The Railways reviewed the whole position and taking into consideration various aspects of the matter decided that the existing system of classification as in vogue in the Railways to continue. The circumstances which went into such consideration have been enumerated as under:

1) On the Railways posts in scale of Rs. 2000-3200/- and Rs. 2375-3500/- are merely off shoots of restructuring and do not in a real sense constitute a Group 'B' cadre either from the point of view of responsibilities or duties.

2) Adoption of the pay limits for classification implemented on the civil side would result in placing a very large number of posts in scales Rs.1540-2900/-, Rs.2000-3200/- and Rs. 2375-3500/- in Group 'B'. This would include the categories like Mail Drivers, Office Superintendents, Lab.

iii) Nearly 32000 posts in scale of Rs.2000-3200/- and Rs. 2375-3500/- would become entitled for 3 additional 1st A passes per annum, besides eligibility to additional luggage on these passes.

iv) On the Railways, all appointments to Gr. 'B' posts are made on the basis of a selection consisting of a written examination viva-voce and assessment of records which is not the case on the civil side. The promotional avenues and methodology would have to be reviewed.

v) At present, Group 'B' constitutes the managerial level, exercising control over staff in the lower grades. If the classification norms on the civil side is adopted on the Railways it would lead to drastic upheavals in the hierarchial structure.

vi) Group 'B' officers are entitled to Stenographic Assistance in Scale of Rs. 1200-2040/- on a sharing basis, on the Railways. Increase in the number of Group 'B' posts would lead to the need for a corresponding increase in the number of Stenographers in this scale.

vii) It would lead to problems regarding accommodation on the Railways.

Classification of posts into gazetted or nongazetted cannot be done purely on the basis of scales of pay. There can be many criteria; administrative, procedural and others which have to be taken into consideration by the authorities concerned before deciding on the classification. Admittedly, Railways have a number of posts of different operative categories in department such a Operating, Mechanical, Civil, Electrical, ST etc. where field operators may have scales of pay of Rs.2000-3200/- or Rs. 2375-3500/- which have been classified as Group 'C' only. As such it cannot be said that there is any discrimination against the Account staff in the scale of Rs. 2000-3200/-.

In Associate Banks Officers' Association vs. State Bank of India & Ors. [JT 1997 (8) S.C. 422] employees unions of various banks which were subsidiaries of the State Bank of India under the State Bank of India (Subsidiaries Bank) Act,
1995 claimed higher terminal benefits, better medical facilities and extra increments in their pay-scale on the ground that such benefits were available to the employees holding equivalent or similar ranks in the State Bank of India. This Court declined to give relief to the petitioners and said that "equal pay for equal work for both men and women" was one of the Directive Principles of State Policy laid down in Article 39(d) of the Constitution had been applied in cases of irrational discrimination in the pay-scales of workers doing the same or similar work in an organisation and that it had not been applied when there was a basis or an explanation for the difference. The Court said that extending this principle to compare pay-scales in one organisation with pay-scales in another organisation would be stretching of the doctrine even though between the employees doing comparable work and if at all it had to be applied it must be done with caution lest the doctrine snaps. This Court said that many ingredients go into the shaping of wage structure in any organisation and that a simplistic approach, granting higher remuneration to other workers in other organisations because another organisation had granted them, might lead to undesirable results. In the present case what we find is that the appellants have been granted the same pay-scale as that given to the staff in the Indian Audit and Accounts Department. Their grievance here is that they should be given the same status viz., their post be incorporated in Group B post as is existing in the CAG and CGDA.

In State of Punjab and others vs. On Parkash Kaushal and others (1996) 5 SCC 325, the State Government granted uniform pay scales to the teachers employed in various privately managed schools in the State of Punjab. The pay scales were similar to the pay scales drawn by the Government teachers. This was in pursuance to Section 7 of the Punjab Privately Managed Recognised School Employees (Security of Service) Act, 1979. There was no dispute that the pay scales and dearness allowance which were being paid to the private teachers were not less than what was being paid to the Government teachers holding corresponding posts. The private teachers however wanted that their conditions of service should be same as that of Government teachers. This Court negatived this plea and said that other conditions of service relating to the Government teachers could not be extended to private teachers.

In Central Railway Audit Staff Association and others vs. Director of Audit, Central Railway and others 1993 Supp (3) SCC 458, the employees belonging to the Office of the Comptroller and Auditor General of India, working in the Railway Audit Department were Designated as Section Officer prior to March 1, 1984. They got promotion from that day as Assistant Audit Officers and were designated as Officers Group B Gazetted. On the recommendations of the Fourth Pay Commission, pay scale of Assistant Audit Officer was revised to Rs. 2000-1200 from January 1, 1986. The grievance of these Assistant Audit Officers Group B Gazetted was that the Indian Railways should not have denied to them the benefits, such as, issue of Railway Travel Passes/P.T.Os, allotment of Railway Quarters, giving of accommodation in Rest Houses/Retiring Rooms, taking of family members while on tour, etc.- which benefits were admissible to Group B Gazetted Officers of the Railways. It was submitted on behalf of the Railways that the fact that the Assistant Audit Officers in Railway Audit Department, on the pay scale of Rs. 2000-3200 but designated by the CAG of India as Group B Gazetted was not sufficient to equate them with Group B
Officers of the Railways who held higher posts with scale of pay of Rs. 2000-3500 and that if the Railways gave facilities and privileges to the Assistant Audit Officers, who were not Railway servants, treating them on a par with railway servants of Group ‘B’, they could find no valid reason to deny such facilities and privileges to the railway servants holding posts on the pay scale of Rs. 2000-3200. The Railway further said that if that had to be done, the Indian Railways would be required to extend similar facilities and privileges to all railway servants who hold posts in the Indian Railways on the scale of pay of Rs. 2000-3200 which meant extending the benefits to thousands of railway servants involving heavy financial burden on the Railways. This Court found that the contentions raise on behalf of the Assistant Audit Officers were unacceptable in that, if accepted, they would lead to unjust results of the Indian Railways conferring special privileges and facilities upon persons belonging to foreign department of Comptroller and Auditor General of India while their own servants who held equivalent posts on the same scale of pay would be denied such privileges and facilities. The Court, therefore, found substance in the submissions made on behalf of the Railways.

Thus, the simplistic solution to classification merely based on the scales of pay might lead into various complications and might lead to administrative hierarchial imbalances in any particular organisation. Selection procedure for appointment to a particular group post and requirements of a department for classification of posts are valid considerations and any disturbance thereof would certainly lead to compounding of problems. We, therefore, cannot subscribe to the view that the scale of pay alone can be the criteria for classification of posts. Respondents have given valid and justifiable reasons as to why the Account staff in the scale of Rs. 2000-3200/- cannot be put at par with their counterparts in CAG of CGDA in respect of putting the Account staff in Group ‘B’ posts merely on the basis of parity of pay scales.

There is no merit in this appeal. Therefore, the appeal is dismissed with costs.
GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No. PC VI/2014/CC/6  

General Manager (P)  
All Zonal Railways/Production Units.

Sub: Sharing of Judgement- Applicability of Hon’ble CAT/Chandigarh’s judgement dated 12.03.2016 in OA No. 060/211/2014 (IRRTSA Vs UOI & Others).

It is brought to your notice that an OA No. 060/00211/2014 was filed by Indian Railways Technical Supervisors Association (IRRTSA) in Hon’ble CAT, Chandigarh for grant of Group “B” status to various categories of Railway employees such as JEs, SSEs, Chemical and Metallurgical Superintendents (having Grade pay of Rs.4200, Rs.4600 in PB-2).

2. In its judgment order dated 12.03.2016, Hon’ble CAT, Chandigarh has stated “We find no justification for grant of Group-B status to the applicants. The OA is a gross abuse of process of law because the matter had already attained finality with Order dated 21.02.1992, letter dated 27.04.1992 and orders dated 19.04.1994 and dated 04.01.1996. The OA is completely devoid of substance and is accordingly dismissed. No costs”.

3. The above judgment of Hon’ble CAT, Chandigarh in the above mentioned OA upholding the “Classification of posts in Indian Railways” may be brought on record by filing appropriate application/additional affidavit in consultation with Railway Advocate wherever cases on the same issue are pending. A copy of the said judgment is available on official Indian Railways website http://www.indianrailways.gov.in at the following location :- Ministry of Railways → Railway Board → About Indian Railways → Railway Board Directorates → Pay Commission → Pay Commission VI.

(M.K. Panda)  
Joint Director/Pay Commission  
Railway Board.

- 110 -
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Original application No. 060/00211/2014

Chandigarh, this the 14th day of March, 2016

Coram: Hon’ble Mr. Justice L.N. Mittal, Member (J) & Hon’ble Smt. Rajwant Sandhu, Member (A)

1. Indian Railways Technical Supervisors Association (IR TSA), Rep. by its General Secretary Harchandan Singh, R/o 32, Phase 6, Mohali-160055.

2. Darshan Lal, S/o Sh. Mehar Chand, aged 50 years, working President IR TSA, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala-144602, R/o 148-A, Type-IV, RCF Colony, Kapurthala, 144602.

3. K.V. Ramesh S/o Sh. K. Veerachamy, aged 45 years, Senior Joint General Secretary, IR TSA Working as Senior Section Engineer, Integral Coach Factory, Chennai-600049, Resident of G3-Likit Homes, 3-Lakshmanan Nagar, West Street, Peravallur, Chennai-600082.

4. Bihari Lal S/o Sh. Jagat Ram, aged 51 years, Working as Senior Section Engineer (SHELL), Rail Coach Factory, Kapurthala, Resident of 96-B, DS, Type-IV, RCF Colony, Kapurthala.

5. Kanwal Jeet S/o Sh. Lala Ram, aged about 50 years, Working as Senior Section Engineer (MW), Rail Coach Factory, Kapurthala, Resident of 96-C, DS, Type-IV, RCF Colony, Kapurthala.


7. Sanjay Kumar Mehta S/o Sh. Sant Lal Mehta, aged 51 years, Working as Senior Section Engineer (MW), Rail Coach Factory, Kapurthala.

9. Ram Bachan Yadav S/o Sh. Bhulan Prasad Yadav, aged 51 years, Working as Senior Section Engineer (MFG), Rail Coach Factory, Kapurthala.

10. Varinder Singh S/o Sh. Sucha Singh, aged 53 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.


12. Arvind Kumar Singh S/o Sh. Arjun Prasad Singh, aged 52 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.


14. Deepak Kumar S/o Sh. Ram Sarup, aged 52 years, Working as Senior Section Engineer (SHELL), Rail Coach Factory, Kapurthala.


18. G.P.S. Chauhan S/o Sh. Dashmer S. Chauhan, aged 54 years, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala.


...APPLICANTS

BY ADVOCATE: SHRI SANJEEV MANRAI, SR. ADV. ALONGWITH SH. S.P. GARG, AND SH. GAURAV TALWAR, COUNSEL FOR THE APPLICANTS.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Government of India, Railway Board, Rail Bhawan, New Delhi-110001.
2. Secretary, Ministry of Personnel and Training, Government of India, North Block, New Delhi-110001.

...RESPONDENTS

BY ADVOCATE: SHRI G.S. SATHI AND SH. LAKHINDER BIR SINGH COUNSEL FOR RESPONDENTS NO.1 & 3.
SH. RAM LAL GUPTA, COUNSEL FOR RESPONDENT NO.2.

ORDER

HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER(1):

In this Original Application, applicant no. 1 is Indian Railways Technical Supervisors Association (IRRTSA). It has sued through its General Secretary Harchandan Singh. Applicants no. 2 & 3 are working President and Senior Joint Secretary respectively of IRRTSA. Applicants no. 4 to 22 are individual employees who are also members of IRRTSA. Annexure A-15 is list of members of IRRTSA and it comprises of 2236 members.

2. The applicants who are Technical Supervisors in the Railways are working as Junior Engineers, Senior Sectional Engineers, Chemical and Metallurgical Superintendents etc. (previously designated as Shops -113-
3. Case of the applicants is that as per report of 3rd Central Pay Commission (CPC), posts having maximum of the pay scales of not less than Rs. 900/- but less than 1300/- be classified in Group-'B'.

The said recommendation was accepted by the Central Govt. and orders to this effect were issued by DoPT. Members of IRTSA were in the scale of Rs. 840-1040/- and 700-900/- under 3rd CPC and fulfilled the said criterion for grant of Group-'B' status, but were denied the same and were retained in Group-'C'. Similarly, 4th CPC recommended that posts having maximum of the pay scales not less than 2900/-, but less than 4000/- be classified in Group-'B'. The said recommendation was also accepted by the Central Govt. and order to this effect was also issued by DoPT. Senior Members of IRTSA were placed in the scales of Rs. 2375-3500 and Rs. 2000-3200/- and thus fulfilled the criterion for grant of Group-'B' status, but were again denied the same and were retained in Group-'C'. IRTSA filed O.A. NO. 836/1989 which was decided by the Principal Bench of the Tribunal vide order dated 21.02.1992 (Annexure A-9), directing the respondents to reconsider the matter of placing the members of the Association in the aforesaid scales of Rs. 2000-3200/- and Rs. 2375-3500/- in Group-'B' as has been done in the case of other govt. servants within a period of four months. Thereupon, the respondents by detailed speaking order dated 27.04.1992 (Annexure R-8) intimated that the claim of the applicants for Group-'B' status has been considered and rejected.
4. As per 5th CPC also, the applicants were entitled to Group-'B' status as per their scales, in view of criterion laid down by the DoPT, but the applicants were denied the Group-'B' status.

