

भारत सरकार Government of India

रेल मंत्रालय Ministry of Railways

रेलवे बोर्ड ( Railway Board )

No. SBC/Union Elec.2012/CLARIFICATIONS/4 New Delhi 08.04.2013

Chief Personnel Officers

All Open line Railways and Metro Kolkata

**Sub: Clarifications on FINAL MODALITIES for Secret Ballot Elections for recognition of Unions/Federations on Indian Railways: Existing facilities to Recognised Unions**

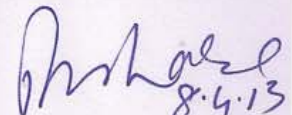
In further amplification of the provision existing under clause 32 as regards to 'Existing Facilities to Unions' as laid down in the final modalities for the Secret Ballot Elections, following clarifications are issued in pursuance of the Hon'ble High Court of Andhra Pradesh ordered dated 04.04.2013 in WPMP Nos. 11166, 11167 and 12841 of the 2013 in the WP No. 8748 of 2013.

"The premises provided by the Railways either to the recognized unions or others who are contesting the elections shall not be used by the contesting unions for storing, advertising or election related material and no election meetings shall be held there at, till the completion of the elections on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> of April 2013 or till any re-polling date scheduled to be held in terms of the Code of Conduct. This shall take place with immediate effect.

Effective measures may be taken like issuing notices to such contesting unions as well as obtaining affidavit from the Unions to the effect that the contesting unions shall not use these premises for the above purposes. The violation of these instructions shall constitute corrupt electoral practices as per the Code of Conduct and shall be dealt according to Para 'C' of the Annexure III of the Final Modalities besides any other relevant provision under the law".

These clarifications are being issued under clause 33 of the Final Code of Conduct.

\* copy enclosed.

  
8.4.13

(Rajiv Kishore)

ED/ERP Railway Board &

Member Secretary,

Secret Ballot Election Committee

Copy to: General Managers Open line Railways and Metro Kolkata:  
for kind information

TO

1. THE SECRETARY, MINISTRY OF RAILWAYS, UNION OF INDIA, NEW DELHI.
2. THE MEMBER SECRETARY, RAILWAY BOARD, RAIL BHAVAN, NEW DELHI.
3. THE GENERAL MANAGER, SOUTH CENTRAL RAILWAY, RAIL NILAYAM, SECUNDERABAD
4. THE MEMBER SECRETARY, SECRET BALLOT ELECTION COMMITTEE, RAILWAY BOARD, ROOM NO. 339A, PRAGATHI MYDAN, METRO BUILDING, NEW DELHI.
5. THE CHIEF PERSONNEL OFFICER, SOUTH CENTRAL RAILWAY, RAIL NILAYAM, SECUNDERABAD (RETURNING OFFICER FOR CONDUCTING ELECTIONS)
6. THE GENERAL SECRETARY, SOUTH CENTRAL RAILWAY MAZDOOR UNION (SCRMUC), AFFILIATED TO ALL INDIA RAILWAY FEDERATION (AIRF) CENTRAL OFFICE 7C, RAILWAY BUILDING, LEKHA BHAVAN COMPOUND, SECUNDERABAD-71.
7. THE GENERAL SECRETARY, SOUTH CENTRAL EMPLOYEES SANGH (SCRES), AFFILIATED TO NATIONAL FEDERATION OF INDIAN, RAIL MEN (NFIR), 311, CHILKALGUDA, SECUNDERABAD-25.

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BY ORDER OF HIGH COURT DATED 04-04-2013 IN WPMP NOS. 11166, 11167 AND 12841 OF 2013 IN WP. NO.8948 OF 2013 FILED BY THE PETITIONER VIZ; DAKSHINA MADHYA RAILWAY KARMIKA SANGH (DMRKS) REGD. NO. 2596/1966. AFFILIATED TO BHARATIYA RAILWAY MAZDOOR SANGH, AN ALL INDIA FEDERATION OF RAILWAY UNION, AFFILIATED TO BHARATIYA MAZDOOR SANGH, A CENTRAL TRADE UNION, REP. BY ITS GENERAL SECRETARY T.V. SUBBA RAO THE OFFICIAL RESPONDENTS-ADDRESSEES SHALL ALSO ENSURE THAT THE PREMISES PROVIDED BY THE RAILWAYS TO THE RECOGNIZED UNIONS IS NOT USED FOR STORING ADVERTISING OR ELECTION RELATED MATERIAL, AND NO ELECTION MEETINGS ARE HELD THEREAT. THE OFFICIAL RESPONDENTS-ADDRESSEES SHALL ENSURE THAT THE AFORESAID CONDITIONS ARE ADHERED TO BY THE RESPONDENT-UNIONS TILL COMPLETION OF THE ELECTIONS ON 25<sup>TH</sup> AND 26<sup>TH</sup> APRIL, 2013. IT IS ALSO MADE CLEAR THAT THE ELECTION TO BE HELD, FOR RECOGNITION OF THE UNIONS, SHALL BE SUBJECT TO FURTHER ORDERS IN THIS WPMP- ORDER FOLLOWS

HIGH COURT

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WPMP NO. 11166, 11167 AND 12841 OF 2013  
IN  
WP. NO.8948 OF 2013

ASSISTANT REGISTRAR