

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No. 99-E(SCT)/22/1

New Delhi dt. 25 -1-99

The General Manager,
All Indian Railways and Production Units.
The Officer on Special Duty: East Coast Railway, Bhubaneswar/ North Central Rly.,
Allahabad/ East Central Rly., Hazipur/ North Western Rly., Jaipur/South Western
Rly. Bangalore/ West Central Rly. Jabalpur, New Railway Zone, R.E. Office Complex,
Bilaspur(M.P.)
The Director General/ RDSO/Lucknow
The CAO, DCW, Patiala
The CAO: MTP(Rlys.), Mumbai and Chennai
The Chairman, Railway Recruitment Board:
Allahabad/Ahmedabad/Ajmer/Bangalore/Bhopal/Bhubaneswar/Calcutta/
Chandigarh//Chennai/Gorakhpur/ Guwahati/Jammu &
Shrinagar/Malda/Mumbai/Muzaffarpur/Patna/Ranchi/Trivendrum
The Principal, Railway Staff College, Vadodra
The Director IRISSET, Secunderabad/TRIMEE,
Jamalpur/TRIEE, Nashik/IRICEN, 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. Stn. Building Chanakyapuri, New Delhi,
The Director (Movement) Railways 17 N.S.Rd, Calcutta
The Joint Director, (Iron & Steel) 3 Kailashat Street, Calcutta.
The General Secretary, NFIR, 3 Chetrasora road, New Delhi.
The General Secretary, AIRR, 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, Ferozshah Road, New Delhi.
All Indian 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, 96/3, Naya Bazar,
Railway Colony, New Delhi.
Indian Railway Promotee Officers Federation, Room No. 268 Rail Bhawan, New Delhi.
.The Railway Board Ministerial Staff Association, room No. 7-B, Rail Bhawan
Railway Board Class II Officers Association, Room No. 521, Rail Bhawan
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
The Managing Director, RITES/IRCON/CONCOR/KRCL

The Commanding Officers:

- No. 1 Bn/RPSF/Lumding (Assam)
- No. 2 Bn/RPSF/Gorakhpur UP)
- No. 3 Bn/RPSF/Talkatora, Alambagh, Lucknow
- No. 4Bn /RPSF/P.P. Bhaktinagar/New Jalpaiguri (W.B.)
- No. 5Bn/RPSF/Tiruchirappalli (Tamil Nadu)
- No. 6 Bn/RPSF/Dayabasti, Delhi-36
- No. 7Bn/RPSF/Maula Ali, Secunderabad
- No. 8 Bn/RPSF/ Technical Training Institute, Chittaranjan (W.B.)

Sub: Elections for the elected office bearers of Central Executive Committee of All India Scheduled Castes & Scheduled Tribes Railway Employees Association as per VIII City Civil Court Chennai directions dated 18.1.99 in Original Suit No. 397/98 of M.P.Kumar Vs Railways and others.

All India Scheduled Castes and Scheduled Tribes Railway Employees Association is registered with the Registrar of Societies' office Delhi, under Registration No. S-1517 on 19-9-59 under the Societies of Registration act XII 1860. Looking to the objectives of the Association, Ministry of Railways decided to give certain facilities to this Association such as holding of informal meetings with the administration at different levels, representing grievances of SC/STs, periodically apprising them of the various policy instructions issued by the Government for the benefit of SC/ST employees, etc.

(2) The para 12 (A) of amended bye-laws of August 1975 of the Association lays down that election in a unit shall be performed democratically for which due notice shall be given to all members by the outgoing Secretary/ President. Para 12 (B) of the amended bye-laws which lays down that the outgoing General Secretary and in his absence the additional General Secretary shall act, as Convenor of the General body Meeting to hold the election for the Central Executive Committee. This he shall do in consultation with the outgoing President/Working President/Senior Vice President/ Vice President / Additional General Secretary/Office Secretary etc. The President and in his absence Vice President shall be the Chief Election Officer to conduct the election which may be by raising of hands or balloting. Thus, the result of the elections are communicated under the Joint Signature of outgoing President / Working President/General Secretary and in their absence by Senior Vice President and Additional General Secretary.

(3) S/Shri Jasram Harnotia and R.B.Dohare were elected as Working President and General Secretary of the Association in the election held on 22nd & 23rd June 1994 along with other office bearers and their elections were free from any

disputes. In order to extend the facilities as mentioned earlier this list was circulated by Railway Board with a tenure initially upto 30-6-96 further modified upto 30-6-95 and again extended upto 30-6-96 from the date of circulation under letters 93/E(SCT)/22/13 dt. 21.9.94 and No. 93 E(SCT)/22/13 dt. 15.2.96.

(4) One of the Groups namely Shri Balkrishnan Group filed the writ petition No. 2595/96 in the Hon'ble High Court of Madras for circulating the list of said to be elected office bearers of the Central Executive Committee in the annual meeting held on 20-1-96 at Delhi. The Hon'ble Court passed the following ex. parte orders;

" At the hearing the learned counsel for the respondents submitted that the list of office bearers elected on 21.1.96, as communicated on 21.1.98, by the petitioner, shall be circulated. In view of this statement, made by the learned counsel for the respondents, the learned counsel for the petitioner states that nothing more is required to be done in the writ petition. Hence, placing the above submission of the learned counsel for the respondents, on record the writ petition is disposed of accordingly."

