

Sl. No.34/2016

EASTERN RAILWAY

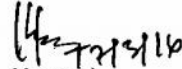
No.E.220/0/2/RR/Pt.XVII.

Kolkata , Dated : 17/03/2016

ALL CONCERNED

Sub : Election & functioning of Central Executive Committee of All India
OBC Railway Employees' Federation/Association – Clarification
From the Registrar of Societies NCT of Delhi.

A copy of Railway Board's letter No.2013-E(SCT)I/71/5(Vol.I) dated 24.02.2016(RBE No.23/2016) is forwarded for information, guidance and necessary action. Board's earlier letter dated 04.08.2014 was circulated under this office letter of No.E.220/0/2/RR/Pt.XVI dated 09.09.2014.



(K. K. Murmu)

Asstt. Personnel Officer(R&Bill)
For Chief Personnel Officer.

Copy of Railway Board's letter No. 2013-E(SCT)I/71/5(Vol.I) dated 24.02.2016(RBE No.23/2016) addressed to General Manager(P), All Indian Railway and others.

Sub : Election & functioning of Central Executive Committee of All India
OBC Railway Employees' Federation/Association – Clarification
From the Registrar of Societies NCT of Delhi.

Ref : (i) Board's letter No.2013-E(SCT)I/71/5 dt. 04.08.2014
(ii) Board's letter No.2013-E(SCT)I/71/5(Pt.I) dt. 27.10.2015
(iii) Registrar of Societies' order No.F.ROS/ND/Society/692/2015/
10319-23 dt. 14.01.2016 & 11.2.16
(iv) Board's letter No.2013-E(SCT)I/71/5 dt. 02.08.2013.

Attention is invited to Board's letter dt. 04.08.2014 under reference wherein the list of office bearers of CEC of All India OBC Railway Employees' Federation (AIOBCREF)duly elected on 11.05.2014 was circulated for a period of two years i.e. 2014 to 2016 subject to the outcome of the Court Case/FIR filed, if any.

2. There have been internal conflicts among the office bearers of CEC/AIOBCREF and within its rival groups. There are a lot of litigations in the matter in various courts in which M/O Railways as well as Registrar of Societies are parties. The grievances and complaints in AIOBCREF's matters were referred to the appropriate authority i.e. the Registrar of Societies, NCT of Delhi for seeking clarifications.

3. In pursuance of Hon'ble High Court of Delhi's above orders dt. 28.08.2015, 09.10.2015 & 20.11.2015 passed in WP(C) No. 8240/2015, Registrar of Societies vide order No.F.ROS/ND/Society/692/2015/10319-23 dt. 14.01.2016 has issued the following orders :-

(i) Hence, the minutes of CEC meeting dated 20.04.2014 lacks bonafide. As such the minutes dated 20.04.2014 of the CEC meeting of the Federation deserves to be held untenable and unsustainable. Consequently all subsequent decisions and the decisions taken in the said meeting of the CEC dated 20.04.2014 pursuant to that are held to be invalid.

(ii) Since the meeting dated 20.04.2014 of the CEC is held invalid, it is also declared that the subsequent meetings and decisions taken in meetings after 20.04.2014 are also invalid. The circulation of office bearers of the Federation by the Railway Board after 20.04.2014 is also not as per the rules and regulation of the society and based on meeting of 20.04.2014 and hence invalid.

(iii) A valid Voter list has to be first circulated containing all the valid members of the society and then only fair, free and transparent elections can be held in the society. Hence a valid voting list be first prepared by the Society Governing body.

(iv) Since the meeting dated 20.04.2014 of the CEC is held invalid, it is also declared that the subsequent meetings and decisions taken in meetings after 20.04.2014 are also invalid. The circulation of office bearers of the society by the Railway Board after 20.04.2014 is hence invalid.

4. Further, necessary clarifications on the above orders has also been received from the Registrar of Societies vide letter dt. 11.02.2016 under reference. Based on the above orders and clarifications issued by the Registrar of Societies, NCT of Delhi, the following are issued :-

(i) Board's letter dt. 04.08.2014 circulating thereby the list of elected office bearers of CEC/AIOBCREF based on the election held on 11.5.2014 stands null and void and the same may be treated as withdrawn, as if it has not been issued at all. Further, Board's letter dated 27.10.2015 issued subsequently vide which the re-designation of office bearers of CEC/AIOBCREF was circulated also stands null and void.

