

5 pages

183



पूर्वोत्तर रेलवे

1
155/2016

कार्यालय
महाप्रबन्धक (कार्मिक)
गोरखपुर।

ई०पी०न०-50-16

क्रमांक-155/2016

आर.बी.ई.सं०-117/2016

सं० ई/50/भाग-111/चार

दिनांक 5-10-2016

सभी विभागाध्यक्ष,
सभी मण्डल रेल प्रबन्धक,
सभी कार्मिक अधिकारी,
सभी अतिरिक्त मण्डलाधिकारी/स्थापना,
पूर्वोत्तर रेलवे।

विषय:-एस.एल.पी.(सी) संख्या 4831/2012 में अवमानना याचिका(Contempt
Petition)(सी) संख्या 314/2016-समता आन्दोलन समिति द्वारा
अध्यक्ष बनाम संजय कोठारी एवं अन्य।

रेलवे बोर्ड का पत्र संख्या 2016-ई(एससीटी)1/25/8 दिनांक 30.09.2016 एवं
उसमें संदर्भित रेलवे बोर्ड का पत्र सं० 99-ई(एससीटी)1/25/13 दिनांक 01.09.2010
(आरबीई सं०-126/2010) की अंग्रेजी प्रतिलिपि संलग्न कर सूचना, मार्गदर्शन एवं
आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक/यथोपरि

(ए०के०तिवारी)

उपमुकाधि/अराज.
कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महामंत्री/एन.ई.रेलवे मजदूर यूनियन/गोरखपुर - 40 प्रतियों में।
- 2- महामंत्री/प्रमोटी अधिकारी संघ/पूउरे/गोरखपुर - 02 प्रतियों में।
- 3- महामंत्री/रेसुब एशोसियेशन/पूउरे/गोरखपुर - 02 प्रतियों में।
- 4- महामंत्री/एससी/एसटी एवं ओबीसी एशोसियेशन/गोरखपुर-02 प्रतियों में।
- 5- मुकाय्याधी/एमपीपी को बेबसाइट पर अपलोड हेतु - 01 प्रति में।

कृते महाप्रबन्धक/कार्मिक
5/10/16

Handwritten notes and stamps in the top left corner, including a date stamp '2/15/2016' and some illegible text.

2/15/2016

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RBE. No. 117 /2016

No. 2016-E(SCT)/1/25/8

New Delhi, Dated 30.09.2016

The General Manager(P):-

All Indian Railways and Production Units/including CORE/Allahabad, Metro Rly./ Kolkata
N.F.Rly. (Cons)/Maligaon
The Director General/RDSO/Lucknow
The CAO, DMW, Patiala
The CAO: MTP(Rlys.), Mumbai and Chennai
The Chairman, Railway Recruitment Board: Allahabad/Ahmedabad/Ajmer/Bangalore
Bhopal/Bilaspur/Bhubaneswar/Kolkata/Chandigarh/Chennai/Gorakhpur/Guwahati/Jaipur &
Shrinagar/Malda/Mumbai/Muzaffarpur/Patna/ Ranchi/ Secunderabad /Thiruvananthapuram
The Director General, Railway Staff College, Vadodra
The Director IRISCT, Secunderabad/IRIMEE, Jamalpur/IRIEE, Nashik/IRICEN, Pune/
IRCAMTECH, Gwalior.
The General Secretary, IRCA, New Delhi,
The C.A.O. COFMOW, Rly. Offices Complex, Tilak Bridge, New Delhi-110002
The Secretary, Railway Rates Tribunal (Chennai), 50 Mc. Nichola Road, Chetpet, Chennai.
The Director (Coal Movement), Railways 17 N.S.Rd, Kolkata.
The Joint Director, (Iron & Steel) 3 Koilaghat Street, Kolkata.

Sub: Contempt Petition (C) No. 314/2016 in SLP (C) No. 4831/ 2012- Samta
Andolan Samiti through President Vs. Sanjay Kothari & Ors.

Ref: (i) DOP&T's O.M. No. 36012/45/2005-Estt.(Res.) dated 10.8.2010;
(ii) Board's letter No. 2010- E(SCT)/1/15/13 dt. 01.09.2010 (RBE
No.126/2010)
(iii) Learned Solicitor General of India's DO letter No. SG/2/2016-262(1) dated
29.09.2016 addressed to the Cabinet Secretary with a copy endorsed to
Chairman Railway Board and Secretary, DOP&T w.r.t. Contempt Petition
(C) No. 314/2016 in SLP (C) No. 4831/ 2012.

The aforesaid Contempt Petition (C) No. 314/2016 in SLP (C) No. 4831 of 2012 came up
for hearing on 29.09.2016. In follow up of hearing of the above mentioned contempt case, Shri
Ranjit Kumar, the Learned Solicitor General of India vide his letter No. SG/2/2016-262(1) dated
29.09.2016, has communicated and advised Mo Railways as under:-

"...After hearing the matter for sometime, the Court felt that the main matter is required to be
decided and therefore, adjourned the Contempt Petition to be decided along with the main
matters and fixed the date of hearing for 22.11.2016 as the first case. The court stated that if
the Solicitor General wants to make a statement that no further promotions of reserved category
persons to unreserved posts will be made relying on the circulars dated 10.08.2010/ 14.09.2010,
then they would not pass any further interim order. I informed the court that the Government
would not pass any further order of promotion relying upon either of these two circulars or on

.....2/-

3
155/2016

the basis thereof. I also conveyed to the Court that I will write a letter informing of about my statement to the Court to you and to the Secretary, DOP&T and the Chairman, Railway Board. That is why I am addressing this letter to you so that all the Departments are conveyed of the assurance given in the Court that in the matter of making any promotion of a reserved category officer/employee the Department concerned would not rely upon or make the basis of such promotion to an unreserved post except on the basis of the assurance given in the Court dated 14.9.2010 and that any violation thereof will bring about a definite contempt...."