5. As per 6th CPC report, posts carrying Grade Pay of Rs. 5400/-, Rs. 4800/-, Rs. 4600/- and Rs. 4200/- in Pay Band -2 of Rs. 9300-34800/- have been classified as Group-'B'. The said recommendation stands accepted and DoPT issued order dated 09.04.2009 (Annexure A-1) classifying the Central Civil Posts carrying the aforesaid Grade Pay and Pay Band as Group-'B' posts. The applicants also have Grade Pay of Rs. 4200/- and Rs. 4600/- in Pay Band-2 of Rs. 9300-34800/-, but they have been denied the Group-'B' status and have been retained in Group-'C' vide Railway Board letter dated 08.01.2010 (Annexure A-2). The case of the applicants is that DoPT order (Annexure A-1) has been followed by other Ministries of Central Govt. and by some State Govts., but the Railways have not followed the same. According to the applicants, they are entitled to Group-'B' status in view of their Grade Pay of Rs. 4600/- and Rs. 4200/- in Pay Band-2 of Rs. 9300-34800/-. The applicants submitted various representations, but the same have been turned down. Feeling aggrieved, the applicants have filed this O.A.

6. Respondents no. 1 & 3 in their written statement made various preliminary submissions. It is inter alia pleaded that members of IRTSA continued to be classified as Group-'C' right from the 1st CPC. Various grounds have been pleaded to keep the members of IRTSA in Group-'C'. The same shall be dealt with at the appropriate stage. It has also been pleaded that as per Rule 25, Business of Govt. DoPT
circulars regarding classification of posts do not apply to Railways. Accordingly, Railways classified their posts separately. It is also pleaded that letter dated 27.04.1992 (Annexure R-8) rejecting the claim of the applicants for Group-'B' status was challenged by IRTSA Madras Unit by filing O.A. No. 1038/1992, which was dismissed by Madras Bench of the Tribunal vide order dated 19.04.1994 (Annexure R-9). Similarly, O.A. NO. 2202/1992 filed by IRSTA through the same General Secretary Harchandran Singh and also in his individual capacity, challenging the letter dated 24.07.1992, was dismissed by the Principal Bench of the Tribunal vide order dated 04.01.1996 (Annexure R-10). Reliance has also been placed on judgment dated 21.01.1998 (Annexure R-11) of Hon'ble Supreme Court in 'Indian Railway SAS Staff Association and Ors. Vs. UOI & Ors.' thereby holding that in the matter of classifications of posts, railways stand on different footing than other Ministries. Various other pleas were also raised.

7. Applicants filed replication wherein they controverted the stand of the contesting respondents 1 & 3 and reiterated their own version.

8. No separate written statement has been filed on behalf of respondent no. 2- (Ministry of Personnel and Training.)

9. We have heard counsel for the parties at considerable length and perused the case file with their assistance.

10. At the outset, it has to be noticed that the applicants are guilty of concealing material facts from the Tribunal and are also guilty of
misrepresentation of the facts. Applicant no. 1 IRSTA through its General Secretary Harchandan Singh had challenged the letter dated 27.04.1992 (Annexure R-8) by filing O.A. No. 2202/1992 in the Principal Bench, which was dismissed vide order dated 04.01.1996 (Annexure R-10). Similarly, Madras Unit of IRSTA filed O.A. No. 1038/1992 which was dismissed by Madras Bench of the Tribunal vide order dated 19.04.1994 (Annexure R-9). However, these material facts were concealed by the applicants in the O.A. The applicant no. 1, IRSTA in the instant O.A., has sued through General Secretary Harchandan Singh as was the case in O.A. No. 2202/1992, which was dismissed by the Principal Bench of the Tribunal vide order dated 04.01.1996 (Annexure R-10). Inspite thereof, this material fact was not disclosed in the instant O.A. The applicants are liable to be nonsuited solely on this ground. Moreover, the matter of grant of Group-'B' status to the applicants had attained finality with decision of previous O.A. No. 836/1989 vide order dated 21.02.1992 (Annexure A-9), rejection of claim of the applicants for Group-'B' status vide letter dated 27.04.1992 (Annexure R-8) and dismissal of O.A. No. 1038/1992 by Madras Bench of the Tribunal vide order (Annexure R-9) and O.A. No. 2202/1992 by Principal Bench of the Tribunal vide order (Annexure R-10), thereby rejecting the challenge to letter dated 27.04.1992 (Annexure R-8) and thereby upholding rejection of the claim of the applicants for Group-'B' status. The matter has thus already attained finality and was not required be agitated again by filing the instant O.A.

11. The instant O.A. is also barred by limitation. The applicants were placed in Group-'C' vide Board letter dated 08.01.2010
(Annexure A-2). The applicants could have filed the O.A. within 18 months thereafter i.e. six months for decision of the representation and one year for filing the O.A. thereafter. The O.A. could have been filed upto 08.07.2011. However, the instant O.A. was filed on 10.03.2014 i.e. two years eight months after the expiry of limitation period. No M.A. for condoning the delay in filing the O.A. has even been filed. The O.A. cannot be said to be within limitation on the plea that it is recurring cause of action.

12. Counsel for the applicants emphasised that according to DoPT order dated 09.04.2009 (Annexure A-1), the applicants fall in Group-’B’ posts and, therefore, Railways order dated 08.01.2010 (Annexure A-2) being contrary to DoPT order (Annexure A-1) is untenable. It was also pointed out that DoPT order (Annexure A-1) has been implemented by various Ministries of Central Govt. and by some State Govts.

13. The aforesaid contention cannot be accepted. As per Rules of Business, the DoPT circulars regarding classification of posts are not applicable to Railways. Consequently, DoPT circular (Annexure A-1) is not applicable to the Railways. It was also so conveyed by Railways to DoPT vide letter dated 14.07.2009 (Annexure R-12) and no objection thereto was raised by DoPT. It is thus apparent that the Railways are not governed by DoPT order Annexure A-1 for classifications of posts. Consequently, Railway Board letter dated 08.01.2010 (Annexure A-2), classifying the applicants in Group-’C’, cannot be quashed on the ground of being contrary to DoPT order (Annexure A-1).
14. Counsel for the applicants also referred to order dated 21.02.1992 (Annexure A-9) in O.A. No. 836/1999 titled Indian Railway Technical Supervisors' Association Vs. Union of India & Ors. However, said order has been implemented and the claim of the applicants regarding Group-'B' was reconsidered and rejected vide order dated 24.07.1992 (Annexure R-8), giving very detailed reasons and the same has been upheld by Madras Bench and Principal Bench of the Tribunal vide orders Annexure R-9 and Annexure R-10 respectively. Consequently, judgment dated 21.02.1992 (Annexure 'A-9) does not help the applicants in any manner and rather goes against them, in view of letter dated 24.07.1992 (Annexure R-8) and orders at Annexures R-9 and R-10.

15. Counsel for applicants also referred to percentage of Group-'B' and Group-'C' posts in different Ministries and in Railways and contended that there are only 0.6% Group-'A' posts and 0.5% Group-'B' posts in Railways as compared to All India average of 3.9% Group-'A' and 7.3% Group-'B' posts. However, this argument is also distorted and misconceived. On specific query, counsel for the applicants did not respond as to what would be the percentage of Group-B posts in the Railways, if all posts carrying Grade Pay of Rs. 4600/- and Rs. 4200/- in Pay Band -2 of Rs. 9300-34800/- were included in Group-B. The respondents have, however, mentioned that at present there are approximately 9100 Group-A posts and 8200 Group-B posts in Railways and there are approximately 2,12,000 Group-C employees in Grade Pay of Rs. 4200/- and approximately 67,000 Group-C employees in Grade pay of Rs. 4600/-. If they are classified in Group-B, the number of Group-B posts would rise from
approximately to 2,87,200\textsuperscript{a} approximately i.e. 36 times of the existing strength and accordingly it would raise the percentage of Group-B posts in Railways to 18%. It would be considerably high as compared to Group-B posts in other Ministries. Thus, the claim of the applicants for Group-B status on the basis of percentage of Group-B posts in Railways vis-a-vis other Ministries cannot be accepted in view of the aforesaid data.

16. Emphatic reliance on behalf of the applicants in support of their claim is on DoPT order dated 09.04.2009 (Annexure A-1). However, on this aspect also, the applicants have tried to mislead the Tribunal by omitting the explanation at the foot of the order. The said explanation (at page 241 of the paper-book being part of Annexure R-2) is to the following effect:

"Explanation: For the purpose of this order Pay Band means the running Pay Bands specified in Part-A, Section 1 of column 5 of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008."

This significant explanation has been omitted in order Annexure A-1 produced by the applicants. The applicants are thus guilty of producing incomplete order Annexure A-1 by attesting it to be true copy. The aforesaid explanation is very significant. According to the explanation, Pay Band means the Pay Band specified in first schedule to the Central Civil Services (Revised Pay) Rules, 2008 (in short the CCS (R.P.) Rules). The said Rules are, however, not applicable to the Railway employees. Railways have issued their separate revised Pay Rules of 2008. Consequently, classification of posts given in order (Annexure A-1) is not applicable to the Railway employees. Implementation of order (Annexure A-1) by other Ministries and some State Govts. has no bearing on its applicability to the Railway employees/applicants.
17. In the context of order (Annexure A-1) of DoPT, it is worth mentioning that DoPT issued O.M. dated 17.04.2009 (Annexure R-2) requiring the Ministries/Departments to send proposal to DoPT giving full justification for classifying the posts differently. Accordingly, Railways sent letter dated 14.07.2009 (Annexure R-12) intimating the DoPT that Railways were in the process of revising classification of Railways Services posts. Thus, order Annexure A-1 is not attracted to the Railway posts/applicants.

18. 'Counsel for the applicants also contended that the respondents are not seeking financial benefits and if they are granted Group-B status, it would not involve any financial burden or implication. However, counsel for the applicants also contended that the Railways are outsourcing certain Group-B posts by spending Rs. 287, whereas amount of Rs. 51,500 only is to be spent on the applicants on grant of Group-B status. Inspite of repeated queries, counsel for the applicants could not clarify the intrinsic contradiction in his aforesaid contentions. However, it may be mentioned that the respondents have specifically pleaded that placing the applicants in Group-B would give rise to number of functional and operational problems/difficulties. Besides it, if the applicants are placed in Group-B as claimed, it would give rise to demand for Stenographic assistance, pass entitlements etc. commensurate with Group-B status, resulting in financial implications, raising operational costs of railways without functional or organizational needs. In addition to it, Group-B officers would be of managerial level and nobody would be left to perform the

---

21---
19. Counsel for the applicants also referred to information obtained under the RTI Act as annexed with the rejoinder and contended that the Railways themselves in their noting justified re-classification of the posts of the applicants in Group-B. The contention is completely misconceived and untenable. Notifying of a junior functionary at lower level of Section Officer is of no significance keeping in view the order dated 27.04.1992 (Annexure R-8) containing the detailed reasons for rejecting the claim of the applicants for Group-B status and keeping in view the stand taken in the written statement assigning numerous reasons for rejecting the said claim of the applicants.

20. Counsel for the applicants relying on judgment of Hon'ble Supreme Court in 1973 (1) SCC 651 titled 'Purshottam Lal and Others Vs. Union of India and Another' contended that Govt. is bound to implement the recommendations of the CPC in respect of all Govt. employees covered by the reference. This contention is also misconceived and the aforesaid judgment has no applicability to the instant case. In the reported case, petitioners were employees with the Forest Research Institute and Colleges, Dehradun and recommendations of the 2nd CPC were implemented in sister concerns of the said Institute, but not in the said Institute. It was on this basis that the aforesaid observation was made in the context of discrimination against the employees of the aforesaid Institute. It has no applicability to the issue involved in the instant case. Moreover, the aforesaid judgment is regarding grant of pay scales and not classifications of posts.
21. Counsel for the applicant also cited judgment of Hon'ble Supreme Court of 2001 (1) SCT 690 titled 'Kshetriya Kisan Gramin Bank Vs. D.B. Sharma'. However, this judgment goes against the applicants inasmuch as according to this judgment, it is for the expert bodies to evaluate the nature of duties and responsibilities of posts and the Court should not tinker with the same unless it is shown to have been made for extraneous considerations. In the instant case, experts of the Railways have determined for detailed reasons that Group-B status cannot be given to the applicants. There is no ground for the Tribunal to interfere with the same.

22. In addition to the aforesaid, the respondents have given several other justifications for rejecting the claim of the applicants for Group-B status. The same are being mentioned in brief:

22.1 Applicants continue to be classified as Group-C ever since 1st CPC. There is no fresh cause of grievance.

22.2 Indian Railways is multi disciplinary operational system and they are governed by separate set of rules.

22.3 Railway servants are governed by separate Railway Services (Revised Pay) Rules, 2008, Railway Services (Conduct) Rules, 1966 and Railway Services (Discipline and Appeal) Rules, 1968 and various other Rules. They are not governed by the Central Civil Services (Revised Pay) Rules 2008, Central Civil services (Classification, Control and Appeal)
Central Govt. Consequently, Railway servants cannot seek parity with other Central Govt. employees who are governed by different set of rules.

22.4 Orders issued by DoPT for classification of posts even on the basis of earlier CPCs were not applied to the Railways.

22.5 Even DoPT vide O.M. dated 17.04.2009 (Annexure R-2) sought proposals from different Ministries/Departments for adopting different classifications than given in order Annexure A-1. Govt. of India (Allocation of Business) Rules, 1961 also exclude jurisdiction of DoPT in the matter of general policy regarding classification of posts and grant of Gazetted status in relation to Railway servants.

22.6 The Railway servants are specifically excluded from the Central Civil Services (Classification, Control & Appeal) Rules 1965 vide Rule 3(1) thereof. Similarly, Rule 2 of CCS (Revised Pay) Rules, 2008 read with explanatory memorandum(Annexure R-3) excludes Railway employees from the purview of the said Revised Pay Rules. Consequently, classification vide DoPT order Annexure A-1 is not applicable to the Railway servants.

