

N F I R

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National Federation of Indian Railwaymen

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Affiliated to :

Indian National Trade Union Congress (INTUC)
International Transport Workers' Federation (ITF)

PRES 71

No. II/9/Pt. 3

Dated: 24/02/2020

The Secretary (E),
Railway Board,
New Delhi
Dear Sir,

Substitutes - Seniority

Sub: Assignment of seniority to the Railway employees appointed as 'Substitutes' on Zonal Railways and in Production Units-reg.

NFIR brings to the notice of Railway Board that in the exigency of service, the extant provisions permit appointment of 'Substitutes' in the Railways under the powers of the General Manager. These Substitutes are engaged against cadre posts when fall vacant either permanently or temporarily. These Substitutes are paid in regular Scale of Pay and Allowances applicable to the post against which they are appointed. On completion of four months continuous service, those appointed as Substitutes are granted status of 'Temporary' employee, while they are assigned seniority from the date of regular absorption. In this connection, Federation invites attention to Para 1515 of IREM Vol. I where it has been provided that:-

"Substitutes should be afforded all rights and privileges as may be admissible to temporary Railway servant from time to time on completion of four months continuous service".

In consonance with the above, the date of grant of temporary status, as recorded in the service Sheet/Book is taken as the date of appointment of the Substitutes if followed by regular absorption after grant of temporary status for the purpose of granting seniority. Federation feels that this provision does not appear to be justified as such substitutes deserve to be eligible for seniority from the date of initial appointment on account of rendering continuous service against the regular post.

It is however relevant to mention that there are substitutes of two types, one who are regularly absorbed after grant of temporary status (without break) and the other whose grant of temporary status contains breaks before regular absorption. Vide master circular No. 34 vide No. E(NG)/I/2019/SR 6/6 dated 26/08/2019, the Railway Board has erroneously dealt both types of substitutes and casual labour at par in respect of assignment of seniority. It is unjustified particularly, in regard to those substitutes whose date of appointment is the date when he was granted temporary status when their entire service is treated as qualifying service for all purposes including terminal benefits. Federation contends that the provision must invariably cover reckoning of seniority to such substitutes from the date of initial appointment following principle of natural justice in all fairness.

NFIR, therefore, requests the Railway Board to consider the above points and issue instructions to the Zonal Railways etc., to grant seniority to the Substitutes from the date of initial appointment when their services have been regularized following Temporary status, without break. A copy of the instructions issued may be endorsed to the Federation.

AU COBS / DOBS

[Handwritten signature]

Yours faithfully,

(Dr. M. Raghavaiah)
General Secretary

Copy to the Executive Director Estt (N), Railway Board, New Delhi.
Copy to the General Secretaries of affiliated Unions of NFIR.
Media Centre/NFIR.