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RBE No. 66/2016

भारत सरकार/Government of India
रेल मंत्रालय/Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No.2016/E(LL)/HPC/6

New Delhi
Dt. 16.06.2016

The General Manager(P),
All Indian Railways & PUs

Sub : Recommendations of the High Power Committee to review
the duty hours of running & other safety related categories
of staff – Job Analysis.

Ref : Board's letter No. E(LL)73HER/33 dated 5.12.1974 (Copy
enclosed)

The High Power Committee, constituted to review the duty hours
of running and other safety related categories of staff, had recommended
to lay down a time schedule for carrying out the job analysis and taking
decisions thereupon.

The above recommendation has been duly considered by the Board
and it was decided that the job analysis may be carried out and concluded
in time bound manner as per existing provision.

Railways may take appropriate action accordingly.

This issues with the concurrence of Finance Directorate of the
Ministry of Railways.

Please acknowledge the receipt.

DA: As above

(D.V. Rao)
Director Estt.(LL)
Railway Board

Copy to:

1. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi
2. The General Secretary, NFIR, RoomNo.256E, Rail Bhawan, New Delhi
3. The General Secretary, All India SC/ST Railway Employees
Association, Room No. 7, GF, Rail Bhawan, New Delhi
4. The General Secretary, All India OBC Railway Employees Federation,
Room No. 48, GF, Rail Bhawan, New Delhi

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(Railway Board)

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No.E(LL)73MER/33.

New Delhi, 5-12-1975.

The General Managers,
All Indian Railways,
GIM, DEM and ICF.

Sub : Mechanics of job-analysis.

While referring to the question as to from what particular date a change of classification under H.E.R. should be given effect to, the Tribunal has made certain observations which are reproduced in Annexure-I.

2. There are three crucial dates involved in any case of re-classification :-

- (1) The date of demand for reclassification made by or on behalf of the staff concerned.
- (2) The date of completion of job analysis.
- (3) The date of decision regarding reclassification.

3. Time lags that may take place may relate to -

- (1) the period between the date of demand for job analysis and the date of completion of job analysis; and
- (2) the interval between the date of completion of job analysis and the date of decision regarding reclassification.

4. It will be seen that the Tribunal are of the view that the date of completion of the job-analysis should normally be the date with reference to which the new classification should be made effective where it involves higher classification. However, they have also stated that where the delay between the date of demand and the date of completion of job analysis is more than six months, but less than a year, the competent authority may determine as to how much time lag for upgradation of classification was necessary and inevitable and use his discretion as to from what point of time retrospective effect should be given to his declaration. However, where such delay is more than a year, the Tribunal have stated that retrospective effect should be given from a date not later than six months from the date of demand for upgradation of classification.

5. The Board having carefully considered the Tribunal's recommendations have decided as below :-

- (a) The job analysis report is not as satisfactory as completed within six months from the date of demand for reclassification and higher classification should be given effect to from the date of completion of job analysis when the time lag between the date of demand and the date of completion of job analysis is less than 6 months.
- (b) In cases where there is a time lag of six months but less than a year between the date of demand for upgradation of classification and the date of completion of job analysis, after an examination of how much time lag was necessary on account of non-availability of inspectors to do the job analysis or for other administrative reasons, the date of effect of the retrospective classification may be fixed on the merits of the case but not later than the date of completion of job analysis. The decision in regard to the date of effect of classification should take into account also the extent of delay on account of staff whose work is being job analysed.
- (c) Where there is a time-lag of a year or more between the date of demand for upgradation and the date of completion of job analysis, retrospective effect should be given to the reclassification from a date not later than six months from the date of demand for upgradation of classification, subject to the delay on staff side not exceeding 6 months. In case the delay on staff account exceeds 6 months, the instructions given in sub-para (b) above will apply mutatis mutandis.
6. Certain worked out examples are given in Annexure-II to indicate the manner in which these guide-lines are to be implemented in practice.
7. In regard to cases where job analysis results in down-gradation of classification, the Board desire that the lower classification should be given effect to from the date of declaration of downgradation after the job-analysis.
8. The receipt of this letter may please be acknowledged.

N.V. Jayaraman

(N.V. Jayaraman)
Deputy Director, Establishment(RLT)
Railway Board.

DA : Two.

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CONFIDENTIAL

Extract from the report of the Railway Labour Tribunal, 1969.

Observations made by the Railway Labour Tribunal as regards the date of effect of change of classification under H.R.R.

6.119. Mr. Kulkarni refers to one more point on this subject. It refers to the question as to from what particular date a change of classification should be given effect to. At present there does not appear to be any direct instruction on the subject. Indirect instruction thereon is to be found in Subsidiary instruction No.21(ii) under the heading "Overtime Payment". That instruction is to the effect that overtime should be allowed, if due, for extra hours of work, from the date of orders of the competent authority sanctioning the higher classification for so long as it is not possible to implement the sanction by the provision of extra staff. The instruction further says that if, in a particular case, the circumstances which necessitated the revision of classification were in existence over a long period, sanction to the revised classification shall be allowed with retrospective effect from suitable date to be specified. It will be noticed that the instruction is in regard to those cases only where a classification is upgraded. It does not deal with all changes in classification. Having regard to the fact that, under the Act classification of an employment depends upon a declaration to that effect by a competent authority, it is obvious that railway administration will be justified in giving effect to change of classification from the date of declaration only and, therefore, in the case of both upgradation and downgradation, the change must necessarily be made effective from the date of the relevant declaration. From this stand-point, the first part of the above instruction does not appear to be objectionable. However, though under the Act, the crucial date is the date of declaration by a competent authority, labour will be justified in contending that effect to change of classification resulting in upgradation should not be given from the date of declaration as that will be offending the spirit of the Act. Record is replete with evidence to the effect that there is a time-lag between the date of demand for upgradation and the date of job analysis and from the latter to the date of declaration by a competent authority. The latter part of the above instruction makes a provision which may meet to a certain extent, the grievance of the labour which may arise because of such time-lags. However, since the instruction makes the matter discretionary, the evidence discloses that there is no uniformity of practice on the subject. Because of the above state of affairs, orders passed for payment of overtime consequent upon upgradation of classification have been and are bound to be a source of friction between railway administrations on the one hand and their labour on the other. One justifiable approach to the problem is that, since the analysed job had the characteristic of higher classification at least on the date of the job analysis, the concerned job should be upgraded with effect at least from the date of the job analysis, the time-lag between that date and the date of declaration being regarded as due to inevitable routine processes over which neither the administration nor the labour has

