

पूर्व मध्य रेल
EAST CENTRAL RAILWAY



कार्यालय
महाप्रबंधक (का.)
हाजीपुर

PCPO's Cir. Sl. No.88/2024

No.ECR-HQ0PERS (RULE)/2/2024 (Com.No.260300)

1. CAO (Con.)/उत्तर एवं दक्षिण/पटना।
2. सभी PHOD/CHOD/पूमरे/हाजीपुर।
3. DRM/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/प्रशासन/पूमरे/हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/पीडी/डीडीयू, यांत्रिक कारखाना/समस्तीपुर एवं हरनौत।
7. Sr.DPO/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/विधि/पटना।
9. प्राचार्य/क्षेत्रीय रेल प्रशिक्षण संस्थान/मुजफ्फपुर एवं भूली।
10. सभी मुकार्याधी/कार्याधी/पूमरे/हाजीपुर।

विषय:-Provision of Trolley Bags to Loco Pilots and Guards.

संदर्भ:-Railway Board's letter No.-2024/TT-IV/12/16, Dated-19.07.2024.

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेतर आवश्यक कार्रवाई 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.

DA: As above.

Digitally Signed by Manoj
Ku Choudhary

Date: 14-08-2024 12:49:38

Reason: Approved

सकाधि/ई.एस.एम.
कृते महाप्रबंधक (का0)/हाजीपुर

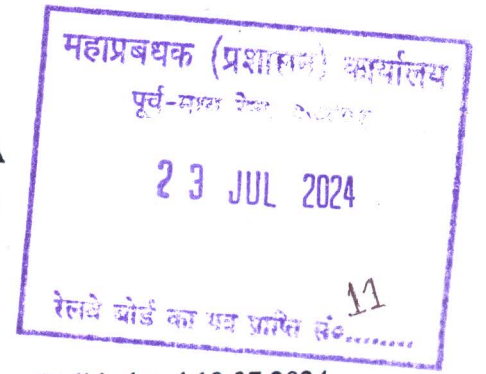
प्रतिलिपि/— निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित:-

1. महासचिव/ईसीआरकेयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी. एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि(एम.पी.पी.)/पूमरे/हाजीपुर—कृपया इसे वेबसाइट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

कृते महाप्रबंधक (का0)/हाजीपुर

2675661(3)/2024/O/o DGMG/HQ/ECR

भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAYS
रेलवे बोर्ड /RAILWAY BOARD



No. 2024/TT-IV /12/16

New Delhi, dated 19.07.2024

मह प्र०
सचिव
23/7/24

The General Managers
All Zonal Railways.

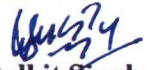
Sub: Provision of Trolley Bags to Loco Pilots and Guards.

Ref: (1) EDTT/S/RB's FOIS Message No. RBEC/2022/08/124 dated 09.09.2022
(2) ED/E&R/RB's Letter No. 2020/E&R/10(3)/1 dated 21.02.2022

Kindly refer to the above FOIS message and the letter mentioned above on the said subject. E&R directorate of Railway Board had issued instructions vide letter at (ii) in reference above for provision of trolley bags to Loco Pilots and Guards in lieu of guard line boxes. In this matter, the Hon'ble High Court of Delhi disposed off the writ petition No. W.P.(C) 11224/2022 on 28.11.2022 filed by All India Guard's Council stating that the Interim order dated 08.08.2022 will continue till the O.A No.1077 of 2022 filed by All India Guard's council is decided by the Hon'ble CAT. Subsequently, Hon'ble CAT, Principal Bench, New Delhi dismissed the O.A No.1077 of 2022 along with M.A No. 1155 on 08.02.2024 by refusing to direct the Government to which particular policy is to be followed.

A copy of the Hon'ble CAT's order dated 08.02.2024 is attached herewith. In view of the above, Zonal Railways are requested to start implementing the policy decision of providing trolley bags to Loco pilots and Guards as outlined in E&R dte. letter No. 2020/E&R/10(3)/1 dated 21.02.2022.

This issues with the approval of the competent authority.


Pulkit Singhal

Director/Traffic Transportation (G)
Railway Board, New Delhi
Email ID: pulkit.0806@gov.in

DA:As Above.

