Eastern Railway
(Personnel Department)
17 N. S. Road, Kolkata - 700 001

Serial Circular No. 175/2019

No. E.740/0/Misc.(Policy)/Pt.I

Kolkata, Dated: 26/08/2019

All Concerned

(as per standard list)

Sub: Legal assistance to Railway servants involved in legal proceedings - Master Circular No. 27 (Updated in August 2019)

******

A copy of updated Master Circular No. 27 on **"Legal assistance to Railway servants involved in legal proceedings"**, circulated through Ministry of Railways (Railway Board)'s letter No. E(G)2019/LL 1-1 (Master Circular) dated 22/08/2019 (RBE No. 134/2019 dated 19/08/2019), is forwarded herewith for information, guidance and necessary action.

DA: As above.

(**Anjan Ray**)
Dy. Chief Personnel Officer/Gaz.
For Pr. Chief Personnel Officer
Phone No.:24104 (Rly.)

26/8/19.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. E(G) 2019/LL 1-1(Master Circular) New Delhi, dated: 22.08.2019

The General Managers,
All Indian Railways/Pus,
(as per standard Mailing list)

Sub: Legal assistance to Railway servants involved in legal proceedings.

****

Please find enclosed herewith a copy of Master Circular No. 27 regarding Legal Assistance to Railway servants for information and necessary action.

Please acknowledge receipt.

22/8/19

(Anita Gautam)
Director Estt. (General)
Railway Board

DA: As above

No: E(G) 2019 LL1-1 (Master Circular) New Delhi, dated: 22.8. 2019

Copy to:

1. General Secretary, IRCA, New Delhi.
2. Director General, Railway Staff College, Vadodara.
3. The Director, IRICEN/Pune, IRIEEN/Nasik, IRIMEE/Jamalpur, IRISET/Secunderabad.
4. The General Secretary, AIRF, 4, State Entry Road, New Delhi (with 35 spares).
5. The General Secretary, NFIR, 3, Chelmsford Road, New Delhi (with 35 spares).
6. The Secretary General, IRPOF (with 5 spares).
7. All members of the National Council/Department Council and Secretary, Staff Side, 13-C, Ferozeshah Road, New Delhi (with 90 spares).
8. The Secretary General, FROA, New Delhi (with 5 spares).
9. The General Secretary, RPF Association, Room No. 256 D, Rail Bhavan, New Delhi (with 5 spares).
10. The Secretary, RBSS, Group 'A' Officers' Association (with 5 spares).
11. The President, RBSS Group 'B' Officers' Association (with 5 spares).
12. The President, Indian Railways Group 'B' Officers' Association (with 5 spares).
13. The Secretary, Railway Board Ministerial Staff Association (with 5 spares).
14. The Secretary, Railway Board Non-Ministerial Staff Association (with 5 spares).
15. The Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi- 110001.
16. The Secretary General, National Federation of Railway Pensioners' Organization, 825, Supertech Residency, Sector 5, Plot No. 6A, Ghaziabad-201010.

सत्यमेव जयते

भारत सरकार (Government of India)

रेल मंत्रालय (Ministry of Railways)

रेलवे बोर्ड (Railway Board)

रेल सेवकों को कानूनी सहायता

पर

मास्टर परिपत्र सं. 27

(08/19 को अपडेटड)

Master Circular No. 27
(Updated on 08/19)

ON

Legal Assistance to Railway Servants

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

No.E(G)2019/ LL 1-1 **(Master Circular)** New Delhi, dated: 19.08.2019

The General Managers,
All Indian Railways,
Production Units and others.

Subject: Legal assistance to Railway servants involved in legal proceedings.

.....

Master Circular No. 27 on "**LEGAL ASSISTANCE TO RAILWAY SERVANTS INVOLVED IN LEGAL PROCEEDINGS**" a compilation of instructions on the subject was last brought out and circulated vide Railway Board's LETTER No. E(G)90/LL 1-2 (Master Circular). dated 2.7.91. Since then, the various provisions of instructions have undergone major changes and some new provisions have also been introduced. With the objective to bring about all the current basic instructions at one place, the Master Circular has been updated by incorporating the modifications/ additions to the instructions in this revised Master Circular. The revised Master Circular is as under:

2. **Category of legal proceedings:**

Railway servant may be involved in legal proceedings in the cases in which acts are done.

