

## **RESOLUTIONS ADOPTED BY 2<sup>ND</sup> NATIONAL CONVENTION OF RAILWAY PENSIONERS**

**Held on 13th February. 2011 at Secunderabad**

**(Under the aegis of Bharat Pensioners' Samaj New Delhi).**

### **Resolution No. 1 : Equal fitment benefit to pensioners at par with employees by adding 50% of Grade Pay :**

There was no reason for the VI CPC to give a different fitment benefit to the pre-2006 retirees other than what was given to serving employees especially when VI CPC Report 5.1.47 talk of granting equal fitment benefit to serving employees and pensioners.. Adding 86% DR to their basic pensions did not amount to giving the same fitment benefit to the pensioners. While grade pay benefit given to employees ensured equal benefit to all those coming under each grade pay, the same was not the case with the pensioners since pensioners retired at various stages in pre-revised pay scales. This glaring anomaly in the matter of fitment benefit recommended to pre-2006 pensioners was not properly dealt with by the VI CPC while making the recommendation. The Government also has not come forward to do justice to pensioners considering that different fitment benefits given to pensioners and serving employees resulted in further widening of disparities in pensions/family pensions of pre and post 2006 pensioners/.family pensioners. Further, the benefit is not uniform at all levels in as much as the increase in basic pension was 2.26 times upto certain levels(PB III), it was much more at higher levels(upto 3.4) leaving a trail of deep sense of frustration and injustice at the lower levels.

This convention therefore appeals to the Government to do justice to all the pre-2006 pensioners and family pensioners by giving them same fitment benefit as given to serving employees w.e.f. 1-1-2006 i.e. **Basic pension + 86% DR + 50% of Grade Pay** as allotted to the post from which they retired w.e.f. 1-1-2006 and uniform multiplication factor of i.e. Existing Pension x 3.4 be adopted to arrive at the minimum guaranteed pension.

### **Resolution No. 2 Complete parity to pre 2006 Pensioners with post 2006 Pensioners :**

The Fifth Central Pay Commission had in Para 137.21 of their report enunciated a principle for future revision of pensions. According to this, "complete parity should normally be conceded up to the date of last pay revision and modified parity (with pension equated at least to the minimum of the revised pay. scale) be accepted at the time of each pay revision. The enunciation of this principle would imply that at the time of the next pay revision, say, in the year 2006, complete parity should be given to past pensioners as between pre-1996 and post 1996 and modified parity be given between the pre-2006 and post-2006 pensioners. The VI CPC did not recommend carrying forward this already accepted principle for implementation of 'parity' between pre and post 1996 pensioners. They had abandoned this salutary principle on the untenable plea that cent percent neutralization of price-rise was given to all levels w.e.f. 1-1-96. While making this observation, the VI CPC ignored the fact that 'parity' as recommended by V CPC was not linked to cent percent neutralization of price rise. Cent percent neutralization of price rise was there upto certain levels even prior to 1-1-96 and the 'parity' principle is meant to progressively bridge the gap in pensions of those retiring under different Pay Commission scales of pay. By not carrying forward this salutary principle, the VI CPC did grave injustice to pre 1-1-96 pensioners and family pensioners. The commission also utterly failed to make any recommendation to eliminate wide disparities and bring about parity in pensions of past and present pensioners and present and future pensioners and to provide a uniform multiplication factor for revision of pension with respect to the existing pension. Thus, the commission dealt severe blow to the principle of parity in pensions. The Government of India which had earlier accepted this principle and implemented it to pre 1986 pensioners and family pensioners completely abdicated its moral responsibility to its past employees and their families. This only speaks of the anti-pensioner attitude of the Government of India.

Similarly with regard to implementation of modified parity, the recommendation of the VI CPC was deliberately distorted and misinterpreted to deny the benefit of 'stepping up' to a large number of pre 2006 pensioners and family pensioners. The V CPC enunciated modified parity to ensure that the past retiree in a post would get not less than 50% of the minimum of the revised pay scale at the

time of revision and 30% in the case of family pension. Introduction of pay bands and grade pays have been taken advantage of to deny the above benefit to pre-2006 pensioners and family pensioners.