22.7 As per Railway Servants (Revised Pay) Rules, 2008, existing classification of Railway servants in Groups-A,B,C & D will continue in the revised pay structure till further orders. The classification has been done on the basis of Revised Pay Rules vide letter dated 08.01.2010 (Annexure A-2). It may be mentioned that according to the said classification, even some
posts carrying Grade Pay of Rs. 4800/-, Rs. 5400/- and Rs. 6600/- (much higher than the Grade Pay of the applicants) in the same Pay Band-2 of Rs. 9300-34800/- have been ordered to continue to be classified as Group-C. Consequently, the applicants with Grade Pay of Rs. 4600/- and Rs. 4200/- in the same Pay Band cannot claim to be classified as Group-B merely on the basis of said Grade Pay and Pay Band.

22.8 In other Ministries, Group-B posts are Gazetted posts as well as Non-Gazetted posts. However, in the Railways, all Group-B posts are Gazetted posts. Therefore, much stringent norms/procedure for appointment to said posts whereas norms/standard for Group-C posts are much lower.

22.9 Group-B posts in Zonal Railways constitute managerial level, exercising control over staff in lower grade. As such, if classification as per DoPT Order Annexure A-1, is adopted in the Railways, it would lead to drastic upheavals in hierarchical structure. Disciplinary powers enjoyed by Group-B Gazetted Officers of Railways cannot be entrusted to the staff in Grade pay of Rs. 4600/- and Rs. 4200/- presently classified as Group-C.

22.10 There are number of categories of staff in various departments of Railways in Grade Pay of Rs. 4600/- and Rs. 4200/- involving lacs of employees.

22.11 In view of its unique nature, Railways stands on different footing than the other Departments/Ministries of Central
keeping in view number of factors. Instructions issued by DoPT do not have much relevance for classification of Railway Services posts.

23 In addition of the aforesaid, judgment Annexure R-11 of Hon'ble Supreme Court also fortifies the stand of the respondents that in the matter of classification of posts, Railways stand on a different footing than other Ministries/Departments.

24 Letter Annexure R-8 rejecting the claim of the applicants for Group-B status also contains detailed reasons. The same has been upheld by orders at Annexures R-9 and R-10 of Madras Bench and Principal Bench respectively of the Tribunal. The same have attained finality and the matter cannot be reopened or re-agitated by filing the instant O.A.

25 Ministry of Railways also presents separate budget in Parliament. Railways are not governed by general budget presented by the Finance Minister.

26 In addition to the aforesaid, the applicants had also an opportunity to present their grievances before the 7th CPC which has already presented its report which is being processed by the Government.

27 For the reasons aforesaid, we find no justification for grant of Group-B status to the applicants. The O.A. is gross abuse of process of law because the matter had already attained finality with order dated 21.02.1992 (Annexure A-9), letter dated 27.04.1992 (Annexure R-R).
and orders dated 19.04.1994 (Annexure R-9) and dated 04.01.1996 (Annexure R-10). The O.A. is completely devoid of substance and is accordingly dismissed. No costs.

(JUSTICE L.N. MITTAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Dated: 12.03.2016
‘SK’
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

S.No. PC-VI/367
No. PC-VI/2014/MISC/04

The General Manager (P),
All Zonal Railways/ Production Units

New Delhi, dated 25.04.2016


A number of court cases have been filed by Private Secretaries Grade II of various Railways seeking the benefits of CAT/ Madras orders dated 05.06.2012 in O.A. No. 658/2010 (S. Sivaguru Nathan & Ors Vs Union of India & Ors). The issue has been gone into the merits by CAT/ Bangalore vide their judgement dated 13.04.2016 in O.A. No. 640-649/2014 (V. N. Narayanappa & Ors Vs UOI & Ors) and O.A. No. 1001-1030/2014 (G. Pavananam & Ors Vs UOI & Ors). Hon’ble Tribunal has dismissed above OAs vide orders dated 13.04.2016 (copy enclosed) holding as follows:-

"40. Therefore, after taking into consideration the entire materials placed before us and after considering the facts and circumstances of the case in detail, we are of the view that the applicants herein do not have any historical parity with that of employees of CSSS/RBSS/CAT and as such they are not entitled to a higher grade pay of Rs. 4800 initially and 5400 with gazetted status on completion of four years in the cadre of Private Secretary Grade II as claimed by them on the analogy of judgement in S.R. Dheer vs UOI in OA No. 164/2009. Therefore, after detailed consideration, we hold that the OAs are devoid of merits and are therefore, liable to be dismissed.

41. Accordingly the OAs are dismissed. No order as to costs."

2. The Railways may bring the position to the notice of Railway Advocate contesting such other cases and take necessary action to file a copy of above judgement before the respective Tribunals.

3. Receipt of this letter may please be acknowledged.

DA: As above

(M. K. Panda)
Jt. Director, Pay Commission
Railway Board
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATIONS NO.640 to 649 and 1001 to 1030 of 2014
DATED THIS THE 13TH DAY OF APRIL, 2016.

HON'BLE SHRI JUSTICE HARUN UL RASHID...MEMBER (J)
HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

(OA.No.640-649/2014)

1. V.N Narayanappa
   S/o Nageshappa
   Aged about 59 years
   O/o Chief Electrical Engineer's Office
   Rail Wheel Factory
   Yelahanka, Bangalore-560064
   Resident of No.408, West Colony
   Rail Wheel Factory
   Yelahanka, Bangalore-560 004.

2. B.Rajamma
   S/o Late Y.K. Brahma Surajah
   Aged about 59 years
   O/o PSIII to Dy CME/ASM
   Chief Mechanical Engineer
   Rail Wheel Factory
   Yelahanka, Bangalore-560064
   Resident of No.415, West Colony
   Rail Wheel Factory
   Yelahanka, Bangalore-560 004.

3. S.Sudha
   D/o M.K. Seetharamaiah
   Aged about 56 years
   O/o Rail Wheel Factory
   Yelahanka, Bangalore-560064
   Resident of No.45/0/D, West Colony
   Rail Wheel Factory
   Yelahanka, Bangalore-560 004.

Srinatha Sundaranar
Assistant Registrar
5. Shanthy.A
W/o Arunugam.S
Aged about 45 years
M/S Center
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.3, Vijay Nivas
Mahade Layout, 1st Cross
G.K.V.K. (P), Bangalore-560 065.

6. N.Savitri
D/o K.Narasimha Murty
Aged about 42 years
D/o Mechanical department
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.303/A, West Colony
Rail Wheel Factory
Yelahanka, Bangalore-560 064.

7. Subhashini K.P.
D/o B.S.Raju
Aged about 45 years
O/o PS-III, Accounts Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No. 13, 8th 'E' Main
Sriniidi Layout, Vidyaranyapura
Bangalore-560 097.

8. P.Balakrishna
D/o Late M.O.Purnachandra
Aged about 45 years
D/o General Manager’s Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No.48, Ramakrishna Mul Road
Uppar, Bangalore-560 038.

9. T.V.Krishnan

-130-
S/o V.R. Venkatesan
Aged about 53 years
O/o General Manager's Office
Rail Wheel Factory
Yelahanka, Bangalore-560064
Resident of No. 85, 5th Cross
Akshaya nagar, Attur
Yelahanka, Bangalore-560 064.

10. S.Hema
W/o B.G. Bhargava
Aged about 44 years
O/o PS-II, Office of CAO Construction BNC
Mile's Road
Bangalore
Resident of LR 6, SFHS BU A
Nandini Layout
Bangalore-560 006. ... Applicant

(By Advocate Shri B. V. Prabhadeva)

Vs.

1. The Secretary
Railway Board
Railway Bhavan,
New Delhi-110 001.

2. The Union of India
Represented by
The General Manager,
Rail Wheel Factory
Yelahanka, Bangalore-560 064. ... Respondents

(By Shri N.S. Prasad & N. Amareesh, Advocates)

(OA No.1001-1030/2014)

1. G. Praveen
S/o late P.A. Ganapathy,
Aged 49 years
No. 38/A/2 Ganeshnivas,
2. V. P. Joy,
   S/o V. T. Philip,
   Aged 58 years,
   Railway Quarter No. 1415/E,
   Vidyavaranaharam Nagar,
   Hubli,
   Karnataka.

3. Tenzing Wangpo,
   S/o Phurbu Tenzing,
   Aged 49 years,
   No. 321, B-block,
   Madura Colony,
   Keshwapur,
   Hubli,
   Karnataka.

4. Mathew T. Abraham,
   S/o T. M. Abraham,
   Aged 49 years,
   Quarter No. 1434/D, Rail Nagar,
   Gaddar Mada,
   Hubli,
   Karnataka.

5. U. G. Venkat,sh
   S/o U. Ganesh,
   Aged 52 years,
   No. 11, Sri Ganesh Gayathri Colony,
   Hubli,
   Karnataka.

6. K. T. Pushpajatha,
   W/o Diananad M. Arigadi
   Aged 32 years
   H. No. 114, 3rd Cross, M.R. Nagar,
   Hosballi,
   Avasi,
   Dharwad,
   Karnataka.

Rajiah Mathews,
S/o M. D. Mattew,
Aged 59 years,
H. No. 11, KPII, 2nd Floor,
Alayey, Hemant Nagar,
Kushtagi Road,
Hubli,
Karnataka.
8. A.G. Ramadevi,
W/o Nanjundaswamy,
Aged 80 years,
No.13/103, Maheswara Rice Mill Road,
Sri Rangapattanam,
Mandya Dist.

9. T. Peparao,
S/o T. Hanumantharao,
Aged 34 years
Railway Quarter No.1481/B,
Railnagar,
Hubli,
Karnataka.

10. P.V. Raghunathan,
U/o K.P.K. Nambari,
Aged 58 years
Railway Quarter No.1414/F,
Vidya Narayana Nagar,
Gadag Road,
Hubli.

11. Maria G. Sequiera,
W/o G.Whian Secueria
Aged 64 years
Geri Villa, LBS Colony,
Gadag Road,
Hubli,
Karnataka.

12. G. Kiran Bose,
S/o Kinelly,
Aged 33 years
H.No.61, State Bank of India Colony,
Keshwagur,
Hubli,
Karnataka.

13. B.S. Padmasi,
W/o B.L. Seshadri Rao
Aged 44 years
No.5/3, Sri Mahalakshmi Nivas Apartments,
30/31, 8th Main, 8th Cross,
Malleswaram,
Bangalore-40.
14. S. Gurupraad,
S/o A.M. Srinivasañdhury,
Aged 50 years
No.146/9, 4th B Main, 10th Cross,
Govindaraja Nagar,
Bangalore-40.
Karnataka.

15. T.C. Rajan,
S/o T.V. Chindan,
Aged 51 years
No.11, 1st Main, 3rd Cross,
Mallakpet,
NT Sandrapod
Bangalore
Karnataka.

16. K.K. Thomas,
S/o K.T. Kurikose,
Aged 39 years
No.26, AMR Layout,
Vidyaranyapura,
Bangalore
Karnataka.

17. Ashelatha,
Wife Sathish Kumar,
Aged 57 years,
122, RUTHU,
10th B Cross,
Yelahanka New Town,
Bangalore-64
Karnataka.

18. V. Jayanthi,
W/o N. Sukumar,
Aged 57 years,
No.10, Sri Ganesha Sadana,
7th B – block, 7th Cross,
Cauvery Nagar,
Bangalore-32.
Karnataka.

19. Joseph Antony,
S/o P. Antony,
Aged 62 years
No.366, 10th Cross,
Vijaya Nagar, Railway Layout,
Metahalli,
20. M.N. Amudaveni,
    Wife M. Nagaraj,
    Aged 43 years
    No.342-B, MG Railway Colony,
    Bangalore-23,
    Karnataka.

21. M. Manjuveni,
    Wife late R. Muniswarappa,
    Aged 57 years
    No.118-A, Nanda Gokula Block,
    Aravind Nagar Street,
    St. Thomas Road,
    Nehru Main Road,
    Bangalore,
    Karnataka.

22. M.V. Ravindran,
    Slo Sankarawarrier
    Aged 65 years
    Sathree Sadamann,
    Thalathuquery,
    Ollur,
    Tirituru-600005

23. K. Harinalatha,
    Wife B. Krishnan,
    Aged 53 years,
    H.No.46, Behind Maruthi Temple,
    Manjunath Nagar,
    Gokul Road,
    Hubli,
    Karnataka.

24. Saroja V. Naik,
    Wife B.V. Naik,
    Aged 47 years
    H.No.39A, Near Shiva Ganesh Mandir,
    Uday Nagar,
    Keshrwagur,
    Hubli,
    Karnataka.

25. N. Vindra Babu,
    Wife V. Natorejan,
    Aged 53 years,
26. K. Jayalakshmi,
W/o K. Sathyanarayana,
Aged 52 years,
H.No.287/CH 10,
N.N. Joyce Road,
Neer Marimallappa College,
Mysore,
Karnataka.

27. B.P. Yashoda,
D/o B.M. Puthiah,
Aged 49 years,
No.19, Radha Krishna Nagar,
Vivekanande Bock,
Mysore,
Karnataka.

28. B. Lingaraju,
S/o B.K. Murthy,
Aged 36 years,
No.1492-B, Rail Nagar,
Gadag Road,
Hubli,
Karnataka.

29. Amojesh,
S/o Sureesh,
Aged 47 years,
No.82, Kalyani Apartment,
Vijayanagar,
Hubli,
Karnataka.

30. B.S. Vijayalakshmi
W/o K. Buchappa,
Aged 63 years,
No.304A, II Block, BEL Colony,
Subramanya Nilaya,
Plot-To Celestial Apartments,
Vijayanagar,
Bangalore 560017,
Karnataka.