(Circular dated 14.9.2010 as quoted by the Ld. SG be read as 01.09.2010 which is RBE 126/2010 dated 01.09.2010 issued based on DOP&T's O.M. dated 10.8.2010)

In view of the above assurance, received from the Ld. Solicitor General of India, it is advised that Railway Board's RBE No. 126/2010 dated 01.09.2010, is held in abeyance with immediate effect till further advice, and all further promotions of reserved category persons to unreserved posts will now be made by ignoring Railway Board's RBE No. 126/2010 dated 01.09.2010 which in turn was based upon the DOP&T's OM dated 10.08.2010 & under reference No. (i) & (ii) above. However, all promotions order henceforth shall be subject to outcome of the main SLPs and the above mentioned contempt petition which are still pending.

The above may please be brought to the notice of all concerned for information and strict compliance.

U. N. Mehta

(U. N. Mehta)
Jt. Director, Estt.(Res.)

4
155/2016

RBE No. 126 / 2010

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 99-E(SCT)125/13

Rail Bhawan, New Delhi-1, dt. 01.09.2010

The General Manager(P),
All Indian Railways and Production Units/including CORE/Allahabad, Metro Rly./ Kolkata
N.E.Rly. (Cons)/Maligaon
The Director General/ RDSO/Lucknow
The CAO, DMW, Patiala
The CAO: MTP(Rlys.), Mumbai and Chennai
The Chairman, Railway Recruitment Board: Allahabad/Ahmedabad/Ajmer/Bangalore/Bhopal
Bilaspur/Bhubaneswar/Kolkata/Chandigarh/ Chennai/ Gorakhpur/ Guwahati/Jammu &
Shrinagar/Malda/Mumbai/ MuzaFarpur/Patna/ Ranchi/ Secunderabad /Thiruvananthapuram
The Director General, Railway Staff College, Vadodra
The Director IRSET, Secunderabad/TRIMEE, Jamalpur/IRIEE, Nashik/IRJEN, Pune/
IRCAMTECH, Gwalior.
The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi
The General Secretary, IRCA, New Delhi.
The C.A.O. COFMOW, Rly. Offices Complex, Tilak Bridge, New Delhi-110002
The Secretary, Railway Rates Tribunal (Chennai), 50 Mc. Nichola Road, Chetpet, Chennai.
The Exe. Director, CRIS, Safdarjang Rly. Sm. Building Chanakyapuri, New Delhi,
The Director (Movement), Railways 17 N.S.Rd, Kolkata.
The Joint Director, (Iron & Steel) 3 Koilaghat Street, Kolkata.
The General Secretary, NFIR, 5 Chelmsford Road, New Delhi.
The General Secretary, AIRF, 4 State Entry Road, New Delhi.
All Members of National Council/Department Council and the Secretary of the Staff Side of the
National Council, 13-C, Ferozeshah Road, New Delhi.
All India SC/ST Railway Employees Association, Central Office, 171-B/3, Basant Lane Railways
Colony, New Delhi-55
General Secretary, All India OBC Railway Employees Federation, 171/A-3, Basant Lane
Railways Colony, New Delhi-55
Indian Railway Promotee Officers Federation, Room No. 268 Rail Bhavan, New Delhi-1
The Railway Board Ministerial Staff Association, Room No.7-B, Rail Bhavan, New Delhi-1
Railway Board Class II Officers Association, Room No.521, Rail Bhawan, New Delhi-1
Railway Board Class I Officers Association, Room No. 256-B, Railway Board, Rail Bhawan.
Railway Board Class IV Staff Association, Room No. 7-C, Rail Bhawan, New Delhi-1
The Managing Director, RITES/IRCON/CONCOR/KRCL/IRFC/CRIS/IRCTC/MRVC/RVNL/
RCIL/DFCCIL/RLDA/DMRC
The Commanding Officers:
No. 1 Bn/RPSF/Lumding (Assam)
No. 2 Bn/RPSF/Gorakhpur UP)
No. 3 Bn/RPSF/Talkatora, Alambagh, Lucknow
No. 4 Bn /RPSF/P.P. Bhaktinagar/New Jalpaiguri (W.B.)
No. 5 Bn/RPSF/Tiruchirappalli (Tamil Nadu)
No. 6 Bn/RPSF/Dayabasti, Delhi-35
No. 7 Bn/RPSF/Maula Ali, Secunderabad
No. 8 Bn/RPSF/ Technical Training Institute, Chittaranjan

contd. 2/-

204

Copy to: Sr.PPSs. to CRB, FC, MS, MM, MT, ME, ML, Secretary(R.B.)
PPSs. to Adv.(S), AM(F), AM(MTP), AM(Elect), AM(B), AM(CF), AM(Mach), AM(PU),
AM(Sig), AM(Tele), AM(Com), AM(Traffic), AM(Stores), DG(RHS), DG(RPF), JG(RPSF),
BDPA, EDE(IR), EDE(G), EDE, EDPC, EDA, EDE(T&MPP), EDF(B), EDW, EDE(S),
DE(S), DE(MPP), DE(CR), DE(DR), DE(DR), DE(DR), DE(DR), DE(DR), DE(DR),
DE(RR), DE(RP), DE(P&A), DE(RP) I, II, JDE(D&A), E(RRB), E(Trg.), E(Rep),
II, III, Sec(E), Sec(ABE), E(NG), II, E(W), E(LR) I, II, III, IV, E(SCT)-II, E(RB), II, V, D
E(GR), II, E(GP), E(GC) Branches of Railway Board.