कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे / गोरखपुर –273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक–63
आर.बी.ई. सं.– निल

File No. NER-HQ0PERS(POLI)/67/2021-O/o SPO/RP/HQ/NER (Comp No. 55957) दिनांक 09.08.21

उपमहाप्रबन्धक / विधि
सचिव / महाप्रबन्धक
सचिव / अपर महाप्रबन्धक
सभी विभागाध्यक्ष
सभी मण्डल रेल प्रबन्धक
सभी कार्मिक अधिकारी
सभी मुख्य कारखाना प्रबन्धक
सभी अतिरिक्त मण्डलाधिकारी / स्थापना

विषय :–Sharing of judgement- Applicability of CAT/Madras Judgement dated 5/6/12 in O.A. No .658/2010 (S. Sivagurunathan & Ors Vs UOI & Ors) in other cases-Judgement Dt. 27.11.17 & 10.03.21 of Hon'ble Supreme Court in SLP(c) No. 033429-033430/2017 (Union of India & Others Vs Manoj Kumar & Others)

.....

रेलवे बोर्ड का पत्र **PC-VI/2021/Misc./02 Dt. 08.07.21** की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक / यथोपरि

Signed by Basant Lal
Date: 10-08-2021 10:49:29
Reason: Approved

(बसन्त लाल)
वरि.मं. / आर.पी.
कृते महाप्रबन्धक / कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :–
1) महामंत्री / एन.ई. रेलवे मजदूर यूनियन / गोरखपुर ।
2) महामंत्री / प्रमोटी अधिकारी संघ / पूर्वोत्तर रेलवे / गोरखपुर ।
3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ / गोरखपुर ।
4) महामंत्री / एस.सी. / एस.टी. एवं ओबीसी एशोसियेशन / गोरखपुर ।

कृते महाप्रबन्धक / कार्मिक

कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे/गोरखपुर –273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक–63
आर.बी.ई. सं.– निल

File No. NER-HQ0PERS(POLI)/67/2021-O/o SPO/RP/HQ/NER (Comp No. 55957) दिनांक 09.08.21

उपमहाप्रबन्धक/विधि
सचिव/महाप्रबन्धक
सचिव/अपर महाप्रबन्धक
सभी विभागाध्यक्ष
सभी मण्डल रेल प्रबन्धक
सभी कार्मिक अधिकारी
सभी मुख्य कारखाना प्रबन्धक
सभी अतिरिक्त मण्डलाधिकारी/स्थापना

विषय :–Sharing of judgement- Applicability of CAT/Madras Judgement dated 5/6/12 in O.A. No .658/2010 (S. Sivagurunathan & Ors Vs UOI & Ors) in other cases-Judgement Dt. 27.11.17 & 10.03.21 of Hon'ble Supreme Court in SLP(c) No. 033429-033430/2017 (Union of India & Others Vs Manoj Kumar & Others)

.....

रेलवे बोर्ड का पत्र **PC-VI/2021/Misc./02 Dt. 08.07.21** की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक/यथोपरि

(बसन्त लाल)
वकाधि/आर.पी.
कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :–
1) महामंत्री/एन.ई. रेलवे मजदूर यूनियन/गोरखपुर ।
2) महामंत्री/प्रमोटी अधिकारी संघ/पूर्वोत्तर रेलवे/गोरखपुर ।
3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/गोरखपुर ।
4) महामंत्री/एस.सी./एस.टी. एवं ओबीसी एशोसियेशन/गोरखपुर ।

Signed by Basant Lal
Date: 10-08-2021 10:48:25
Reason: Approved
कृते महाप्रबन्धक/कार्मिक

322058(1)/2021/O/o APO/HQ/HQ/NER

प्रमुकाधि.....
मुकाधि/प्र०.....

MOST IMMEDIATE
COURT CASE MATTER

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2021/Misc./02

New Delhi, dated: 08.07.2021

The General Manager (P),
All Indian Railways
& Production Units

(Attn.: All PCPOs)

Sub: Sharing of judgement – Applicability of CAT/ Madras Judgement dated 05.06.2012 in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs UOI & Ors) in other cases – Judgement dated 27.11.2017 & 10.03.2021 of Hon'ble Supreme Court in SLP (C) No. 033429-033430/2017 (Union of India & Ors Vs Manoj Kumar & Ors).

A number of court cases have been filed by Private Secretaries Grade II of various Zonal Railways seeking extension of benefit of orders dated 05.06.2012 of Hon'ble CAT/ Madras Bench in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs Union of India & Anr) viz. higher grade pay of Rs. 4800 initially and Rs. 5400 with gazetted status on completion of four years of service in the cadre of Private Secretary Grade II.

