

**Draft discussion paper for
National convention of Railway Pensioners Associations
At Delhi on Dated:5.07.2010**

Pre Lunch session

Likely to be inaugurated by the Member Staff Railway Board

Will be presided by Sh. V.K. Agarwal former CRB

**Sh. P.C.Sharma, former Advisor (Safety) Rly Board & Dr (Ms) Menka Jain Director (IH) Rly Board, will
be the Guests of honour**

Friends,

“Compulsions of present day life in a highly inflationary cost of living and medical aid combined with continued insensitive & dismal attitude of the Government towards

Sr citizens especially the Pensioners has forced us to meet at one place and think of our future welfare as aged persons & to draw up a strategic plan of action that will make Govt. pay heed to our problems.

To deal with specific problems of Railway Pensioners, it is proposed to constitute a BPS National advisory Council for Rly pensioners by drawing up experienced knowledgeable representatives from Rly pensioners Associations from all the four corners of the country, to constantly review the strategic policy, educate & guide the Associations in solving issues at Divisional & Zonal level. The advisory Council will be the BPS “Think Tank” & will also assist BPS HQ Rly pensioners wing (By: sending drafts representations, chasing & providing on line consultation through e-mail etc) in effective and forceful representation & follow up for resolving Railway Pensioners problems at Rly. Board level.

Friends, problems are too many to be covered in few hours time, as such only the main issues other than those directly related 6th C P C are included in this paper for discussion in pre Lunch session.. Issues related to 6th CPC will be taken up in post Lunch session.

Elderly Persons by their very nature do not have many desires left, Railway pensioners have only four prime concerns i.e (1)Settlement dues & Pension i.e. correct fixation, revision & disbursement: (2) Medical attention & treatment (3) Travel facilities i.e Post retirement passes & reservation etc & (4)The general welfare .

..1. Settlement dues & Pension (Fixation, revision & disbursement):

In Railways the only effective grievance redressal Machinery for the Pensioners is

(A).. Pension Adalats :

Though the implied spirit of Master circular 63 on Pension Adalats is to consider all Grievances of Pensioners & Family pensioners but most of the Divisions are admitting only the grievances relating to settlement dues & the pension, master Circular 63 vide Para 2.4 provides that the representatives of Bank/other Pension Disbursing Authorities should also be co-opted in the Pension Adalats. But these instructions are not implemented. With out the involvement of Pension disbursing agencies, grievance related to Pension disbursement, revision, additional old age pension, restoration of commuted value, delay in starting Family Pension & delayed payment of DR etc remain unresolved.

Also Most of the zones & the Divisions are not admitting in Pension Adalats the issues related to Medical attention/ Treatment & the issues related to Post retirement Passes. {i.e. Delay in starting Widow passes, delay in issuing, incorrect preparation & not giving eligible concessions at the time of reservation etc, etc)

SCOVA members & the leading Pensioners Federations/associations of pensioners which have been sanctioned grant in aid by DOP, too are not being invited to be present in Pension Adalats. Presently pension Adalats are being held once a year at Divisional & Zonal levels. There is no forum available at Boards level for the redressal of pensioner's grievances with the participation of pensioner's representatives.

Railway Board therefore, is requested:

(1) To make Pension Adalats functional at Railway Board level also.

(2) To widen its scope to include all grievances especially those relating to the Medical attention / treatment & the post retirement Passes.

(2) Invoking Para 2.13. of the Master circular 63 on the subject, Board is requested to Increase the frequency of holding Pension Adalat at Divisional level, to every three months , at zonal level every six months & to introduce the system at Board level once a year.

The acceptance of above requests will help administration by drastic reduction in number of litigations, RTI queries & the number of representation along with adding to the image of an ideal employer & thus will be financially viable.

(B) Family pension to dependents (cases where event arose post retirement) : Such of the dependent relatives who are entitled to receive Family Pension on their turn are facing much hardship, harassment & are being often exploited by clerical staff. Due to there being no standard procedure & Check list, there are cases where such dependents have been running pillar to post for almost a year to get their Family Pension started. Railway Board is requested to come to the rescue of these dependent unmarried/widowed /divorced daughters & the blind, physically & mentally incapacitated Sons of ex Rly employees who are no more & to lay down a standard procedure & the Check list with time bound schedule.

