

ALL INDIA LOCO RUNNING STAFF ASSOCIATION

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Letter No. RB/C- 08/2025

Dated: 22.08.2025

To

**The Chairman,
Railway Board,
Rail Bhavan, New Delhi.**

Respected Sir,

Sub: Representation against denial of 30% Pay Element and 55% add-on benefit to Running Staff failing in Psycho/Aptitude Test after SPAD — request to rescind order and restore established legal position.

Ref: E(P&A)II-2025/RS28 dated 11.08.2025

This Association submits the following representation for the kind consideration of the Railway Board:

1. Established Rule Position:

1.1. As per **Para 924 of the Indian Railway Establishment Manual (IREM, Vol. I)**, the pay of Running Staff is defined as **Basic Pay + 30% Pay Element**, which shall be reckoned for fixation of pay when posted against stationary posts.

1.2. Railway Board's letter **No. E(P&A)II-80/RS-10 dated 29.06.1981** and subsequent clarifications have consistently recognised the reckoning of **55% of Basic Pay (Pay Element in Running Allowance)** for pensionary benefits.

1.3. In **RBE No. 77/1993** and **RBE No. 109/1997**, Railway Board reiterated that medically de-categorised Running Staff when posted to stationary posts shall be granted 30% Pay Element for pay fixation.

1.4. FR 22 (1)(a)(1), as interpreted by the Hon'ble Supreme Court in Union of India v. P.N. Menon (1994) 4 SCC 68, makes it clear that any fixation must take into account all elements which are part of "pay" as defined by rules. Thus, exclusion of 30% Pay Element is legally unsustainable.

2. Judicial Pronouncements:

2.1. In K. Gopakumar v. Union of India (CAT/Ernakulam Bench, OA No. 482/1998), the Hon'ble Tribunal held that Running Allowance/Pay Element cannot be denied for pensionary fixation once it is part of pay definition under IREM.

2.2. In *Rajinder Singh v. Union of India* (Punjab & Haryana High Court, CWP No. 16266 of 2001), it was held that denial of Pay Element for fixation of pension amounts to **recovery of legitimate entitlement**, which is impermissible.

2.3. In *State of Punjab v. Rafiq Masih* (2015) 4 SCC 334, Hon'ble Supreme Court held that recovery or denial of benefits already flowing from service rules, particularly affecting retirees, is impermissible.

2.4. Several CAT/High Court judgments (e.g., *A.K. Srivastava v. UOI*, CAT/Allahabad OA No. 872/2002) quashed Railway attempts to deny Running Allowance benefits for fixation and pension.

3. Why the Present Order is Unjust:

3.1 The impugned order dated 11.08.2025 carves out a new disqualification for Running Staff failing Psycho/Aptitude tests after SPAD, by denying them 30% Pay Element and 55% add-on for pension.

3.2 Such denial is not contemplated in IREM nor in any statutory rules, and thus amounts to administrative legislation beyond the Railway Board's powers.

3.3 It introduces discriminatory treatment: medically unfit Running Staff and those punished for SPAD with censure to CR are granted 30% / 55%, but those failing the aptitude test are denied. This violates Article 14 of the Constitution (equal treatment).

3.4 It imposes an economic penalty without due process, contrary to Railway Servants (Discipline & Appeal) Rules, 1968.

4. Representation & Prayer:

In light of the above, this Union requests that:

1. Rescind Railway Board order E(P&A)II-2025/RS28 dated 11.08.2025, and restore the established position of reckoning 30% Pay Element for pay fixation and 55% add-on for pensionary benefits for all Running Staff, including those failing aptitude tests.

2. In the interest of fairness and natural justice, a provision be made to allow such staff at least one more opportunity to reappear in the Psycho/Aptitude Test, instead of pushing experienced staff into economic and professional hardships.

3. The fixation and pensionary benefits of affected Running Staff be reviewed and restored with arrears, in line with IREM Para 924, Railway Board circulars (RBE 77/1993, RBE 109/1997, E(P&A)II-80/RS-10), and judicial precedents cited above.

We therefore urge your kind intervention to withdraw the discriminatory order and uphold justice for the Running Staff.

Thanking you,

Yours faithfully,



(K.C. James)

Secretary General / AILRSA

Copy to: Shri Manoj Kumar, Dy. Director (Estt. P & A), Railway Board.