

CHAPTER – 1

INTRODUCTION

Indian Railways has more than 150 years of history. It is a state owned public utility of the Government of India, under the Ministry of Railways. Indian Railways is one of the world's largest networks with 64,460 route kilometers of route lengths transporting passengers and goods. Indian Railways, functioning as Ministry of Railways, is headed by the Minister for Railways. The apex body entrusted with the management of this enterprise, is led by the Chairman Railway Board. Members of Railway Board include Financial Commissioner, Member Traffic, Member engineering, Member Mechanical, Member Electrical and Member Staff, who represent their respective functional domains.

Indian Railways, for administrative purposes, is divided into 16 zones, each headed by a General Manager. Zonal Railways are further divided into small operating units called divisions. There are 68 operating divisions each headed by Divisional Railway Manager. In addition, there are a number of Production Units, Training Establishments, Public Sector Enterprises and other Offices working under the control of Railway Board.

The number of employees as on 31.03.11 stood at 13,28,199 out of which around 13,11,400 are non-gazetted employees and around 16,800 are officers. Management personnel (Group A&B) constitute up 1.3% of the total strength, which Group C and D account for 98.7%. This shows importance of non-gazetted

employees on Indian railway. After 6th CPC, there is no classification as group D. These are also classified as group C with Grade Pay Rs.1800 with no change in their duties.

Promotion is a very important aspect in the service of an employee. It changes status as well as duties and responsibilities in addition to increase in salary. Promotion includes promotion from a lower grade to a higher grade, from one class to another class, from one group to another. Promotion to next higher grade is made through selection or non-selection. Selection is again sub-divided into selection and general selection. There are ad-hoc promotions and General Departmental Competitive Examination (GDCE).

Statement of the Problem

The non-gazetted staff come from different departments like personnel, civil/mechanical/electrical engineering, medical, stores, traffic, accounts, etc. The mode of filling of posts and classification posts differ from department to different and from post to post like direct recruitment and promotion through selection, non-selection, general selection, GDCE and ad-hoc promotions. After 6th CPC recommendations, there is no much difference between grade pay of present post and higher promotional post. Staff are not much interested to shoulder higher responsibilities by getting promotion for low financial benefit. There is no change in the qualification for promotions with fast changing technological changes. Due to lower levels of qualification staff is not able to pass written test

required for promotion. There is also difference in the mental set up, of question paper setter and employee. Psycho test which is compulsory for promotion to some of the categories could not be passed by the employees. Failures in trade test because it is more of descriptive and less of practical in nature. There are short panels due to failure in written examinations and less interest in promotion. Seniority is a serious problem after creation of new zones and divisions which further lead to slow progress in promotions. Necessity of maintaining medical standards at every stage of promotion, long pending court cases, D&AR cases and longer ad-hoc promotions are also leading to short panels. Staff is not able to pass required training and pre-promotional courses for promotion due to improper schedule.

The employees are leaving the organization for better pay and career opportunities outside Railways. Low security after new pension scheme after 2004, is also increasing the promotional vacancies. Man power planning and right sizing the organization lead to surrendering of vacancies which affected the promotional prospects of existing employees. The staff who get modified assured career progression (MACP), have less interest for higher post, since they have already got pay of higher post. Adjustment of medically de-categorized staff affects promotional prospects of existing staff, when they are adjusted in the intermediate promotional posts. Staff tend to refuse promotion when they are transferred on promotion, from their existing place of posting. Further, courts

judgements on reservation in promotion lead to vacancies in promotional posts reserved for SC/STs.

Objectives of the Study

The study will be significant from the point of view of understanding the problems brought out above which are linked with the guidelines/rules prescribed for promotion. It is to critically perceive changing notions of promotion rules of non-gazetted Railway employees. It is to address the issues of filling up of promotional posts of non-gazetted Railway employees.

As per Para 214 of Indian Railway Establishment Manual (IREM) non-selection posts will be filled by promotion of the senior most suitable Railway servant; suitability whether of an individual or a group of Railway servants being determined by the authority competent to fill the posts on the basis of record of service/confidential reports and/or departmental tests, if necessary. A bench mark has also been prescribed for the posts carrying grade pay Rs. 4200 and Rs. 4600. It is 6 for the posts in grade pay Rs.4200 and 8 for posts in grade pay Rs.4600.

As per Para 219(g) of IREM, selection posts are filled by professional ability (50 marks), seniority (20 marks) and record of service (30 marks). Candidate should obtain a minimum of 60% marks in professional ability and 60% marks in aggregate for being placed in panel. As per para 219(j), general selection posts which includes limited departmental competitive examination

(LDCE) posts also, are filled up. The Hon'ble High Court/Punjab and Haryana vide order dated 9.4.2008 struck down preparing the panel as per seniority in general selections/LDCE. Promotional posts in grade pay Rs. 1800 are filled by selection (33.33%) and by LDCE (16.67%).

Besides, staff who could not get early promotions in their department, seek promotion through General Departmental Competitive Examination where promotion quota is 25% or more in which selection procedure is like direct recruitment quota. The apex court vide its order in Nagaraj case in 2006, has upheld the constitutional validity of 85th constitutional amendment subject to certain conditions like SC/STs representation etc. All India Equality Forum has challenged DoPT and Board's orders issued on Nagaraj judgement in CAT and High Court, New Delhi. The Government of India has proposed another constitutional amendment to ease out blocks of Nagaraj judgement.

Research Questions

1. Whether the existing promotion policy for non-gazetted officers is suitable?
2. Whether the existing promotion policy needs changes?
3. Whether this promotion policy achieved the target of social justice?
4. What is the impact of the promotion policy on Railway services?

Scope of the Study

As there are innumerable categories in Indian Railways like personnel, commercial, operating, engineering, mechanical, electrical, medical etc., the promotion policy procedure which is given in the IREM through non-selection, selection, general selection/LDCE and ad-hoc is common for all departments. Detailed and specific orders have also been issued by Railways on these IREM provisions. The study will be helpful to suggest changes if necessary to fill the posts.

Methodology of Research

The present research is a doctrinal research where the primary focus has been on literature/survey and case-law analysis. The reports/documents available on the topic have been critically examined and analyzed.

Chapterization

There are five chapters in the dissertation as mentioned below:

1. Introduction
2. Constitutional and Statutory Provisions
3. Implementation of Promotion Policy in the Indian Railways
4. Judicial Approach
5. Conclusion and Suggestions