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Copy of Railway Board's letter No.
E(LR)75UT1-176 dated 8.8.1975
addressed to the General Managers,
All Indian Railways.

Sub: Transfer of Trade Union Officials.

Attention is invited to Board's letter No.
E(L)64UT1-113 dated 11.3.1965 wherein it was decided
that if the transfer of a railway employee, who is an
office bearer of a recognised trade union is considered
necessary by the SPE/Vigilance organisations of the
Railway, papers should be seen by the General Manager
personally before the transfer is decided. The Trade
Union is also to be advised of the transfer but it is
not necessary to give any notice for this purpose.

2. A point has been raised as to the procedure to
be followed in a case where the civil and police authorities
have recommended immediate transfer of railway employees,
who are office bearers of recognised unions on the ground
that they were indulging in undesirable activities and
were thereby affecting the efficient functioning of the
Railway. The Board have decided that in such cases there
is no objection to deviation from the normal procedure,
as has been allowed in the SPE/Vigilance cases.

DA:-Nil.

Sd/- T.V. Madhava
Director, Establishment,
Railway Board.

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Government of India
Ministry of Railways
(Railway Board)

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No. S(LR)III/79/UTF/14.

New Delhi, dt. 16.1.1980.

To

The General Managers,
All Indian Railways.

Sub: Transfer of Railway employees who
are office bearers of recognised
Unions.

The Task Force (Vigilance) has made the following
recommendation:

Item 27:


Protection from transfers being given
to the officials of the TRADE UNIONS
should be restricted to only one or
two main functionaries of the Trade
Union viz. President/Vice President and/
or General Secretary/Organising Secretary.

The Ministry of Railways have carefully considered
the matter and they desire that the instructions issued on
the subject from time to time as brought out in the note
attached may be strictly followed in dealing with the cases
of transfer of recognised Trade Union office bearers.

The receipt of this letter may be acknowledged.

Hindi version will follow.

DA: ~~As above.~~


(A.K.P. UNNY)
Joint Director, Establishment (I.)
Railway Board.

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Sub: Transfer of Recognised Trade Union Office
bearers - Procedure to be followed.

Any proposal for transfer of an office bearer of a recognised Trade Union including the Branches thereof should be communicated by the Railway to the Union concerned and the Union allowed to bring to the notice of the Divisional Officer and, if necessary, later to the General Manager any objection that they may have against the proposed transfer. If there is no agreement at the lower levels, the decision of the General Manager would be final. Sufficient notice should be given to the Union of a proposed transfer so that the Union can make alternative arrangements for carrying on work or making a representation against the proposed transfer. (Railway Board's letter No.E(L)60UT1-3; dated 19.2.60).

2. In the cases of usual periodical transfer, however, where it is decided after consideration of the appeal by the General Manager not to cancel the transfer, the transfer may be allowed to pend till the next election of the Union Office bearers subject to a maximum period of one year. This will not apply to transfers on special considerations ordered in public interest (Board's letter No.E(L)61PE1/43 dated 31.7.61)/

3. In case of an employee who is transferred at his own request there is no need to follow the usual procedure. It is for the employee himself to satisfy the Union to which he belongs (E(L)64UT1-113 of 6.10.64).

4. In regard to transfer of an employee to comply with statutory obligations under the Hours of Employment Regulations, the Railway Administration should comply with the procedure by conveniently planning the transfers. (E(L)64UT1-113 of 6.10.64).

5. In case of an employee being transferred on promotion the Union need only be informed about the proposed transfer and it is not necessary to pend the same unless the employee wishes to refuse promotion. A senior employee need not be transferred in preference to the one promoted in order to accommodate a Trade Union Office bearer on promotion at that station itself unless this course of action is otherwise feasible (No.E(L)64UT1-113 of 6.10.64).

6. Transfer of an employee having been rendered surplus at a particular station should be treated in the same way as in para 5 above. (E(L)64UT1-113 of 6.10.64).