(a) in the execution or performance of the official duty;
(b) not in the execution or performance of the official duty, but by virtue of or having connection with the official position; and
(c) in neither of the above capacities.

(Ref: Board's letter No. E(G)59 LL1-5 dtd. 21.07.1960)

3.1 **Cases falling under 2 (c) above:**

These may be those in which a Railway servant may be guilty of bribery/illegal gratification/corruption etc, accepted or committed not by virtue of his official position but in his private dealings. No re-imbursement of the legal expenses incurred by the Railway servant in defending his position in such cases will be admissible. Also the Government will not provide any assistance to a Railway servant or reimburse the expenditure incurred by him in respect of matters not arising out of his official duties or connected with his official position, irrespective of whether the proceedings were initiated by a private party against the Railway servant or vice-versa.

(Ref: Board's letter No.E(G)59LLI/5 dtd. 21.07.60)

3. 2 **Cases arising out of circumstances under 2 (a), i.e. connected with the execution or performance of the official duties or 2 (b), i.e. connected with the official position of the Railway servant:**

When a law suit arising out of the circumstances connected with the duty of a Railway servant is brought against him by a private party, the following provisions will apply:

(a) (i) If the Railway servant is sued by a party claiming from him/her wages or money arising out of transactions in which he is concerned only in his official capacity and bonafide action on behalf of the Govt., it will be necessary for him/her to defend the suit by pleading that the Govt. should be made the defendant as the party really interested.

(ii) If, however, the suit against the Railway servant is for damages in respect of an alleged act of the Railway servant as an employee of the Govt. i.e. a suit for wrongs, the party aggrieved may, as a general rule, bring the suit against such a Railway servant and it would be no defence for the latter to contend that he has a right to look to the party by whose act he has been aggrieved, whether he could or could not have sued that party's principal;

(iii) Whether the suit falls in category (i) or (ii) above, the Railway servant, on his failing to defend the suit or reply to the plaint in person or by a Counsel becomes personally responsible;

(b) (i) If the Govt., on consideration of the facts and circumstances of the case, decides that it will be in the public interest for it to undertake the defence of the Railway servant in such proceedings and if the Railway servant agrees to such a course, the Govt. should make arrangements for the conduct of the proceedings, after the Railway servant makes the following written statement: "_____ Description of the Proceedings to be given" The Govt. of India, having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to the Govt. as may be required for my defence and further agree that I shall not hold the govt. in any way responsible, if the proceedings end in a decision adverse to me. Signature of the Govt. servant Dated.....

(ii) Where, in a civil suit, a Railway servant is sought to be made liable for damages for acts or negligence in the discharge of his official duties of civil nature and Govt. is impleaded on the ground of vicarious liability, the Govt. should arrange for the defence of the Railway servant also, provided the defence of the Govt. and that of the Railway servant are substantially the same and there is no conflict of interest. Each case should be examined by the Law Officer before undertaking common defence. If the Railway servant's defence is arranged by the Govt., he should be required to make a written statement as given in para b(i) above.

(iii) If a Railway servant proposes to conduct the defence in such proceedings himself, the question of reimbursement of reasonable costs incurred by him may be considered, if the proceedings conclude in his favour. In determining the amount or costs to be so reimbursed, the Government will consider how far the court has vindicated the acts of the Railway servant. The conclusion of the proceedings in favour of the Railway servant will not by itself justify reimbursement.

(iv) To enable the Railway servant to meet the expenses of his defence, the Government may sanction, at its discretion, an interest free advance not exceeding Rs. 500/- or his substantive pay for three months whichever is greater after obtaining from him a bond in the form given below.

Bond

By the bond, I .....
(name & other participation of the Railway servant including the post held to be given.) having taken an advance of Rs.....
(Rupees.....only) from the President of India (herein after called the Government), promise to pay to the Government, the said sum of Rupees .....
in ..... equal monthly installments of (mention the number) Rupees .....
....., payable by 10th of every months, commencing from .....
(mention the date of commencement of the Installment).