The benefit of modified parity would accrue to all pre-2006 pensioners and family pensioners only if the pay in the pay band corresponding to the minimum pay of the pre-revised pay scale in which the pensioner retired with grade pay thereon is taken for this purpose. In implementation of the Government's orders in this regard, a large number of those who retired in various pre-revised pay scales have been deprived of this benefit and denied equal treatment. The manner in which the modified parity was implemented under VI CPC recommendation amounted to gross discrimination and violation of Article 14 of the Constitution of India. In spite of this glaring irregularity being pointed out by individual affected pensioners as well as C.G. Pensioners' Organizations across the country, the Government of India has turned a deaf ear to all their pleas. This distorted interpretation of the recommendation and its implementation in the manner explained above has the effect of widening the gap between the pensions of pre and post 2006 pensioners and family pensioners and this gap continues to widen with sanction of every additional installment of DR and also when additional quantum of pension/family pension relating to age is granted. Unfortunately, the authorities have been ignoring these glaring irregularities and the recurring monetary loss to many pre-2006 pensioners and family pensioners. While the Government could do justice to pre-2006 pensioners and family pensioners in the above regard by issuing suitable modified instructions, it is unfortunate, that the aggrieved pensioners and family pensioners are being made to go from pillar to post in the evenings of their lives at great expense and physical and mental strain to them hardly becoming of an enlightened and model employer which the Central Government is expected to be.

This National Convention therefore urges on the government of India to concede full parity up to 1-1-96-and implement modified parity as on 1-1-2006 in a manner that would do equal justice to all those who retired in pre-revised scales of pay and also to provide irrespective of pre retirement official status, a uniform multiplication factor for revision of existing Pension.

### **Resolution No. 3 Medical attendance, treatment & preventive health care :**

**Medical attendance & treatment as well as preventive health care, is a fundamental right of a retired employee which the employer is obliged to provide in compliance with Hon'ble Supreme Court the judgment in the case of Consumer Education & Research Centre & Others v/s UOI & Others in writ petition (C) No.206 of 1986 {AIR 95 Vol. 82 Page 922 .This convention therefore, urge upon the Government of India Ministry of Railways to :-**

#### **3 (a) Declare RELHS as an open ended scheme:**

To declare RELHS as an open ended scheme without any restriction of qualifying service & lockin period and also to make it available to all categories of retirees & Family pensioners with out any distinction & discrimination.

**3 (b) To issue 'Smart Card' (on CGHS Plastic card pattern) to all RELHS beneficiaries through out the country, with all India 5 years' validity, for Medical attendance & treatment, in any Private empanelled Hospital in case of a medical emergencies , without prior referral by the authorized medical attendant.**

#### **3 (c) Revise Fixed Medical allowance to Rs 1200 PM & Removal of distance criteria :**

Further, imposition of distance restrictions for grant of Fixed Medical Allowance is irrational in as much as non members of any health scheme, and members of RELHS suffering from specified chronic diseases are also eligible for this allowance in addition to OPD treatment for the said chronic diseases from Railway Hospitals/Health Units since FMA is only meant to cater for day today minor ailments which affects all pensioners without consideration of distances.

As such, this conference urges that, in order to do equal justice to one and all,

a) Distance restriction for the grant of FMA may be removed altogether for all those foregoing OPD treatment for non- chronic diseases from Railway/CGHS/ECHS hospitals/dispensaries.

b) Fixed Medical Allowance raised to Rs. 300/- P.M. w.e.f. 1-9-2008 is too inadequate in the present context of high consultation charges and cost of medicines FMA be related to market conditions and may please be raised to Rs. 1200/- P.M. to make it realistic as has been done by the Ministry of Labour & Employment, Government of India. in case of EPFO retirees.

