



WESTERN RAILWAY

Headquarter Office
Churchgate,
Mumbai- 400 020.

PS. No.86/2015

No. E(S)789/0 Vol.XXIII

Date: 06/08/2015

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WRMS-BCT/ WREU-GTR.
C/- ZS-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai
C/- ZS-All India OBC Rly Empl. Assn, Mumbai.

Sub: Litigation : Pay element for computation of Pension of Loco Supervisors.
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A copy of Railway Board's letter No.E(P&A)II-2008/RS-32 dated 27.07.2015 is sent herewith for information, guidance and necessary action.

Board's letter referred to therein were circulated as under :

Sr. No.	Railway Board's letter and Date	This office letter No. date and P. S. No.
01.	No.E(P&A) II/2008/RS-32 dated 4.6.2009	No.E(S)789/0 Vol.XXI dtd 5.8.2009 (P.S.No.114/2009)
02.	No.E(P&A) II/2007/RS- 1 dated 26.3.2009	No.EM/834/8/2 (AVC) Vol.IV dtd 16.4.2009 (P.S.No.73/2009)

Encl: As above.

(Smita Mhasde)
APO(B&A)
For General Manager (E)

**COURT MATTER
MOST URGENT**

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

No.E(P&A)II-2008/RS-32

New Delhi, dated 27.07.2015.

The General Managers(P),
All Indian Railways.

(Kind Attn: CPOs of all Indian Railways)

Sub : Litigation : Pay element for computation of Pension of Loco Supervisors.

- Ref: (i) Railway Board's letter No. E(P&A)II/2008/RS-32 dated 4-06-2009 and No. E(P&A)II/2007/RS-01 dated 26-03-2009.
(ii) Supreme Court's order dt. 29-04-2015 in SLP(C) 11805/2009 of UOI Vs. R.D. Dixit & Ors.

Please refer to Board's letter no. E(P&A)II-2007/RS-1 dt. 26.03.2009 and no. E(P&A)II/2008/RS-32 dt. 04.06.2009 on the above noted subject. A background note was annexed with these letters for general guidance for officers and staff in handling such cases on the zonal railways.

2. On this subject matter there was a total no. of 10 cases pending before the Hon'ble Supreme Court of India as per the following details :

S. No.	Case No.	Name of Party	Rly.
1	SLP(Civil) 7376/ 2009	UOI vs. P.N. Prasad and ors.	NR
2	SLP(Civil) 11805/ 2009	UOI vs. R.D. Dixit and ors.	NR
3	SLP(Civil) 11806/ 2009	UOI vs. Yoginder Lal Sharma and ors.	NR
4	SLP(Civil) 11807/ 2009	UOI vs. Madan Lal Sharma and ors.	NR
5	SLP(Civil) 11808/ 2009	UOI vs. Ganesh Das and ors.	NR
6	SLP(Civil) 11539/ 2009	UOI vs. K. L. Mehdiratta and ors.	NR
7	SLP(Civil) 26010/ 2010	UOI vs. Kundan Lal and ors.	NR
8	SLP(Civil) 17513/ 2009	UOI vs. Vinod Kumar Saxena and ors.	WCR
9	SLP(Civil) 26386/ 2010	UOI vs. Habib-Ur- Rehman and ors.	NER
10	SLP(Civil) 20917/ 2013	UOI vs. K. Jayaraman and ors.	SCR

3. In all these cases the petitioners retired as Loco Running Supervisors and filed O.A. before CAT praying for grant of 55% add-on pay element on basic pay for the purpose of computing their retirement benefits as admissible to running staff. Various Benches of Central Administrative Tribunal and High Courts had allowed the benefit of 55% as pay element for computing pension to Loco Supervisors. Ministry of Railways had filed an SLP before the Hon'ble Supreme Court of India in SLP(C) 11805/2009 of Mr. R.D. Dixit. On the similar issue, nine more SLPs were filed before Hon'ble Supreme Court of India. These SLPs were tagged with SLP(C) 11805/2009. The Hon'ble Apex Court had given interim stay in these cases.

