



EAST COAST RAILWAY MAZDOOR UNION

(Regd. No. - 790/CTC, Affiliated to BMS & BRMS)

State Office : VA-23/3, Unit-II, Ashok Nagar, Bhubaneswar -751009

No. ECoRMazU/All India Protest Day/PMO-Memorandum/03

Date - 28.10.2020

To
**Hon'ble Prime Minister,
Government of India,
Prime Minister's Office,
South Block, Secretariat Building,
Raisina Hill, New Delhi - 110 011.**

Respected Sir,

Subject : MEMORANDUM submitted by East Coast Railway Mazdoor Union in favour of Hon'ble PMO in connection with Nation-wide Protest Day on 28th October' 2020 through GM/ECOR.

Reference: 1) Our Notice vide No: ECoRMazU/Chetavani Divas/Notice/01 dtd. 12.10.2020
& 2) Our Notice vide No: ECoRMazU/All India Protest Day/Notice/01 dtd. 24.10.2020

With due reverence, I, on behalf of East Coast Railway Mazdoor Union of this Railway bring to inform you that Bharatiya Railway Mazdoor Sangh is representing Railway employees to a considerable extent with a sole objective to keep co-ordial relation with the Railway administration and settle genuine grievances of our Railway employees in a democratic way to establish welfare/ progress/ tranquility in the State as a whole.

On clarion call by our Federations, Bharatiya Mazdoor Sangh (BMS) & Bharatiya Railway Mazdoor Sangh (BRMS), East Coast Railway Mazdoor Union has observed the Chetavani Saptah in this Railway from 10-16 October 2020 and now submitting a detailed Memorandum regarding "**Nation-wide Protest Day being observed today on 28th October'2020**".

Kindly peruse these genuine grievances through this Memorandum and to be kind enough to consider the following demands for sake of Labour force of the country & Railway employees at a large -

1.0 Removal of anti labour provisions in the newly enacted Labour codes :

Union Government has introduced new Labour codes and put the labour force of the country in trouble, especially during this Covid-19 Pandemic situation. Nearly 80% of the labour force are working as contract labour in many industrial sectors and they have been challenged by this new Labour codes introduced by the Government. This new Code has introduced the threshold limit of contract labour law provisions upto 50 workers and thus, majority of the contract workers are losing all their existing legal protections.

The law prohibiting engaging of contract labour in jobs of permanent nature is also withdrawn. Even the order of Hon'ble Supreme Court on "equal pay for equal work" is not incorporated in this new labour law. Without taking confidence of all stakeholders(BMS & BRMS) and practical uses before introducing this new labour laws, Government has put the labour force into hail especially those migrant workers, contract labour, factory workers, building & construction workers, journalists, beedi workers, domestic workers etc. This new Labour Code attempts to diminish the role of trade unions by interfering with the internal matters of trade unions, prohibiting strikes etc; with introduction of single union having 51% membership and eliminate role of all other unions which counters industrial peace, without any vision therein.

The danger of bureaucrats replacing Parliament in making changes in law is too much apparent in all the new Codes, which the Parliamentary Standing Committee on Labour has already objected. We the ECoRMazU, under banner of BMS & BRMS, vehemently protest against such arbitrary rules of the Govt. and urge for immediate withdrawal / change in the said laws.

2.0 Stop privatization in Railways and total abolition of contract workers system/out sourcing system for creating more jobs on permanent nature :

The present Government has declared it's policy on privatization of public sector units,

earlier government to ruin the country and administration was working on that tune. But now the whole scenario has been changed under your able leadership and it is also proved again in Railways as the government is purposefully implementing this antilabour policy by way of corporatization of public sector units, results on GDP now. India, being a thickly populous country, needs employment to each hand, through public sector services & rehabilitation of all those sick units with a vision to stop out sourcing & contract labour system immediately for sake of a strong national economy.

Sir, you will appreciate the fact that Government Sectors as well as the PSUs are the backbone of our Country, as have been proved from time to time, including during this period of COVID-19 pandemic and Government Sectors/PSUs are only standing tall with the country in its fighting against COVID-19, which have no alternative at all.

Government owned Indian Railways is also playing its crucial role during this crisis period, whether it is maintaining uninterrupted supply chain throughout the Nation or operation of 'Shramik Special' for migrant labourers or converting the Rail Coaches into isolation wards or preparing PPE kits or even ventilators. Even though, Hon'ble Prime Minister has praised the efforts of Railway (the Life Line of the Country) during this pandemic situation, it has not borne any fruitful results while deciding privatisation of Railway infrastructures.