**Resolution No. 4 Wage & Pension revision every five years :**

In view of the phenomenal progress that the country has been making in economic and other spheres with a high growth rate as well as the constant high inflationary pressures on the country's economy ever pushing up prices of essential commodities, the wages and pensions become irrelevant over short periods and hence their frequent revisions are necessary to update them in consonance with the changing trends. Fifth Central Pay Commission have recommended pay and pension revision on annual basis. The revisions take place at more frequent intervals under State Governments and in PSUs and Banks, but they take place once in 10 years under Central Government. Wage & pension revisions have also to take place under Central Government at least once in 5 years. It is to be noted that various steps being taken by the Government have not made any dent on the inflationary situation and it is predicted that in the next Five Year Plan, the situation is going to be still difficult with heavy investments planned on infrastructure and in other factors.

Next revision should, therefore, take place w.e.f. 1-1-2011.

**Resolution No. 5 Merger of 50% Dearness relief with Pension :**

The V CPC recommended merger of DA/DR with basic pay/pension when they reach 50% and further grant of DA/DR on such consolidated basic pay/ pension. This was recommended to serve as a mid-revision. The VI CPC recommended against this without suggesting a suitable alternative. in case of working employees their allowances automatically go up by 25% whenever DA touches 50% but there is no compensation to pensioners as they do not get any allowances This conference therefore urges on the Government to come forward with necessary measures in the above regard.

**Resolution No. 6 Ex-gratia optees**

VI CPC has not considered revision of ex-gratia rates of pre 1986 CPF/SRPF(C) retirees. Ex-gratia rates of pre-1986 SRPF(C) retirees were revised marginally w.e.f. 1-11-2006 by the Ministry of Railways but this revision did not cover even the families of deceased SRPF beneficiaries who continue to get ex-gratia at old rates. Further, minimum pension and family pension have been raised to Rs. 3500/- P.M. w.e.f 1-1-2006 by the VI CPC. The families of these beneficiaries have been getting 8% less DR w.e.f. 1-11-97 which is discriminatory and the same should end forthwith to do them equal justice. Ex-gratia benefit needs to be extended to voluntary retirement and retirement on medical invalidation cases also to do them justice and to end their suffering. The CPF/SRPF(C) beneficiaries and their families getting ex-gratia should be extended the benefit of FMA as denial of the same to them is unjust and discriminatory. The benefit of ex-gratia should be extended to their dependent unmarried widowed and divorced daughters above 25 years of age. Payment of additional ex-gratia, on attainment of 80 yrs and above, on the lines of other Pensioners/Family pensioners, deserve due consideration. This convention therefore urges the Government to favourably & sympathetically consider the following - on humanitarian grounds:

- i) Revise ex-gratia rates of all pre 1986 CPF/SRPF(C) beneficiaries and their families.
- ii) Raise minimum ex-gratia payment to Rs 3500
- iii) FMA & medical aid to CPF/SRPF(C) beneficiaries, their families and dependents.

iv) Sanction additional ex-gratia to CPF/SRPF(C) beneficiaries on attainment of 80 yrs & above.

**Resolution No. 7 Anomaly in the case of JAG (S 21 to S 23)**

*Once an employee from Departmental Channel is inducted into Group 'A' cadre, he/she is interpolated into Group 'A' seniority & become member of homogenous Group 'A' services for further benefits and if the duties responsibilities do not differ he/she should not be discriminated against in the matter of pay fixation – {Supreme court decision reported as 1987 (1) SCC 582 Telecommunication Research Centre Scientific Officers (Class-I) Association & Ors. vs. UOI & Ors & the decision reported as 1987 (1) SCC 582 Telecommunication Research Centre Scientific Officers (Class-I) Association & Ors. vs. UOI & Ors}*