(ii) The apex body i.e. CEC/AIOBCREF which had been existing prior to 20.04.2014 as circulated vide Board's letter No.2013-E(SCT)I/71/5 dt. 02.08.2013 becomes valid and functional. The same(CEC/AIOBCREF) can act for day to day office functioning in addition to conducting immediate fresh elections as this Committee has the locus standi till a new and legally valid body resumes the charges as per the order issued by the Registrar of Societies dated 14.01.2016 and 11.02.2016. Thus, office bearers whose name (except those who has/have retired) was circulated vide Board's above letter dt. 02.08.2013 are entitled for the extant facilities of the Federation at apex level till further orders.

(iii) The expulsion decision of few office bearers of CEC/AIOBCREF viz. Shri S. Ramachandra Rao/President, Dr. P. Rajasekhar/Joint Secretary, Shri B. K. Sahoo/Joint Secretary, Shri G. Sreedher/Joint Secretary and Shri A. Bhanumurthy/Astt. General Secretary shown to be taken by the purportedly held CEC of AIOBCREF meeting dated 20.04.2014 stand invalid. The further decisions taken in the above meeting regarding affiliation of few zonal body of OBC Association of few Railways viz. N. E. Rly., N. C. Rly. & DLW and regarding disaffiliation of few zonal body of OBC Associations viz. E. Co. Rly. & S. E. C. Rly. are also stands invalid.

(iv) The executive body of OBC Association at all level i.e. Zonal, Divisional and Branch level which came into place or have been expelled/suspended as per the outcome of CEC meeting 20.04.2014 as per the recommendation of the CEC/AIOBCREF circulated vide Board's above letter dt. 04.08.2014 becomes null and void. However, those elected and circulated bodies of OBC Associations which are not affected by the purportedly CEC meeting of OBC Association held on 20.04.2014 would not be disturbed, subject to their functioning as per their respective Bye-laws.

(v) The executive Body of the OBC Associations affiliated to CEC/AIOBCREF which had been existing prior to 20.04.2014 would become received and operational which would act for day to day office functioning in addition to conducting immediate fresh elections as this Committee has the locus standi till a new and legally valid body resumes the charges as per Registrar of Societies' order dated 14.01.2016 and clarifications issued vide letter dated 11.02.2016.

5. The above may please be brought to the notice of all concerned for information/guidance and necessary action.

6. A copy of the order of Registrar of Societies dt. 14.01.2016 is forwarded herewith for information/guidance and necessary action as regards functioning and circulation of the list of office bearers of the Zonal OBC Association.

This issue with the approval of competent authority.

DA : As above.

Sd/-
(Neeraj Kumar)
DE(N)II and L.O. of OBC
Railway Board

OFFICE OF THE REGISTRAR OF SOCIETIES AND FIRM
NEW DELHI DISTRICT
GOVERNMENT OF NCT OF DELHI
12/1, JAM NAGAR HOUSE, SHAHJAHAN ROAD, NEW DELHI : 11

NO. FROS/ND/Society/692/2015/10319-23 Dated: 14/11/16

ORDER

Whereas, Hon'ble High Court of Delhi vide orders dated 28.08.2015, 09.10.2015 and 20.11.2015 passed in W.P (C) No. 8240 / 2015, has directed, the Registrar of Societies/Sub-Divisional Magistrate, Chanakypuri, to examine the issues relating to All India OBC Railway Employees Federation after considering the contentions/submissions of the petitioner and to take a view on the matter thereon within four weeks. After careful examination of the representations submitted by the petitioner as well as entire file of the Society (Regd. No. S-33475), the following issues are considered for resolution and findings are rendered as follows:

1. The provisional certificate of registration was declared invalid by the Registrar of Societies vide order dated 24.09.2015. The amendments carried out and the provisionally amended constitution were also declared invalid due to procedural deficiencies vide order dated 20.11.2015.
2. Validity and genuineness of the minutes of the Central Executive Committee (CEC) of the All India O.B.C Railway Employees' Federation (AIOBCREF/Federation) dated 20.04.2014.