It is also to mention here that, during almost all natural calamities, BSNL has been serving the Nation, even in remote areas; whereas other private players gets disconnected and disappeared during crisis. Similarly, India comparatively has succeeded in its fight against Covid-19 because of Government hospitals are not fully privatised; hence, the death rates are not so high. But in contrary to this, the Countries viz. USA, Spain, UK, etc., are largely depending on private sectors, have not got so much success against COVID-19; as their hospitals are privatized, who in general shut down their doors during Covid-19 pandemic and resulting higher growth rate of deaths in these countries.

However, unfortunately the policy advisors of the Government are recommending for corporatisation/ privatisation of almost all Government Sectors/PSUs, as if, it is the solution for all economic issues; but they are confused about the role division between the private sectors and the Government Sectors/PSUs. We need to define the role of govt/public and private sectors, but it is not to be created by converting all PSUs. We need govt/public sector as well, but should not think of nationalising all the private sectors into all Government sectors or PSUs.

The impact of privatisation on employment is horrible. The Govt. Sectors create more employment of permanent nature, more skilled with decent pay as well as good working conditions with better social security. Whereas privatisation creates hub of casual, contract, as well as low paid and below quality jobs; the workers will lose legal protection, decent wages, safety or health regulations, fair working conditions, social security etc. In other words, privatisation will turn India into a hub of cheap labour. We should understand that the main reason for pitiable condition of the migrant labourers during this critical situation of COVID-19 pandemic is due to Private Sectors, which failed to ensure social security and wages to them during this natural calamity, as like opportunist merchants. Despite of the appeal of my Hon'ble Prime Minister to continue all sorts of helps, including remuneration to these vulnerable labourers and survival of their family, these private sectors have dumped these deprived labourers into hail and the situation is worsen day by day. Now time comes to review this policy of the Govt. and also to generate more & more employment for these work forces.

Recently, Government is trying to corporatize the Production Units of Indian Railways in fact and has chosen Modern Coach Factor (MCF)/Raibraille as the first Production Unit to be turned into Corporation. But we should understand that the MCF has recently performing excellently and producing more than its target and it would be very unfair with those production Units of Railways.

Corporatisation is a nothing but a step towards privatisation, which primarily promotes outsourcing and low quality of product/service. This will finally result that IR will incur heavy loss, paving the way for complete sell out or closing down. Thereafter, the private players will indulge in money laundering, default bank loans, evade tax, declare loss. Then, the Government will announce rescue packages from tax payers' money or Banks/PSBs; or LIC will be asked to pump additional money in order to avoid job loss. Private operators viz. Jet Airways/Kingfisher are the latest examples & privatisation of IR will also involve so many aspects, like security & safety of train operations.

The NitiAayog is given the responsibility of policy formulations on managing our economy; but the easiest way found by these 'experts' to create 'fund' for the Government through selling of PSUs and privatise the Govt. Sectors, which are the national wealth created by our ancestors; instead, the Government has to rethink seriously about various other means of revenue generation.

During this period of pandemic, we have seen how the establishments of private sector distanced themselves from their social obligations, to ensure social security to its workforce, citing reason of its deteriorated financial conditions due to loss in business. It should be understood that loans are granted to these private sector units utilising the tax-payers money; instead, these private

sectors work for their 'own profits', not for imparting 'Social Obligations'. After becoming loss making units, the government has to give bailout package for its revival for sake of generating employment, productivity etc. The loan granted to the private sectors by the various financial/banking institutions is the largest contributor to the Non-Performing Assets (NPA) of the Country; thus, the money of tax-payers is looted and reaches to the pockets of those 'private merchants' in name of privatisation.

We all, therefore, need to understand the difference that Govt. Sectors/PSUs are created to protect the people of this Country & can ensure their social security in true sense. It plays a pivotal role in price control since private players in the industry will not be able to arbitrarily fix prices. In other words, privatisation is detrimental to the nation, industrial progress and labours and will silently destroy our economy in long run at a large.

3.0 Revision of PLB ceiling as per 7th CPC's minimum pay @ 18000/- per month :

Railway Board vide RBE No: 109/2016 dtd. 15.09.2016 had circulated the decision of Hon'ble President regarding calculation ceiling of monthly emoluments, for the purpose of Productivity Linked Bonus (PLB) for all eligible non-gazetted Railway employees, which was revised from 3500/- per month to 7000/- per month w.e.f 01.04.2014 (2014-15) as demanded by BMS & BRMS.