(C) Harassment Due to delay in issuing revised PPO in case of pre 2006 retirees :- Elderly pensioners & family pensioners of age 80 years & above are now entitled to additional pension. In case of Family pensioners there is no mention of age & DOB in the existing PPOs. Banks are not entertaining their claim to additional family pension for want of mention of age/DOB in existing PPOs and are not accepting voter I.D. cards etc as proof of age, on the plea that the department is not providing to them the subsequent verification & acceptance. Similarly in the absence of revised PPOs Pensioners & Family pensioners are being deprived of the advantage of the provision that in no case revised Pension shall be less than 50% of the minimum of Pay Band plus Grade pay, corresponding to the scale of pay from which the pensioner retired. & that in no case Family Pension shall be less than 30% of Minimum of Pay Band plus Grade pay corresponding to the scale of pay from which the pensioner retired. Railway Board is therefore, requested to order time bound Schedule for issuing revised PPO on revised proforma incorporating family details & DOB of spouse & dependent family members for early issue of revised PPOs to all pre 2006 retirees.

2.:Medical attention & treatment :-

In addition to Pension payment, Medical attention & Treatment is another matter of prime concern to the Rly. Pensioners:-Medical needs increase with age & along with Pharmaceutical & Diagnostic requirement they also need Psychological & Emotional handling with much better Doctor - Patient relation ship. A lot need to be taken care of by the Rly's Medical department, in this field. Railway Board therefore is requested:

(i) To ensure that Doctors behave properly with elderly patients, give them patient hearing, carry out proper clinical examination followed by periodical Diagnostic investigation , hassle free timely specialized consultation , referral facility whenever required & that good quality medicines are dispensed to them.

(ii) To Constitute on CGHS pattern the multi level Hospital advisory & grievance redressal committees with the participation of pensioner's representatives.

(iii) Honouring the Honourable S.C. Judgement in the case of Consumer Education & Research Center & others v/s UOI & others in writ petition (C) No.206 of 1986 {AIR 95 Vol. 82 Page922} wherein in Para 27 the honorable S.C. ruled "we therefore hold that right to medical aid to protect the health & vigor of a worker while in service or post retirement is Fundamental Right under Article 21, read with Article 39(e), 41,43,48A and all the related articles and Fundamental human rights to make the life of the workman.

& The Delhi High court Judgements in W.P © No.889/2007 -DOJ-12.03-2010

Kishan Chand Vs Govt. of N.C.T & others where in the honourable court ruled "It is a settled legal position that a government employee, during his life time or after his retirement is entitled to get medical reimbursement and no fetters can be placed on his rights on the pretext that he has not opted to become a member of any scheme." Make RELHS an open ended scheme W/o lockin period (like CGHS) which should be available w/o any hassle to all past pensioner/family pensioners including the secondary Family Pensioners.

(iv).To issue 'Smart Cards' (on CGHS patron) W/o charging additional subscription, to all RELHS beneficiaries, with all India 5years validity . For Medical attendance & treatment especially in emergencies

(v) To provide all Medical facilities to Secondary Family pensioners at par with other pensioners.(as is done in CGHS)

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(vi) To provide specialized consultation to elderly patients in all health units & hospitals on nominated days & Time period so that the elderly do not have to stand in queue for longer time.

(vii) More number of Hospitals & Diagnostic Centres need to be recognized within a radius of 20 Kms from the Health units/Lockup dispensaries, so that elderly patients for whom an attendant & even small expenditure is a luxury, are not put to physical & economical strain because of reference to outstation Hospitals & Diagnostic Centres.

3. Post retirement Passes :

(i) Widow Pass :In widow passes dependent relatives are not entitled to be included . However, dependant widow mother of the deceased Railway employee may be included in the 'Widow Pass' as family member of the widow. 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 her own dependent children but also the parents of her late husband. Widowed mother in law is included as her family, but not her own dependent Children. This indiscrete 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 Husband

(ii) Secondary Family Pensioners.-The dependent relatives who on their turn get family pension become only technically independent on account of the Family pension which they get due to being dependent on their parents, as such their entitlement for post retirement Passes to be urgently considered for a favourable decision.

