

NORTH CENTRAL RAILWAY

NCRPS-6092/2021

Headquarter Office  
-Subedarganj, Prayagraj

No. 797-E/Policy/2021/ Misc.

Dated: 06.12.2021

All PHODs / CHODs, NCR HQ office, Prayagraj,  
Divisional Railway Manager AGRA, JHANSI & PRAYAGRAJ,  
CMS/PRYJ, AGC, JHS, CNB, CWM/JHS WS, CWM/ MLR WS, CWM/ RSK/STLI,  
CWM/CPOH Prayagraj,  
Sr.DPO AGRA, JHANSI & PRAYAGRAJ, Dy.CPO/Const PRYJ, DyCPO/WS/JHS,  
SPO/MLR, APO /RSK/STLI, CEE/WS/ JHS, Dy.CE/WS/JHS, Dy.CMM/GSD JHANSI,  
Dy.CE/ Bridge Line JHANSI AGRA, Prayagraj, Dy.CE/ TMC Line JHANSI DyCE / CSP  
Prayagraj, Staff Officer/RPF/NCR/HQ/Prayagraj. Dy FA&CAO/G/NCR, Principal- ETC/  
Kanpur. Principal- IRTMTC / Prayagraj, Principal- CITA / Kanpur, Principal- Supervisor  
Training Centre /Jhansi, Principal- Area Training Centre/Jhansi, Principal- Transportation  
Training Centre, Subedarganj / Prayagraj, Principal- Basic Training Centre, Loco/Jhansi,  
Principal- BTCC&W/Jhansi, Principal- BTC, Wagon Workshop/Jhansi, Principal- C&W  
training Centre/ Kanpur, Principal- Permanent Way Training Centre/JHS, Principal- Electric  
Training Centre/TRD/Jhansi.

**Sub:** Sharing of judgment –Applicability of Cat/Madras Judgment  
dated 05.06.2012 in O.A No.658/2010 (S.Sivagurunathan &Ors  
Vs UOI & Ors) in others caes-Judgment dated 27.11.2017 &  
10.03.2021 of Hon'ble Supreme Court in SLP (C) No. 033429-  
033430/2017 (Union of India & Ors Vs Manoj Kumar & Ors).

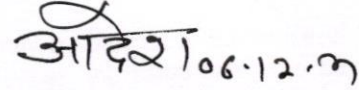
**Ref:** Railway Board Letter No. PC-VI/2021/Misc./02 dated 08.07.2021.

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Copy of Railway Board's letter no. PC-VI/2021/Misc./02 dated 08.07.2021,  
alongwith its enclosures, is annexed herewith for further necessary action.

Policy Letter Circulated under NCRPS is also be available on website  
[www.ncr.indianrailways.gov.in](http://www.ncr.indianrailways.gov.in) (About us→Department→Personnel→NCR Policy Circulars).

**DA:** as above

  
(Adesh kumar Mishra)  
**APO**  
For General Manager/P

C/- Secretary to GM for kind information to General Manager.  
C/- Secretary to AGM for kind information to AGM.  
C/- All Personnel Officer in HQ.  
C/- All Recognized Union and Associations



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

New Delhi, dated: 08.07.2021

No. PC-VI/2021/Misc./02

**The General Manager (P),**  
**All Indian Railways**  
**& Production Units**

(Attn.: All PCPOs)

**Sub: Sharing of judgement – Applicability of CAT/ Madras Judgement dated 05.06.2012 in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs UOI & Ors) in other cases – Judgement dated 27.11.2017 & 10.03.2021 of Hon'ble Supreme Court in SLP (C) No. 033429-033430/2017 (Union of India & Ors Vs Manoj Kumar & Ors).**

A number of court cases have been filed by Private Secretaries Grade II of various Zonal Railways seeking extension of benefit of orders dated 05.06.2012 of Hon'ble CAT/ Madras Bench in O.A. No. 658/2010 (S. Sivagurunathan & Ors Vs Union of India & Anr) viz. higher grade pay of Rs. 4800 initially and Rs. 5400 with gazetted status on completion of four years of service in the cadre of Private Secretary Grade II.

2. In one such case viz. O.A. No. 326/2014 (Manoj Kumar & Ors Vs Union of India & Ors), Hon'ble CAT/ Patna Bench vide their order dated 08.03.2016 had allowed the O.A in favour of the petitioners. Subsequently, Hon'ble High Court of Patna vide their order dated 21.03.2017 dismissed the Writ Petition filed by Union of India challenging the aforesaid orders of Hon'ble CAT. Later, SLP (C) No. 033429-033430/2017 (Union of India & Ors Vs Manoj Kumar & Ors) was filed before the Hon'ble Supreme Court challenging the aforesaid orders of Hon'ble High Court of Patna.

3. In the meantime, the petitioner in above mentioned O.A. had filed a Contempt Petition No. 40/217 before Hon'ble CAT/ Patna wherein the applicants have prayed to initiate contempt proceedings against the contemnors for flouting the order of Hon'ble Court. However, while hearing the SLP (C) No. 033429-033430/2017, Hon'ble Supreme Court vide their order dated 27.11.2017 (**copy enclosed**) stayed the contempt proceedings inter-alia observing as under:

**"In the meantime, there shall be stay on the contempt proceedings until further orders."**

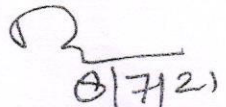
4. Thereafter, the above petition was last heard on 10.03.2021 wherein the Hon'ble Apex Court vide their order dated 10.03.2021 (**copy enclosed**) inter-alia observed as under:

**"Leave granted. Interim order made absolute during pendency of the appeals."**

5. The above factual position/ observation of Hon'ble Supreme Court may be brought to the notice of respective Hon'ble Tribunals/ Courts by filing an appropriate application. Further, the same shall also be invariably incorporated in the counter reply/ parawise comments in further cases, if any, filed on the similar issue to safeguard the interests of Union of India effectively.

प्र० मुकाधि०	
मुकाधि० (प्र०)	Receipt of this letter may please be acknowledged.
मुकाधि० (आई० आर०)	
उप मुकाधि० (राज०)	DA: As above
उप मुकाधि० (मुख्य०)	
उप मुकाधि० (आई० भा०)	
अध्यक्ष/रि० भ० प्र०	
प्र० का० अधि० (राज)	
प्र० का० अधि० (ऑ० स०)	
प्र० का० अधि० (मुख्या०)	
सकाधि० (आई० आर०)	
सकाधि० (भर्ती)	
मु० कार्या० अधि० / कार्या० अधि०	Regd Call.

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Railway Board  
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