FINDING: As per the minutes of the CEC meeting dated 20.04.2014, members namely Shri S. Ramachandra Rao, Shri Krishna Mohan Prasad, Shri S. Bhees mudu and Shri T. Ravichandran attended the said meeting in New Delhi and their attendance was marked at S.No. 3, 13, 18 and 25 of the minutes. At the same time the official Railway records also reveals that these officials were present on their official duties at Visakhapatnam, Chakradharpur, Raipur and at Chennai respectively as on 20.04.2014. The intimation about afore said members presence in their respective offices is coming from senior Railway officials from different quarters would amply reflect that these members were not present in the CEC meeting on 20.04.2014 in Delhi. It is impossible for the same officials to present in both the CEC meeting and also at their official workplace on the same day at the same time. Moreover, many such members whose attendance was marked in the CEC meeting submitted sworn affidavits to the extent that they were not present in the said CEC meeting and no such meeting to place on 20.04.2014 at New Delhi and thus the question of their signing of the CEC minutes won't arise and they also declared it before the Registrar of Societies in a personal hearing on 03.10.2015.

[Signature]



The original records related to the CEC meeting held on 20.04.2014 were lost in November 2015 as reported by O. Sunderamaiah and an FIR was also lodged.

Thus, the expulsion decisions shown to be taken by the purportedly held CEC meeting dated 20.04.2014 are invalid.

Hence, the minutes of CEC meeting dated 20.04.2014 lacks bonafide. As such the minutes dated 20.04.2014 of the CEC meeting of the Federation deserves to be held untenable and unsustainable. Consequently all subsequent decisions and the decisions taken in the said meeting of the CEC dated 20.04.2014 pursuant to that are held to be invalid.

3. Validity of all decisions taken pursuant to the meeting dated 20.04.2014 and those orders, notifications issued after the meeting dated 20.04.2014.

FINDING: Since the meeting dated 20.04.2014 of the CEC is held invalid, it is also declared that the subsequent meetings and decisions taken in meetings after 20.04.2014 are invalid. The circulation of office bearers of the Federation by the Railway Board after 20.04.2014 is also not as per the rules and regulation of the society and based on meeting of 20.04.2014 and hence invalid.

4. Grant of Certification to governing body who were elected as CEC / Governing body members of the Society, in the elections held on 24.08.2014 at New Delhi.

FINDING: Since the meeting dated 20.04.2014 of the CEC is held invalid, it is also declared that the subsequent meetings and decisions taken in meetings after 20.04.2014 are invalid. A valid Voter List has to be first circulated containing all the valid members of the society and then only fair free and transparent elections can be held in the society. Hence a valid voting list be first prepared by the Society Governing Body.

5. Validity of the minutes of the CEC dated 20.09.2015 and 29.09.2015 and validity of circulation of office bearers of the Federation by the Railway Board on 27.10.2015.

FINDING: Since the meeting dated 20.04.2014 of the CEC is held invalid, it is also declared that the subsequent meetings and decisions taken in meetings after 20.04.2014 are invalid. The circulation of office bearers of the society by the Railway Board after 20.04.2014 is hence invalid.

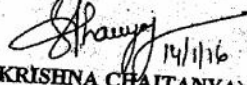
6. Examination of the original minutes of the CEC dated 20-4-2014 produced by the Ex. General of the Federation with the record of the Federation dated



[Handwritten signature]

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3. The President / General Secretary, All India O.B.C Railway Employees' Federation, Room No. 48, Rail Bhavan, New Delhi - 110 001.
4. Shri A. Bhanumurthy, AGS, AIOBCREF (Regd No.S-33475), D. No. 38-38-54, Shivanagar, Marripalem, VISAKHAPATNAM - 530 018.


(S. KRISHNA CHAITANYA)
SDM CHANAKYA PURI
REGISTRAR OF FIRMS & SOCIETIES
NEW DELHI DISTRICT