And I agree, that in case, I cease to be in Government service for any reason, whatsoever the entire balance of the amount shall become at once due and payable and that in case I fail to pay the same before the date of expiry of six months from the date on which the payment of last instalment under this bond would have become due, but for my ceasing to be in govt. service, whichever date is earlier, the Govt., without prejudice to any other right to which it shall be entitled under any law for the time being in force, shall recover the entire balance of the amount from me,

Dated this .....day of .....19.....

.....
Signature of the Railway Servant

Witnesses to signature
(1).....
(2).....

Accepted.

Signature .....

Designation.....

For and on behalf of the President of India.

(To be accepted by the officer who is authorized to execute the bond).

(v) The recovery of the advance may be made in not more than twenty-four equal monthly installments, the exact number of installments being determined by the sanctioning authority, provided the advance is recovered before the date of retirement. The recovery of the advance should commence on the first issue of pay/leave salary/subsistence allowance following the month in which the advance is drawn and should continue till the entire advance is repaid. At the time of reimbursement of legal expenses, the entire balance of advance outstanding against the Railway servant should be recovered from the amount that is being reimbursed to him. If the amount of reimbursement is less than the balance of

advance outstanding against the Railway servant the amount remaining after adjustment, should be recovered in installments as already fixed.

(c) No second advance will be admissible in respect of the same proceedings. There is, however, no objection to the grant of more than one advance, if they relate to different proceedings against a Railway servant.

(Ref : Rule 702 (i) (c) of the Indian Railway Establishment code- Vol. I – 1985 Edition).

(d) Advance may be sanctioned to a Temporary Railway servant on his furnishing a surety of a permanent Railway servant of equivalent or higher status not governed by the payment of wages Act. The form of surety is given as Annexure 'C' to Board's letter No. E(G)63 LL2/49 dtd. 22.10.64.

(Ref: Rule 702(1) of the Indian Railway Establishment Code-Vol. I-1985 Edition).

4. Proceedings initiated against a Railway servant by government:

A Railway servant involved in any legal proceedings, either Civil or criminal, as a result of suit instituted against him by the State in respect of matters arising out of or connected with his official duties or his official position will not be eligible for assistance from the Government for his defence. If, however, the proceedings conclude in his favour, his claim for reimbursement will be considered by the Government, if it is satisfied from the facts and circumstances of the case, that the Railway servant was subjected to the strain of the proceedings without proper justification. While considering the claim, the Govt. will decide the extent of reimbursement i.e. whether the whole or a reasonable proportion of the expenses incurred by the Railway servant for his defence should reimbursed.

(Ref: Rule 702(2) of the Indian Railway Establishment Code Vol.I-1985 Edition.)

5. Proceedings initiated by Railway servant on his being required by the Govt. to vindicate his official conduct:

A Railway servant may be required by the govt. to vindicate his conduct in a Court of Law, when specific allegations are made in the Press against him as an individual Public officer. In such cases, the question of reimbursement of costs incurred by the Railway servant and the extent of reimbursement will be considered by the Govt. in the light of the result of the proceedings. The Railway servant may, however, avail of an interest free advance not exceeding Rs. 500/- or his substantive pay for three months, whichever is greater in each case on executing a bond as given in para 3(b) (iv) above. While considering the question of reimbursement, the Govt. will take into account the extent to which the Court has vindicated the acts of the Railway servant in the proceedings. Conclusion of the proceedings in favour of the Railway servant will not by itself justify the reimbursement.

(Ref: Rule 702(3) of the Indian Railway Establishment Code-Vol.I-1985 Edition).

6. Proceedings instituted by a Railway servant with the previous sanction of the Govt. to vindicate his conduct arising out of or connected with his official duties or position:

In a case, where a Railway servant resorts to a Court of Law with the previous sanction of the Govt. to vindicate his conduct arising out of or connected with his official position or duties, though not required to do so by defence will not be ordinarily admissible even if the Railway servant succeeds in the proceedings. In deserving cases the Govt. may sanction interest free advance in the manner mentioned in para 5 above.

(Rule 702(4) of the Indian Railway Establishment Code Vol.I-1985 Edition).