(By Advocate Shri S. Ramaswamy Rajeswaran.)
Vs.

1. Union of India
   Rep. by The Chairman,
   Railway Board,
   Rail Bhavan,
   New Delhi 110 001.

2. The General Manager,
   South Western Railway,
   Keshwapur
   Hubli-580020.
   ...Respondents

(By Shri N. S. Prasad & N. Amarnath, Advocates)

ORDER

(REHON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A))

Since the cause of action and the relief sought for in both the sets of OAs are similar, they have been taken together by passing a common order.

2. The present OAs have been filed by the applicants seeking a direction on the respondents to fix and grant grade pay of Rs. 4800/- initially and 5400/- with gazetted status with effect from the date of completion of 4 years of regular service in the cadre of Private Secretaries Grade II in respect of such applicant and to give all consequential benefits with arrears for serving officers as well as retired officers along with the interest at the rate of 18% for the accrued amount and also quash impugned letter No. RWF/NG-37/772 dt. 7.3.2014 (Annexure-AS in OA No. 640-649/2014).

3. The applicants were working as Private Secretaries Grade II in Southern Railways in the pay scale of Rs. 6500-10200. Four applicants, namely, 8, 19, 22 and 30 in OA No. 1001-1030/2014 had already retired from service. According to the applicants, their colleagues who are working in South Central Railways as Private Secretaries filed OA No. 659/2010 before the Central Administrative Tribunal, Madras Bench and the Tribunal vide order dated 05.06.2012 directed the respondents to grant grade pay of Rs. 4800/- initially and Rs. 5400/- on completion of 4 years regular service in the cadre of

- 137 -
Private Secretaries Grade II with gazetted status with effect from 01.01.2006 (Annexure-A2 in OA.No.1001-1030/2014). The said order of the Tribunal was challenged before the Hon'ble High Court of Madras in Writ Petition No. 5383/2013 and the Hon'ble High Court after hearing both the parties dismissed the Writ Petition by order dated 08.03.2013 (Annexure-A3 of OA.No.1001-1030/2014) thereby confirming the order of the Central Administrative Tribunal. The order of Hon'ble High Court was again challenged before the Hon'ble Supreme Court in SLP No. 19692/2013 and the Hon'ble Apex Court dismissed the same on 08.08.2013. A Review Petition No. 3202/2013 was also dismissed by the Hon'ble Apex Court on 28.01.2014. According to the applicants, they are similarly placed Private Secretaries Grade II like the applicants in OA No. 658/2010 and hence they made representation to the Chairman, Railway Board, i.e., to 1st respondent requesting for extending the benefits to them also. But there was no response from the respondents till now. Applicants in OA.No.640-649/2014 stated that in response to their representations, 2nd respondent therein i.e. GM, Rail Wheel Factory, Velankani send a reply dt.7.3.2014 (Annexure-A5) that in the absence of any instructions from Railway Board no financial benefits can be extended. Aggrieved by the same, they filed these applications seeking the relief as prayed for.

4. The respondents have filed reply statement in which they have submitted that the applicants are working as Private Secretaries Grade II in Pay Band 2 with grade pay of Rs.4600/- in the South Western Railway, which is a Zonal Railway/Railway Wheel Factory (field organization). The applicants are governed by various rules and instructions issued by Ministry of Railways/Railway Board. They have been allotted PB 2 with grade pay of Rs.4600/- based on specific recommendation of the 6th Central Pay Commission as contained in para 3.1.14 (Annexure-R9). The post of Private Secretary Grade II has always been Group-C non-gazetted post as is the case of numerous other railway posts with comparable pay structure, standard of recruitment and promotion and responsibilities shouldered etc. The Recruitment Rules, recruitment qualifications, mode of recruitment, eligibility conditions for promotion, pay scales,
hierarchical structure etc. of the posts presently designated as Private Secretaries Grade II are entirely different from the posts designated as Private Secretary in the Central Secretariat Stenographers Service (CSSS). There has been no past established parity amongst the posts designated as Private Secretary in the Secretariat and those designated as Private Secretary Grade II (Sr. PA) in the Zonal Railways. The applicants have not produced any material in support of the claims proving equivalence with CSSS. The primary ground of the relief sought in this Original Application is the order passed by the Central Administrative Tribunal, Madras Bench in OA No. 659/2010 and rejection of Writ Petition No. 5393/2013 by Hon'ble High Court of Madras and SLP by the Hon'ble Supreme Court. It is submitted that the Central Administrative Tribunal allowed the OA mainly on the ground that the respondents did not produce any Recruitment Rules to prove that applicants are recruited by separate Recruitment Rules with different standards of academic and professional qualification and thus it can be said that there is no statutory rule which differentiates the applicants in OA No. 659/2010 from that of the Private Secretaries in the Central Secretariat or Central Administrative Tribunal. The Writ Petition against that order was also disposed of at the admission stage itself without going into merit and without issuing notice to the respondents therein.

5. According to the respondents, various important facts, materials including statutory rules, recommendations of the 6th CPC could not be placed for consideration before the Madras Bench of the Tribunal or the Hon'ble High Court of Madras, as such they could not consider the important and relevant material and facts and since implementation of the same would lead to miscarriage of justice, SLP was filed but the same was dismissed at the threshold without reasons at the admission stage itself. The Review Application filed before the Hon'ble Supreme Court also did not succeed. However the dismissal of the SLP by way of one line order does not imply that the Hon'ble Supreme Court endorses the view of Central Administrative Tribunal, Madras.

Further, it is stated law that mere rejection of SLP does not imply upholding of the
orders of lower Courts. (Kunhyarammed & Ors. Vs. State of Kerala & Ors. (2000) 6 SCC 359 AIR 2000 sc 2637). It was held in State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770 that order of dismissing SLP in limine does not imply affirmation of impugned judgment or its merger with Supreme Court’s order nor does it constitute a declaration of law or binding precedent.

6. The respondents submit that there are no common recommendations of 6th CPC/rules implementing them in favour of Private Secretaries Grade II of zonal Railways (field offices/organization) and CSSS (Secretaryiat/Central Administrative Tribunal. While the Private Secretaries of Secretariat (CSSS and various organizations having historical parity) are governed by para 3.1.9 of 6th CPC report, the other Private Secretaries including Private Secretaries Grade II of Zonal Railways (field offices/organizations) are governed by para 3.1.14 thereof. The relevant rules implementing the said recommendations are also different (Annexure-R7). The assumption that the decision dated 19.2.2009 of the Principal Bench of the Tribunal in OA No.1642/2009 (G.R.Dheer & Ors Vs. UOI) has finalized the issue involved in OA No.658/2010 is not correct as all the applicants of that OA were of other department and not of the Railways. In OA.1642/2009 the Tribunal had analyzed the detailed material produced by the applicants therein and thereafter reached a conclusion that they had historical parity with the Private Secretaries of CSSS. Above order had only interpreted the scope of applicability of para 3.1.9 in the case of applicants in that case and never set aside different recommendations of the Commission as in para 3.1.9 and 3.1.14 for Stenographer of Secretariat (and specified organizations having historical parity) and Non-Secretariat/Field offices respectively. Subsequent to order of the Madras Bench of the Tribunal in OA No.658/2010 (dt.5.6.2012), the Principal Bench of the Tribunal had dismissed the OA No.2102/2010 (Shri.Rabinendra Nath Basu & Ors Vs UOI & Ors) (Annexure-R2), OA No.2389/2011 (Zainir Hasan Khan & Ors Vs. UOI & Ors) (Annexure-R4) and OA No.4154/2010 (Mrs. Shakti Saxena & Ors vs UOI & Ors) (Annexure-R4).
Ons (Annexure-R3) holding that the decision in OA.No.106/2009 was specific to that case and not applicable to Stenographers of field/subordinate offices which are to be governed by separate recommendation of 6th Central Pay Commission in para 3.1.14 and thus separate pay structure applies to them as specified in the relevant rules.

7. The category of "Private Secretary Grade II" (earlier Sr.Confidential Assistants/Stenographer Grade 2000-3200) in Zonal Railways/Production Units have never been identically placed with the posts designated as 'Private Secretaries' in Secretariat/Central Administrative Tribunal and therefore there has never been any historical parity. The respondents have also given a comparative table to show that the designations, pay structure and classification as attached to CSSS and Zonal Railways/production unit are completely different. Further the Private Secretaries of Central Secretariat Stenographers Service (CSSS) are governed by specific/separate statutory service rules known as Central Secretariat Stenographers Service Rules, 1969 read with regulations notified thereunder and thereof re-notified as Central Secretariat Stenographers Service Rules, 2010 (Annexure-R13) read with regulations notified by Department of Personnel in exercise of powers conferred by Proviso to Sr. Article 306 of Constitution. Similarly Private Secretaries of Central Administrative Tribunal are also governed by their own specific service rules (Annexure-R15). As per the said rules also, they have been historically classified as Group "B" Gazetted Officers. The said rules and classification have never been applicable to the Private Secretaries Grade II working in Zonal Railways/Production Units (field offices/organizations under Ministry of Railways) which have always been categorised as Group 'C' staff.

8. According to the respondents there also exist glaring differences in the academic and professional qualifications and norms of initial recruitment and promotion and career progression as applicable to the categories of Private Secretaries of CSSS vis-a-vis Private Secretary Grade II of the Zonal Railways. A Comparative position has also been provided in tabular form highlighting the differences. The recruitment
rules eligibility qualification/feeder and promotional grades etc. for Private Secretaries Grade II on Zonal Railways are also different from Private Secretaries in the Central Secretariat Stenographers Service. They have provided a table showing the comparative position between the two to highlight the differences.

9. The respondents further submitted that the applicants have not produced any material to prove that they have any historical parity with posts designated as 'Private Secretaries' of CSSS or Central Administrative Tribunal or that their duties/responsibility/mode of recruitment/recruitment qualification etc. are same as in the case of 'Private Secretaries of Secretaries'. On the contrary the rule/factual position unequivocally establishes that there is no identity/parity as claimed by the applicants. Further acceptance of demand made will have cascading effect on established vertical and horizontal relatives on the Railways and implementation thereof will seriously disturb all existing relatives leading to severe financial, administrative and functional ramifications. There are numerous categories on the Railways which have historically been in identical/comparable or even superior pay scale as compared to Private Secretaries Grade II (earlier Sr. Confidential Assistants/ Stenographers Grade 2000-3200) for whom revised pay structure of PB 2 GP Rs. 4600 with classification of 'Group C' is applicable. Such categories include Section Engineers, Sr. Section Engineers, Station Superintendents, Dy. Station Superintendents, Commercial Superintendents, Chief Ticket Inspectors, Chief Inquiry and Reservation Supervisors, Chief Law Assistants, Chief Commercial Inspectors, Dy. Chief Controller, Loco Inspectors, Office Superintendents Grade I, Chief Office Superintendents, Depot Material Superintendents Grade I, Chemical and Metallurgical Supervisors etc. A number of these categories have much higher qualifications (B.E., LLB etc.) mandated and also involve significantly higher level of responsibilities as compared to stenographers (PS Gr.II) and are involved in much more critical duties of the organization which involves safety considerations involved in running of trains. Further promotional post of PS (Grade II) is PS Grade I which has grade pay of Rs. 4600. Thus acceptance of demand will result in
an anomalous situation wherein a Private Secretary Grade II drawing GP Rs.5400 (after 4 years of service in GP Rs.4600) will have to be placed in a lower scale with grade pay of Rs.4600 on promotion as Private Secretary Grade I.

10. Applicants in OA.No.1001-1020/2014 have filed rejoinder wherein they stated that the RSSS (Railway Board Secretarial Services) is covered under 6th CPC recommendation at para No.3.1.9 but para No.3.1.14 clearly mentions that parity between Field and Secretariat Offices is recommended. The same was also reiterated at para No.7.32.15 of the 6th CPC report wherein it is mentioned that the Commission has already recommended parity between similarly placed posts in field offices and Secretariat and no separate recommendation is, therefore, required. The applicants have not asked for parity with GSSS, but grant of the Grade Pay equal to that of Private Secretaries of Railway Board whose recruitment rules and other eligibility conditions and nature of work are one and the same with the applicants as well as Stenographers of CAT, whoever applicants in OA.No.104/2009. There has been no past established parity between posts designated as 'Private Secretaries' in Secretariat and those designated as 'Private secretaries Grade-i' of field offices of Railway Board. In OA.No.059/2010, the Hon'ble Tribunal had gone through all the relevant documents produced by both the parties and were satisfied that the principle applied in OA.No.104/2009 (S.R.Dhoor & others vs. Union of India & ors) squarely applies to applicants in that OA. The respondents have deliberately suppressed the original service rules of Private Secretaries in CAT which were in existence at the time of acceptance of recommendations of 6th CPC report which formed the basis for the Private Secretaries Grade II of Zonal Railways to file the OA.No.059 of 2010 and got the relief. The Hon'ble Supreme Court had dismissed the SLP as there was nothing found to interfere.

11. The contention that the Private Secretaries (CSSS and various organizations having interdepartmental) are covered by para 3.1.9 of 6th CPC report, while the other Private Secretaries including Private Secretaries Grade II of Zonal Railways (field
offices/organizations) which are equivalent to Private Secretaries in other field organisations are governed by para 3.1.14 is not correct because in para 3.1.9, itself states that those recommendations shall apply mutatis-mutandis to the post of Private Secretary/ equivalent in these services as well. So, going by this very specific recommendations of the 6th CPC report, the respondents ought to have taken action on priority to remove the disparity in the service conditions of Private Secretaries posted in Secretariat and Zonal Railways/production Units/Field Offices. But, the respondents ignoring the 6th CPC recommendation, had treated the applicants as equal to that of stenographers outside the secretariat stating that the functional requirement of secretariat and field offices/organizations are entirely different and also differentiated applicants from the Railway Board Secretarial stenographers whose recruitment rules and nature of duties are similar and pay scales were also same till 5th pay commission.

