

WESTERN RAILWAY

P.S.No.8/2011

Headquarter Office,
Churchgate, Mumbai-20

No. EP(EL) 834/7 (TWD)

Date: 13.01.2011

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- GS-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai
C/- GS-All India OBC Rly Empl. Assn, Mumbai.

Sub: Grant of pay scale to Tower Wagon Drivers at par with the Goods Drivers - Hon'ble Supreme Court's judgement in SLP © No.365/2007.

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A copy of Railway Board's letter No. PC-V/ 2000/CC/16/Pt. dated 15.11.2010 is sent herewith for information, guidance and necessary action.

Encl: As above.

(Rita Hemrajani)
For General Manager(E)

Copy of Railway Board's letter No. PC-V/ 2000/CC/16/Pt. dated 15.11.2010 addressed to the General Manager, All Indian Railways and Others.

Sub: Grant of pay scale to Tower Wagon Drivers at par with the Goods Drivers - Hon'ble Supreme Court's judgement in SLP © No.365/2007.

Arising out of an SLP © No.365/2007 (UOI & Ors vs. Jagdish Pandey & Ors) filed by Railway Administration regarding the grant of pay scale to Tower Wagon Drivers at par with the Goods Train Drivers, the Hon'ble Supreme Court vide their order dated 8.7.2010 while dismissing the said SLP have further observed, interalia, as under :

" During the course of arguments this was also brought to our notice that most of the respondents in the present appeal have already retired from service and there exist no justification for affecting any recoveries from their salaries as they have already worked and received their salaries as granted by the Union of India.

For the reasons afore stated, we find no legal infirmity in the judgements of the Tribunal and the High Court. While dismissing this

appeal we make it clear that this judgement will not affect the right of Union of India to pass an appropriate order in relation to the pay scale applicable to any class of its employees including the respondents afresh and in accordance with law. We do hope that if such an order is passed it will be upon proper application of mind and after taking into consideration appropriate material and/or data."

2. Keeping in view the specific observation of Hon'ble Supreme Court regarding the position of the respondents involved in this case, it has been decided to comply with as a special case. Further, in compliance of the above observations of Hon'ble Supreme Court the issue regarding grant of pay parity to Tower Wagon Drivers with Goods Train Drivers has been considered by the Competent Authority and it has been observed as under :-

2.1 That as regards eligibility and the mode of filling up the post, it is seen that the post of Goods Drivers is filled up from Shunter / Asstt. Drivers on promotion. Further, in terms of Board's orders RBE No.152/2001, educational qualification for the post is Matriculate and Act Apprentice passed or ITI passed or Diploma in Mech./ Elect./Electronics in lieu of ITI. Whereas, the post of Tower Wagon Drivers are filled up from the existing Motor Vehicle Drivers for which educational qualification is class VIII Pass with ability to read and understand the traffic rules and other electrical safety rules along with heavy Motor Driving License.

2.2 That the nature of duties & responsibilities of Goods Drivers is much more strenuous and difficult vis-a-vis that of Tower Wagon Drivers (TWDs). While Goods Drivers have immensely greater responsibility of driving a Goods Train independently with large number of wagons and the job calls for great amount of alacrity and concentration, Tower Wagon Drivers drive single Motor Car only on specified area to carry staff for attending brake downs in their jurisdiction within about 30 Kms.

2.2.1 That normal duty hours of Goods Drivers are 10 hours, while that of TWDs is 8 hours.

2.2.2 That Goods Drivers are responsible for running extremely heavy duty Locomotives varying from 3850 to 6000 Horse Power, while the type of Tower wagons driven by TWDs are of a maximum of 530 Horse Power.

2.2.3 That a Goods Driver has to study lock book and inspect the Locomotive (Engine) and follow other instructions as laid down in the Operating Manual of the particulars class of Locos. No such work is required to be done by TWDs.

2.2.4 That several other technical aspects are involved in the job profile of a Goods Driver such as careful examination of the State of OHE of his own line and lines in proximity, the Under-Gear, the brake of the train, lower the Pantograph and earth the Locomotive before carrying out any work in the high

tension Compartment. TWDs are not required to perform any such technical or specialized work.

2.2.5 That Goods Driver have to work with different load likes 50 'N' /Loaded, 40 BCN, 40 BOX, 41 BRH Loaded / empty. They have to also keenly observe Signal, the vacuum and pressure Gauge, etc. to ensure that everything is in order.

2.2.6 That while taking charge of the train, Goods Driver has to check continuity integrity / completion of rack, Brake continuity test ensuring adequate brake power, revalidation of brake power / vacuum certificate. On the contrary, TWDs are not required to perform any such responsibility.

2.2.7 That Goods Drivers have to undergo Technical Refresher course training for two weeks in every three year. TWDs are not required to undertake any such training.

2.2.8 That at the time of signing on duty, a Goods Driver has to read various register such as, On duty register, Green Notice register, Caution register, Currently Safety Instruction, Currently Technical Circulars, Breath Analyzer Test register, Line abnormalities register etc. No such reading of books or registers is done by TWDs.

2.2.9 That while signing off from duty, Goods Drivers are required to fill up Combined Trains Report, Line abnormalities like Signal, Track, Loco defect register etc and they have to perform any other kind of additional prescribed work. Tower Wagon Drivers are free of all such duties.

2.3 That in view of the onerous responsibility and more sensitive nature of the job profile of Goods Driver, a training period of 90 days is prescribed for them despite the fact that they are from the same Loco feeder stream i.e. Asstt. Driver. The training period of Tower Wagon Drivers is of merely 30 days.

3. From the above position, it is clear that in terms of appointment, recruitment qualifications, nature of duties and level of responsibilities and also training period. TWDs are not comparable with Goods Drivers.

4. Further, the Hon'ble Supreme Court, in their judgements on various occasions, have held that unless there is wholesale and complete identity between the two categories, there lies no case for pay parity amongst them.

5. In view of the above observations, the competent authority have decided that Tower Wagon Drivers are not entitled for grant of pay scale of Rs.5000-6000 at par with that of Goods Drivers and they shall continue to be in the scales of Rs.4000-6000 and Rs.4500-7000.
