

RBE No. 118/16



CPO's SL. No. 118/16.

No. E/SC&ST/OBC/01/ECR/HJS

Dated:- 3/10/16.

1. CAO (Com)/उत्तर एवं दक्षिण पटना।
2. सभी PHOD/CHOD, पू.म.रे. हाजीपुर।
3. DRM पू.म.रे./मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/पू.म.रे. हाजीपुर।
5. मुख्य कार्मिक अधिकारी/प्रशासन, पू.म.रे. हाजीपुर।
6. मुख्य कार्मिक अधिकारी/सभी कार्मिक अधिकारी।
7. CWM, पी.डी./मुगलसराय, यांत्रिक कारखाना, समस्तीपुर-हरनौल।
8. Sr DPO/पू.म.रे./ मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
9. उप महाप्रबंधक/विधि/पटना।
10. प्रार्थी/दोतीय रेल प्रशिक्षण संस्थान/मुजफ्फरपुर एवं मु.पी।
11. सभी मुख्याधी/कार्याधी/पू.म.रे./हाजीपुर।

विषय:- Contempt Petition (C) No. 314/2016 in SUPC No. 4831/2012 T
Smt. Anandam Smiti through President vs. Sanjay Kothari & ors.

संदर्भ:- Rly Board's L. No. 2016 - E(SC) I/25/8 dt 30/9/16.

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं आवश्यक कारवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information guidance and needful onward action please.

संलग्नक : यथोपरि।

DA : As above.

(संवे कुमार)
सहायि ई.एस.एम. एवं, लुटिंग
कृते महाप्रबंधक/कार्मिक/हाजीपुर

प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कारवाई हेतु प्रेषित

1. महाराजिब/ईसीआरकेन/पू.म.रे. हाजीपुर।
2. महाराजिब/एस.ओ.सी.ओ./एस.ओ.टी.ओ./एशोरि/एशन/पू.म.रे./हाजीपुर।
3. अवरधि(एम.पी.पी.)/पू.म.रे./हाजीपुर। नएरा इमे नेट पर अपलोड करना की व्यवस्था करे।
4. महाराजिब/ओ.टी.सी./एशोरि/एशन/पू.म.रे./हाजीपुर।

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

No. 2016-E(SCT)/I/25/8

New Delhi, Dated 30-09-2016

The General Manager(P):-

All Indian Railways and Production Units/including CORE/Allahabad, Metro Rly./ Kolkata N.F.Rly. (Cons)/Maligaon

The Director General/RDSO/Lucknow

The CAO, DMW, Patiala

The CAO: MTP(Rlys.), Mumbai and Chennai

The Chairman, Railway Recruitment Board: Allahabad/Ahmedabad/Ajmer/Bangalore /Bhopal/Bilaspur/Bhubaneswar/Kolkata/Chandigarh/Chennai/Gorakhpur/Guwahati/Jamm& Shrinagar/Malda/Mumbai/Muzaffarpur/Patna/ Ranchi/ Secunderabad /Thiruvananthapuram

The Director General, Railway Staff College, Vadodra

The Director IRSET, Secunderabad/IRIMEE, Jamalpur/IRIEE, Nashik/IRICEN, Pune/ IRCAMTECH, Gwalior

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 Director (Coal Movement), Railways 17 N.S.Rd, Kolkata.

The Joint Director, (Iron & Steel) 3 Koilaghat Street, Kolkata.

Sub: Contempt Petition (C) No. 314/2016 in SLP (C) No. 4831/ 2012- Santa Andolan Samiti through President Vs. Sanjay Kothari & Ors.

Ref: (i) DOP&T's O.M. No. 36012/45/2005-Estt.(Res.) dated 10.8.2010;
(ii) Board's letter No. 2010- E(SCT)/I/15/13 dt. 01.09.2010 (RBE No.126/2010)
(iii) Learned Solicitor General of India's DO letter No. SG/2/2016-262(I) dated 29.09.2016 addressed to the Cabinet Secretary with a copy endorsed to Chairman Railway Board and Secretary, DOP&T w.r.t. Contempt Petition (C) No. 314/2016 in SLP (C) No. 4831/ 2012.

