



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

क्रमांक- 92

आर.बी.ई. सं.- निल

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

दिनांक 13.10.2022

सचिव/महाप्रबन्धक

सचिव/अपर महाप्रबन्धक

सभी विभागाध्यक्ष

सभी मण्डल रेल प्रबन्धक

सभी कार्मिक अधिकारी

सभी मुख्य कारखाना प्रबन्धक

सभी अतिरिक्त मण्डलाधिकारी/स्थापना

पूर्वोत्तर रेलवे।

विषय :-Sharing of order dated 31.08.22 pronounced by Hon'ble CAT/Jaipur
Bench in OA No. 538/2013 filed by Sh. Nand Kishore Gupta Vs UOI & Ors.

रेलवे बोर्ड के पत्र PC-VI/2013/CC/5 Dated 30.09.22 की प्रतिलिपि सूचना, मार्गदर्शक एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक/यथोपरि।

(हरखन कुमार सिंह)
सकाधि/एम.पी.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
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सभी मुख्य कारखाना प्रबन्धक

सभी अतिरिक्त मण्डलाधिकारी/स्थापना

पूर्वोत्तर रेलवे।

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संलग्नक/यथोपरि।

(हरखेन कुमार सिंह)
सकाधि/एम.पी.पी.
कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1) महामंत्री/एन.ई. रेलवे मजदूर यूनियन/गोरखपुर ।
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- 3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/गोरखपुर ।
- 4) महामंत्री/एस.सी./एस.टी. एवं ओबीसी एशोसियेशन/गोरखपुर ।

कृते महाप्रबन्धक/कार्मिक

प्रमुकाधि..... GOVERNMENT OF INDIA
मुकाधि/..... MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-VI/2013/CC/5

New Delhi, dated:- 30/09/2022

The General Manager (P),
All Zonal Railways/Production Units,
(as per mailing list)

epi/court cell
10/10/22

Sub: Sharing of order dated 31/08/2022 pronounced by Hon'ble CAT/Jaipur Bench in
OA No. 538/2013 filed by Sh. Nand Kishore Gupta Vs UoI & Ors.

A number of court cases have been filed by Railway employees challenging Board's letter bearing RBE No. 08/2010 on classification of posts in Railways. This issue has gone into the merits by Hon'ble CAT/Jaipur Bench in OA No. 538/2013 filed by Sh. Nand Kishore Gupta Vs UoI & Ors. Hon'ble Tribunal has been pleased to pass the following orders:

"5.....It is very apparent that the Government of India, the owner, has not objected to the classifications done by the Railways. The decision (Indian Railways Technical Supervisors Association & Others Vs Union of India & Others of the CAT, Chandigarh Bench in OA No. 060/00211/2014 and V.N.Narayanappa & Others Vs Union of India & Another of the CAT, Bangalore Bench in OA Nos. 640 to 649 and 1001 to 1030 of 2014, Indian Railway Technical Supervisors Association Madras Unit & Others Vs. Union of India & Another of the CAT, Madras Bench in OA No. 1039/1992, The Indian Railways Technical Supervisors Association & Another vs. Union of India & Others of the CAT New Delhi in OA No. 2202/1992, Indian Railways SAS Staff Association & Others vs. Union of India & Others of the Hon'ble Supreme Court and the Indian Railways Permanent Way Engineers' Association & Others vs. Union of India & Another of the CAT, Ernakulam Bench in OA 180/00148/2015) produced by the respondents (along with their reply and also by way of MA) clearly show that the courts/Tribunal have consistently refrained from interfering in such policy decisions. Even in the case cited by the applicant (Indian Railway Technical Supervisors Association vs. Union of India in OA No. 836/1989) has been overturned by way of a later decision of the CAT, Madras Bench (Indian Railway Technical Supervisors Association Madras Unit vs. Union of India and Another in OA No. 1038/1992).

6. The O.A. has absolutely no merit and is therefore dismissed. No costs."

2. All the Zonal Railways/PUs are advised to utilize the aforesaid judgment while defending the interests of Union of India before concerned Courts/Tribunals in pending cases, if any, on the similar issue. Further, it is also advised to bring the judgment to the notice of respective Courts/Tribunals by way of filing an appropriate affidavit/Misc application in consultation with the Railway Counsel and seek dismissal of case.

DA: As Above.

[Signature]
30/9/22

(Jaya Kumar G)

Deputy Director/Pay Commission-VII & HRMS

Railway Board

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Prof. Rishi
Please circulate.
[Signature]
10.10.22
10/10/22
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