In all departments of the Central Government including Railways. A Non Functional Selection Grade (NFSG Rs 14300—18000 'Vth CPC scale') is provided in the JUNIOR ADMINISTRATIVE GRADE (JAG) to prevent stagnation. It constitutes 30% of the total Functional Junior Administrative Grade. (5th CPC Scales S.21 to 23) The designation, duties, Schedule of Powers, (Disciplinary and Financial) and responsibilities are the same for JAG as well as NFSG. In any case NFSG is not a promotional grade. Railway Board's letter RBE 135/2000 of 14-07-2000 which clearly spells out that "NFSG is segment of JAG" and that "it will not be treated as a Promotion". But while implementing 6<sup>th</sup> CPC **recommendations** the said existing Scale 24 has been placed in PAY BAND 4 leaving behind JAG in PAY BAND 3. This has resulted higher pay packet to the erstwhile S 24 than JAG (S21-23) though the duties & responsibilities remain identically the same. This is an anomaly which is adversely affecting the minimum guaranteed pension of pre 2006 retirees & need be set right early. This convention urge that the disparity be rectified and the said recommendations for modified parity be implemented in true spirit thereof.

**Resolution No. 8 Improved grades and higher grade pay :**

Certain categories of staff on account of higher responsibility were allotted higher scales of pay w.e.f. 1-1-1996, but while revising pension/family pensions; these improved grades are not being taken into consideration for the purpose of stepping of pension & family pension to 50% & 30% respectively of the minimum pay of the improved grades. Similarly, higher grade pays have been allotted for certain posts w.e.f. 1-1-2006 and these grade pays are not being taken into account for the purpose of 'stepping up' in respect of pre-2006 pensioners who retired in corresponding posts. Apart from being discriminatory, this has resulted in further widening the gap between pre and post 1-1-2006 pensioners & Family pensioners and this injustice to them will continue for ever. This action of the Government violated the letter and spirit of V CPC recommendation regarding modified parity wherein they had clearly laid down that revised Pension should not be less than 50% of the notional pay in the revised scale applicable to the post from which one retired. Similarly, the revised family pension should not be less than 30% of the notional pay of the revised scale applicable to the post from which one retired. This convention urge that the disparity be rectified and the said recommendations for modified parity be implemented in true spirit thereof.

**Resolution No. 9 Disturbance of existing relativities due to Bunching of Scales:**

While introducing pay bands in place of pre-revised pay scales and bunching a number of Pay Scales in each of the four Pay Bands, the VI CPC overlooked previously established relativities of several cadres, thereby giving better dispensation to some and denying equal justice to some others. Apart from causing monetary loss. This has lead to serious humiliation in the ranks of aggrieved, especially to those who retired form service prior to 1-1-2006 because of big disparity in the increased benefit in basic pension of those retired after implementation of 6<sup>th</sup> CPC accepted/ modified recommendations. The Government is urged to look into the above and initiate early remedial measures to set right the above discrepancy to ensure equal justice to one and all & to give full satisfaction to pre.2006 pensioners who retired in various pre revised scales of pay.

**Resolution No. 10 Grant of HRA and Transport allowances to pensioners.**

The housing problem is acute in the entire country. Even in rural , the cost of vacant land is going up abnormally. The house rents have been ever increasing. Realising this fact, the VI CPC made recommendations in respect of HRA to serving employees.. Unfortunately, however, they ignored the case of pensioners for House Rent Allowance even though the pensioners are also equally exposed to the high cost of housing. **This convention therefore appeals to the Government to take a break from the past and grant HRA to the pensioners.**

**Resolution No. 11 Post retirement Complimentary passes**

**11(i) Entitlement of Class of Passes:** Post-retirement Complimentary Passes are issued to Railway servants subject to the same conditions as applicable to Railway servants in service. Thus it would not only be logical but also fully justified to extend the same revised entitlement of Passes as per Rly Board's recent orders vide their No E (W)2008/PS 5-1/38 RBE No 03/2011 dt 06-01-2011 to all retired Railway personnel w/o any cut off date.

**11(ii) School passes**

a) Post retirement spouse is recognized for sanctioning of Family Pension as well as for widow Pass, but post retirement School going dependent children are not entitled to School Passes which a discrimination against children & need to be rectified.

b) Similarly many retired employees/deceased employees have school and college going children. Recognizing right to education of these children, eligible school and college going children of retired/deceased employees may be granted the facility of School passes & the benefits of Children Education Allowance and Hostel Subsidy on par with those of serving employees.