4. The case was last heard on 29-04-2015 and the following order was passed :-

"Sh. N. K. Kaul, learned Additional Solicitor General, appearing for the petitioners, on instructions, sought permission of this Court to withdraw these special leave petitions with liberty to file appropriate petition(s) before the High Court.

Permission sought for is granted.

The Special leave petitions are disposed of as withdrawn with liberty to the petitioners to make appropriate petition(s) before the High Court within one month from today. If such a petition is filed within the time prescribed, we request the High Court to consider the same in accordance with law, without reference to the period of limitation.

The petitioners are also permitted to raise all such grounds that are available to them, including the grounds urged in these special leave petitions.

Ordered accordingly."

5. The copy of the order can be obtained from the website of the Hon'ble Supreme Court of India and it is also enclosed herewith. There are a number of cases pending before many Central Administrative Tribunals and many Hon'ble High Courts on this subject and the zonal railways were instructed to submit before the respective courts of law that the case of UOI vs. R.D. Dixit and ors. along with 9 other tagged cases were pending before the Hon'ble Supreme Court of India and that it had granted interim stay in the matter.

6. It is now informed that in pursuance of the order dt. 29.04.2015 review petitions have been filed before the Hon'ble High Courts of Delhi and Madras in the 10 cases mentioned in para (2) above. It is now requested that the above status may be submitted before the respective Courts of Law wherever similar cases are pending. Action taken may be informed to this office.


(K. Shankar)

Director E(P&A)
Railway Board
Tele No. 23378399

Encl: As Above

ITEM NO.22

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11805/2009

(Arising out of impugned final judgment and order dated 18/09/2008 in WPC No. 8363/2007 passed by the High Court of Delhi at New Delhi)

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

R.D.DIXIT & ORS.

Respondent(s)

(with office report)

WITH

SLP(C) No. 7376/2009

(With prayer for interim relief and office report)

SLP(C) No. 11539/2009

(With prayer for interim relief and office report)

SLP(C) No. 11806/2009

(With Office Report)

SLP(C) No. 11807/2009

(With Office Report)

SLP(C) No. 11808/2009

(With Office Report)

SLP(C) No. 17513/2009

(With Office Report)

SLP(C) No. 26010/2010

(With Office Report)

SLP(C) No. 26386/2010

(With Office Report)

SLP(C) No. 20917/2013

(With Office Report)

Signature Not Verified
Date: 29/04/2015
17:25:34:15

Date: 29/04/2015 These petitions were called on for hearing today.

Contd...

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE S.A. BOBDE
 HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. N.K. Kaul, ASG
 Ms. Vimla Sinha, Adv.
 Mr. Samar Singh K., Adv.
 Mr. Bhuvan Mishra, Adv.
 Mr. Shreekant N. Terdal, Adv.
 Ms. Sushma Suri, Adv.
 Mr. Arvind Kumar Sharma, Adv.

For Respondent(s) Mr. G.D. Bhandari, Adv.
 Mr. S. C. Patel, Adv.
 Ms. Meera, Adv.
 Mr. Sanjeev Bhandari, Adv.
 Mr. Bhagwan Singh, Adv.
 Mr. Kishore Kumar Patel, Adv.
 Mr. Satya Mitra Garg, Adv.
 Ms. Meenu Mainee, Adv.
 Ms. Priyanka Sony, Adv.
 For Mrs Rani Chhabra, Adv.
 Mr. K.V. Mohan, Adv.
 Mr. K.V. Balakrishnan, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Shri N.K. Kaul, learned Additional Solicitor
 General, appearing for the petitioners, on
 instructions, sought permission of this Court to
 withdraw these special leave petitions with
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The special leave petitions are disposed of as withdrawn with liberty to the petitioners to make appropriate petition(s) before the High Court within one month from today. If such a petition is filed within the time prescribed, we request the High Court to consider the same in accordance with law, without reference to the period of limitation.

The petitioners are also permitted to raise all such grounds that are available to them, including the grounds urged in these special leave petitions.

Ordered accordingly.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar