

Railway Labour Tribunal: RBE No.75/1986 - Recommendation for Medically De-categorized No.E(NG)I-86-RE 3/3, dated 09.04.1986

Sub: Railway Labour Tribunal, 1971 - Recommendation regarding medically decategorised Railway employees -Fixation of pay.

Reference your letter No.P(R)11 P Vol-II, dated 13.03.1986 on the above subject. It is clarified that protection of pay in the absorbing grade beyond the maximum of the absorbing grade as personal pay is permissible to medically de-categorised staff falling under groups (iii) to (vi) of para 5 of the RLT Award as quoted in para 3 of Board's letter No.78/E/RLT/4, dated 22.06.1979 and not to the employees falling under groups (i) and (ii) thereof.

**Copy of Southern Railway's letter No.P(R)11 P/Vol-II, dated 12.03.1986
addressed to the Secretary, Railway Board**

Sub: Railway Labour Tribunal, 1971 - Recommendation regarding medically de-categorised Railway employees - Fixation of pay.

Ref: Board's letters No.78 E/RLT 4, dt. 22.06.1979 and 18.07.1980.

1. The recommendations of Railway Labour Tribunal, 1971 and the decision of Board in regard to protection of pay of the medically de-categorised employees have been circulated vide Board's letters cited above.
2. In para 5, the RLT has recommended grouping of causes leading to medical de-categorisation. There are 6 groups broadly making two distinct main groups i.e., (i) and (ii) and (iii) to (vi). As per the recommendations of RLT, the purposes of making two main groups is to accord preferential treatment, to remove distinction between permanent and temporary employees and to allow protection of pay for the de-categorised employees vide recommendations at paras 6, 7 and 8.
3. With regard to protection of pay of the medically de-categorised employee, the RLT has given the following recommendation:
The emoluments of the de-categorised employees whose cases fall within anyone of the groups (iii), (iv), (v) and (vi) enumerated in para 5 must be fully protected by way of grant of personal pay by granting them such portions of emoluments as are not permissible to them in the alternative employment vide para 8(a). Vide para 8(b), the

RLT has recommended that employees de-categorised under circumstances mentioned in groups (i) and (ii) para 5, the scheme embodied in Rule 152 of the Establishment Code, Vol-I and Chapter XXVI of the Establishment Manual is mainly fair and just and no change need be made in the scheme.

4. Railway Board have taken a decision on the above recommendations that the pay of the de-categorised employees should be protected in the absorbing grade and if it exceeds the maximum of the absorbing grade, the difference may be allowed as personal pay to be absorbed in future increase/ increases without making any comments on the two different methods of fixation of pay recommended by RLT.
5. The Division/ Shops etc. have fixed the pay in the absorbing grade exceeding the maximum of the absorbing grade and allowing the difference as personal pay in all the cases of medical de-categorisation.
6. The, Director of Audit of this Railway who took objection on the protection of pay in all the cases of de-categorisation is of the view that the Board's comments against item No.8 regarding the grant of personal pay would seem to be applicable only to Railway employees de-categorised under groups (iii) to (vi) of para 5 and not to other groups viz. (i) and (ii) of para 5 vide his letter No.E. 8/Cor/Spl. 10654 of 22.02.1985 (Copy enclosed).
7. This Railway Administration is not in, agreement with the views expressed by the Director of Audit particularly in view of Board's un-conditional acceptance of recommendation 6(b). Further the decision in para 2 of Board's comments against Paras 8(a), (b) and (c) is applicable to all cases of medical de-categorisation inasmuch as the Board have not made any specific mention at all about the two different methods of fixation of pay of the medically de-categorised employees on the basis of consideration of groups leading to the de-categorisation as recommended by the RLT vide Paras 8(a) and 8(b) referred to in para 3 above.
8. Board are requested to kindly communicate their clarification in the above matter early to clear the objection.
9. FA&CAO of this Railway has concurred in with the views of this administration.

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Forward reference ⇒ RBE No.