21/23

656/663

2024/Safety(A&R)/26/O4
2020/E&R/10(3)/1(CourtCase)1760670/2024/Safety(A&R)-I
1270429/2022/O/o DDE(TRS)

OM:EDTTS/NDRB

TO, ALL P/COMS/IR

SSGENO.RBEC/2022/08/124

DATE:09/09/2022

ER RLY BOARD EARLIER M.NO.RBEC/2022/08/111 DATE:08/08/2022
THE LIGHT OF DELHI HIGH COURT ORDER ON DATE IN THE COURT CAS
GARDING ELIMINATION OF LINEBOXES FOR THE RUNNING STAFF,
S ADVISED THAT FURTHER PROLIFERATION OF LINEBOX ELIMINATION
FERRED TILL 28TH NOVE, 2022 (NEXT DATE OF HEARING) AT LOCATION
ERE IT HAS ALREADY NOT BEEN IMPLEMENTED.

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

No.2020/E&R/10/3/1

New Delhi, dated 21/02/2022

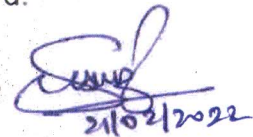
The General Managers, Indian Railways.

Sub: Provision of Trolley bags to Loco Pilots and Guards.

The subject issue was under consideration in Board. Board has now approved the following:

- i. Trolley bag may be provided to Loco Pilots and Guards in lieu of Line box. Zonal Railways may decide to procure & distribute or give allowance in lieu of Trolley bags purchased by the crew themselves. The Allowance to be limited to Rs 5000/- for every 3 years.
- ii. Equipment in Trolley bag/ Locomotive cabs to be standardised.
- iii. Soft copy of Unified SR, WTT, Accident Manual, Safety Pamphlets etc, may be provided to Running Staff through systems provided in Loco Cab (viz. RTIS etc) or uploaded on their Smart phones.
- iv. Necessary training to be imparted to Staff, for handling the documents in electronic format.
- v. Practical constraints and difficulties, if any, as highlighted by staff side, be addressed and resolved in a time bound manner.

This issues with the concurrence of Finance Dte. of Railway Board.



(S.K. Singh)

Executive Director/E&R

No.2020/E&R/10/3(1)

New Delhi, dated 21/02/2022

Copy to:

- i) Dy. Comptroller & Auditor General of India (Railways), Room No. 224, Rail Bhawan, New Delhi.
- ii) PFAs, All Indian Railways including Production units.
- iii) PA & CAO(C)s, All Indian Railways.



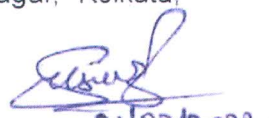
for Member/Finance

No.2020/E&R/10/3/1

New Delhi, dated 10/2/2022

Copy for information to:

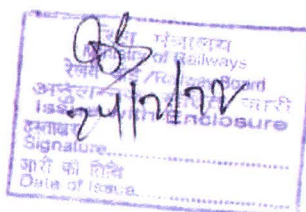
The Director General, RDSO, Lucknow.
 The General Manager, CORE, Allahabad.
 CAOs (Const).
 CAO, MTP/Mumbai.
 CAO/DMW and COFMOW, New Delhi.
 The Director General, National Academy of Indian Railways, Vadodara
 The Director General, Indian Railway Institute of Financial Management, Secunderabad.
 The Director General, Indian Railway Institute of Transport Management, Lucknow.
 The Director General, Indian Railway Institute of Civil Engineering, Pune
 The Director General, Indian Railway Institute of Mechanical and Electrical Engineering, Jamalpur
 The Director General, Indian Railway Institute of Signal Engineering and Telecommunications, Secunderabad.
 The Director General, Indian Railway Institute of Electrical Engineering, Nasik.
 The Executive Director, Indian Railways Centre for Advanced Maintenance Technology, Gwalior.
 The Registrar, Railway Claims Tribunal, Delhi
 The Chief Commissioner of Railway Safety, Lucknow
 The Secretary, Railway Rates Tribunal, Chennai.
 The Chairman, Railway Recruitment Board, Ahmedabad, Ajmer, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Gorakhpur, Guwahati, Jammu & Srinagar, Kolkata, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad and Trivandrum.