11 (iii) After implementation of the recommendations of 6<sup>th</sup> CPC Group 'D' has been eliminated. Pre 2006 retired Group 'D' staff, therefore, be treated at par with the serving Group 'C' employees, in respect of number of post retirement complimentary passes and class of eligibility.

11(iv) Physically handicapped retired employees may please be considered for being provided with companion facility in the higher eligible class as a gesture of goodwill from the Railway Administration to the retired Physically Handicapped employees

**11(v) Qualifying length of service for post retirement Complimentary Passes (PRCP)**

At present to become eligible for PRCP (Post retirement Complimentary Passes), the minimum qualifying length of service for Group A, B & C Railway staff is 20 years while for Group 'D' staff it is 25 years. But after implementation of 6<sup>th</sup> CPC minimum length of qualifying service for Pension is 10 years for all categories of staff. So in conformity with eligibility for Pension, the minimum qualifying length of service for PRC passes, be revised to 10 years uniformly for everybody, instead of 25 years for Group "D" staff and 20 years for others.

**11 (vi) Widow Pass:**

(a) In widow passes the dependent relatives are not entitled to be included except for the dependant widow mother of the deceased Railway employee. This is too harsh a rule for a widow who is emotionally, financially & socially shattered and left alone with the liability of caring not only for her own dependent children but also the parents of her late husband. Widowed mother-in-law is included as her family member, but not her own dependent Children. This indiscreet attitude towards widows needs to be set right w/o delay. They may be allowed to include dependent relatives in their passes as per the entitlement of their late Husbands. Also minimum number of widow pass be increased to one

set per year as against present one set every alternate year in case of erstwhile group 'D' & for Group A & B it should be raised to 2 (Two) sets per year as against present one & a half set

#### **11( vii) P.R.Passes to Family pensioners other than the spouse**

##### **i.e. Complimentary passes for the Unmarried/ Widow/ Divorced Daughters and Handicapped Children:**

At present the above category of children are entitled to get family pension on the event of death of their both the parents. But they are not eligible for Railway passes individually though they used to avail the pass facility along with their parents 'when alive. So, the above category of children be granted with at least ONE Set of Pass per year.

#### **11(viii) Companion in IInd class Post retirement Passes:-**

Pensioners are a homogenous group, and as such variation in 'Age' related privilege within the same organization, is discriminatory and needs to be rectified. Ministry of Railways is therefore requested to allow the facility of Companion in the Second Class & Second 'A' Post retirement passes for those above 65 years of age.

#### **Resolution No. 12 Constant Attendance Allowance :**

**Constant Attendant Allowance is granted only to those who are sanctioned pension for total disability while in service. This allowance needs to be extended to the retired employees who suffer total disability for any reason after retirement.**

#### **Resolution No. 13 Guidelines for sanction of Family pension to widowed/divorced daughter**

At present, in the absence of standard laid down procedure to be followed, for sanctioning F.P. to widowed/divorced daughters, various Railway Administrations are adopting their own methods insisting the claimant to produce unnecessary documents/certificates such as solvency certificate & the original PPO from Bank , resulting in undue delay and harassment. Railway Board is therefore requested to issue suitable instructions, including procedure to be followed in case of non-availability of service records of the deceased pensioner.

#### **Resolution No. 14 Railway Pensioners Grievance Redress Mechanism**

a) Pension Adalat presently conducted once a year by Divisions/Zonal Railways, may be conducted every 3 months at Divisional level as per existing instruction of the Board & twice a year at zonal Rly, in view of mounting grievances encountered by pensioners/family pensioners.

The representatives of the Concerned Banks & representatives of SCOVA members should be associated as per existing provisions of the Master circular.

b ) Creation of a separate "Pension Grievance Cell " in each of the Divisions/Zonal Railway Headquarters, under the control of APO/SPO will go a long way in quick disposal of pensioners problems. PG Cell presently functioning in Zonal Railway Headquarters is not so effective in this regard.