



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

No.2024/SBEC-III/Elections

Date: 21.10.2024

All PCPOs/ Returning Officers
Zonal Railways (Open Line)
Metro Railway, Kolkata
Production Units(CLW & RCF Only)

**Sub: Clarification to Section 1.4.1 of the Final Modalities
circulated vide Railway Board's letter of even No. dated
09.09.2024.**

In relation to Section 1.4 of the Final Modalities dated 09.09.2024, it was provided in Section 1.4.1 that further instructions will be issued on this matter separately.

2. The SBEC has deliberated over the matter of devising a mechanism by which recognition shall be accorded to such a Trade Union over a Zonal Railway/PU.

3. In a Judgement dated 30.10.2007 in Writ Petition (C) No. 7840/2007 in the case of "All India Railways Employees Confederation Vs. Chairman Railway Board & others", High Court of Delhi, in this regard, has made following observation in Para 12:

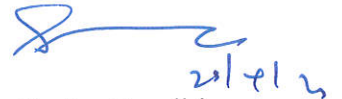
"12. I am, therefore, of the opinion that clause (C) should be construed and interpreted as to include those trade Unions which have All India jurisdiction and are registered as such. The difficulty projected by Railways that is to negotiate with the unions at a local level can be redressed in a different manner. One mechanism could be


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to require the concerned union (which has All India presence in multiple zones and not registered in the concerned zone) to have a nominated representative in the Zone. This, of course, is only a solution. There can be other methods of dealing with the problem."

4. Taking a cue from the above, SBEC has decided as under:-

"In case one of the all-India registered Trade Union qualifies for recognition, without having registration over the geographical jurisdiction of the Zonal Railway/PU, then, in such a case the Trade Union shall constitute a suitable body of office bearers for holding negotiations with the Administration. This arrangement shall be subject to final out-come of ongoing court case in Writ Petition No. 29/2020 of High Court of Judicature at Bombay, Nagpur Bench provided the final judgment specifically refers to Section 1.4 of the Final Modalities dated 09.09.2024 under which the present elections for verification of membership and recognition of Trade Unions are being held . "



Rajiv Gandhi
EDE/RRB & Member Secy.
And Convener
Secret Ballot Election Committee-III