7. Proceedings instituted against a Railway servant by another Railway servant in respect of matters connected with the former's official position or duties:

On the basis of facts and circumstances of the case, where it is considered that it would be in public interest to defend a Railway servant in a case filed against him by another Railway servant in respect of matters connected with the former's official duties or position, the latter Railway servant who has filed the case would be treated as a private party and assistance/reimbursement of costs will be given to the defending Railway servant as explained in para 3(b). Assistance will not, however, be admissible in cases in which Railway servant has been impleaded as a co-respondent by other Railway servant in suits against the Government or service matters such as seniority etc.

(Ref: Board's letter No. E(G)78 LL-1/6 dated 27.12.78)

8. Enhancement of the powers of General Managers for providing legal assistance to Railway servants in cases where suits or criminal charges are brought against them, as a result of circumstances connected with their official duty.

(a) It has been decided to enhance the powers of the General Manager for providing legal assistance from the present limit of Rs.10,000/- to Rs. 50,000/- for providing legal assistance to Railway servants in cases where suits or criminal charges are brought against them, as a result of circumstances connected with their official duty.

(Authority Railway Board's letter No.E(G)2010/LL 2/4 dated: 24.11.2010)

(b) Law suits or criminal charges are brought against Railway Servants arising out of circumstances connected with their duty, the General Manager is empowered to arrange for their defence by employing such legal assistance as may be considered necessary. Where the charges in any particular case is expected to exceed Rs. 50,000/-, prior sanction of the President should be obtained to the expenditure being incurred. Any costs awarded by the Court to the Railway cannot be set off against the expenditure for the purpose of the limit prescribed.

(Rule 702(7)(ii) of the Indian Railway. Establishment Code Vol. I-1985).

9.1 **General:**

(a) Claims from the Railway servants for reimbursement should be filed immediately after the proceedings have been concluded in their favour finally and all cases for reimbursement should be referred by the Railways to the Railway Board, supported by the necessary documents within a maximum period of six months. The documents to accompany the proposal are –

(i) Copies of Court Judgements;
(ii) Copies of order sheets of all the Courts, which heard the case;
(iii) Stamped receipts of Lawyer's fees;
(iv) Copy of Law Officer's recommendations indicating clearly the amount considered reasonable for reimbursement on each item and the reasons for the recommendation, together with a brief note on the merits of the case;
(v) Claims submitted by the Railway servant for reimbursement in original;
(vi) Views of the FA&CAO and the recommendation of the General Manager, and
(vii) any other document connected with the case such as Charge report etc.

(Ref: Board's letter No. E(G)60 LL1-27 dated. 09.01.61 and 12/13.03.62)

(b) Consultation with the Union Public Service Commission is necessary in respect of cases falling under Para 2(a) under Article 320(3)(d) of the Constitution of any claim for reimbursement of costs incurred by the Railway servant in his defence of the legal proceedings instituted against him for acts done or purported to be done by him in the execution of his official duty. The proposal should, therefore, be accompanied by information in the proforma prescribed by the UPSC duly signed by the competent authority. In other cases, consultation with the Union Public Service Commission is not obligatory, but it will be open to the Government to seek the Commission's advice, if considered necessary.

(Ref: Board's letters No. E(G)59 LL1/5 dated 21.07.60 and E(G)73 LL1/13 dated 16.01.74)

(c) The question whether a case falls under Article 320(3)(d) of the Constitution so as to require consultation with the Union Public Service Commission may, at times be difficult to decide. It may be stated generally that consultation is obligatory in a case where a reasonable connection exists between the act of the Railway servant and the discharge of his official duties. The action of the Railway servant must bear such relation to his official duties that he could lay a reasonable claim but not a pretended or a fanciful claim that he did it in the course of his official duties.

(Ref: Board's letter No.E(G)59 LL1/5 dated 21.07.60)

(d) Where a Railway servant conducts his own defence in a law suit arising out of circumstances connected with the performance of his official duties or position and claims reimbursement of the costs, the reasonableness of the amount to be reimbursed will be determined on a number of consideration and the merits of the case, in consultation with the Ministry of Law/UPSC, wherever necessary. Claim for reimbursement is not a legal

right of the Railway servant and no appeal lies against the decision of the Government. The Railways should not, therefore, forward any appeal against the decision of the Govt. on reimbursement, unless a substantial point, having a bearing on the decision of the Govt., which had not been brought out in the proposal earlier, has been made out in the appeal.