Parity with RBSS (Railway Board Secretarial Stenographers) has been denied in the guise of different service rules which is not sustainable.

12. The applicants further contended that the table given by the respondents to support their argument itself shows that there was historical parity in pay scale between the Central Secretariat and Zonal Railways (field offices) till the 5th CPC, the only difference being the classification of Group given to the private secretaries in zonal railways as Group 'C'. And even the 6th CPC recommended for parity on par with the RBSS at para No.3.1.14 and 7.32.15. But the respondents had deprived their legitimate right which is guaranteed under Article 14 of the Constitution, by misconceiving the 6th CPC recommendation. Thus it is argued that the above ground relied upon by the respondents is not sustainable. The notification dated 9.4.2000 issued by DOP&T(Annexure-R15) has granted Group 'B' status/classification uniformly to all the central civil posts carrying the Grade Pay of Rs.5400/-, Rs.4600/-, Rs.4000/- and Rs.3500/- thereby removing the previous anomaly/disparity in the classification of posts despite of which the Private secretaries of CSS and CAT have also become eligible and granted/acquired Group 'B' status. The respondents ought to have modified the...
classification of posts on par with other departments, according to the DoP&T notification to remove the anomaly taking into account the genuine grievance of the private secretaries of zonal railways. Even the Private Secretaries of CAT were placed in Group 'C' previously and after implementation of the judgment of CAT in OA No.184 of 2008 they have been re-classified into Group 'B'. Further financial hardship to the department cannot be a valid ground in a welfare state to deny legitimate rights of its employees, particularly when the same was duly covered by the recommendations of 6th CPC.

13. The applicants in OA.No.640-649/2014 have also filed a rejoinder wherein it is submitted that the VI CPC has recommended parity between the subordinate offices vis-a-vis the Secretariat, which was accepted by the Union of India. Having accepted the recommendations of the VI CPC, it is incumbent upon the respondents to implement the same, without any discrimination among the similarly situated. It is submitted that even the Secretarial Staff in CAT, has been granted with parity. The duties and responsibilities would differ from office to office and the officers to whom they are attached. The same officers are liable for transfer to any other zone in India or even to Railway Board. That being so, they cannot discriminate with regard to the pay scale. Further, it is submitted that the Railway Recruitment Board called for the applications and upon selection for the post of Stenographer even the candidates have been allotted to Railway Board, DRM Office and other formations within the Railways. There is no distinction or discrimination between the stenographers and it is a common recruitment at times, as evident from the employment notice No.RRB/CDG/EL-2/2016 (ANNEXURE-A10).

14. It is further submitted that the Chapter 4 para 29 deals with stenographers of four grades namely Grade A; Grade B; Grade C and Grade D. Further, it indicates that as the designation indicates the stenographers take dictation of notes, memoranda, drafts, etc., and type them on behalf of officers with whom they are deputed. Likewise, there is no discrimination in the case of the applicants also and they have to take dictation of notes, memoranda, drafts, if any and type them on behalf of the officers with whom
they are attached. Apart from that they have to maintain other duties and responsibilities as classified and required to be performed. The applicants are working in the organisation, which is classified as field organization and it is similar to that of other colleagues in other Zonal railways.

15. The respondents have filed additional reply statement wherein it is stated that the stenographers of Secretariat and Field/Subordinate offices have been treated by successive Pay Commissions as two distinct categories. Sixth CPC had recommended a limited parity between Secretariat and Field/Subordinate offices only up to the level of Assistant (i.e., equivalent of the level of P.A in Secretariat) through a specific mechanism i.e. by way of merger of pre-revised scales Rs.5000-8000, 5500-9000 and 6500-10500: Duly taking into consideration the principles/extent of parity and methodology for achieving such a parity, the Commission had itself made different/distinct recommendations for posts designated as Private Secretaries of Secretariat and those designated as Private Secretaries/Sr.Private Secretaries etc. and equivalent in Field/Non-Secretariat offices. The 6th Central Pay Commission itself had treated them as two different group/entities going by the recommendations in Para 3.1.3 wherein it was mentioned that absolute parity will be till the grade of Assistant only.

16. The Commission recommended specific pay structures for various posts in Secretariat and outside Secretariat. The hierarchical structure outside Secretariat was different and the posts of Private Secretaries were in two grades viz. Private Secretaries scale Rs.6500-10500 (equivalent posts designated as Private Secretary Grade II on Zonal Railways) and Sr. Private Secretaries scale Rs.7500-12000 (equivalent posts designated as Private Secretaries Grade I on Zonal Railways). The Commission had recommended revised pay structure of PB 2 GP Rs.4200 to the posts designated as Private Secretaries scale Rs.6500-10500 (equivalent posts designated as Private Secretary Grade II on Zonal Railways) and that of PB 2 GP Rs.4800 (initially) and PB 2 GP Rs.5900 (after 4 years) to the Sr. Private Secretaries scale Rs.7500-12000 equivalent posts designated as Private Secretaries Grade I on Zonal Railways). The
Private Secretaries of CAT were earlier governed by the provisions of Central Administrative Tribunal Stenographers Service (Group B and C posts) Recruitment (Amendment) Rules, 1998 (Annexure-RJ3). According to which, the Private Secretaries of CAT were in higher Scale of Rs.2000-3500 and classified as Group 'B' Gazetted. Even at that time (i.e. prior to 2008) they were having different and superior eligibility conditions for recruitment and promotion as compared to Private Secretaries Grade II of Zonal Railways.

17. The respondents further submitted that there has been no historical parity between Private Secretaries Grade II of S.Railways vis-a-vis Private Secretaries of Railway Board Secretariat Service or Central Administrative Tribunal and gave a comparative picture between Private Secretaries of Central Administrative Tribunal (rules framed in 1983) vis-a-vis Private Secretaries Grade II of Zonal Railways and between Private Secretaries of RBSS and Zonal Railway/field organisation.

18. Heard the learned counsel for both sides. Written arguments have also been filed. The learned counsel for the applicants while reiterating the submission made in the OA and the rejoinder referred to judgments of the Madras Bench of this Tribunal in OA No. 6598/2010 wherein vide order dated 05.06.2012 the applicants who were working as Private Secretaries were allowed a grade pay of Rs.4000/- initially and Rs.5000/- on completion of 4 years regular service as allowed to Private Secretaries of Central Secretariat and the Central Administrative Tribunal. The said order was challenged before the Hon'ble High Court of Madras in WP No. 5393/2013 which was dismissed vide order dated 08.03.2013. SLP No. 19882/2013 filed by respondents was dismissed vide order dated 08.08.2013. Review Petition No. 3202/2013 was also dismissed vide order dated 28.01.2014. Thereafter, the respondents implemented the order. The present applicants who were working as Private Secretaries Grade II in Southern Railway are exactly similarly placed as that of the applicants in South Central Railways. The learned counsel for the applicant referred to the recommendation of the Nash Commission para 3.1.9 and para 3.1.14 saying that it recommends parity between...
the Field and Secretariat offices and hence as such there remains no distinction between the Railway Board and the Zonal Offices. Hence, the applicants who were Private Secretary Grade II in the Zonal Offices are entitled to get the same benefits as that allowed for the Railway Secretariat and Others. Ld. Counsel also referred to various judgments of the Hon'ble Apex Court which have been cited separately by him to emphasize that in terms of several order of the Hon'ble Apex Court whenever an order passed by the court have attained finality, it is binding on the department specially when the SLP has been dismissed by the court. He also referred to several judgments which lays down the principle of equal pay for equal work and submitted that not treating similarly placed person in similar way violates Article 14 of the Constitution of India and differences in sources of recruitment will not be a ground for differentiation since qualification, functions and duties are similar in nature. According to him, the task performed by the Private Secretaries is exactly similar to that in Railway Board or CSSS and they are entitled to similar benefits. He also referred to judgment of the Principal Bench of this Tribunal wherein two stenographers working under Director General of Inspector of Customs and Central Excise were similarly placed with stenographers in CCS and given same pay scale in spite of separate Recruitment Rules. He also referred to another order of the Principal Bench dated 25.09.2006 wherein the applicants were held as having parity in CSS upto 01.01.1993 and hence they were granted same benefit as allowed in S.R. Dheer vs. Union of India and that is the same OA No. 164/2009 based on which the applicants in Madras Bench of the Tribunal were given benefits. Therefore, he contended that the applicants are entitled to similar benefits as already have been granted to their colleagues in South Central Railway.

19. The learned counsel for the applicant in OA No. 640-649/2014 while supporting the contentions already made by the learned counsel in OA No. 1001-1030/2014 submitted that the applicants have been recruited by the Railway Recruitment Board with the same qualification for the zonal offices vis-a-vis the Railway Board. One of the applicants initially worked in Railway Board and transferred to the Rail Wheel Factory at
his own request, further it called for volunteers in a communication dated 18.05.2003 who were interested to come on transfer to Board's office as Steno Grade C on bottom seniority.

20. He referred to Finance Ministry OM dated 16.11.2009 wherein grade pay of Re.4600/- in PB 2 was extended to Assistants belonging to Central Secretariat Services, Armed Forces Services, Indian Foreign Service and Railway Board Secretariat Services and Personal Assistants (PAs) and their counterparts Steno Services with effect from 01.01.2006 to say that this indicate that Railway Board Secretariat Services and their counterparts are equal. The Railway Board staff and Zonal Railway staff are governed by same Board, IRES leave rules, pension rules, medical rules etc., and there is no separate set of rules governing the field staff. He submitted that since benefits have already been granted to counterparts of the applicants in Southern Railways pursuant to the order of the Madras Bench of the Tribunal, the applicants are also entitled to the same relief as they are similarly situated.

21. The learned counsel for the respondents admitted the fact that the Madras Bench of the Tribunal had allowed benefits to applicants who were working as Private Secretaries Grade II in OA No. 656/2010 and the Writ Petition filed against the order of the Tribunal was also dismissed by the Hon'ble High Court. The SLP and the Review Petition filed before the Hon'ble Supreme Court also did not succeed. Referring to the Judgment of the Tribunal in OA No. 656/2010 which mentioned that no Recruitment Rules was produced to prove that the applicants were recruited with different standards of academic and professional qualification and there is no statutory rule to differentiate the applicants therein from that of the Private Secretaries in Central Secretariat or the Central Administrative Tribunal, Lt. Counsel contended that only because necessary documentary evidence was not produced by the respondents during the hearing, the OA was allowed. It is clear from the order of the High Court dismissing the Writ Petition filed against the order of the Tribunal at the admission stage itself simply saying that they see no reason to interfere with the order passed by the Tribunal. The Writ Petition was therefore not
dismissed on merit. Ld. Counsel referred to a judgment of the Hon'ble Apex Court in
Kunjhammed and Ors. Vs. State of Kerala & Anr. in which the Hon'ble Apex Court in
its order dated 19.07.2002 had spelled out the logic underlining the doctrine of merger.
While exercising the appellate jurisdiction, the Hon'ble Apex Court mainly exercises its
discretionary jurisdiction to grant leave to appeal. He then referred to a judgment of the
Hon'ble Supreme Court in Civil Appeal No. 1272/2011 State of Orissa & Another vs.
Mamata Mohanty in which it is said that if some other similarly situated persons have
been granted benefits inadvertently or by mistake such order does not confer any legal
right on the petitioner to get the same relief. Further, once the court comes to the
conclusion that a wrong order has been passed, it becomes the solemn duty of the
court to rectify the mistake rather than perpetuate the same. Therefore, he contended
that the order of the Madras Bench of the Tribunal did not take into consideration the
Recruitment Rules and simply allowed the applicants the benefits which was earlier
allowed by Principal Bench to Private Secretaries of the CAT, even though the
applicants therein and the Private Secretaries of the CAT are not in same footing and
there is complete variance in the Recruitment Rules. Therefore, he contended that the
applicants cannot be allowed the benefits on the analogy of the same order.

22. The learned counsel for the respondents referred to recommendation of the Pay
Commission para 3.1.14 wherein Steno Grade II, Grade I and Private Secretaries were
all granted PB 2 with grade pay of Rs.4200/- In the same recommendation, the
Administrative Officer Grade II, Senior Private Secretaries whose pay scale was
Rs.7500-12000 were given PB 2 with grade pay of Rs.4800/- and after 4 years of
service they will get a grade pay of Rs.5400/. He submitted that in the recommendations
there is clear distinction between the Private Secretaries, Steno Grade II who were in
the scale of Rs.6500-10500 and Senior Private Secretaries who were in the scale of
Rs.7500-12000. He referred to the revised pay rules issued by the Railway Board in
RRS-103/2008 dated 04.09.2008 in which schedule 1 indicates the present scale
and the corresponding pay structure and Part B of the said 1st schedule mentioned pay
scale allowed to the Private Secretaries of Railway Board’s office. He then referred to subsequent communication from the Railway Board dated 22.12.2008 (RBE No. 229/2008) in which a grade pay of Rs.4500/- in the pay band of PB 2 was allowed to the posts that existed in the pre-revised scale of Rs.6500-10500. This was granted in lieu of grade pay of Rs.4200/- and accordingly the applicants have been granted grade pay of Rs.4600/- in the pay band of PB 2 which corresponds to the previous scale of Rs.7450-11500 with effect from 01.01.2008.

