



## National Federation of Indian Railwaymen

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Affiliated to :

Indian National Trade Union Congress (INTUC)  
International Transport Workers' Federation (ITF)

No. IV/MACPS/09/Part 11

Dated: 21/08/2018

**The Secretary/DoP&T**  
(Department of Personnel PG & Pension),  
Department of Personnel & Training,  
North Block,  
New Delhi.

Dear Sir,

**Sub: Grant of financial upgradation under ACP & MACP Schemes for the Central Government Civilian Employees including Railway employees -reg.**

Ref: (i) DoP&T OM No.35034/1/97-Estt (D) dated 09/08/1999.  
(ii) DoP&T OM No. 35034/3/2008-Estt (D) dated 19/05/2009.

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NFIR invites kind attention to the OM dated 09/08/1999 wherein the Government of India (DOP&T) had introduced 'Assured Career Progression Scheme' (ACPS) for the Central Government Civilian Employees pursuant to the recommendations of 5<sup>th</sup> Central Pay Commission. The ACP Scheme was made effective in the Central Government departments from 1999. The ACP Scheme remained functional until 31/08/2008 (as clarified by the DoP&T vide para 9 its OM dated 19/05/2009) due to the fact that the 'Modified Assured Career Progression Scheme' was introduced by the DoP&T, replacing ACPS w.e.f. 01/09/2008, pursuant to the recommendations of 6<sup>th</sup> CPC.

The Federation has however been receiving representations from the Central Government Civilian Employees, mainly railway employees from all corners of the country to make the MACP Scheme operational w.e.f. 01/01/2006 instead from 01/09/2008, pursuant to the order dated 08<sup>th</sup> December, 2017 passed by the Hon'ble Supreme Court in Civil Appeal Diary No.3744 of 2016. In this connection, NFIR places following facts for consideration:-

- On perusal of the order of the Apex Court, it is found that the Hon'ble Apex Court has held that the MACP is a part of pay structure recommended by the 6<sup>th</sup> CPC, the same cannot be considered as allowance which had been given effect from 01/09/2008. The said order has also cited the Resolution dated 30/08/2008 of the Government which was referred in the notification issued by the Ministry of Finance wherein MACP has been defined part of 'Pay structure' and not as 'Allowance' and therefore should be given effect from 01/01/2006.
- The order dated 8<sup>th</sup> Dec'2017 passed by the Apex Court has already been implemented by the Ministry of Defence, giving effect to the MACPS w.e.f. 01/01/2006 through an OM dated 25/07/2018.
- DoP&T may kindly take note that in para 6.5.2 & 6.5.4 of the report of 6<sup>th</sup> CPC, the Commission had recommended for implementation of the revised pay structure consisting of Pay Band and Grade Pay w.e.f. 01/01/2006 while the revised allowances were given effect from prospective date i.e. 01/09/2008.

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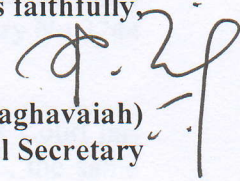
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- Ministry of Finance vide Gazette of India, Extraordinary Notification of Resolution No. 1/1/2008-IC dated 29/08/2008 had implemented revised pay structure (Pay Band & Grade Pay) w.e.f. 01/01/2006 whereas the implementation of MACPS was made effective from 01/09/2008. Accordingly, Ministry of Railways also implemented revised Pay structure w.e.f. 01/01/2006 vide its order dated 04/09/2008 while the rates of Non Practicing Allowance (NPA) were revised w.e.f. 01/01/2006 vide Board's order dated 22/09/2008. Therefore, the MACPS which is part of Pay structure as decided by Apex Court should be given effect from 01/01/2006 in railways and all other Central Government departments.
- Another important fact which cannot be ignored is, that the Apex Court had held that the benefit of ACP granted to an employee is part of the Pay structure which not only affects the pay but also pension of the employee, therefore, decided that the ACP is not allowance but a part of pay. At the same time, the Hon'ble Supreme Court further held that there can be no dispute that grant of ACP is part of pay structure and that the resolution dated 30/08/2008 relating to implementation of 6<sup>th</sup> CPC recommendations on pay structure, pay bands, grade pay etc have been given effect from 01/01/2006 and also added that this is the decision of the Cabinet which could not have been modified by issuing executive instructions.

NFIR suggests that while issuing modified instructions, in compliance with Apex Court order, the DoP&T may allow option opportunity to all those beneficiaries of ACPS as well MACPS to exercise their option for financial upgradation from the dates advantageous to them so as to avoid further grievances.

Summing up, NFIR urges upon the DoP&T to kindly consider the above points and issue modified instructions for granting financial upgradation under MACPS with effect from 01/01/2006 as was done by the Ministry of Defence. A copy of the instructions issued may be endorsed to this Federation.

Yours faithfully,

  
(Dr. M. Raghavaiah)  
General Secretary

Copy forwarded to the Secretary (E), Railway Board, New Delhi. Federation requests the Railway Ministry to arrange to send and to the DoP&T duly endorsing copy to NFIR for follow-up action.

Copy to the EDPC-I, Railway Board, Pragati Maidan, Metro Bhavan, New Delhi.

✓ Copy forwarded to the General Secretaries to the Affiliated Unions of NFIR.  
Media Centre/NFIR.