However, as the recommendations of 7th CPC have been implemented w.e.f 01.01.2016 and minimum pay has been fixed @ 18000/-p.m and BRMS had represented many time for revision of this old calculation ceiling of monthly emoluments @18000/- for the PLB (instead of Rs.7000/-p.m) for the financial years 2016-17, 2017-18, 2018-19 & 2019-2020. So, as a welfare/incentive measure to all non-gazetted Railway employees, ECoRMazU urges for immediate revision of PLB ceiling according to minimum wage @ 18000/- per month and may be paid with arrears.

4.0 Restoration of Old Pension Scheme & removal of New Pension Scheme as like Defence :

On the clarion demands of BRMS, the then Hon'ble MR, Sri Malikarjun Khargeji had communicated to the Hon'ble Finance Minister on 29.03.2014 explaining the case & justification of Railway employees deserve to be exempted from NPS, as like Defence Forces. Hon'ble MR had also urged & reiterated Hon'ble Finance Minister to consider this legitimate demand of BRMS and exempt from NPS like the Defence Force of the country, as Railway is the LIFE LINE of the Country; with 24x7 hours service to the Nation. Again BRMS had justified the matter with Hon'ble MR & Hon'ble Finance Minister to take special interest for declaring this historical announcement of this Government for exempting Railway employees from NPS, which is still pending to be decided. Thus, East Coast Railway Mazdoor Union, under banner of BRMS, strongly protest against such languishes of this Government and your kind decision is highly solicited for early execution of this OPS demand.

5.0 Revision in minimum pay of @ 24000/-, instead @18000/-, with fitment formula @ 3.42 :

We are heartily congratulating the decision of the Government for early recommendations of 7th CPC and releasing all arrears in time, except our demand for revision in minimum pay from 18,000/- p.mon the fitment formula @2.57 for all groups of employees and review of all anomalies as have been envisaged by BRMS earlier.

This fitment formula @ 2.57 suits only the apex level Gaz. Officers only and not at all appreciable for the lowest paid employees upto Level-7. This recommendation of fitment formula @ 2.57 makes a large gap between the higher & lower groups and also imbalancing society; when the consumables/services are equal for all categories. Besides this, the higher groups are getting all type of their emoluments e.g. bungalow peon, vehicle, telephone/mobile, laptop, free conveyance etc; and on the other hand these lowest groups are deprived off from such privileges. This discrimination between two groups has not been minimized by the 7th CPC, rather it favors the upper classes; when both the classes have their equal pivotal roles in development of economy/GDP of the Nation.

Thus, we vehemently protest such partisan attitude of the Government and demand for parity between two groups. **Hence, the fitment formula may be revised immediately @ 3.42 upto Level-9 for 7th CPC pay fixation and minimum pay may please be increased to @24000/- p.m as suggested by BRMS.** We are very much eager to know the decision of government for early redressal of all those anomalies in 7th CPC within a specific time limit, as so many anomalies of 6th CPC are still pending as on 01.01.2016. Besides this, BRMS has been demanding for review of wages for Railway Employees in every five years by constituting a statutory Wage Board as prevailing for Corporate Sectors by Labour Dept. as per recommendation of 5th CPC. Kindly interfere into this sensitive issue early.

6.0 Immediate review/withdrawal of RBE-83/2020 on Night Duty Allowance entitlement:

Sir, it is to draw your kind attention that Railway Board vide "RBE-83/2020 has issued arbitrary instruction w.r.t ceiling of basic pay for entitlement of Night Duty Allowance shall be @

Rs.43,600/- per month and those employees having basic pay more than Rs.43600/- will not be eligible for NDA”.

As a matter of great concern to all Railway employees, it is to bring for your kind perusal that Railway Board vide Letter No: E(P&A)II-2017/HW-1 dtd. 08.03.2018 clarified that no such ceiling was applicable to all NG staffs for their eligibility of NDA. But in contrary to that, RBE-83/2020 arbitrarily fix up this ceiling of basic pay @ Rs.43,600/- per month for entitlement of Night Duty Allowance.

Again the 7th CPC vide Para No: 8.17.77 recommended that “this formulation will extend to all employees across all ministries/departments, who were already in receipt of Night Duty Allowance”. Keeping in view the odious nature of duty of all NG Railway employees round the clock to maintain uninterrupted supply chain throughout the Nation, especially in night shift duty, Railway Board vide RBE: 36/2018 had circulated the recommendations of 7th CPC for NDA, without any ceiling thereof.

Hence, **ECoRMaU under banner of BRMS is vehemently protesting this arbitrary decision of Railway Board and urge for immediate review/withdrawal of this RBE-88/2020.**

7.0 Immediate defreeze of D.A and payment released with arrears :

Government has decided to freeze the Dearness Allowance on payment to the employees after out broken of Covid-19. But due to this policy of the Government, almost all employees have been deprived of their financial benefits, which aggravate their economic condition further due to challenges of this Covid-19 Pandemic. To cope with this worsen situation, being faced by the employees, ECoRMazU under banner of BRMS is vehemently protesting this arbitrary decision of Government and urge for immediate release of D.A, with arrears thereof.