23. The learned counsel referred to the Recruitment Rules of Private Secretary Grade I (Group D recruitment 2011) and submitted that the post of Private Secretary Grade I which is Group B gazetted and in pay band 2 with a grade pay of Rs.4600/- is to be filled up 100% by promotion from Private Secretary Grade II in the PB 2 with grade pay of Rs.4000/- with 2 years of regular service in the grade on the basis of a written test followed by viva and assessment of record of service. Therefore, he contended that the grade pay of Rs.4800/- is admissible only to a promotional post and the applicants who were working as Private Secretary Grade II can get into that scale by way of promotion only. Therefore, automatically granting that scale to the applicants would be against the provisions of the Recruitment Rules. He also submitted that the drawing of analogy by the applicants with Private Secretaries of OAI who were already in Group B and drawing a higher scale than the applicant is also not tenable. The learned counsel also referred several orders of the Principal Bench of the Tribunal where the OAs which had sought parity with S.R. Dheer and others who were granted relief in OA No. 1642/2009 were dismissed. The learned counsel mentioned that the Madras Bench of Tribunal assumed parity of the applicants therein with S.R. Dheer and others while granting relief in OA No.658/2010 which is not a fact in reality. He submitted that in terms of the provisions of Recruitment Rules etc., and other aspects highlighted by him the applicants cannot draw parity with Private Secretaries of Central Secretariat Services or Central Administrative Tribunal and hence they are not entitled to grade pay of Rs.4600/- which is meant for the promotional post of PB Grade I.
24. We have carefully considered the fact of the case and also the averments made by all parties. It is an admitted fact that the applicants herein who are Private Secretaries Grade II in the Southern Railways are similarly placed with that of the applicants in OA No. 659/2010 who were Private Secretaries Grade II in South Central Railways. Para 6 to 8 of the order passed by the Madras Bench of the Tribunal in OA. 659/2010 states as follows:

6. The respondents have taken the stand that the Recruitment Rules for the Private Secretaries in the Railways and Private Secretaries in the other departments of the Government of India are different. However, they have not produced any Recruitment Rules to prove that the applicants herein are recruited by separate Recruitment Rules with different standards of academic and professional qualifications etc.

7. From all this it can be said that there is no statutory rule which differentiates the applicants herein from that of the Private Secretaries in the Central Secretariat or the Central Administrative Tribunal. Under such circumstances, we are of the opinion that the respondents have not made out a convincing case to deny the benefit of OA. 164/2009 to the applicants before us.

8. For the aforesaid reasons we are of the opinion that impugned order cannot be sustained and the same is set aside. The respondents are directed to grant the Grade Pay of Rs. 4800/- initially and Rs. 5400/- on completion of 4 years regular service in the cadre of Private Secretaries Grade II with Gazette Status with effect from 01.01.2006 as claimed in the OA.

The OA was thus allowed on the presumption that there is no statutory rule to differentiate the applicants from that of the Private Secretaries of Central Secretariat or CAT and no recruitment rules were produced to prove that the Private Secretaries in Railways of other department are different. Writ Petition No. 6393/2013 was filed against the order of the Madras Bench of the Tribunal and the Hon'ble High Court vide order dated 08.03.2013 dismissed the WP at the admission stage itself. The order of the Hon'ble High Court stated as follows:

4. Heard the learned counsel for the petitioners and perused the materials available on record.
5. While allowing the OA., the Tribunal held that there is no statutory rule, which differentiates the applicants herein from that of the Private Secretaries in the Central Secretariat of the Central Administrative Tribunal. The Tribunal has granted the same relief to the applicants, following the order dated 19.02.2009 passed by OA No. 164/2009, since they are similarly placed as that of the applicants in OA No. 164 of 2009. We see no reason to interfere with the order passed by the Tribunal. The writ petition fails and the same is dismissed. Consequently, the connected M.P. is also dismissed. However, there shall be no order as to costs.

-152-
It is evident from the order that the Hon'ble High Court of Madras did not examine the matter on merit. SLP filed against the order of the Hon'ble High Court of Madras and the Review Petition before the Hon'ble Apex Court thereafter were dismissed. The order dt.8.8.2014 of Hon'ble Supreme Court in SLP No. 18992 states as follows:

"Heard.
No reason to interfere. The special leave petition is dismissed."

The order dt.28.1.2014 in the Review Application No. 12021/13 states as follows:

"Application for oral hearing is rejected.
Delay condoned.
The review petition is dismissed."

Thereafter, the respondents have implemented the order and extended the benefit to the applicants in OA No. 658/2010.

25. The issue that has been raised before us is whether the order of the Tribunal extending benefits to the applicants therein and which was decided without fully examining the matter in the context of Recruitment Rules would have a binding effect and entitle benefit to the applicants herein automatically or based on the records placed before us a distinction could be made to examine the matter on merit and in terms of the statutory rules. In a reference to the dismissal of the SLP and the Review Petition, the respondents had referred to the Hon'ble Apex Court judgment in Kunhayanmmed vs. State of Kerala and Others wherein it was held that dismissal at the stage of special leave and without reason is no res judicata and no merger.

26. The learned counsel for the applicant made reference to judgments of the Hon'ble Apex Court in Civil Appeal No. 3556/1999, Shreesharan Kallat vs. Union of Indian & Others 1995 SCC L&S 960 and in WP No.500/1997 Rupa Ashok Hurra vs. Ashok Hurra & Another, 2002 SCC (4) 388 to say that in service matters whenever an order passed by court achieve finality, it becomes binding on the department specially when the same has been dismissed by the court. On the other hand, the learned counsel for the respondents referred to Kunhayanmmed & Others vs. State of Kerala in saying...
that dismissal at the stage of SLP and without reason is no res judicata and no merger.

Further in State of Orissa & Another vs. Mamata Mohanty in Civil Appeal No. 1246-1271/2011, the Hon'ble Apex Court held that when some benefits granted is inadvertently and an order is prima facie not based on facts it does not confer right to others to claim relief and it is the duty of the court to rectify it rather than perpetuate it. Further Principal Bench in OA No. 1373/2010 in Harrendra Kumar vs. Government of India submitted that every decision of the superior courts or of the tribunal does not take place of statuta and cannot be cited as binding precedence.

27. Hon'ble Apex Court in Civil Appeal No. 1272/2011 in State of Orissa & Anr vs. Mamata Mohanty vide para 30 and para 43 of the order dt.09.02.2011 held as follows:

"35. It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief. (Vide Chandigarh Administration & Anr v. Jagjit Singh & Anr., AIR 1996 SC 710);


This principle also applies to judicial pronouncements. Once the court comes to the conclusion that a wrong order has been passed, it becomes the solemn duty of the court to rectify the mistake rather than perpetuate the same. While dealing with a similar issue, this Court in Hotel Birla & Ors. v. State of A.P. & Ors., AIR 1993 SC 1048 observed as under:

"... To perpetuate an error is no heroism. To rectify it is the compulsion of judicial conscience. In this, we derive comfort and strength from the wise and inspiring words of Justice Bronson in Pierce v. Delameter (A.M.Y. at page 18: 'a Judge ought to be wise enough to know that he is fallible and, therefore, ever ready to learn: great and honest enough to discard all pride of opinion and follow truth wherever it may lead: and courageous enough to acknowledge his errors'."

43. "Incursia" literally means "carelessness". In practice per incuriam is taken to mean per ignorantium, The Courts have developed this principle in relaxation of the rule of stare decisis. Thus the "quotable in law", is avoided and ignored if it is
rendered, in ignorantium of a Statute or other binding authority.

In Mamleshwar Prasad & Anr. v. Kanahaiya Lal (Dead) by Ln., AIR 1975 SC 997, this Court held:

"... where by obvious inadvertence or oversight a judgment fails to notice a plain statutory provision or obligatorily authority running counter to the reasoning and result reached, it may not have the awav of binding
precedents. It should be a glaring case, an obtrusive omission."

28. In the context of the above, we are inclined to examine this case further on its
own merit rather than taking a decision on account of the fact that some similarly placed
persons in South Central Railway have been awarded benefit based on the judgment of
the Madras Bench of the Tribunal. The Madras Bench of the Tribunal while deciding the
OA No. 658/2010 tried to place the applicants similar to the applicants in OA No.
164/2009 and allowed benefits accordingly. The applicants in OA No. 164/2009 were
Private Secretaries and Section Officers working in the Principal Bench of the Central
Administrative Tribunal who claimed that there is no distinction or difference in pay
scale between them and their counterparts in CSS/CSSS and there is a historical parity
between the two groups. After detailed examination, the Tribunal in the said OA came to
a conclusion that the petitioners therein are having established historical parity with their
counterparts in CSS/SSS and as such the decision of the government to deny them
the benefits allowed to their counterparts in CSS/SSS is not justified and the
applicants therein are entitled to pay bands with grade pay as available to their
counterparts in CSS/SSS. As the fact stands, only in view of the fact that there is a
historical parity between the PS and SOs in the CAT with that of their counterparts in
CSS/SSS, benefits available to CSS/SSS was made available to the applicants in
OA No.164/2009. Therefore the main issue that arises here is whether the applicants in
these OA who are Private Secretaries Grade II in the Zonal Railways are having
similar pari with Private Secretaries either in the Central Administrative Tribunal or

- 155 -
with the CSS/CSSS since they are claiming same benefit as admissible to the CSS and other organization having historical parity.

26. The respondents in their reply have brought out detailed comparison between the Private Secretary Grade II in Zonal Railways and the Private Secretary in the Central Secretariat Stenographers Services both in terms of the Recruitment Rules, eligibility, qualification, promotional grades. They have also brought out detailed comparative position of the Private Secretaries in CAT vis-a-vis Private Secretaries Grade II of the Zonal Railways. From the said comparative chart, it appears that prior to the 6th CPC recommendation the pay scales enjoyed by the Stenos/Private Secretaries Grade II in the Zonal Railways /Production Units or Filed Organisations are different from what is available to Private Secretaries both in Central Secretariat as well as in the CAT. In 5th Pay Commission though both the groups had the same pay scale of Rs.6500-10500, in case of CSS the minimum starting pay was Rs.6900. Moreover, prior to 6th Pay Commission the classification of Group A, B, C, D was different and at that time also the Private Secretaries Grade II were classified as Group C as against categorisation of Private Secretaries in CAT as well as in CSS as Group B.

30. In their reply and additional reply the respondents have also given tables showing comparative position between the pay scales and classifications applicable to the Private Secretary of the Central Secretariat Services and the Zonal Railways and the production units, comparison between the Railway Board Secretariat Services and the Zonal Railway (Field Officers) and also a comparison between the Central Administrative Tribunal and the Zonal Railways under different pay commissions. It would be evident from those tables showing the comparative position that there is a clear distinction between the pay scales and classification of Private Secretaries of Zonal Railway Field Offices and that of the Private Secretaries in all the other three categories. While there is a parity between the Central Secretariat Stenographer Services, ROSS and Central Administrative Tribunal, the scales and classification allowed to the Stenos in Zonal Railway Field Offices are different. Further, prior to the 6th
Pay Commission all along the Private Secretary in the Zonal Railways and Field Offices, have been classified as Group C whereas in all other categories they are classified as Group B.

31. Separate tables showing comparative position have also been provided in regard to the mode of recruitment/academic/professional qualification/promotional avenues, and hierarchical structure between Private Secretaries of CSSS and Zonal Railways. It also appears that there is significant difference between recruitment, promotion norms and rules of Private Secretary in Railway Board Secretariat Stenographer Service and those of Private Secretaries Grade II of Zonal Railways as would be evident from the following table:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Item of Differentiation</th>
<th>Private Secretary (Grade AkB) Merged of RBSS</th>
<th>Private Secretary Gr.3 of Zonal Railways / RS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Classification</td>
<td>Group 'B' (Gas.) as per Rule 3 of RBSS Rules, 1971</td>
<td>Group 'C' (Non-Gas) as per Rule 187 of Indian Railway Establishment Code.</td>
</tr>
<tr>
<td></td>
<td>Classification of post</td>
<td>Group 'B' Gazetted</td>
<td>Group 'C' Non-gazetted</td>
</tr>
<tr>
<td></td>
<td>Promotion to the Gr. B proportion being</td>
<td>Promotion through seniority (50%):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eligibility:</td>
<td>Stenographers Grade C of RBSS who have rendered 6 years of approved service in the</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Eligibility: 2 yrs in lower grade of Stenographer in 3rd CPC scale Rs.5500-8000 Rs.1649-2000 (6th CPC Scale Rs.5500-9000)</td>
<td></td>
</tr>
</tbody>
</table>
Further, the Recruitment Rules of Private Secretary Grade I which have been notified in GSR 6 (D) dated 01.04.2007 indicates that it is to be filled up 100% promotion from Private Secretary Grade II in Pay band 2 (4300-34800 with grade pay of Rs.4500) with two years of regular service in the grade on the basis of written test followed by viva-voce and assessment of record of services. Therefore, there is a clear distinction between the Private Secretary Grade II and Grade I and they cannot be taken as equal. From the details of the pay structure, recruitment rules, promotion, hierarchy etc., between the four categories, i.e., Central Secretariat Services/central Secretariat Stenographer Services, Central Administrative Tribunal, Railway Board and the Zonal Railways it is clearly apparent that there is no established parity between the Private Secretaries of the Zonal Railways with that of the other three categories.

32. In this context, we would like to refer to the recommendation of the 6th Pay Commission vide para 3.1.9 and 3.1.14 which have been referred to by both the applicants and the respondents.

33. Accordingly, the Commission recommends upgradation of the entry scale of Section Officers in all Secretariat Services (including CSS as well as non-participating ministries/departments/organisations) to Rs.7500-12000.
corresponding to the revised pay band PB 2 of Rs.6700-34800 along with grade pay of Rs.4600. Further, on par with the dispensation already available in CSS, the Section Officers in other Secretariat Offices, which have always had an established parity with CSS/CSSS, shall be extended the scale of Rs.8000-13500 in Group B corresponding to the revised pay band PB 2 of Rs.6700-34800 along with grade pay of Rs.4600 on completion of four years service in the lower grade. This will ensure full parity between all Secretariat Offices. It is clarified that the pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.4600 is being recommended for the post of Section Officer in these services solely to maintain the existing relativities which were disturbed when the scale was extended only to the Section Officers in CSS. The grade carrying grade pay of Rs.4600 in pay band PB-2 is, otherwise, not to be treated as a regular grade and should not be extended to any other category of employees. These recommendations shall apply mutatis-mutandis to post of Private Secretary/ equivalent in these services as well. The structure of posts in Secretariat Officers would not be as under:

<table>
<thead>
<tr>
<th>Post</th>
<th>Pre revised pay scale</th>
<th>Corresponding revised pay band and grade pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTC</td>
<td>Rs.3000-4000</td>
<td>PB-1 of Rs.4300-52000 along with grade pay of Rs.4600</td>
</tr>
<tr>
<td>UDC</td>
<td>Rs.4000-5000</td>
<td>PB-1 of Rs.4300-52000 along with grade pay of Rs.4600</td>
</tr>
<tr>
<td>Assistant</td>
<td>Rs.5000-6000</td>
<td>PB-2 of Rs.6700-34800 along with grade pay of Rs.4600</td>
</tr>
<tr>
<td>Section Officer</td>
<td>Rs.6500-12500 (on completion of four years)</td>
<td>PB-2 of Rs.6700-34800 along with grade pay of Rs.4600</td>
</tr>
<tr>
<td>Under Secretary</td>
<td>Rs.10000-15000 (on completion of four years)</td>
<td>PB-3 of Rs.16500-39100 along with grade pay of Rs.8100</td>
</tr>
<tr>
<td>Deputy Secretary</td>
<td>Rs.12000-16500</td>
<td>PB-3 of Rs.16500-39100 along with grade pay of Rs.8100</td>
</tr>
<tr>
<td>Director</td>
<td>Rs.14000-18300</td>
<td>PB-3 of Rs.16500-39100 along with grade pay of Rs.8100</td>
</tr>
</tbody>
</table>

This scale shall be available only in such of those organisations/services which have had a historical parity with CSS/CSSS, services like AFHQSS/AFIQSS/RBSS and Ministerial/Secretarial posts in Ministries/Departments organisations like MEA, Ministry of Parliamentary Affairs, CWC, URS, etc. would therefore be covered.

3.1.14 In accordance with the principle established in the earlier paragraphs, parity between Field and Secretariat Officers is recommended. This will involve merger of few grades. In the Stenographers cadre, the posts of Stenographers Grade II and Grade I in the existing scales of Rs.4500-7000, Rs.5000-9000 and Rs.5500-9000 will, therefore, stand merged and be placed in the higher pay scale of Rs.6500-10500. In the case of ministerial post in non-secretariat Offices, the posts of Head Clerks, Assistant, office Superintendent and Administrative Officer's Grade III in the respective pay scale of Rs.5000-8000, Rs.5500-9000 and Rs.6000-10500 will stand merged. The existing and revised structure in Field cadre will, therefore, be as follows:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Present scale</th>
<th>Recommended scale</th>
<th>Corresponding Pay Band &amp; Grade Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTC</td>
<td>Rs.3000-4000</td>
<td>Rs.4300-52000</td>
<td>PB-1 of Rs.4300-52000 along with grade pay of Rs.4600</td>
</tr>
<tr>
<td>UDC</td>
<td>Rs.4000-5000</td>
<td>Rs.4300-52000</td>
<td>PB-1 of Rs.4300-52000 along with grade pay of Rs.4600</td>
</tr>
</tbody>
</table>

-159-
Note 1. The posts in the intermediate scale of Rs.7450-11500, wherever existing, will be extended the corresponding replacement pay band and grade pay.

Note 2. The existing Administrative Officer Grade II/ Sr. Private Secretary equivalent in the scale of Rs.7500-12000 will, however, be placed in the corresponding replacement pay band and grade pay till the time they become eligible to be placed in the scale of Rs.8000-13500 corresponding to the revised pay band PB 2 of Rs.8700-34800 along with grade pay of Rs.5400.

33. The recommendations made in these two paras should be read in the context of the observations made in the previous paras and the suggested pay structure recommended by the 6th Pay Commission. In paras 3.1.2 and 3.1.3 the disparity between the Secretariat and the Field Officers have been discussed and it has been mentioned that time has come to grant parity between the similarly placed personnel employed in the Field Offices and the Secretariat. It has also been mentioned in the said paras that this parity would need to be absolute till the grade of Assistant. Beyond this it may not be possible or even justified to grant complete parity between the hierarchy and career progression because the hierarchy and career progression would need to be different taking in view the functional conditions and relativities across the board. The commission also suggested amalgamation of Secretariat and Steno cadres saying that no justification exist for maintaining distinct steno cadre in any of the government offices. Emphasis should be on recruiting multi-skilled personnel at Assistant level to be designated as Executive Assistant who will discharge the functions of present day Assistant besides performing all the stenographic functions. Keeping this object in view where the Secretariat and stenographer cadre would stand merged in future there is a
need for ensuring parity between these two cadres right from this stage. The
commission suggested for merger of the 3 paycales, namely, Rs.5000-6000/- Rs.
5500-9000/-, and Rs.6500-10500/- into one, i.e., Rs.6500-10500/- while recommendations
in para 3.1.9 suggested the structure of post in the Secretariat Offices while para 3.1.4
indicated the existing revised structure in the field organizations. In para 3.1.4 the pay
scales to Private Secretaries were also recommended. In the said recommendations
vide Note 2 the Sr. Private Secretary/equivalent were offered a different grade pay.
Hence, in the recommendations under para 3.1.4 itself, there were different set of
recommended scales for the two categories. It will be inappropriate to refer to the
recommendation of the pay commission in piecemeal and to arrive at a conclusion that
only because the Pay Commission mentioned about need for parity between the Field
and Secretariat Offices they have to be awarded some pay scale in spite of the fact that
there is no historical parity between the two and Pay Commission itself suggested
different pay scales.

34. It has been highlighted during the arguments that subsequent to the order
passed in OA No. 164/2009 by the Principal Bench of the Tribunal in S.R. Dheer and
Others vs. Union of India & Others, several other group of employees in field units of
various departments have also approached the Principal Bench of the Tribunal claiming
similar parity but they were not considered. In OA No. 2109/2010 in Rabindra Nath
Basu & Others vs. Union of India & Others and connected matters wherein the
applicants were Assistant Staff Officers of the Ordnance Factory Board it was held that
the applicants belong to non-secretariat organization and would be covered by pay
scale prescribed in para 3.1.14 of the 6th Pay Commission recommendation and
accepted by the government. Para 18 & 19 of the order stated as follows:

18. It is noted that the Chapter 3.1 of the 6th CPC recommendation dealt very
comprehensively the issues brought before it on the subject of disparity between
Secretariat and Field Offices. The role and responsibilities of the Secretarial and
Field Officers have been identified to be different. Parity of certain posts, disparity
in pay structures, anomaly in pay scale have been analysed in Para 3.1.7 and the
6th CPC has given its recommendations in Para 3.1.8 to 3.1.15. Para 3.1.9
provides the pay structure of LDC to Director levels in the Secretariat in Pay
bands and grade pay whereas Para 3.1.14 gives the pay structure for non-Secretariat Organisation. On our direction, the Respondents have provided a copy of Swamy’s Companion of 6th CPC Report Part I pages 141 to 147 and Swamy’s Manual on Office Procedure 2008 and 2009. In the definition Chapter 1 entry 53, Secretariat Offices are defined as those which are responsible for formulation of the policies of the Government and also for the execution and review of those policies. As per this definition, the organisation where the applicants are working cannot be termed as Secretariat. On the contrary, the Non-Secretariat Organisations where the applicants are working are either attached offices or subordinate offices. Definition of the attached offices are generally responsible for providing executive direction required in the implementation of the policies laid down by the department to which they are attached. They also serve as repository of the technical information and advice the department on technical aspects of question dealt with by them. The meaning of subordinate offices signifies that these function as field establishments or as agencies responsible for the detailed execution of the policies of Government. They function under the direction of an attached office or directly under a department. Having examined the definitional aspects and the armaments made by the Respondents, we are of the opinion that there is exist distinction in the works, functions and responsibilities between the Secretariat and non-Secretariat Organisations. If there is functional dissimilarities, there is bound to be financial disparity in pay and allowances.

19. Considering the totality of the facts and circumstances of the case in both OAs, we find that Appellants belong to Non-Secretariat Organisation. We are, therefore, come to the considered conclusion that the distinction brought in the year 2003 for CSS/CSSS/AFHQ is not applicable to the Appellants. All the Applicants would be covered by the pay scale prescribed in Para 3.1.14 of the 6th CPC recommendations and accepted by the Government.

In OA No. 2380/2011 In Zainab Hasan Khan & Others vs. Union of India & Others wherein the applicants were Private Secretaries/Str, Private Secretaries/Administrative Officers Grade II and III in gazetted Group B posts in the office of various Commissioners, Chief Commissioner of Income Tax and who claimed similar parity in Central Secretariat Services and later claimed for the same pay scale as allowed to Central Secretariat Steno Services, the Tribunal vide para 37, 43 and 44 of the order held as follows:

- The claim of historical parity has also not been successfully proved by the Applicants. The so-called claim of parity had been disturbed already in the years 2002 and 2004, as per the admission of the applicants themselves, the deployment dates, and also the applicants later had full opportunity to represent their case before the Vth CPC, which they may have done also, and it does not appear that the Vth CPC did not want their cases to be descaled under para 3.1.14, rather than under para 3.1.13, which is applicable only to the Secretariat employees.
43. We have also examined all the case laws as cited by the respondents, and by the learned counsel for the applicants, in detail. Although we are not discussing the salient points and ratio emerging out of each of those cases here, but we find that in none of those cases it has been clearly held that this Tribunal would be bound to provide relief only by a claim of historical parity, when an expert body like the Pay Commission has had an occasion to examine thoroughly in detail the rival claims and contentions, and has arrived at conclusions, and has divided its recommendations into two separate Paragraphs 3.1.3 and 3.1.14 of its recommendations.

44. Therefore, it is held that the respondent - Union of India have correctly decided to follow the recommendations of the VIIth CPC, as contained in Para-3.1.14, and applied that specific recommendation in the case of the applicants, and the applicants cannot claim any relief merely on the basis of a claim of a past historical parity, even though in some cases some such parity may have been granted to them by the Courts and this Tribunal in the past from time to time, in view of the prayers made in those cases, and the circumstances prevailing at that point of time.

35. In OA No. 4154/2010 Shakuntala Saxena & Others vs. Union of India & Others wherein the applicants were working in the Land and Development Office, an attached office of the Ministry of Urban Development and claimed parity with Section Officer of CSS cadre. It was held that the applicants belong to attached office i.e., non-secretariat organisation and would be covered by pay scales in para 3.1.14 of the 6th pay recommendation and accepted by the government. Further in OA No. 1373/2010 and connected matters Harendra Kumar vs. Ministry of Home Affairs wherein the applicants were Section Officers, Assistant, Private Secretaries working in the NBP and CISF and claimed parity with CSS on the analogy of the relief granted to S.R. Dwre & Others in OA No. 164/2009, the Tribunal held that mere historical parity in scales is not sufficient to warrant the same scale of pay. The nature of service involved, duties and responsibilities, the level of their decision making are some of the other factors which have also to be considered. The said order had also referred to the order of the Tribunal in Harjeet Singh vs. Union of India in OA No. 4204/2012 wherein on similar issue it was held that the duty of the pay commission is to view the issue of parity among different categories and upon so many criteria and give its findings in terms of whether it is to be maintained or some new equilibrium is to be created. Where services are
different, the issue of parity is best left to the expert bodies like the pay commission
appointed by the government. The Tribunal vide para 10 of the order observed as
follows:

"10. In context of the third issue, the Tribunal had clearly found that which
services should have priority and which services should have parity is in the domain
of the executive as a part of policy decision. The job of the Pay Commission is not
merely creating alignment of pay structure and cost of living index but it is also to
examine the working of the Government in totality to make recommendations by
which efficiency of the Government goes up. The Tribunal, therefore, held that the
work of the Courts/Tribunals is in a very narrow compass and it is the prerogative of
the executive to decide such issues which are clearly best left to expert bodies like
Pay Commission."

Accordingly the Tribunal dismissed all the four OAs as being bereft of merit.

30. The I.D. Counsel for the applicants has referred to some decisions of the Principal
Bench and Enakulam Bench of the Tribunal to support his contention. He referred to
the decision in Rohitash Sharma & ors vs. Union of India in OA.No.81/2008, S.Haja
Najeebudeen Vs. Union of India in OA.No.892/2010 and K.K.Jose & Ors Vs. Union of
India & Ors. in OA.No.332/2011. In OA.No.81/2008, the applicants were Private
Secretaries in Controller General of Accounts and in the said OA, the Tribunal had
concluded that the applicants had been in historical parity with CSSS up to 1.1.1996 in
the pay scale of Rs.6500-10500 and pay scale of Private Secretaries of C&AG with four
years of service has been revised to Rs.8000-13500 notional from 1.1.1998 and
actually from 2003 but the same was not considered in case of the applicants due to
constitution of VI Central Pay Commission. Since the applicants were having historical
parity with CSSS, they are covered by the decision of the Tribunal in S.R.Dheer's case.
Thus in this case, the Tribunal concluded that there was historical parity with the CSSS
and accordingly granted benefit. In OA.No.892/2010, the applicants were Computers in
ICAR and the issue therein was completely different and does not involve parity of scale
with CSSS in OA No.332/2010 where the applicants were Private Secretaries in the CAT,
the issue related to creation of posts 'Principal Private Secretary' in the CAT and hence it
has also no bearing with the present OAs.