(iv) Companion in IInd class Post retirement Passes: Pensioners are a homogenous group, variation in 'Age' related privilege within the same organization, is indiscretionary & need to be rectified. Ministry of Railways is therefore requested to allow the facility of companion in the second class post retirement passes also.

(ii) Issuing of post retirement passes : In spite of instructions to do so, post retirement passes are not being issued the same day resulting repeated visits to the concerned office causing physical financial strain to elderly people. Rly Board is requested to see that the instructions/orders issued are strictly followed.

4. Welfare Measures :

(i)To help Pensioners & family pensioners in distress it is proposed that whatever facilities already exist for the serving employees may also be allowed to be shared by the pensioners. This was suggested by 5th CPC also vide their Para 141.23)

(ii) As recommended by 5th CPC in their Para 141.30. Include of Pensioners representatives in various committees where issues relating to the welfare of pensioners are likely to be discussed and debated. This will give them a feeling of involvement in decision making Forum for Pensioners.

(iii)Provision of office accommodation & to Pensioners Associations as recommended by 5th CPC in their Para 141.24 : Railways encourage Welfare activities. There are institutes, Welfare Centres & Women Welfare organizations which are being encouraged then why only 'Pensioners Welfare Organizations' only are being discriminated against. In the absence of specific guide lines from Railway Board, some GMs & DRMs like on S.C. Rly are exercising subjective discretion in allotment of office accommodation to Pensioners Associations while the others are altogether refuse to do so. Railway Board is there fore, requested to consider the matter sympathetically in the light of 5th CPC recommendations vide their Para 141.24

Facilities requested vide (i) & (ii) will help the administration bringing down litigations drastically.& will also bring down the workload on account of large number representations & RTI queries.

Post Lunch Session

*Post Lunch session will be presided by
Shri N.P Mohan former Chief Engineer, Working President, RSCWS, Chandigarh
who will lead the discussion on:*

Revision of Pension on account of 6th CPC recommendations: Modified Parity and the Anomalies

{Incorrect implementation of Para 4.2, of F.No 38/37/08-P&PW dated 01.9.2008 (refer. 5.1.47 CPC report)}

(i). There is no difference between the Modified Parity evolved by 5th CPC and the one endorsed by 6th CPC. The cardinal entity for dispensing Modified parity is fixation of notional pay for which two things are required;

- Revised pay scale corresponding to the pre revised scale
- Minimum pay in the above of which 50% is Modified parity

(ii). 5th CPC had given revised scales corresponding to old scale/scales and as such Modified parity was obvious being 50% of the minimum pay of revised corresponding 5th CPC scale..

(iii). With the new concept of Pay Bands (PB) and Grade Pay (GP) adopted by 6th CPC & clubbing of several scales into a Pay Band, modified parity can not be ensured unless, 50% of the pay in the Pay Band of the corresponding revised pay scale from which the pensioner retired plus G.P is considered. The arbitrary modification: pay in pay Band to Minimum of Pay Band has disturbed the modified parity as has been elaborated by the 6th Pay Commission in the concluding portion of Para 5.1.47 which reads as under *"The fixation as per this table will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre revised pay scale from which the pensioner had retired. To this extent, a change would need to be allowed from the fitment shown in the fitment table"*.

For scales S 30 to S 32, there are corresponding scales and, therefore, 50% of the minimum pay in revised scale is the Modified parity. For the pensioners in the privileged apex scales of S 33 & S 34, full parity is assured.

(iv). In view of constitutional provisions & Apex court Judgements, adoption of one yard stick for S. 32 to S34 Scales and another yard stick for the scales down below, is unconstitutional and therefore full parity as provided to S32 to S 34 must percolate to scales down below.

Date: 13.06.2010

Er.S.C.Maheshwari
Secretary (Railway)
Bharat Pensioners Samaj
Genl. Secy. RREWA