(Ref: Board's letter No. E(G)68 LL1 dated. 05.03.68)

(e) Normally reimbursement of fees of only one Counsel will be considered. The fees should comprise professional charges only excluding other charges such as travelling allowance.

(Ref: Rule 701(3) of the IRCE – Vol.I-1985 Edition)

(f) In a clarification issued to SECR vide letter No. 2013/E/GR)II/1/5 dated 10.06.2019, it has been stated that the Contract Medical Practitioners (CMPs) and Contract Para Medical Staff cannot be provided legal assistance as per provision 702(1)(%) of IREC- Vol.I.

9.2. <u>Retired Govt. Servants involved in legal Proceedings- Provision of legal and financial assistance.</u>

(a) If the Government, on consideration of the fact and circumstance of the case consider that it will be in the public interest that Government should themselves undertake the defence of the retired Railway servants in such proceedings and if retired Railway servants agree to such a case, the retired Railway servants should be required to make the statement in writing as Annexure 'A' below and thereafter Government should make arrangement for the conduct of the proceedings as if the proceedings had been instituted against Government.

(b) If the retired Railway servant proposes to conduct his defence, in such proceedings the railway servants, the question of re-imbursement of reasonable cost incurred by him for his defence may be considered in case the proceedings were in his favour. In determining the amount of cost to be so reimbursed government will consider how far the Court has vindicated the act of the retired railway servant. The conclusion of the proceedings in favour of the retired railway servant will not by itself justify re-imbursement. To enable the retired railway servant to meet the expense of his defence, Government may sanction at their discretion an interest free advance not exceeding Rs. 500/- after obtaining a bond from the retired Government servants as per Annexure 'B' below

Ref : Board's letter No.E(G)77 LL1/3 dated 12.05.77)

(c) **Annexure – A**

(Here enter description of the Proceedings)

The Government of India having been pleased to undertake my defence in the above proceedings. I hereby agree to render such assistance to Government as may be

required for my defence and further agree that I shall not hold government in any way responsible if the proceedings end in a decision adverse to me.

Date.....

Signature of retired
Govt. servant.

(d) **Annexure – B**

By this Bond I.....*..... a retired Government Servant and Present residing at ..... having taken an advance of Rs.....(Rupees.....only)from the President of India (hereinafter called the "Government") Propose and undertake to refund and pay to the Government the said sum of Rs..... In ..... %..... equal monthly instalment of Rs..... payable by the 10th of every month commencing from ..... @.....

2. And I agree that in case I fail to pay any of the above mentioned instalment on due date, the entire balance of the amount then remaining due shall at once become due and payable by me to the government and if I fail to pay the same within six months from the date on which the balance of the amount thus becomes due for payment, the Government shall have the right to recover the same from me by due process of Law.

Dated this ..... day of 19

(Signature of the retired Govt. Servant)

Witness to signature.
1.....
2.....

Accepted
(Signature)
(Designation)
For and on behalf of the President of India.

* Here give the name other particulars of retired Government Servant including the post held by him before retirement.

% Here mention the number of installments.

@ Here mention the date of commencement of the first installment.

Z Here mention the designation of the other who is authorized to execute the bond under Article 299(i) of the Constitution.

10. 1 **In exercise of the powers conferred except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints:**

(a) the officers mentioned in the Schedule annexed hereto as persons by whom plaints and written statements in suits in any court of Civil jurisdiction by or

against the Central Government in respect of the Railway Administration shall be signed;

(b) those of the officers referred to in clause (a) who are acquainted with the facts of the case, as persons by whom such plaints and written statements shall be verified.

SCHEDULE

I **Ministry of Railways (Railway Board):**

1. Secretary
2. Joint Secretary
3. Deputy Secretary
4. Under Secretary
5. Executive Director
6. Director
7. Joint Director
8. Deputy Director

II In all establishments of the Railways including Productions Units etc as per list mentioned in original circular.