8.0 Derecognition of ECoRSU&ECoRSC - Recovery of all dues on house rent/ electricity/telephone etc; incurred towards imparting facilities to both recognized unions in ECOR:

In an RTI quarry, East Coast Railway authority as PIO informed vide his reply letter No: ECoR/Pers/RTI/277/19/SNB dtd. 24.09.2019 that, lakhs of rupees are yet to be recovered from both these so called recognized unions (ECoRSU&ECoRSC) in this Railway towards house rent, electricity, telephone etc. But despite of our repeated requests to all corners, no action has been taken towards recovery of these amounts from these recognized unions. Railway authorities are deliberately helping these trade unions for making corruption like NiradModi, BijayMalya etc. Despite of our repeated appeals to the ECoR authorities, no action has been taken so far on such corruption and irregularities; when both these trade unions are enjoying all their privileges after 7 years of tenure. Railway Ministry is now planning for finalisation of trade union election modalities and hence, ECoRMazU strongly demands for derecognition them first, with recovery of their outstanding dues on cumulative interest; or else they may be disqualified to take part in the trade union election process.

Kindly direct the authority concerned for immediate recovery of these dues on cumulative interest from these two so-called trade unions, failing which it may be recovered from the salary of those authorities responsible for their indulgence in such expenses from the Railway exchequer.

9.0 Include parents in Pass Rules & Medical facilities :

As per direction of Hon'ble Supreme Court, both mother and father are members of our core family and sons/daughters are legally bound to look after them. But the pass rules in Railways are not abiding with this principle, consequence to medical facilities to parents. ECoRMazU under banner of BRMS, demands for immediate review of this British policy & inclusion of parents in pass rules.

Now-a-days it is difficult for children to earn their livelihood at the age of 21 years & they are dependent on their parents beyond 21 years. However, as per the present pass rule dependent sons and parents are not entitled for getting the pass facilities and also medical facilities thereof. However, Railway Board vide Lr No: 2008/H-1/2/15 dtd. 16.02.2009 states “unmarried sons over 21 years of age without an upper age limit, even if not a student or invalid, provided he is wholly dependent on and resides with Railway employee to be considered as ‘family member’ for getting Railway medical facilities”. Also the dependent sons are eligible for getting family pension till 25 years and thus BRMS demands for extension of this age limit of dependent sons upto 35 years for getting passes/PTOs, including parents under the provision of the Railway Servant Pass Rules 1986 as a welfare measure.

10. Implementation of MACPS benefits with promotional hierarchy in every 5 years, without any bench marking of APARS :

Recommendations of 7th CPC have been implemented with lot of disparities and anomalies like MACPS benefits without promotional hierarchy in 10, 20 & 30 years. Modified Assured Career Progression Scheme have been given 3 financial upgradations in 30 years of regular services to provide safety, but not to deal with the problem of genuine stagnation and hardship faced by the Non-gazetted employees due to lack of adequate promotional avenues in service careers.

However, Hon'ble CAT, Chandigarh vide its O.A No-1038/CH/2010 dtd. 30.05.2011 granted the prayer of MACPS benefit in the hierarchy of promotional grades, instead of only financial benefits & Hon'ble Supreme Court has confirmed the same vide SIP no-7467/2013.

Therefore, ECoRMazU under banner of BRMS, demands for a unique MACPS policy to be implemented on the completion every 5 years and in the promotional hierarchy, instead of financial upgradation only. We are also vehemently protesting the decision of government to implement the bench mark of 'Good/Very Good' while accepting MACPS, as this is not only exploiting the lower groups by the upper class Supervisors/Officers; but also establishing flatterring in governance. So, we are demanding for a "centralized cadre of every NG staff in zonal/divisional level in different departments" like Central Government Ministries for giving parity to the senior employees, those have been depriving off their legitimate promotions as compared to their juniors, without any bench mark of APARs for all staff.

Kindly direct to all concerned for early redressal of these genuine grievances.

With best regards,

Yours faithfully,



(Sachita Nanda Biswal)
General Secretary

Copy to:

1. Hon'ble Minister for Railway, GOI, New Delhi for kind information & necessary action to redressal the genuine grievances of Railway Staff.
2. Secretary General/BRMS, New Delhi for information & necessary action please.
3. General Secretary/BMS, Odisha State for information & necessary action please.