2. In one such case viz. O.A. No. 326/2014 (Manoj Kumar & Ors Vs Union of India & Ors), Hon'ble CAT/ Patna Bench vide their order dated 08.03.2016 had allowed the O.A in favour of the petitioners. Subsequently, Hon'ble High Court of Patna vide their order dated 21.03.2017 dismissed the Writ Petition filed by Union of India challenging the aforesaid orders of Hon'ble CAT. Later, SLP (C) No. 033429-033430/2017 (Union of India & Ors Vs Manoj Kumar & Ors) was filed before the Hon'ble Supreme Court challenging the aforesaid orders of Hon'ble High Court of Patna.

3. In the meantime, the petitioner in above mentioned O.A. had filed a Contempt Petition No. 40/217 before Hon'ble CAT/ Patna wherein the applicants have prayed to initiate contempt proceedings against the contemnors for flouting the order of Hon'ble Court. However, while hearing the SLP (C) No. 033429-033430/2017, Hon'ble Supreme Court vide their order dated 27.11.2017 (**copy enclosed**) stayed the contempt proceedings inter-alia observing as under:

"In the meantime, there shall be stay on the contempt proceedings until further orders."

4. Thereafter, the above petition was last heard on 10.03.2021 wherein the Hon'ble Apex Court vide their order dated 10.03.2021 (**copy enclosed**) inter-alia observed as under:

"Leave granted. Interim order made absolute during pendency of the appeals."

5. The above factual position/ observation of Hon'ble Supreme Court may be brought to the notice of respective Hon'ble Tribunals/ Courts by filing an appropriate application. Further, the same shall also be invariably incorporated in the counter reply/ parawise comments in further cases, if any, filed on the similar issue to safeguard the interests of Union of India effectively.

6. Receipt of this letter may please be acknowledged.

DA: As above

8/7/21

(M. K. Gupta)
Executive Director, Pay Commission – II
Railway Board
Tel. No. 011-47845209
Email add:mkguptairps.97@gov.in
1st floor, Room No. 152-B
Rail Bhawan, Raisina Road, New Delhi – 110001

ITEM NO.9 Court 9 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos. 33429-33430/2017

(Arising out of impugned final judgment and orders dated 23-08-2017 in CR No. 191/2017 in CWJC No.15717/2016 and dated 21-03-2017 in CWJC No. 15717/2016 passed by the High Court of Judicature at Patna)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

MANOJ KUMAR & ORS. Respondent(s)
(IA No. 65763/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 6335/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 121658/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 10-03-2021 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. R.S.Suri,ASG
Ms. V.Mohana,Sr.Adv.
Mr. R.Bala,Sr.Adv.
Mr. P.V.Yogeswaran,Adv.
Mr. Nalin Kohli,Adv.
Mr. Raj Bahadur Yadav, AOR
Mrs. Anil Katiyar, AOR

For Respondent(s)
Mr. Lakshmi Raman Singh, AOR

Mr. Udita Singh, AOR

UPON hearing the counsel the Court made the following

O R D E R

Applications for permission to file additional documents/facts/annexures and length list of dates are allowed.

Leave granted.

Interim order made absolute during pendency of the appeals.

List in the week commencing 13th July, 2021.

Signature valid
Digitally signed by
Date:
Reason:

(ANITA MALHOTRA)
COURT MASTER

(POONAM VAID)
COURT MASTER

322058(1)/2021/O/o APO/HQ/HQ/NER

ITEM NO.42 COURT NO.9 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35120/2017
(Arising out of impugned final judgment and order dated 23-08-2017 in CR No. 191/2017 21-03-2017 in CWJC No. 15717/2016 passed by the High Court of Judicature at Patna)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

MANOJ KUMAR & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.121656/2017-CONDONATION OF DELAY IN FILING and IA No.121658/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 27-11-2017 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s)
Mr.Maninder Singh, ASG
Mrs.V.Mohna, Sr.Adv.
Mr.R.Balasubramanian, Adv.
Mr.Prabhas Bajaj, Adv.
Ms.Aarti Sharma, Adv.
Mr.Akshay Amritanshu, Adv.
Mr.Santosh Kr.Vishwakarma, Adv.
Mr.R.B.Yadav, Adv.
Mrs.Anil Katiyar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Issue notice.

In the meantime, there shall be stay on the contempt proceedings until further orders.

Validity unknown
Digitally signed by SARITA GAUTAM
Date: 2021.01.28 16:57:16 IST
Reason:

(Ashok Raj Singh)
Court Master

(Jagdish Chander)
Court Master