

N.E.Railway

Office of the
General Manager (Law)
Gorakhpur

No. C/LO/Policy/2012

CAO/Con,CCM,CPO
DRM/LJN,BSB,IZN
CWM/IZN

Dated 26.04.16

Sub:- Deletion of names of Chairman, Secretary, and Members of
Railway Board from the list of Respondents.

Ref:- Railway Board's letter No 2014/LC/Misc/12 dt. 19-04-2016

In the above matter, a copy of the Railway Board's letter dated 19-04-2016 along with a
copy of the order dated 08-10-2015 passed by Hon'ble High Court of Delhi in W.P.No. (C)
8892/2015 are sent herewith for information and strict compliance at your end please.

This may please be treated as **MOST URGENT**.

DA: As above.

Copy for information and necessary action :-

- (1) Sr. D.P.O./NER/LJN/BSB/IZN
- (2) Law officer/N.E.Railway, Gorakhpur.
- (3) ACM/Court/N.E.Railway, Gorakhpur.
- (4) SPO/Con/ N.E.Railway, Gorakhpur.

26/4/2016
Sr.Law Officer

Sr.Law Officer

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2014/LC/Misc/12

New Delhi, dated 19.04.2016

The General Manager
All Indian Railways
Production Units.

Sub: Deletion of names of Chairman, Secretary, and Members of Railway Board from the list of Respondents.

Please refer to this office letter of even number dated 16.07.2014 on the above subject. In terms of the said letter, a copy of Hon'ble CAT/New Delhi's order dated, 01.05.2014, passed in MA No. 1257/2014 in OA No. 4525/2013 was forwarded for compliance. In the said order, Hon'ble Tribunal had directed that No Misc. Applications should be filed for deletion of the name of Secretary, Railway Board from the list of Respondents.

2. The aforesaid order of Hon'ble Tribunal was challenged by the Ministry of Railways before Hon'ble High Court of Delhi vide Writ Petition (C) No. 8892/2015. The Hon'ble High Court have allowed the Writ Petition and vide order dated 08.10.2015 (copy enclosed) have set aside the order dated 01.05.2014 passed by the Hon'ble Tribunal. The Hon'ble High Court have held that "a general order cannot be passed directing the respondents not to file such MA's." It has also been directed that "in case an application is filed seeking deletion of a party, the Tribunal shall consider the same on merits and on the facts of each case."

3. In view of the above, the following action may be taken:

- The order dated 08.10.2015 of the Hon'ble High Court of Delhi should be given wide publicity;
- Immediate action may be taken to file Misc. Applications in all such cases before various Benches of the CAT and other Tribunals wherein Chairman, Secretary and other Board Members have been unnecessarily impleaded as respondents for deletion of the names of Chairman, Secretary and other Board Members, as the case may be;
- The progress of all such cases may be monitored at your level.

Kindly acknowledge receipt of this letter.

Inder Kumar
19.4.16
(Inder Kumar)
Legal Adviser/Railways
19.04.2016

DA/As Above.

No.2014/LC/Misc./12

New Delhi, dated.19.04.2016

- Copy for information and necessary action forwarded to the DGM(Law), Sr. Law Officer, Law Officer of all Indian Railways.
- All officers and branches in Board's office.

Inder Kumar
19.4.16
(Inder Kumar)
Legal Adviser/Railways
19.04.2016

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URGENT
case circulate
to all divisions
and Extn units.
Gupta
19.4.16

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