(Authority Railway Board's letter No. E(G)82 LL2-2(A) dated 4th June, 1992)

III Senior Personnel Officer & Divisional commercial Manager have also be included in the schedule contained in above referred Board's letter vide Item No. 88 & 89 respectively.

(Authority Railway Board's letter No. E(G)82 LL2-2(A) dated 20.04.2001)

10.2 Appointment of officers for signing and verifying plaints and written statements and to act for and on behalf of the Central Government in respect of any judicial proceedings relating to the Railway Administration.

The Railway Ministry desire that though powers stand delegated to the officers vide Railway Boards letter No. E(G) 82 LL 2-2 dt. 04.6.1992, the drafts of SLPs to be filed in the Supreme Court should be got vetted by a SA grade officer.

(Authority Railway Board's letter No. E(G)82 LL 2-2 dated 15.6.1992)

11. 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.

(a) 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.

(b) 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.

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

(d) 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.

(Authority Railway Board's letter No.97/LC/Misc/37. Dated 15.10.1997)

(e) It is, imperative that Board's instructions No.97/LC/Misc./37 dated 15.10.1997 are strictly followed and timely action is taken in getting the names of Chairman/Secretary, Railway Board deleted in such cases, in consultation with the Railway Advocate concerned.

(Authority Railway Board's letter No.2001/LC/Misc.11 dated. 17.10.2001)

(f) Instructions were issued vide Board's letter No. 97/LC/Misc/37 dated 15.10.97 and No. 2001/LC/Misc II dated 17.10.2001, that in all such cases immediate necessary action should be taken through an appropriate application before the Court/Tribunal to get the names of Chairman, Board Members and Secretary, Railway Board, deleted as respondents. Timely action should be taken for getting the names of Chairman, Board Members and Secretary, Railway Board deleted from the list of respondents, in consultation with the Railway advocate concerned.

(Authority Railway Board's letter No.2001/LC/Misc.11 dated 03.08.2010)

(g) (i) The Railway administration should ensure that no occasion should arise where a contempt case arises. The Court/CAT case should be dealt properly at the judgement stage itself. Moreover, if in an extreme situation, a contempt case has arisen, it should be dealt with expeditiously. At the same time, action should be taken against the concerned railway officials for delay.

(ii) In all Court/CAT cases where CRB is a party, personal monitoring should be done at the level of GM, with CPO & a concerned CHOD or PHOD assisting the GM in ensuring smooth working of the monitoring system.

(Authority Railway Board's letter No.2010/LC/Misc/01 dated 11th March, 2010)

(h) The issue as to whether in various litigations including contempt matters, Chairman/Members/Secretary of Railway Board, may be impleaded or not, has been considered and an opinion laying down in detail the law and procedure on this subject has since been given on 05.02.2014, a copy of which was enclosed for information of all concerned.

(Authority Railway Board's letter No.2012/LC/MISC/02 dated 01.04.2014)

12. Operationalisation of new zones – handling of CAT Cases.

It has been decided that the new cases and cases pertaining to the new zones, in which judgements have been delivered, and pending implementation, will have to be dealt with by the new Zones. The other cases will continue to be handled by the parent Railways.

(Authority Railway Board's letter No. E(G)2003 LL1/4 dated. 19/11/03)

13. Provision for engagement of suitable Criminal Lawyers for attending criminal cases against Vigilance Officials arising out of Decoy Checks etc.

(a) The dispensation for engaging criminal lawyers outside the approved panel cannot be granted to Zonal Railways because approval for engaging the non-paneled Advocate(s) has to be obtained from Ministry of Law. Further, General Managers of the Zonal Railways have the powers to form the panels for District Level Courts.

(b) General Managers may consider including sufficient number of Criminal Advocates in the Railways panel for engaging them for defending the criminal cases registered against Vigilance officials during the due discharge of their official duties.

(Authority Railway Board's letter No.2008/V-1/VP/1/2 dated May 09, 2008)

14. Appointment of Railway Advocates in various Courts.

Board desires that Railways may, while forming a panel of advocates for subordinate courts, invariably include advocates specialized in various laws viz. Service Law, Consumer Laws, Labour Laws, Factories Act etc.' who are also willing to work on Railways' prescribed terms and conditions including fee as applicable. In the case of existing panels, in certain emergent cases where specialized advocates are not on the panel but are required in public interest to contest a railway case, the General Managers may first include his name in the panel and then take his services as per prescribed schedule of fee as applicable to such empanelled advocates.

