



दक्षिण रेलवे/ **SOUTHERN RAILWAY**

NO.P(R)532/Promotion/GAZ/Vol.II

प्रधानकार्यालय/ Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/ Chennai - 600 003
दि./ Dated:28-09-2018

पी बी सी सं/ PBC No.193 / 2018

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs / SPOs / WPOs / APOs of HQ / Divisions / Workshops / other Units,
etc.,


(As per mailing list -'A')

विषय/Sub:Clarification to Zonal Railways following decision of
Hon'ble Supreme Court in SLP(C) No. 22444/2017, in
Prabhat Ranjan Singh & Anr. Vs RK Kushwaha & Ors.

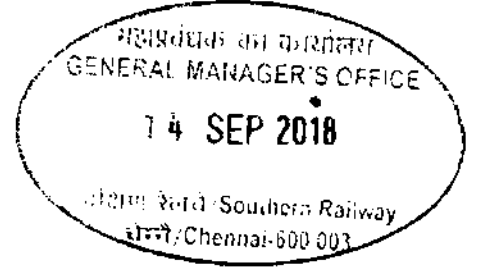
A copy of Railway Board letter No. E(O)/2014/SR-6/11CC pt. dt. 10-09-2018 on the above subject is enclosed for information, guidance and necessary action.

Extract of Railway Board's letter dated 05-03-2018 referred therein is has been circulated as PBC No. 40 / 2018.

मंलग्न/Encl: as above


(V.SRINIVASAN)
वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
For Principal Chief Personnel Officer

प्रतिलिपि/Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy / AIOBCREA
The Genl Secy / NFIR



**Government of India
Ministry of Railways
(Railway Board)**

No.E(O)I/2014/SR-6/11CCpt.

New Delhi 10.09.2018.

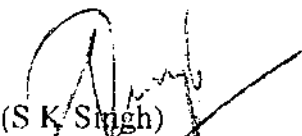
The General Managers,
All Indian Railways/PUs
The Director Generals,/Training Institutes.

Sub: Clarification to Zonal Railways following decision of Hon'ble Supreme Court in SLP(C) No. 22444/2017, in Prabhat Ranjan Singh & Anr. Vs. R K Kushwaha & Ors.

Hon'ble Supreme Court vide their order dated 07.09.2018 have decided the above SLP. the operative part of the same is as under:-

-: we have clearly held that there was no challenge to Rule 334 in the original application and such a challenge cannot be countenanced or entertained either in contempt proceedings or on behalf of the respondents while defending the appeal in this Court. We make it clear that we have not expressed any opinion on the rival contentions of the parties on this issue.
34. The situation as on date is that rules have been amended. These rules have to be implemented. Neither the promotees nor the direct recruits have challenged these rules. We are therefore not going into other issues raised by the parties.
 35. We dispose of the appeal by holding that the CAT had only directed that instead of "DITs", the ' year of allotment' should be the determining factor/criteria for determining the inter se seniority. We further hold that there was neither any challenge to Rule 334 of the IREM Vol. 1 in the original application nor did the CAT go into this issue. We, accordingly uphold the order dated 02.04.2018 passed by the CAT, Patna Bench dismissing the contempt petition filed by the direct recruit Mr. R K Kushwaha. Consequently, the Transferred Case No. 52/2018 ie. Writ Petition being C WJC No. 6489/2018 before the Patna High Court is dismissed.
 36. Applications for intervention/impleadment are rejected.
 37. The contempt petition and all pending applications shall also stand disposed of.

In view of the above decision of the Hon'ble Supreme Court Ministry of Railways have decided that all the Zonal Railways /PUs should now act strictly in pursuance of the revised Rule(RBE No. 33/2018 dated 05.03.2018) and all promotions to Senior Scale and Junior Administrative Grade should be made strictly in conformity with the revised seniority list dated 09.03.2018. It has also been decided the Zonal Railways should make extensive use the judgment of Hon'ble Supreme Court to get any pending cases vacated.


(S K Singh)
Under Secretary (D&A)
Railway Board