 21/02/2022
 (S.K. Singh)

Executive Director/E&R

Copy to: OSD/MR, OSD/Co-ord/MR, Additional PS/MR, Advisor/MR, Sr. PPSs/PPSs/PSs to Board Members, Secretary, DG/RHS, DG/RPF, ADG/DS, Additional Members, OSDs, Advisors and Executive Directors, DIP, Editor/Indian Railways, Editor/Bhartiya Rail and O&M Branch of Board's office. ✓

All-ED/Railway Board





**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1077 of 2022

M.A. No. 1155 of 2022

Reserved on: 10.01.2024
Pronounced on: 08.02.2024

Hon'ble Mr. Anand Mathur, Member (A)
Hon'ble Mrs. Harvinder Kaur Oberoi, Member (J)

1. All India Guards Council through
Secretary Sh. S.P. Singh,
having its registered office:
90, Extension-3, Nangloi,
Delhi - 110 041.
2. Anil Kumar Singh,
Working as Train Manager (Mail/Express),
Under Delhi Division, Northern Railway,
S/o Sh. Kanhaiya Singh,
R/o L-215, Sector-12,
Pratap Vihar, Ghaziabad - 201 009.

...Applicants

(By Advocate: Mr. Ishan Singh for Mr. Setu Niket)

Versus

1. Union of India
Ministry of Railways through
Chairman and CEO,
Railway Board, Rail Bhawan,
New Delhi - 110 001.
2. Commissioner of Railway Safety through
Chief Commissioner of Railway Safety,
Ashok Marg, NE Railway Compound,
Lucknow- 226 001.
3. Research Designs and Standards Organization
Indian Railways through
Director General, Manaknagar,
Lucknow - 226 001.

....Respondents

(By Advocates: Mr. R.K. Jain)

**ORDER**

By Hon'ble Mr. Anand Mathur, Member (A):

The present OA has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"Main Relief"

- A. Call for records of the case;
- B. Quash and set aside the order dated 21.02.2022 issued by Respondent No.1;
- C. Direct the Respondent No.2 to conduct a safety audit on violations by Zonal Railways by replacing Line Boxes with trolley bags/backpack/canvas bag;
- D. Restrain the Respondent No.1 from replacing Line Boxes (GI Sheet/Wood) with trolley bags/backpack/canvas bag in violation of recommendation in Report No.TFC-80 issued by Respondent No.3;
- E. Award cost of the proceedings; and
- F. Pass any order/relief/direction (s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice in favour of the Applicant."

2. Learned counsel for the applicants has stated as under:-

2.1 Applicant no. 1 is a registered Trade Union under the Trade Union Act, 1926 having registration no.4718 and applicant no.2 is also the Vice President of applicant no.1. The applicants are mandated under Rule 4.19 Chapter IV of the General Rules (GR) read with Subsidiary Rules (SR) vide



which a Guard is required to carry certain items/equipment during duty.

2.2 As per the current practice, the items required to be carried in Line Boxes (LB) are made of GI Sheet and Wood approved by RDSO. As per current instructions, LB is mandated to ensure that the contents of the LB remain safe since guards are mandated to get down from the SLR/Brake Van to attend to various issues/complaints as mandated under various regulations being part of duty. Amongst the items, the applicants are mandated to carry detonators for specific purpose to be utilized as per the applicable GR/SR and manuals relating to operation of trains. Detonators comprise of potassium chlorate, sulphur, sand, binder and neutralizer issued by Ordinance Factory Board to Indian Railways to be utilized in a proper manner in specific cases only. It is imperative that detonators are kept under lock and key in a safe manner. Currently, the detonators are safely kept in LB which are heavy and cannot be easily moved around and stolen.

2.3 The applicants are aggrieved by the impugned order wherein line boxes allocated to members of the applicants are proposed to be withdrawn and is further proposed to be



replaced with trolley bags by all Zonal Railways of the Indian Railways.

2.4 Respondent No.3/RDSO conducted a study to rationalize the items of personal stores of passenger carrying & freight trains Guards and their carriage in lightweight container. In the report released in December, 2003, respondent no.3 opined that *"...provision of canvas bag/air bags in case of guards does not appear to be feasible as guard has to leave his SLR/Brake Van for other duties also, which may leave such bags prone to theft by miscreants."*

2.5 Respondent no.1, vide letter dated 02.06.2006 considered the existing items which Guards are required to carry during duty and proposed to rationalize the items which Guards are required to carry. Respondent no.1 rationalized the items and ascertained the weight of the same.

2.6 The Policy of replacement of line boxes with a suitable substitute was initiated by respondent no.1 vide order dated 15.06.2007. It also proposed a scheme on trial basis in all Zonal Railways for a period of one year to switch to briefcase/ suitcase or in the alternative continue with the existing system of line boxes and it was directed that the same shall be done on a trial basis which shall be voluntary.



