

PERMANENT NEGOTIATING MACHINERY (PNM)

Please Refer the Following:

- ◆ Indian Railway Establishment Manual (Vol - II), CHAPTER XXVI, STAFF COUNCILS AND NEGOTIATING MACHINERY
- ◆ Subsidiary Instructions issued by Railway Board

Important Paras in Chapter XXVI of IREM, Vol.-II

STAFF COUNCILS

Para 2601 **Object.** - The object of creating these Councils is to maintain good relations and a spirit of co-operation between the Administration and all classes of non-gazetted staff by providing a means

Para 2602 **Powers** - Cases of disciplinary action, transfers and other such matters pertaining to individual railway servants, which do not involve any general principle, shall not be discussed at the meetings

Para 2603 **Composition** - Staff Councils shall consist of (a) Elected members, (b) Nominated members, (c) President nominated by General Managers or Chief Administrative officers and (d) Members co-opted ad-hoc.

Para 2604 **Eligibility for election-** All non-gazetted staff excluding apprentices with more than three years' continuous service will be eligible for election to staff Councils.

Para 2605 **Election.** - Elections to the Staff Council will be held once in two or three years and by ballot. The franchise should include all non-gazetted railway servants excluding apprentices. Each railway servant will vote for a member of his category.

Para 2606 **Meetings.** - Meeting of staff Councils shall not be held more often than once every two months or less often than once every four months.

Para 2607 **Agenda.** - Draft resolutions for inclusion in the agenda shall be sent by the members of the Council to the Secretary so as to reach him at least ten days before the date of the meeting. The agenda for the meeting shall be circulated by the Secretary of the Council at least seven days before the date of the meeting.

Para 2608 The **quorum** for all Council meetings will be one-third of the total number of members.

Para 2609 **Absence from meetings.-** A member not attending a Council meeting on three successive occasions without good and sufficient reasons, may be expelled from the council, by the members passing a resolution to the effect.

Para 2610 **Filling of Vacancies.-** Vacancies caused during the period of tenure of a Council, shall be filled by bye- election or fresh nominations as will be necessary.

Para 2611 **Minutes-** Resolutions passed by the Council will be drawn in the form of minutes and entered in the Minutes Book. Copies thereof shall be circulated by the Secretary of the Council to each member and to the staff Council (s).

Para 2613A **Subsidiary Rules:** The General Manager will, if required, draw- up subsidiary rules in regard to matters laid down in these rules and also in regard to details of procedure so long as these are not inconsistent with any of the rule made by the President or the Ministry of Railways.

Negotiating machinery for dealing with disputes between Railway Labour and Railway Administrations

Para 2614 The **permanent negotiating machinery** will maintain contact with labour and resolve disputes and differences which may arise between them and the Administration.

Para 2615 The machinery is to work, in **three tiers**, viz.

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|---------------------------------|---|
| (i) Railway level | The recognised union will have access to District or Divisional Officers and subsequently to officers at the Headquarters including the General Manager. |
| (ii) Railway Board level | In cases where matters are not settled at Railway level, they will be taken up by the Federations with the Railway Board. |
| (iii) Tribunal level | In cases in which agreement is not reached between the Federation and the Railway Board and the matters are of sufficient importance, reference will be made to an ad hoc Railway Tribunal composed of representatives of the Railway Administration and labour presided over by a neutral chairman |

Para 2616 Procedure is laid down for the working of the machinery

- ◆ All disciplinary matters and subjects like promotion, transfer etc. of individual members of the staff which do not involve any general principle will be excluded from the scope of the discussions at all these level except at the discretion of the officer concerned.
- ◆ Where however unions have been given certain privilege in these matters these will not ordinarily be curtailed.
- ◆ At the district or divisional and railway levels, subject will comprise of those which are within the powers of the officers concerned.
- ◆ Question concerning pay scales, allowances, etc., will only be discussed between the Federation and the Railway Board and not at lower level.
- ◆ All subjects brought up for discussion at the various levels should be disposed of as expeditiously as possible. Brief minutes of discussion indicating the decision arrived at should be sent to unions concerned for their information.

At the district or divisional level

- ◆ The district or Divisional Officers should meet the branches of the recognised Unions at least once in two months and oftener if necessary.
- ◆ Each workshop will be considered as a district.
- ◆ The particular branches which should meet the District or Divisional Officers as prescribed above should be agreed upon between the General Manager and the Union.
- ◆ In the Divisional pattern of working, the Divisional representatives of a union, who shall represent all the branches of the union in the Division should be enabled to meet the Divisional Superintendent, who may or may not be assisted by the branch officers.
- ◆ The detailed procedure of arranging these meetings would be agreed upon with the Union, but this should include a provision that the branch should supply in sufficient time before the meeting the subjects which it proposes to raise at the meeting with complete memoranda setting out its points of view.