(Authority Railway Board's letter No.E(G)2010/LL/2/5 dated 09.12.2010)

15. Summons/Notices etc. issued by Tribunals/Courts etc. – Procedure in Railway Board.

(a) Repeated instances are taking place where bailable/non-bailable warrants are received from various Tribunals/Courts without any details of the case. Such notices could be in cases relating to any matter concerning Railways be it Establishment, Civil Engineering, Mechanical, Electrical or Commercial. In the absence of relevant details, it becomes extremely difficult to ascertain as to which Directorate should handle the case. This leads to avoidable embarrassment to Secretary/Railway Board, Board Members, CRB.

(b) With a view to streamline the procedure, it has been decided that in future whenever bailable/non-bailable warrants in the name of Secretary, Board Members and CRB are received, following procedure may be adopted:

i) Such summons/warrants will be received in Legal Cell and they will nominate a Railway Advocate who will find out the details of the case.

ii) Legal Cell will thereafter advise Secretary, Board Members etc. concerned as to the further course of action to be taken in the matter.

(c) In, Railway Board it will be the primary responsibility of the directorate concerned to contest the case effectively, Legal Cell will monitor all cases and extend necessary assistance to ensure that the case is effectively defended and no adverse order is passed by Courts by default.

(Authority : Office Order No. 55 of 2014/ addressed to All AMs/Advisors/EDs/JSs/LA of Rly Board only and not to Zonal Rlys)

16. (a) While referring to this master circular, the original letters/references mentioned herein should be read for a proper appreciation. The master circular is only a consolidation of the existing instructions and should not be treated as a substitution to the original circulars. In case of doubt, the original instruction should be relied upon as authority;

(b) The instructions contained in the original circulars referred to have only prospective effect from the date of their issue, unless indicated otherwise;

(c) If any circular on the subject which has not been superseded has been lost sight of in the preparation of the master circular, the said circular which has been missed through oversight, should not be ignored, but should be treated as valid and operative.

17. The letters/references on the basis of which the master circular has been prepared are indicated in the annexure.

Hindi version will follow.

19/8/19

(Anita Gautam)
Director, Establishment(Genl)
Railway Board.

ANNEXURE

S. No.		
1.	Rule 701(1) to (4), 702(1) to 702(5), 702(7) (ii) of the Indian Railway Establishment Code, Vol. I-1985 Edition.	
2.	E(G)59 LL2/5	dated 21.07.1960.
3.	E(60) LL1/27	dated 09.1.1961.
4.	E(G)60 LL1/27	dated 12.03.1962.
5.	E(G)63 LL2/49	dated 22.10.1964.
6.	E(G)68 LL1/1	dated 05.03.1968.
7.	E(G)73 LL1/13	dated 16.01.1974.
8.	E(G)78 LL1/6	dated 2712.1978.
9.	E(G)77 LL1/3	dated 12.05.1977.
10.	No. E(G)82 LL2-2(A)	dated 4th June, 1992
11.	No. E(G)82 LL 2-2	dated 15.6.1992
12.	No.97/LC/Misc/37.	Dated 15.10.1997)
13.	No. E(G)82 LL2-2(A)	dated 20.04.2001
14.	No.2001/LC/Misc.11	dated. 17.10.2001
15.	No. E(G)2003 LL1/4	dated. 19/11/03
16.	No.2008/V-1/VP/1/2	dated May 09, 2008
17.	No.2010/LC/Misc/01	dated 11th March, 2010
18.	No.2001/LC/Misc.11	dated 03.08.2010
19.	No.E(G)2010/LL/2/5	dated 09.12.2010
20.	No.E(G)2010/LL 2/4	dated: 24.11.2010
21.	No.2012/LC/MISC/02	dated 01.04.2014
22.	Office Order No. 55 of 2014/ addressed to All AMs/Advisord/EDs/JSs/LA of Rly Board only and not to Zonal Rlys	

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