37. The Ld. Counsel for the applicants has also argued that there should be equal pay for equal work and cited the following cases to highlight that similarly placed person should be given similar benefit in spite of separate recruitment rules.

1. OA.527/1997 (P.K. Sehgal & Ors. v Union of India & Ors), CAT, Principal Bench
3. WP.2200/2208 (Mohan Singh v Union of India & Ors.), SLJ 2009 (Vol.II) 88
4. CA.410/2004 (State of Kerala v. B. Renukith Kumar & Ors.), 2009(1) SCC L&S 142
5. CA.1147-1151/2009 (State of Kerala v. Mahesh Kumar & Ors.), SLJ 2009 (Vol.II) 27

The principle of equal pay for equal work has been discussed and applied in a number of cases by Hon’ble Apex Court and others. The issue of equal pay for equal work as mentioned in various judgments of different Courts has also been highlighted in the judgment of the Tribunal in O.A.No.164/2009 in S.R.Dheer v. Union of India. Reference has also been made to the case of Haryana and Anr. vs. Haryana Civil Secretariat Personal Staff Asn., (2002) 6 SCC 72 wherein the principle of equal pay for equal work was considered in great detail. In that said judgment, the Hon’ble Apex Court observed that the fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge. Ordinarily courts should not try to delve into administrative decisions pertaining to pay fixation and pay parity. The Courts must realise that job evaluation is both a difficult and time consuming task which even expert bodies having the assistance of staff with requisite expertise have found difficult to undertake. Fixation of pay and determination of parity is a complex matter which is for the executive to discharge. Further granting of pay and acceptance of demand will have cascading effect and the results will have adverse consequences. In the matter of equal pay for equal work, it has to be carefully considered, specially in the context of the specific recommendation made by an expert body like Central Pay Commission. The principle that because a specific group of persons have same nomenclature or they are performing work of similar nature does not mean that it would amount to seeking
equal pay for equal work. Various other factors have also to be considered in deciding the applicability of the principle of equal pay for equal work.

38. As it would be evident from the discussions in the preceding paras, there is a significant difference in the recruitment rules, promotional hierarchy etc. between the applicants who are Private Secretaries Grade-II in the Zonal Railways with that of Private Secretaries in the Railway Board, Central Secretariat Services/ CSSS or CAT. There is no case of any historical parity between the applicants and their counterparts in CSSS or CAT or RBSS. Therefore the applicants cannot claim the benefits of pay scales allowed to CSSS in the ratio of judgments in OA No. 164/2009 in S.R. Dheer & ora V. Union of India wherein the Private Secretaries in the CAT were granted the benefit on the basis of establishment of a historical parity with CSSS.

39. In this context, we also note the submission made by the respondents about the consequential implications on various other categories/groups under the respondents if such benefit is granted to the applicants even though they do not have any parity with RBSS and CSSS and are not entitled to the same. The Railways is a vast organisation where there are many cadres/category of employees having identical pay scale and equal parity with that of Private Secretaries Grade-II in the Zonal Railways. A list of such groups has been highlighted in the reply statement. Therefore, grant of benefit which the applicants are otherwise not entitled to will also have an effect on the other cadres of Railways as contended.

40. Therefore, after taking into consideration the entire materials placed before us and after considering the facts and circumstances of the case in detail, we are of the view that the applicants herein do not have any historical parity with that of employees of CSSS/RBSS/CAT and as such they are not entitled to a higher grade pay of Rs. 4000 initially and Rs.400/week given status on completion of four years in the cadre of Private Secretary Grade-II as claimed by them on the analogy of judgment in S.R. Dheer vs.
UOI in OA No. 194/2009. Therefore, after detailed consideration, we hold that the OAs are devoid of merit and are therefore, liable to be dismissed.

41. Accordingly, the OAs are dismissed. No order as to costs.

(P.K. PRADHAN)  
MEMBER (A)

(Sd)  
(HARUN UL RASHID)  
MEMBER (J)

TRUE COPY

/ksk/pst/  
21/11/16

SECTION OFFICER  
Central Administrative Tribunal  
Bangalore Bench, Bangalore
CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  

Original Application No.180/00148/2015  

CORAM:  
Hon'ble Mr. U. Sarath Chandran, Judicial Member  
Hon'ble Mr. E. K. Bharat Bhushan, Administrative Member  

1. The Indian Railways Permanent Way Engineers' Association, South zone (Registered No.1030/CPT)  
Represented by the Palakkad Divisional Secretary  
P. P. Joy, aged 52 years, S/o. P. K. Pouluse  
Senior Section Engineer (Permanent Way)  
Southern Railway, Calicut, Residing at:  
Railway Quarters No.CLT/41/Calicut Railway Station  
And P.O, Calicut 673 001  

2. V. Mohan, aged 56 years, S/o. Velupillai  
Sr. Section Engineer/Permanent Way, Southern Railway  
Kottayam Railway Station, Residing at: Railway Quarters  
No.18/B, Kottayam Railway Station  
Kottayam-686 001  

(By Advocate – Mr. T. C. G Swamy)  

V E R S U S  

1. Union of India represented by the  
General Manager, Southern Railway  
Headquarters Office, Park Town P.O  
Chennai – 600 003  

2. The Chairman, Railway Board  
Rail Bhavan, New Delhi-110 001  

(By Advocate – Mr. S. Radhakrishnan)  

This application having been heard on 6.6.2018, the Tribunal on 12.6.2018  
delivered the following:  

O R D E R  

Per: Hon'ble Mr. U. Sarath Chandran, Judicial Member  

Applicants are Indian Railways Permanent Way Engineers' Association  
and a Senior Section Engineer/Permanent Way working at Kottayam Railway  

- 168 -
station under the Southern Railway. Their grievance is that the classification of the posts of Senior Section Engineers (Permanent Way) as 'Group C, as against the requirement of classifying such posts as Group B (Gazetted) at par with persons of identical Pay Bands and Grade Pay in all the other Central Government Department and Organisations is erroneous.

2. Applicants seek relief as under:

(i) Call for the records relating to the issue of Annexure A3 Railway Board letter bearing “RBE No.5/2010, No.PC/V1/2009/I/RSRP/4 dated 8.1.2010” on classification of posts and to quash the same;

(ii) Issue a direction to the respondents to the effect that the posts of Senior Section Engineer/P.Way in the Grade Pay of Rs.4600 be classified as Group B(Gazetted) as per “The Gazette of India (Extraordinary) S.O. 946(E) issued by Ministry of Personnel, Public Grievances and Pensions issued on 9th April 2009” and implemented in all the Ministries and Departments of Union of India; and at par with their counterparts in Central Government Departments – including Ordinance Factories, CPWD, MES and Telecommunication etc.

(iii) Award costs of and incidental to this application, “

3 Respondents filed reply statement disputing in detail the various pleadings raised by the applicants. By way of preliminary objection, respondents state that Original Application is barred by limitation as the applicants are challenging Annexure A-3 after a period of more than 5 years. According to them, classification as reiterated in Annexure A-3 was in vogue even prior to implementation of 4th Central Pay Commission (CPC for short) recommendations.

4 It is further stated by the respondents that as the impugned Annexure A-3 being a policy decision of the Railway Board, there is no reason for
challenging the same without disclosing any illegality contained therein. It is further stated by the respondents that Indian Railways is a multi-disciplinary operational system involving safety considerations in operation of Trains where human factor is a vital factor and therefore, the service conditions of staff are required to be governed keeping in view functional, operational and administrative requirements of the organisation to ensure safe, effective and efficient functioning of the system which has no comparable factors in respect of the staff of other Ministries and Organisations of Government of India. It is also stated by the respondents that Department of Personnel & Training (DoP&T, for short) issues orders from time to time regarding classification of various Central Civil Service posts under the provisions of CCS (CCA) Rules 1965 and accordingly Annexure A-2 order dated 9.4.2009 was issued by the DoP&T on the issue of revised classification of “Central Civil Posts”. As per Government of India (Allocation of Business) Rules 1961, jurisdiction of DoP&T in the matter of General Policy Matters regarding classification of posts and grant of Gazette status in relation to services excludes Railway Services. The respondents state that the Railway Service posts are specifically excluded from the purview of CCS (Revised Pay) Rules issued from time to time. It is stated by the respondents that classification of Railway service Posts are governed by Rule 107 of the Indian Railways Establishment Code Volume I. The revised classification of Railway service posts, after implementation of 6th CPC Pay structure, has been reviewed keeping in view of their administrative, financial and operational requirement, horizontal and vertical relatives as well as relevant background. Various posts in the pre-revised pay scale of Rs.5000-8000/5500-9000 (Revised pay structure PB-2 with Grade Pay of Rs.4200/-) and Rs.6500 -10500/7450-11500 (Revised pay structure PB-2 with Grade Pay of
Rs.4600/-) have also been continued in their existing classification of Ground C and the post held by the applicants i.e., Senior Section Engineer is in the revised pay structure of PB 2 with Grade Pay of Rs.4600/- (pre-revised scale 6500-10500/7450-11500) has also been continued in the existing classification of Group C. The respondents point out that by merely classifying Group 'C' posts as Group 'B' on the scale of pay or criteria adopted by other Ministries would completely upset this equilibrium between Group 'B' and Group 'A' posts and would lead to administrative and operational problems.

5. We have heard Shri. T. C. G. Swamy, learned counsel for the applicants and Shri. S. Radhakrishnan, learned standing counsel for the Railways in detail and perused the records.

6. We did not propose to venture into the detail pleadings of the applicants in the O.A in above paragraphs of this order because we are of the opinion that the O.A could be disposed of on the preliminary objections pointed out by the respondents. The issue involved in this case being the need for re-classification of the posts held by the applicants from Group 'C' to Group 'B' keeping in view of the position of Group 'B' and Group 'C' posts in other departments of the Central Government, we feel that it is an issue which has to be dealt with by the respondent Railways as a policy decision on account of the special nature of functioning of the Railways which can not be given a text book comparison with the Central Government servants in other departments. The respondents in their preliminary objections have explained the nature of functioning of Railways which obviously is quite distinct from other administrative departments of the Government of India and its other organisations.
7. Classification of cadres/posts are policy decisions. Courts/Tribunals are not expected to give directions to the State and its instrumentalities to adopt a particular policy. In *State of Jharkand and Others v. Ashok Kumar Dangi and Others* 2012 (1) SCC (L&S) 598 the Supreme Court of India observed that Courts/Tribunals are not to direct the Government to adopt a particular policy. It is well settled that the Courts are not to interfere with the policy decisions (see *SP Shivprasad Pipal v. Union of India and Others* (1998) 4 SCC 4598. In this context it is worthwhile to read the observations of the Supreme Court in *P.U Joshi and Others v. Union of India and Others* 2003 2 SCC 632

“We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.

8. We are of the opinion that since the relief sought in this Original
Application fall under the realm of policy decisions of the Railway Board/Ministry of Railways, the preliminary objections raised by the respondents have to be given credence to and accordingly, the Original Application is only to be dismissed. In the result, the Original Application is dismissed. No order as to costs.

(E.K.BHARAT BHUSHAN) ADMINISTRATIVE MEMBER
(U.SARATHCHANDRAN) JUDICIAL MEMBER

sv

List of Annexures


Annexure A-3 - A true copy of Railway Board Order bearing No.RBE 05/2010

Annexure A-4 - A true copy of order bearing No.PC 34(19)/08/D(Fy-11) dated 18.1.2011, issued by the Ministry of Defence

Annexure A-5 - A true copy of Office Memorandum bearing No.12/30/2009-EC.IV(SC), dated 25th October, 2010, issued by the Central Public works Departments


Annexure A-7 - A true copy of Notice issued by the Staff Selection Commission

Annexure A-8(i) - A true copy of Gazette No.36, dated 9.8.2010 of Government of Tamil Nadu

Annexure A-8(ii) - A true copy of part of notification issued by Government of Nagaland

Annexure A-8(iii) - A true copy of part of notification issued by Government of Orissa

Annexure A-9 - A true copy of Part of recommendations of Justice K.N.Wanchoo
Annexure A-10 - A true extract of the census of Central Government Employees published by the Ministry of Labour

Annexure A-11 - A true copy of representation dated 31 May 2014 submitted by the 1st applicant association

Annexure R1 - Photocopy of rule 103(43) of Indian Railway Establishment Code Vol.I (Notified under Article 309 of Constitution)

Annexure R2 - Photocopy of the rule 3(1) of CCS (CCA) rules 1965

Annexure R3 - Photocopy of the rule 2 of CCS (RP) Rules 2008

Annexure R4 - Photocopy of the GSR 643(E) dated 4.9.2008


Annexure R6 dated 30.10.1987 - Photocopy of the Boards Letter No.PCIV/86/imp/46

Annexure R7 - Photocopy of the letter dated 27.4.1992 in which the decision taken by the Ministry in compliance with the Direction of Hon'ble CAT in O.A No.863/1989

Annexure R8 No.1038/92 - Photocopy of the judgment dated 19.4.94 in O.A

Annexure R9 - Photocopy of the judgment dated 4.1.1996

Annexure R10 No.4647/92 - Photocopy of the judgment dated 21.1.1998 in C.A

Annexure R11 - Photocopy of the notification in foot-note of 3 of first schedule in Railway Service Revised Pay Rules, 1986

Annexure R12 - Photocopy of the office memorandum dated 14.7.2009

Annexure R13 - A true copy of the order passed by the Division Bench of the Chandigarh Bench of this Tribunal in O.A No.211/2014 dated 1.3.2016