

Southern Railway Employees' Sangh

Perambur, Chennai-11.

Withdrawal of New Pension Scheme NFIR's Communication to Railway Board

Extract of GS/NFIR's Note to Railway Board for withdrawal of New Pension Scheme and continuance of Liberalized Pension Scheme is given below. This Note of NFIR is as a follow up action to the meeting held between the Railway Board and the Federations under the Chairmanship of CRB on 7th February, 2014.

Extract of Note

Why Liberalised Pension is required

Indian Railways is one of the largest Railway systems in the World and is fully owned and operated by the Ministry of Railways (Railway Board), Government of India. It plays a significant role in driving economic growth of the country, offering highly affordable, environment-friendly transportation of passengers and freight specially bulk commodities across the country and also for rapid movement of Army, para-military forces and their connected artillery and military hardware to the Nation's borders. The role of Indian Railways thus cannot be undermined under any circumstances.

Ministry of Railways (Railway Board) introduced Pension System exclusively for Railway employees who entered Railway service on 16th November 1957. These rules were subsequently modified as Railway Services (Pension) Rules 1993 and Railway Services (Extraordinary) Pension Rules 1993. It is also worth-mentioning that the Hon'ble Supreme Court in the case of DS Nakara and Others V/s Union of India (AIR-1983-SC-130) gave following verdict:-

"Pension is neither a bounty nor a grace bestowed by the sweet will of the employer but is a payment for the past services rendered. It was construed as a right step towards socio-economic justice and a concrete assurance to the effect that the employee in his old age is not left in the lurch."

The New Pension Scheme introduced by the Government of India has not been made applicable to the following:-

- (a) Personnel in Armed Forces, (b) Personnel working in Para-Military establishments,
- (c) The State Governments of West Bengal, Kerala and Tripura through their executive instructions consciously decided to continue with the liberalized pension scheme to their employees and not to adopt new pension scheme.

Justification for scrapping the New Pension Scheme:-

3.1 Unique Railway working:

3.1.1 Federation wishes to invite attention to the fact that the working of Indian Railway is totally different and distinct as compared to other Departments of the Central Government. Even during the colonial period, the Railways was conceived and operated as an auxiliary wing of the Army, primarily because of its nature of work rendered round the clock, 365 days in the year facing extremely tough working conditions in all seasons may be extreme hot, cold or torrential rains and its well-defined role in rapid movement of troops across the Indian sub-continent, more particularly on the borders when the Rly. employees are exposed to the peculiar situations. It is also worth-mentioning that though the Indian Army fights war once in two/three decades, Railway employees are required to face war-like conditions/situations in their day to day work - may be due to derailment, accidents breaches, bandhs, civil disobedience movements besides providing back up support for Army by ensuring speedy rail movement.

In support of the above contention, NFIR wishes to bring to the notice following excerpts from the Report of "The Railway Safety Review Committee, 1998" (Part-I) headed by Retired Judge of the Supreme Court (justice HR Khanna) where the Committee has observed as under:-

"During the colonial period, the Railways was conceived and operated as an auxiliary wing of the Army, primarily because it provided the transport muscle that enabled rapid movement of troops across the Indian sub-continent. There was, however, another less visible but important reason for the close linkage with the Army. The colonizers realized that the Railways, by virtue of its complex nature, required a high degree of discipline and efficiency to be able to perform its role as the prime transport mode. This, in turn, meant a system of working more closely allied to the Armed Forces than the sometimes lax civilian forms. Thus historically, Indian Railways (IR) has functioned differently from other Government Institutions."

Justice Khanna has therefore observed in the report that it is not only unrealistic but also dangerous to treat the Railways and its problems on par with other Government departments which has unfortunately been the case with the Indian Railways post independence.

3.1.2 Indian Railways is quite unique in its working and distinctive in character. A lot of challenges are required to be faced to make the railway system safe, reliable, efficient and capable of fulfilling the needs of not only of common public through transportation of passengers and other products like Iron ore, minerals, food-grains etc. but also ensuring safety of the country by reaching the border areas. During the course of performance of duties a number of Railway employees lose their lives and also sustains injuries like Military and para-military forces. The report submitted by the High Level Safety Review Committee, comprising of Technocrats and Specialists in the field led by eminent scientist Dr Anil Kakodkar had highlighted following figures in respect of railway employees vis-a-vis passengers / general public killed and injured during the year 2007/08 to 2011:-

- (a) Railway employees - Killed: 1600, Injured: 8700 (b) Passenger /Public - Killed : 1019, Injured: 2110
- (c) Unmanned Level crossing - Killed: 723, Injured: 690

The above position is sufficient to prove that the working of Railway staff cannot be treated as less arduous than the Military and Para-military personnel and there is need that Railway employees are exempted from the application of New Pension Scheme, presently called

National Pension System and the Railway employees should continued to be governed by the Liberalized Pension Scheme called as Railway Services (Pension) Rules, 1993 and or Railway Services (Extraordinary Pension) Rules, 1993.