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(Annexure-I contd)

any control. In my opinion, there is considerable force in the argument that therefore, the latter time-lag should be totally ignored. A railway worker whose employment is classified at a grade lower than justified suffers numerous disadvantages, although administration may not be blamed for this since the lower classification may have been retained because the administration may not have had a chance of ascertaining the correct facts for want of a proper investigation. One may also take into account that, in the reverse case where a classification has to be downgraded, railway administrations also suffer from certain disadvantages for which there is no remedy. However, all the same, in my opinion, once it is discovered on the date of job analysis that the job demands a higher classification, having regard to the raison d'être of the legislation for classification, the employment of the concerned railway worker must be declared as belonging to a higher classification from the date of the job analysis at least. In my opinion, it will be unjust not to recognise this position. Even payment of overtime does not entirely do away with the damage that the railway worker concerned suffers from. Under the circumstances, I have no doubt whatsoever that, in the case of a higher classification, retrospective effect should be given to the classification from the date of job analysis i.e. overtime should be paid from that particular date till railway administration is able to make provision for extra staff. Such a provision will also, to a certain extent, eliminate lethargy which may be responsible on the part of the administration for time-lag between the date of job analysis and the date of declaration by the competent authority. However, the above proposal does not entirely eliminate injustice inherent in the situation when there are inordinate time-lags between the date of demand for upgradation of classification and the date of job-analysis. In my opinion, some suitable provision also requires to be made to prevent inordinate and unnecessary delay between both the above points of time and to prevent damage being done to the concerned railway workers during the above periods. In my opinion, time-lag of six months between the date of the receipt of demand from or on behalf of the concerned worker or workers and the date of job analysis will be reasonable and if there is any loss of time thereafter, labour should be suitably compensated for. In making suitable provision for this one has also to bear in mind that delay may not be entirely due to the fault on the part of administrations but it may also be due to that of the employees. Therefore, I decide that if there is a time-lag of six months or more between the date of demand for upgradation of classification and the date of job analysis, the competent authority may determine as to how much time-lag for upgradation of classification was necessary and inevitable and may use his discretion as to from what point of time retrospective effect should be given to his declaration but that, in my opinion, where the time-lag between the date of demand for upgradation of classification and the date of job analysis is a year or more, then, the concerned competent authority shall give retrospective effect to his declaration from a date not later than six months from the date of demand for upgradation of classification. In my opinion, the above provisions will put both the sides on an even keel and meet the ends of justice.

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Annexure-II

Example I :

A Ticket Collector, classified as 'E.I.' had made a representation for upgradation of classification as 'Continuous' on 8.1.1974. The job-analysis of his work-load was completed on 15.3.1974 wherein justification was found for classifying the post as 'Continuous'. The reclassification should be given effect to from 15.3.1974, the date of completion of job analysis.

Example II :

There was a demand on 10.8.1973 on behalf of a 'Continuous' type for upgradation to 'Intensive'. The job-analysis was completed on 10.3.1974 wherein the classification of the post was found meriting upgradation. The delay in job-analysis was attributable to the following reasons :

- (1) Non-availability of Inspectors to conduct job analysis from August 1973 to December 1973, having been deputed to conduct special studies.
- (2) Non-cooperation on the part of the staff concerned during the months of January and February 1974.

The reclassification should be given effect to from 10th March 1974, the date of job analysis.

Example III :

A demand was received on 10-5-1973 from an 'E.I.' Ticket Collector for upgradation as 'Continuous'. The job analysis was completed on 20th July 1974 and it was found that there was justification for upgradation.

The reason for the delay was that the staff concerned did not cooperate with the team of job analysis for most part of this time. Effect should be given to the job analysis w.e.f. 20.7.1974 the date of job analysis.

Example IV :

A Cabinman, classified as 'E.I.' made a demand for upgrading his post as 'Continuous' on 8.3.1973.

The job analysis was completed on 11.4.1974, wherein the upgradation was found justified; the delay being purely due to administrative reasons. The classification should be given effect to from 8-9-1973 i.e. six months after the date of demand.

Example V :

There was a demand on 1st January 1973 on behalf of a Railway servant classified as 'Continuous' for upgradation to 'Intensive'. The job analysis was completed on 10.2.1974 wherein the classification of the post was found meriting upgradation. The delay in job analysis was due to non-availability

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(Annexure II contd.)

of the job analysis team upto the end of May, 1973 and non-cooperation on the part of the staff concerned for about 8 months from the beginning of June 1973 upto the end of January 1974.

The upgradation may be given effect to from 1.9.1973 i.e. 8 months after the date of demand.