Vide order dated 09.06.2010, respondent no.1 constituted a Committee to study the issues regarding replacement of drivers and guards boxes with bags and briefcases.

2.7 Respondent no.1 in its Board meeting dated 02.02.2018 took a decision proposing elimination of line boxes of drivers and guards on a trial basis in Northern Railway and South-Central Railway. In response to that proposal, applicant no.1 preferred a representation dated 05.06.2019 referring to a case study conducted by applicant no.1 and after taking feedback from its members submitted that considering the present scenario, replacement of line boxes with trolley bags is neither feasible nor practicable.

2.8 East Coast Railway issued a letter dated 28.01.2021 referring to approval dated 06.01.2021 directing replacement of Backpack bags in lieu of line boxes with further direction that in case Guards refuse to opt for backpacks then no duties would be assigned to them. Being aggrieved, one Ch. Ramamohana Rao approached the Hon'ble High Court of Andhra Pradesh in WP No. 7433/2021. Hon'ble High Court was pleased to pass order dated 01.04.2021 directing that order dated 04.03.2021 shall remain stayed till next date. Thereafter, the order dated 01.04.2021 was further extended



vide order dated 15.04.2021. The said petition was pending adjudication.

2.9 The applicants made several representations and application under RTI Act, which were not responded to. Applicant No.1, being aggrieved by implementation of replacement of line boxes raised a grievance with Public Grievance Portal of Government of India and respondent no.1, in turn, communicated that suggestions have been invited from Zonal Railways to formulate a uniform policy to replace line boxes. However, in a meeting held on 12.01.2021, it was pre-decided by respondent no.1 that line boxes will be removed in a targeted manner. Therefore, the so-called exercise to invite suggestions was a mere sham as respondent no.1 had already taken a decision to eliminate line boxes without considering the grievance of the applicants in a bonafide manner.

2.10 Aggrieved, applicant no.1 preferred representation dated 23.02.2022 and 03.03.2022 referring to the impugned order dated 21.02.2022 requesting respondent no.1 and senior functionaries including the then Hon'ble Minister of Railways to withdraw the Railway Board's Order dated 21.02.2022, which was not paid any heed. It is stated that replacement of line boxes with trolley bags and manuals



with tablet would be in gross violation of rules/regulations/manuals/orders. Hence, the impugned order is arbitrary and illegal as respondent no.1 is trying to impose duties of box porters/box boys on train managers. While appointing box porters, they were screened for their ability to lift heavy weights upto 35-40 kgs to prove their strength and ability. Further, the train managers are not subjected to such tests and are only given line training etc. As such, imposition of additional duties of box porters is manifest change in terms and conditions of service of the applicants. Hence, the instant OA.

3. *Per contra*, learned counsel for the respondents has stated as under:-

3.1 The issue involved in the present OA pertains to transportation of the Loco Pilots (Drivers) and Train Managers (Guards) equipments either by method of putting them in heavyweight steel trunk and carried on the head of Box Porter or carriage of the same in the light weight trolley bags. The impugned order dated 21.02.2022 does not alter or change the duties of Loco Pilot and Train Managers and, hence, there is no change in conditions of service. However, brief background of the issue leading to issuance of order



dated 21.02.2022, impugned in the present OA, is given hereunder:-

- i) The issue of introduction of trolley bags in lieu of Loco Pilots (Drivers) and Train Managers (Guards) line boxes had been engaging the attention of Railway Administration for quite some time. A Box Porter presently carries driver's and guard's equipment in a steel trunk weighing about 11 kgs by keeping in on his head. The method is primitive and carrying loaded box on head especially in the new millennium is considered below human dignity;
- ii) Comprehensive instructions on the replacement of Guard's line boxes was issued vide letter dated 20.06.2006. Further, in view of the implementation problems pointed out during discussions with NFIR & AIRF in the matter, the detailed specific guidelines had also been issued vide letter dated 15.06.2007. These guidelines *inter alia* directed to initially try the Scheme on a trial basis;
- iii) The Board, vide letter dated 07.02.2018, had *inter alia* conveyed the decision taken in Board's meeting held on 02.02.2018 that for elimination of



line boxes of Drivers and Guards, suitable trolley bags and tablets may be provided on a trial basis on NR and SCR; and

- iv) Some Zonal Railways implemented the above Scheme on a trial basis and based on positive feedback, it was decided to issue necessary guidelines to all Railways for introduction of trolley bags in lieu of Loco Pilot & Guard line boxes. It was envisaged that the issue of guidelines by the Railway Board for implementation on PAN India basis will help in smooth implementation of the Scheme in question. Accordingly, instructions had been issued vide letter dated 21.02.2022.

