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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

It takes action accordingly

No. 2014/LC/MISC/12

New Delhi, dt. 28.7.2016

The General Manager
All Indian Railways & Production Units
Chairman, RRBs

Sub: Conduct of cases before the Courts/Tribunals in which the
Chairman/Members/Secretary of Railway Board has been impleaded as one of the
Respondents.

21/7/16
22/7/16
18.5.16
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to circulate to all concerned
17/07/16
24/7/16
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Copy to L.O

1. It has been observed that in a number of court cases being filed against Railway Administration, the applicants normally implead Chairman, Members and Secretary, Railway Board as one of the respondents.
2. There have been several instances where Chairman, Railway Board and other Members have been impleaded in Contempt cases involving establishments or contractual matters. Some of these cases have resulted in personal appearance of Chairman and Members, Railway Board also.
3. The larger issue which comes out of these cases is whether the CRB, the Secretary/ Railway Board, the Members of the Railway Board and other higher officials who are not directly connected with the appointment, promotion and payment of Group 'C' and erstwhile Gr 'D' staff can be impleaded by the court of law. In this connection, a comprehensive guideline was issued by the Railway Board way back on 15-10-1997, where the Board had clarified that under Section 80 CPC only General Manager alone should be issued a notice who will receive it for and on behalf of the Government of India or Railway Administration. This is so because General Manager is the defined authority as a Railway Administration in terms of para 3 and 4 of Railway Act.
4. Moreover, since there are large number of courts and administrative tribunals where thousands of cases are being filed and contested everyday by the Railway, it will not be practically feasible for the CRB and other higher officials to attend each and every court everyday or even to file an Affidavit on behalf of Railways. Therefore, the letter of 15-10-1997 directed the Railways to contest before the court that the CRB, Secretary etc., are misjoinder parties. Therefore, whenever they are listed as Respondents, Zonal Railways are required to file an application in concerned court and bring out as to who are concerned authority who are dealing with the subject matter of petition that others are misjoinder parties and accordingly their name should be got deleted from the list of Respondents.

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5. As per practice, only necessary parties are required to be impleaded as respondents/ defendants. If a person still impleads a party who has nothing to do with the case, the application/petition itself is liable to be dismissed on the ground of misjoinder parties.


6. In view of the above, all the Zonal Railway and other Railway establishments may take following action:-

a. Immediate action may be taken to file miscellaneous applications before various Courts including CAT and other Tribunals wherein Chairman/ Secretary and other Board Members have been unnecessarily impleaded as respondents, for deletion of their names from the list of respondents on the plea of their being misjoinder parties. It may also be brought out as to who is the appropriate authority dealing with the subject matter of the petition.

b. To streamline the system so that no occasion should arise wherein the contempt case arises on account of inclusion of name of Chairman, Members and Secretary, Railway Board in the list of respondents.

Please acknowledge receipt and advise positively within a month the action taken alongwith the list of cases wherein such application has been filed.

This issues with the approval of Board.

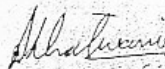

(A. Khatwani)
Dy. Legal Adviser
Railway Board.

No. 2014/LC/MISC/12

New Delhi, dt. 28.7.2016

Copy for information and necessary action forwarded to:

1. PPS to All Board Members, Railway Board.
2. All Advisers & Executive Directors, Railway Board.
3. All Officers and Branches of Railway Board.
4. All DGM (Law)/ Law Officers of Zonal Railways and Production Units


(A. Khatwani)
Dy. Legal Adviser
Railway Board.