3.2 Uniqueness of Indian Railways and the crucial role of railway employees for providing efficient services:-

There are only two things which moves uninterruptedly, one is 'Wall Clock' and the other is Indian Railways. There are certain factors which epitomizes Indian Railways as Unique such as

- ☞ hazards induced by job environments, working conditions and capital health which are totally uncommon. These conditions prevail only in Armed Forces,
- ☞ Rigorous medical standards, periodic updating of skills, workforce to prepare itself to match with changed technological upgradation-Unique to Railways.
- ☞ Railway employees job profile have built in integration of performance-cum-safety, execution-cum-self certification besides extended duty hours demanded by critical operational regime,
- ☞ Like Armed Forces, the Railway employees are expected to remain at their Headquarters/ Stations even while availing periodic rest and they should report to duty in emergency and in the event of any untoward eventuality. Without prior permission they cannot leave Headquarters even during Rest Day. This system is not prevailing in any other Central Government Organization,
- ☞ Even when they avail leave, they are expected to give the 'address on leave' facilitating the Railway management to summon them to take up duty at a short notice. This is akin to that of Armed Forces.
- ☞ Railway employees are expected to rise to the occasion in the event of any crisis like accidents, floods, sabotage etc even while on leave and assist the system.

The above provisions are in-built in various Rules laid down by the Railways.

3.3 Uniqueness in the duties:

- ☞ The uniqueness in performing the duties of railway employees which are unmatched & second to none, is that the employee has to continue on duty and to wait for his reliever to take charge and he is not expected to leave the post although duty hours are complete unless and until his reliever reports and takes charge, e.g. Train Controller, Station Master, Electric Signal Maintainer, Technical staff, Loco Pilots, Guards etc. Thus their nature of duties are akin to that of defence personnel.

3.4 Exposed to Risks :-

- ☞ While performing duties whether running the trains, maintaining Tracks/S&T assets, attending to under-gears of the rolling stock the staff sneak in between two rails for ensuring train formations fit to run.
- ☞ Continuously work under open Sky, in remote/jungle areas facing inclement weather conditions, susceptible to air pollution and high decibel noise which are unique so far as hazardous working conditions faced by vast majority of railway employees similar to the conditions faced by army personnel during war time,
- ☞ Vast majority of Railway employees work at remote places, jungle areas and road side stations where number of amenities do not exist - this is similar to that of Defence forces,
- ☞ Nature of Railwaymen's working is against cultural harmony, biological clock i.e. round the clock working in shifts, continuously night duties resulting into irregular living like that of military /para- military personnel.
- ☞ Railway employees are exposed to anti-social elements in the course of performing duties which is also unique to the Railway System similar to the situations faced by para-military staff,
- ☞ Railway employees are liable for criminal prosecution in case if accidents as their nature of duties are connected with the movement of trains round the clock with high safety standards while ensuring punctuality - a peculiar situation which is not faced by the staff of any other Ministry /Department of Central Government,
- ☞ The duties of Railway employees are strenuous as Indian Railways is an operational transportation network. Continuous stress and strain in the course of performing duties has been resulting in health hazards like Hyper-tension, diabetes, Ulcer, Cardiac problems leading to premature deaths, medical invalidation at a scale larger than Armed/para-military forces. It is reported that the number of deaths while on duty or in service or on leave/sick is nearly 10000 per annum. This alarming number of deaths is due to various difficult working conditions.
- ☞ Rail work force are expected to possess quick reflexes like that of armed forces for ensuring best services to the customers.

Indian Railways' Resources

Indian Railways have their own budget. Dedicated and devoted services of Railway employees is a real contributing factor for running this important transportation system. The earnings generated by the Indian Railways due to continued efficient services of all the categories of employees have not only resulted in substantial earnings but also made LR., to meet the expenditure towards staff wages, allowances, pension liabilities etc., thus capable to absorb these commitments from its own resources.

Healthy Industrial relations

The country as well as the Indian Railways should feel proud of its work force which has been working relentlessly for providing satisfactory services to the Customer. Healthy Industrial Relations have been built by pursuing mutual trust and co-operation among the staff of all categories as well as the management during the last 39 years. Not a single man-day has been lost on employees account during the period of four decades in the Railways due to disciplined work culture inbuilt among the employees. The New Pension Scheme has unfortunately resulted into disappointment and frustration among railway employees. This needs to be removed for ensuring equal justice to all employees irrespective of their date of appointment whether they are pre 01/01/2004 or post 01/01/2004. Withdrawal of New Pension Scheme in Railways would generate good industrial relations and contribute for improved efficiency and best operating ratio.

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