At the Railway Headquarters level

- ◆ General Manager or the Assistant/Deputy General Manager in charge of staff will meet the Unions at least once a quarter and oftener if necessary
- ◆ When a matter which is raised for discussion at the district or divisional level is not settled by agreement, it may be raised at the railway level for further negotiation.

At the Railway Board level

- ◆ At the centre, negotiations will be between the Railway Board and the Federation and for this purpose, there will be quarterly meetings between the Railway Board and the Federation
- ◆ Matter not settled at the Railway level may be brought by the Federation to the Railway Board for discussion.

Tribunal level

- ◆ If, after discussion between the Railway Board and the Federation, agreement is not reached on any matters of importance, such matters may be referred to an ad-hoc Railway Tribunal which will be set up for dealing with them at the centre.
- ◆ This tribunal will consist of an equal number of representative of Railway labour and the Railway Administration with a neutral Chairman.
- ◆ The Tribunal will be enabled to make such investigation, as they deem necessary before they give their decision.
- ◆ It would be open to Government of accept, reject or modify the decision of the Tribunal and where the matters in dispute affect the workers under Ministries other than the Railway Ministry, those Ministries will be consulted as to-
 - Whether they have any objection to the disputes being referred to the Railway Tribunal, or
 - Whether they would like the dispute to be referred to an ad-hoc commission on which they will also be represented.
- ◆ On matters which have been settled by agreement or in which Government or in which Government ultimately accept the decision of the Tribunal, it will not be open to the Federation to raise the same issue again for a period of **two years**.
- ◆ In those cases in which Government have **rejected or modified** the decision of the Tribunal, the issue may be raised at the **end of one year**.

Permanent Negotiating Machinery (Three tiers)

The Railway Board in their letter No. E51FE1-22 dated 14.12.1951, announced the decision to set up a permanent negotiating machinery, in three tiers, "for maintaining contact with labour and resolving disputes and differences which may arise between them and the Administration."

| <i>Sl. No.</i> | <i>Level</i> | <i>Chairman</i> | <i>Secretary</i> | <i>To be Held Once in</i> | <i>Maximum Number of Subjects</i> | <i>Maximum Number of Representatives</i> | <i>Absent Period Treated as</i> | <i>Free Pass</i> |
|----------------|---------------------|---|------------------|--|-----------------------------------|--|---------------------------------|------------------|
| 1 | Railway level | General Manager or Assistant /Deputy General Manager in charge of staff | CPO(IR) | at least once a quarter (Three Months) and often if necessary | 30 | 20+2 Women | SCL | Eligible |
| 2 | Railway Board level | CRB & CEO | PED/IR | Two Meetings with each recognised Federation, separately in a calendar year. | 30 | 25 +2 Ladies Participants | SCL | Eligible |

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|---|----------------|---|------|----------|
| 3 | Tribunal level | will consist of an equal number of representative of Railway labour and the Railway Administration with a neutral Chairman. | Duty | Eligible |
|---|----------------|---|------|----------|

Headquarters - GM assisted by PCPO and HODs (SCL + Pass eligible to union representatives)

Division - DRM assisted by DPO and other branch officers (SCL + Pass eligible to union representatives)

Extra Division Head of Office assisted by Personnel Officer and other officers (SCL eligible to union representatives)

FNM-FORTNIGHTLY MEETING

| <i>Sl. No.</i> | <i>Level</i> | <i>Headed by</i> | <i>Maximum Number of Subjects</i> | <i>Subjects Regarding</i> | <i>Maximum Number of Representatives</i> | <i>Absent Period Treated As</i> | <i>Free Pass</i> |
|----------------|------------------|--|-----------------------------------|--|--|---------------------------------|------------------|
| 1 | Headquarters | SPO/Labour (or) Dy. CPO/Labour (or) CPO/IR | 15 | Seniority, Pay Fixation, Facilities, Amenities, Local problems, etc. | 6 | SCL | Eligible |
| 2 | Divisional | DPO (or) APO | 15 | As above | 6 | SCL | Eligible |
| 3 | Extra Divisional | Dy. CPO /WPO /APO | 15 | As above | 6 | SCL | Eligible |