3.2 Implementation of the instructions will result in the following benefits:-

- a) Saving due to termination of Box Boy contracts;
- b) Saving of detention on account of loading/unloading of heavy line boxes to and from Loco and Brake Van/SLR. This saving will help in lowering pre-departure detention at various locations; and



- c) Elimination of line boxes is particularly beneficial in COVID 19 scenario. By significantly reducing the handling of line boxes by multiple people, this lowers the risk of spreading of the COVID 19. Furthermore, there is a diminished requirement of frequent sanitization of line boxes every time handling of line boxes, i.e., changes at lobbies, stations etc.

3.3 The applicants have misled the Tribunal by selectively quoting extracts of RDSO's Report in para 4.7 of the OA. The relevant extract of para 10 of RDSO's Report No. TFC-80 of December, 2023 is reproduced as under:-

"10. Type of Container:- Provision of canvas bags / air bags in case of guards does not appear to be feasible as guards has to be leave his SLR/Brake Van for other duties also, which may leave such bags prone to theft by miscreants. Such a situation is not anticipated in drivers case as loco is always manned by Driver or Asstt. Driver. The Guard's personal stores can be either kept in lightweight aluminium box or briefcase/suit case (light weighed moulded luggage type) in the market suitcases with wheels and handles are easily available. Trolley type suitcases (with wheels and handles) can be conveniently pulled along by guards on platforms. Hence, guards of passenger carrying trains can be provided with trolley type suitcases which they will carry themselves. These suitcases should be of sturdy nature with strong wheels and handles. The items of personal stores of Goods Guard are more feasible to be adjusted in a briefcase itself. Hence, all Goods Guards may be provided with briefcase for their personal stores. The life of such trolley suitcase/briefcase may be fixed as 3 years due to their regular and rough use."



3.4 It is apparent that RDSO's report is actually recommending "Trolley type suitcase" in lieu of Line Boxes. The said report further goes on to enumerate the benefits of discontinuation of Line Boxes, relevant extract whereof reads as under:-

"Besides giving other benefits like abolishing the posts of Box Porters & elimination of possible late starts of trains, this system will also remove congestion on Platform at major stations. It is generally seen that Guard Boxes are left at platform ends making it inconvenient for passengers, especially handicapped passengers to take the wheel chairs to the compartments of SLRs which are now being earmarked as space for disabled passengers."

3.5 The review and modification of existing procedures and practices, in view of changing working conditions and introduction of new technologies is an on-going process in Indian Railways. It is clear that the policy of providing trolley bags in lieu of line boxes to Loco Pilots and Train Managers has evolved over a period of time. It is the considered view of the Railway Administration that overall the benefits accrued by use of trolley bags in lieu of line boxes far outweigh the constraints highlighted by the applicants.

3.6 The applicants have not been able to establish as to why detonators will not be safe by introduction of trolley bag vis-à-vis line boxes. It is pertinent to mention here that the stay order was imposed only by Hon'ble Andhra Pradesh High Court, which was extended till 27.04.2021 only and no



transportation in this country and millions of people use this facility every day. Safety being a purely technical issue, it is not for us to judge whether the performance of a technical function would be better in the interest of safety if one or the other kind of equipment is used by the staff working in safety category posts. In other words, it is our considered opinion that the issue on hand is purely a technical policy matter to be decided by the respondents keeping in view the operational requirements as well as safety of the travelling public at large.

6.2 In this context, it is worth mentioning here that the Hon'ble Supreme Court in the matter of **Film Festivals & Ors. vs. Gaurav Ashwin Jain & Ors.** [2007 (4) SCC 737]

has held as under:-

"14. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy. Nor are courts Advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review."

6.3 As may be seen from the above, judicial fora need to refrain from directing the Government as to which particular



policy is to be followed. Moreover, in the instant case, the policy is of a technical nature and has wide ramification in terms of safety of lakhs of passengers who travel daily by Indian Railways.

6.4 In the conspectus of the facts brought out above, we are not inclined to interfere with the impugned order dated 21.02.2022 and accordingly dismiss the instant OA.

7. No order as to costs.

(Harvinder Kaur Oberoi)
Member (J)

(Anand Mathur)
Member (A)

/na/vb/