GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RB/CE.I/1/2004

No.95/CE.I/CT/24 New Delhi, dated 12 .01.2004

(As per list attached)

Sub: Appointment of Retired Railway Officers as Arbitrators.

Ref: Board's letter No.95/CE.I/CT/24 dated 14.11.96.

In continuation of Board's letter of even number dated 14.11.96, Board have further decided on the fee payable for retired railway officers for working as arbitrator.

Guidelines for appointment of retired railway officers as arbitrators and fees payable to them are enclosed as Annex. A. The earlier instructions issued on the subject vide Board's letter referred to above, are also enclosed as Annexure-B.

This issues with the concurrence of Finance Directorate of the Ministry of Railways.

Encl: As above.

(PARMOD KUMAR)
Exec.Director, Civil Engineering(G)
Railway Board.

Copy to Legal Cell and F(X)I Branch in Board's office.

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Annexure-'A'

Guidelines for appointing the Retired Railway Officer(s) as Arbitrator(s) and fee payable to.

1. A panel of arbitrators shall be drawn up by the concerned Zonal Railway after obtaining vigilance clearance from Railway Board. Since in all arbitration cases having three or more members, one member will be from Finance and most of the arbitration cases are from Civil Engineering Department, larger panels of Finance and Civil Engineering officers should be formed. The panel should be reviewed every year by G.M. in consultation with Railway Board Vigilance and names added/deleted, as necessary.

2. Out of 3 or more arbitrators, not more than one arbitrator should be a retired railway officer (retired not below the rank of SAG), age not exceeding 70 years and in reasonably good mental and physical fitness. The presiding arbitrator should be a serving railway officer.

3. Retired railway officer while working as an arbitrator will be entitled for a fee not exceeding 1% of the total claims, including the counter-claims subject to maximum of Rs.50,000/- per case. This would include the conveyance charges from the residence of the arbitrator to the place of hearing, if it happens to be in the same city where the retired railway officer (appointed arbitrator) resides.

4. Clerical and stenographic assistance, including stationery shall be provided by the Railway. However, if the arbitrator brings his own Steno and does not ask for any assistance, he/she can be paid an honorarium up to 10 per cent of the fee of one arbitrator subject to a minimum of Rs.500/- per case and cost of stationery as per actuals.

5. The fees proposed for arbitration and the honorarium for clerical/stenographic assistance may be reviewed every 3 years. The review will be done by Railway Board.

6. The claimant and the respondent would share all the cost of arbitration equally.

7. All other clauses/conditions would be the same, as already agreed by the Board and circulated to Railways vide Board's letter No.95/CE.I/CT/24, dated 14.11.1996 (copy enclosed).

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Annexure-B SN-6

23/30/92

Government of India(Central Govt.)
Ministry of Railways(Rail Mantralaya)
(Railway Board).

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No.95/CE-I/CT/24 New Delhi, the 14.11.95

The General Managers,
All Indian Railways including
CLW, DLW, ICF and
METRO/Railways, Calcutta.

The General Manager,
M&AT/Bangalore.

The O.S.D.,
R.C.F./Kapurthala.

The Chief Admn.Officers(Admn),
Central Railway/Mumbai
Northern Rly/Kashmere Gate,Delhi.
N.E.Railway/Gorakhpur.
Southern Railway/Bangalore.
S.C.Railway/Secunderabad.
Western Railway, Mumbai.

The Chief Engineen(S&C),
Eastern Railway/Calcutta.

The General Manager(Con.),
N.F.Railway, Guwahati.

The Chief Admn.Officer(P),
S.E.Rly., Bhubaneshwar.

The Chief Admn.Officers,
MRV Railways at Mumbai,
and Madras.

The Chief Project Officer,
DMRC Railway, Delhi.

The Chief Admn.Officer,
DCW/Patiala and
COFMOW, New Delhi.

The General Manager,
CORE/Allahabad.

The Directors,
IRICEN/Pune,
IRISET/Secunderabad,
IRMEE, Jamalpur,
IRIEEN, Nasik.

The Principal,
R.S.C./Vadodara.

The FA&CAOs,
All Indian Railways.

The DG/RDSO, Lucknow.

Sub: Appointment of retired Railway Officers as Arbitrators.

In connection with the above subject, Board have decided that only when the number of Arbitrators is 5 or more, one of the Arbitrators can be a retired Railway officer. Only retired Officers with impeccable reputation, who are clear from Vigilance angle and who have retired in Grade and above should be appointed as Arbitrators.

Guidelines for appointment of retired Railway Officers as Arbitrators and other conditions are enclosed as Annexure-I.

14/11/95

(V.K. Agarwal)
Executive Director Civil Engg.(G)
Railway Board.

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Annexure-I

Guidelines for appointment of retired Railway Officers as Arbitrators and other conditions.

1. Railways should call for applications from retired SA Grade Officers who are willing to work as Arbitrators for empanelment.

2. A Panel of Arbitrors shall be drawn up by the concerned Zonal Railway after obtaining vigilance clearance from Railway Board. Since in all arbitration cases having three or more members, one Member will be from Finance and since most of the arbitration cases are from Civil Engineering Department, larger panels of Finance and Civil Engineering Officers should be formed. Similar panels may be formed for Mechanical, S&T, Electrical and Stores Department Officers who have dealt with contract matters during their service tenure. The panel should be reviewed every year by G.M. in consultation with Railway Board Vigilance and names added/deleted as necessary.

3. For the retired officer, normal TA/DA would be admissible for any visits that the arbitrator/arbitrators may undertake for site inspection etc. The Railway should provide the class of Pass for which the officer was entitled before retirement. They will also be entitled to TA/DA as per their position prior to retirement. The arbitrator should also be entitled to rest house and official vehicle when visiting outstations as on duty.

4. For arbitration proceedings, Railway shall make available necessary accommodation alongwith furniture and telephone on the dates of hearings.

5. Normally an arbitration award must be given within 4 months from the date of first hearing. However, for claims proceedings Rs.50 lakhs, a period upto one year may be permitted.

6. At a time, not more than 3 arbitration cases should be given to one retired officer.

7. The arbitrator shall maintain strict secrecy in relation to the documents and information received by him regarding the case in question and shall return records, reports etc. received during the arbitration proceedings to the competent authority in a sealed cover at the time of submission of the award.

Contd...2/-

8. G.M. will keep watch on the performance of the arbitrator and if the G.M. finds that the arbitrator does not appear to be fair, he may consider deleting the arbitrator's name from the panel for the subsequent period.

9. Once an Arbitrator is appointed by the Government Authority, the mandate of the arbitrator can be terminated and arbitrator substituted by another, as per Clause 15 of the Arbitration and conciliation Ordinance, 1996.