GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2019/LC/MISC/6 New Delhi, dated: 17.12.2019

The General Manager,
All Indian Railways,
Production Units and RDSO

Sub: Implementation of the Judgments by all departments of Railways – Circular letter dated 09.09.2019

Ref: GM/EC Railway Letter No. GM/Law/ECR/Policy dated 30.09.2019 and GM, ECoR, Letter No.ECoR/BBS/LAW/MOCC/2019 DT. 4.11.2019.

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A circular letter No. 2019/LC/Misc/6 dated 09.09.2019, on the above subject has been issued by the office of Legal Advisor, to all Zonal Railways/Production Units and RDSO. The need for issue of the above circular letter was felt since various Railway Departments were involved for implementation of an order of Hon'ble NCLT. Further, it had also been observed, on a few occasions that the judgments/orders given by Judicial Forums in a particular case are not being implemented by other departments of Railways or other Zonal Railways, on the plea that the judgment pertains to a particular department/Zonal Railway/PUs/RDSO only. This leads to unnecessary rounds of litigation and exhaustion of government resources generally in establishment matters.

In reference to above referred letters, it is clarified that judgments of the court are based on the facts, which have been contested before the Court and are complete in itself. The decision in the judgment itself reveals whether it is applicable 'in persona' or it is a 'judgment in rem'. The 'judgment in rem' should be implemented in toto, as per directives of Court/Judicial Forum in consultation with Railway Board, especially in Establishment and D&AR cases.

It has been made very clear in the above circular letter that the 'judgment in rem' has to be implemented **'on having attained finality'**. The department concerned has to ascertain that all legal Forums/Channels have been invoked and approached before implementing the said judgment.

(R.S.Verma)
Addl. Secy & Legal Adviser
Railway Board

No. 2019/LC/MISC/6 New Delhi, dated: 17.12.2019

Copy for information and necessary action to Dy. General Manager (Law),/Sr. Law Officer, All Zonal Railways/Production Units and RDSO.

(A.Khatwani)
Dy. Legal Adviser
Railway Board

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

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No. 2019/LC/MISC/6

New Delhi, dated: 09.09.2019

The General Manager,
All Indian Railways,
Production Units and RDSO.

Sub: Implementation of the Judgements by all departments of Railways.

It has been observed, on a few occasions that the judgements/orders given by Judicial Forums in a particular case are not being implemented by other departments of Railways or other Zonal Railways, on the plea that the judgement pertains to a particular department/Zonal Railway/PUs/RDSO only. In this respect it is stated that the judgements/orders of the court/Tribunal does not discriminate amongst the various departments of Railways/ Zonal Railways/PUs/ RDSO, it treats Railways as one entity and any judgement/order given by the Judicial Forums have to be honored by all the departments of Railway/ Zonal Railways and not in particular only by the department/Zone/PUs/ RDSO which had contested the case wherein the judgement/order was delivered by the Hon'ble Court/Tribunal.

The judgements/Orders of the various Judicial Forums especially those pertaining to Arbitration, Contracts and Establishment departments have implications on all India basis as such these judgements/orders on having attained finality, have to be implemented by Railways on each department/Zone/ PUs/ RDSO.

Recently in a case of Stesalit Limited, wherein Resolution Plan was approved by the Hon'ble National Company Law Tribunal, Kolkata (being involved in insolvency proceedings) by its order dated 20.07.2018 for revival of the company for re-instatement of approval status for items of Locomotives, Coaches and others. There is involvement of various departments viz Mechanical, Stores, Electrical, finance etc. In such cases it is necessary that the judgement is honored by all the departments/Zonal Railways in its totality since the reinstating orders of Hon'ble National Company Law Tribunal, Kolkata, are adequate and complete in itself and as such Railways as a whole should follow the guidelines/highlights pertinent to IR of the order of the Hon'ble NCLT in the above case (copy enclosed for ready reference).

Further, it is a settled principle that order of the court is to be implemented implicitly, in its true letter and spirit and not in parts.

In view of the above, All Zonal Railways/PUs/ RDSO are advised to implement the judgements of Hon'ble Court/Tribunal, on attaining finality, in its true letter and spirit and on all Indian Railway basis.

(A.Khatwani)
Deputy Legal Adviser
Railway Board

DA: As Above (5 Pages)

No. 2019/LC/MISC/6 New Delhi, dated: 09.09.2019

1. Copy for information and necessary action to Dy GM(Law), Senior Law Officer/Law Officer of all Zonal Railways and Production Units.

2. Copy to M/S Stesalit Limited, 25-26-35,42-43,44, 114 DIC, Industrial Area, HPSIDC, Industrial Aream Baddi, Distt, Solan, H.P. – 173205. In reference to their letter dated 18.07.2019.

(A.Khatwani)
Deputy Legal Adviser
Railway Board

DA: As Above (5 Pages)