(5) The learned Advocate of the Railway made an affirmative Commitment before the Hon'ble Court without any direction and authorisation by the officials of Railway Board or the Southern Railway or the Law Officers of Southern Railway. These orders were maintained by the Hon'ble High Court, therefore under legal compulsion it was decided to circulate the list of 5 elected office bearers of Central Committee with the provision which is reproduced as under:

" However, it is pointed out that the alleged elections dated 20-1-96 has not been shown to have been held as per latest bye-laws of the Association which alone will bind the administration."

(6) From 1996 and onward rival factions are contesting their claims and counter claims in the various Courts for elected posts of the Association. Now it appears the faction rivalry come to end as VIII Assistant Civil City Court Chennai have decided on 18.1.99 in original Suit No.397/98 in M.P.Kumar Vs Railways and others that the election of the office bearers of the Association will be conducted under Court Officer Shri Mohan Das - Retired Judge as advise by Shri V.R.Gopalan Railway Advocate vide his letter dt. 19.1.99 addressed to Law officers & CPO of Southern Railway Chennai a copy of which enclosed for ready reference.


(7) In view of above Railways are directed to advise the Zonal/Divisional & Branch Officer existing or Ex. bearers (as case may be - where Zonal /Divisional/ Branches are not holding the posts due to un-resolved dispute) that they may keep ready themselves for participation in the proposed election at Chennai as well as advice their members in this regards. The exact Schedule /Programme/ details of these

elections are being finalised as per direction of Shri Mohan Das and advised as soon as it is finalised.

(8) It is once again emphasised that the communication to existing office bearers where bodies exists and ex bodies where these bodies do not exist must be ensured. All factions may be given required assistance for participation irrespective of their individual affiliation to any factions. The communication may also be made to members as far as it is possible.

Please acknowledge the receipt.

DA: Shri V.R.Gopalan,
Advocate Chennai's letter
dated 19.1.99.


(Ram Prakash)
Ex. Director Estt.(Res.)
Railway Board.

25.1.99

V.R. GOPALAN

ADVOCATE

Residence:

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Chennai - 600 102.

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104, Add. Law Chambers,

High Court,

Chennai - 600 104.

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Ref. No.: VRG:RN:

Date: 19.1.99

1. The Law Officer,
Southern Railway,
Chennai.

2. The Chief Personnel Officer,
Headquarters office, Personnel Branch,
Southern Railway, Chennai.

Madam / Sir:

Re: O.S.No. 397/98 - M.P. Kumar vs. Railways & others.
VIII Asst. City civil court, Chennai.

The above suit has been filed for declaration that any election as announced and held by the 1st defendant Dr. C. Belakrishnan on 20.1.98 or any subsequent dates is null and void and for directing the 6th Defendant - All India SC/ST Rly. employees Association to conduct the elections according to the by-laws or in the alternative to appoint a court officer to conduct the elections for the Association in accordance with the bye-laws. Against the interim order made in the suit CRP 230/98 has been preferred before the High court, Chennai and the High court by order 25.8.98 directed the suit to be disposed of within 3 months from that date.

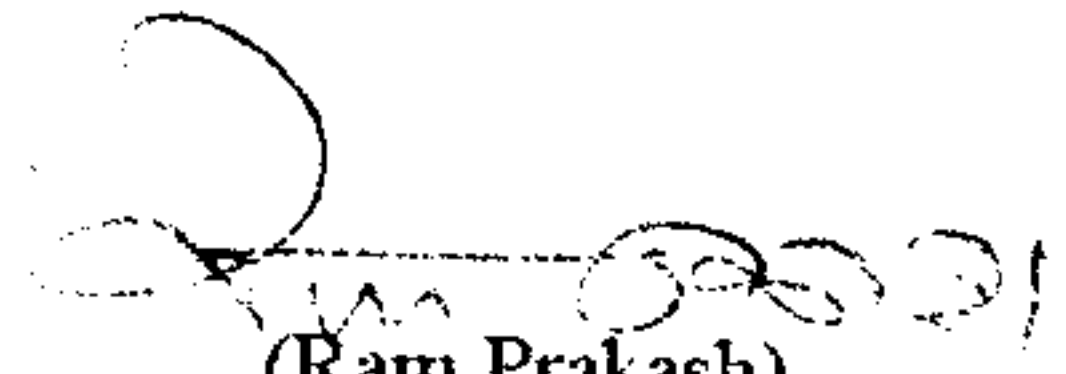
We have filed our written statement in the case stating that in view of the in-fight amongst the three rival factions, no one is at present recognised as the officer-bearers of the above Association. We have also based reliance on the earlier decision of the High court made in W.P. 11513/96 and batch. The trial of the case was conducted, number of witnesses examined on behalf of the three rival factions and I had also cross-examined them. It was not necessary to let in any evidence on our side since during cross-examination of the witnesses all the points as sought to be made out by the administration were put forth. I have also filed our written arguments in the suit. Judgement was pronounced by the court on 18.1.99 and the learned judge has appointed Sri. Mohandas - Retired Judge, to act as a court officer to conduct the elections of the All India SC/ST Rly. Employees Association in accordance with the bye-laws of the association.

elections are being finalised as per direction of Shri Mohan Das and advised as soon as it is finalised.

(8) It is once again emphasised that the communication to existing office bearers where bodies exists and ex bodies where these bodies do not exist must be ensured. All factions may be given required assistance for participation irrespective of their individual affiliation to any factions. The communication may also be made to members as far as it is possible.

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25.1.99