The aforesaid Contempt Petition (C) No. 314/2016 in SLP (C) No. 4831 of 2012 came up for hearing on 29.09.2016. In follow up of hearing of the above mentioned contempt case, Shri Ranjit Kumar, the Learned Solicitor General of India vide his letter No. SG/2/2016-262(I) dated 29.09.2016, has communicated and advised Mo Railways as under:-

".....After hearing the matter for sometime, the Court felt that the main matter is required to be decided and therefore, adjourned the Contempt Petition to be decided along with the main matters and fixed the date of hearing for 22.11.2016 as the first case. The court stated that if the Solicitor General wants to make a statement that no further promotions of reserved category persons to unreserved posts will be made relying on the circulars dated 10.08.2010/ 14.09.2010, then they would not pass any further interim order. I informed the court that the Government would not pass any further order of promotion relying upon either of these two circulars or on

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circulation*

the basis thereof. I also conveyed to the Court that I will write a letter informing of about my statement to the Court to you and to the Secretary, DOP&T and the Chairman, Railway Board. That is why I am addressing this letter to you so that all the Departments are conveyed of the assurance given in the Court that in the matter of making any promotion of a reserved category officer/employee the Department concerned would not rely upon or make the basis of such promotion to an unreserved post based on the circulars dated 10.08.2010 and 14.09.2010 and that any violation thereof will bring about a definite contempt....."

(Circular dated 14.9.2010 as quoted by the Ld. SG be read as 01.09.2010 which is RBE 126/2010 dated 01.09.2010 issued based on DOP&T's O.M. dated 10.8.2010)

In view of the above assurance, received from the Ld. Solicitor General of India, it is advised that Railway Board's RBE No. 126/2010 dated 01.09.2010, is held in abeyance with immediate effect till further advice, and all further promotions of reserved category persons to unreserved posts will now be made by ignoring Railway Board's RBE No. 126/2010 dated 01.09.2010 which in turn was based upon the DOP&T's OM dated 10.08.2010 & under reference No. (i) & (ii) above. However, all promotions order henceforth shall be subject to outcome of the main SLPs and the above mentioned contempt petition which are still pending.

The above may please be brought to the notice of all concerned for information and strict compliance.

U. N. Mehta

(U. N. Mehta)
Jt. Director, Estt.(Res.)

No.2016-E(SCT)I/25/8

New Delhi, Dated 30 -09-2016

Copy forwarded to:

1. The General Secretary, NFIR, Room No.256-E, Rail Bhawan, New Delhi.
2. The General Secretary, AIRF, Rom No.253, Rail Bhawan, New Delhi.

U.N. Mehta
(U.N. Mehta)

Jt. Director Estt.(Res.)

No.2016-E(SCT)I/25/8

New Delhi, Dated 30 -09-2016

Copy for information to:

1. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi.
2. The Secretary, RBSS, Group 'A' Officers Association, Rail Bhawan, New Delhi.
3. The President, Railway Board Class -II Officers Association, Rail Bhawan, New Delhi.
4. The General Secretary, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
5. The President, Indian Railway Class-II Officers' Association, Rail Nilayam, Secunderabad.
6. The President, Indian Railway Class-II Officers Federation, Office of CE(Cons.) N.E. Railway, Gorakhpur.
7. The Secretary, Railway Board Ministerial Staff Association, Rail Bhawan, New Delhi.
8. The Secretary, Railway Board Class IV Staff Association, Rail Bhawan, New Delhi.
9. The General Secretary, All India RPF Association, Rail Bhawan, New Delhi.
10. The General Secretary, All India SC/ST Railway Employees Association, Room No.7, GF, Rail Bhawan.
11. The General Secretary, All India OBC Railway Employees Federation, Room No.48, GF, Rail Bhawan.

U.N. Mehta
(U.N. Mehta)

Jt. Director Estt.(Res.)

No.2016-E(SCT)I/25/8

New Delhi, Dated 30 -09-2016

Copy for information and necessary action to:

1. JS(G), JS(C), JS /Railway Board

U.N. Mehta
(U.N. Mehta)

Jt. Director Estt.(Res.)

Copy to:

1. PS/MR, OSD/MR, EDPG/MR, PS/MOS(S), EDPG/MOS(S), ED(Innovation)/MOS(S), EDPG/MOS(G).

2. PSOs/Sr. PPSs/PPSs/PSs to CRB, FC, ME, MRS, MS, MT, MTR, Secy., DG/RPF, DG/RHS, All Additional Members/Advisers, All Executive Directors, JS(G), JS(G)-II, JS, JS(E), DIS(Sec.), Dir./L&A, Dir./C&IS, Dir./Safety-I, DF(B), Dir.(Estt.), Dir.(A), Dir.(GA), JD/Stat., US(Conf.), US(A), US(A)II Railway Board.