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

No.97/LC/Misc/37. New Delhi, dt. 15.10.97.

1. The General Managers,
All Indian Railways including CORE/ALD.
CLW, DLW, ICF, W & AP & MTP/Calcutta.

2. OSDs, East Coast Rly/Bhubaneswar,
East Central Rly/Hajipur,
North Central Rly/Allahabad,
North Western Rly/Jaipur,
South Western Rly/Bangalore,
West Central Rly/Jabalpur.

3. The CAOs/MTP/Delhi, Bombay & Madras,
DCW/Patiala & RCF/Kapurthala.

4. DG/RDSO/Lucknow.

5. Chairman/All Railway Recruitment Boards.

SUB: Conduct of cases before the CAT/Courts in which Chairman/Secretary/Railway Board has been impleaded as one of the respondents instructions to be followed in such cases.

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It has been observed that in a number of service matters being filed by Railway employees of Group C and D, the employees invariably implead Chairman/Secretary, Railway Board as one of respondents, in addition to the officers of the Zonal Railway concerned. In other court cases pertaining to Zonal Railways also, the parties invariably implead Chairman/Secretary, Railway Board as one of the respondents/defendants.

2. So far as Group C and D staff of Zonal Railway are concerned, the appointing authority is the GM/officers of the Zonal Railways. Sections 3 & 4 of the Railways Act also provide for the constitution of Zonal Railway and appointment of GMs for a Zonal Railway. The Act stipulates that the general superintendence and control of a Zonal Railway shall vest in the GM. In terms of the scheme of the Railway Act, the GM is the incharge of Railway Administration and the Railway Board, as such may exercise certain limited powers over the entire system of Indian Railways.

3. In terms of Section 80 of CPC, in the case of a suit where it relates to a Railway, General Manager alone is to be issued a notice regarding the proposal to file a suit.

4. In terms of the procedure prescribed for filing cases before Courts/Tribunals, only necessary parties are required to be impleaded as respondents/defendants. If a person impleads a party who has nothing to do with the case,

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the application/petition is liable to be dismissed on the ground of mis-joinder parties. In this connection, provisions of Order I of the 1st Schedule to the CPC may be referred to.

5. As it is not possible for the Railway Board to make appearance in such cases, it has been decided that in all such matters as soon as a copy of the petition/application is received from the Court/Tribunal, immediate necessary action should be taken through an appropriate application before the Court/Tribunal to delete the names of Chairman/Secretary, Railway Board. This would avoid unnecessary further litigation in connection with the implementation of the order that may be passed in such matters.

6. In view of the above, it is felt that the legal position should be clearly brought out to all concerned including Railway Advocates so that necessary action may be taken at the initial stage of hearing of a case.

7. The question of deletion of names of Chairman/Secretary, Railway Board in pending Court/Tribunal may also be taken up through the Railway Advocate concerned.

Please acknowledge receipt.

(H.S. Jaikaria)
Asstt. Legal Adviser
Railway Board.

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Copy to:

1. Dy.G.M(Law), Northern Railway, Baroda House, New Delhi.
2. Sr. Law Officers/Law Officers of Zonal Railways including Production Units.
3. Officers and Branches in Board's Office.

(H.S. Jaikaria)
Asstt. Legal Adviser
Railway Board.