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7.1 If a trade Union Office bearer has to be transferred because of being involved in a Special Police Establishment case the Union concerned may only be advised of the transfer. Any representation the Union makes may be considered but it is not necessary to keep the transfer in abeyance for this purpose. (E(L)64UT1-113 of 21.11.64)

7.2 The procedure need not be followed in a case where the transfer of a Railway Employee is considered necessary by the SPE/Vig. Organisations of the Railway. In such a case papers should be seen by the General Manager personally before the transfer is decided. The trade union is also advised of the transfer but it is not necessary to give any notice for this purpose. Similarly, in a case where the civil and police authorities have recommended immediate transfer of a railway employee who is an office bearer of a recognised Union on the ground that he was indulging in undesirable activities and thereby affecting efficient functioning of the Railway, there is no objection to deviation from the normal procedure. (E(LR)75UT1-176 dated 8.8.75).

8. In case of transfers from one section/department to another in the same office, there is no need to give notice to the Union beforehand. However, the union may be informed about the transfer at the time of effecting such transfers. In the case of transfers to another office located at a distance but within the same area at the same station, usual procedure may be followed. (E(L)64UT1-113 dated 21.11.64).

9. The usual procedure is to be followed for transfers from one Administrative jurisdiction to another (for example, workshop establishment to a loco shed) at the same station.

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(C O P Y)
Government of India
Ministry of Railways
(Railway Board)

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No. E(L)64UFL-113.

New Delhi, dt. 6th Oct., 1964.

To

The General Manager,
Central Railway,
Bombay.

**Sub:-Transfer of Railway employees who are office bearers
of recognised Trade Unions.**

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Reference your letter No. 22976-X-TR.II dated 1st September, 1964 on the above subject. The Board desire to clarify as under:

- (a) In case of an employee who is transferred at his own request, there is no need to follow the procedure laid down for transfer of Union officials and it is for the employee himself to satisfy the Union to which he belongs as far as his movement from a particular station is concerned;
- (b) In regard to transfer of an employee to comply with statutory obligations under the Hours of Employment Regulations, the Railway Administration should not be faced with any difficulty. Transfer under this category can be conveniently planned by the Railway Administration to comply with the procedure laid down for the transfer of Union officials;
- (c) In case of an employee being transferred on promotion it is enough if the Union is informed about the proposed transfer and it is not necessary to send the same unless the employee wishes to refuse promotion. No extra consideration is required to be shown to Union officials. A senior employee should not be transferred in preference to the one promoted in order to accommodate a Trade Union Office bearer on promotion at that station itself.
- (d) Transfer of an employee having been rendered surplus at a particular station should be treated in same way as in (c) above.

Sd/- Kunwar Bahadur
Deputy Director, Establishment,
Railway Board.

No. E(L)63UFL-113.

New Delhi, dated 6th Oct., 1964.

Copy to other Railways for information and guidance.

Sd/- Kunwar Bahadur
Deputy Director, Establishment (L)

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Copy of Railway Board's letter No. E(L)64UT1-113 dated the 21st November, 1964 addressed to the General Manager, Eastern Railway, Calcutta and copies endorsed to the General Managers, all other Indian Railways and the General Secretaries, N.F.I.R. / A.I.R.F. etc.

Subject:- Transfer of employees who are Trade Union Officials.

Reference D.O. letter No. E/1160/TU dated 5th October, 1974 from Shri M.A. Ashruff. The Board desire to clarify as under:-

- (i) If a Trade Union Official has to be transferred because of being involved in a special Police Establishment case, the Union concerned may be advised of the transfer. It is not necessary to give notice for this purpose. Any representation the Union makes may be considered but it is not necessary to keep the transfer in abeyance for this purpose.
- (ii) In case of transfer of a Trade Union Official from one section/department to another in the same office, there is no need to give notice to the union beforehand. However, the Union may be informed about the transfer at the time of effecting such transfers. In the case of transfers to another office located at a distance but within the same area at the same station, usual procedure may be followed.

Sd/- K.N.R. Pillay
Deputy Director, Establishment,
Railway Board.