



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

No. 2024/SBEC-III/Elections

रेल भवन, नई दिल्ली - 110 001, तिथि :  
Rail Bhawan, New Delhi-110001, dated: 07.11.2024

The  
Chief Personnel Officer(Admn.)  
& Returning Officer,  
South Central Railway,  
Secunderabad.

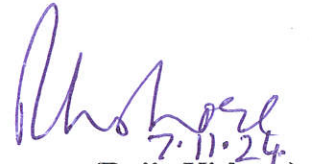
**Sub:** Eligibility of nomination filed by 'All India Railway Track Maintainers Union' (AIRTU) with respect to Section 1.1 of 'Final Modalities' dated 09.09.2024.

**Ref:** (1) SCR's letter no. SCR/P-HQ/SBEC-III/2024 dated 06.11.2024.  
(2) GS/ AIRTU's letter no. AIRTU/SCR/20 dated 04.11.2024.

The SBEC has examined the reference received under your letter seeking clarification on the representation dated 04.11.2024 made by AIRTU.

2. The SBEC has gone through the arguments advanced in GS/AIRTU's letter dated 04.11.2024 thoroughly. After detailed deliberations, SBEC is of the view that the grounds for considering the eligibility/ineligibility of the Trade Union i.e. 'All India Railway Track Maintainer Union (AIRTU)', which includes the name of a specific category that is 'Track Maintainer' in its title, have been sufficiently elaborated in our reply of even no. dated 29.10.2024.

3. Action may be taken accordingly.

  
(Rajiv Kishore)  
Chairman

Secret Ballot Election Committee-III  
e-mail: [sbec@rb.railnet.gov.in](mailto:sbec@rb.railnet.gov.in)

Copy to: All PCPOs & Returning Officers - for information and similar action.



Work is Worship

# **A.I.R.T.U**

## **ALL INDIA RAILWAY TRACKMAINTAINER UNION**

### **South Central Railway Secunderabad**


Reg. No. G-6597 (Registered Under Trade Union Act 1926)

National Reg. Office : A-2, Shankheswar Appt, Kabir Chowk, Sabarmathi, Ahmedabad - 380005

Zonal Office : AT : Ranjona Post : Khandegoan Tq.Basmat, Dist. Hingoli MH Pin : 131512

Email ID: anantak211@gmail.com

**B.N. Pathak**  
**President**

 9431651709

**Ananta B Kamble**  
**General Secretary**  
9665020255

**Milind D Chavhan**  
**Treasurer**  
9673862014

**Ref. No. AIRTU/SCR/20**

**Date :**

Date: 04.11.2024

To,

The Principal Chief Personnel Officer

& Returning Officer,

General Manager Office , South Central Railway,

Fourth Floor Rail Nilayam, Telangana, Secunderabad, Pin - 500025

Subject: regarding clarification and authenticity of the letter vide reference no 2024/SBEC-III/Elections dated 29.10.2024 with subject matter as "Eligibility of nomination filed by 'All India Railway Track Maintainers Union' (AIRTU) with respect to Section 1.1 of 'Final Modalities' dated 09.09.2024" received via Whatsapp / media channels

Dear Sir,

- 1) We have received a letter vide reference no 2024/SBEC-III/Elections dated 29.10.2024 sent by Secret Ballot Election Committee, Ministry of Railways, Government of India (Railway Board) during the exercise of exercise of Secret Ballot elections/verification/recognition of Railway Trade Unions with subject matter as "Eligibility of nomination filed by 'All India



Railway Track Maintainers Union' (AIRTU) with respect to Section 1.1 of 'Final Modalities' dated 09.09.2024" (hereinafter referred to as "**SBEC Letter**") from Whatsapp / media channels /other sources. The **SBEC Letter** have sought clarity from your good office on the nomination filed by applicant AIRTU on 21.10.2024 for recognition for trade union's election as well as action against AIRTU. The relevant portion of the SBEC Letter is reproduced herein as under:

*7. The present references seek clarification regarding validity of nomination filed by a Trade Union, by the name of 'All India Railway Track Maintainer Union'(AIRTU). Question is whether it meets the requirement of Section 1.1 of Final Modalities or not. The very name of 'All India Railway Track Maintainer Union' (AIRTU)' shows that it is meant only for representing a specific cadre of Railways i.e. cadre of Track Maintainer. The nomination-filing Trade Union's byelaws may contain a clause that the Trade Union is for representing all Railway Servants, however, the name itself creates an impression that Union appeals to the Track Maintainers category, which goes against the letter and spirit of Section 1.1.*

*8. Therefore, mention of any specific category/cadre/section etc in the Name/Title or promotion of interest of any specific category/cadre/section etc in the bye-laws is violative of Section 1.1 of Final Modalities and decision may be taken accordingly.*

It is pertinent to note here that SBEC Letter issued by Secret Ballot Election Committee, Ministry of Railways, Government of India (Railway Board) has not only sought clarification (ref: paragraph no.7) but also declared (ref: paragraph no 8) that name of 'All India Railway Track Maintainers Union' (AIRTU) is violative of Section 1.1 of Final Modalities dated 9.9.2024, without affording any opportunity to AIRTU to place his representation as legally valid trade union and defense, which is against the law of natural justice.

- 2) It is pertinent to note here that Section 1.1 of the of Final Modalities dated 9.9.2024 sets out below qualifying criteria to get the recognition as trade union:



*1.1 Contesting Trade Unions (TU) should be registered under the Trade Union Act, 1926, for at least one year as on 31.12.2023 (i.e. date of registration should be on or prior to 01.01.2023). It must represent the interests exclusively of all Non-Gazetted Railway servants (i.e. not of any category/cadre/section etc. of Railway Servants) of the Railways concerned.*

Which means the qualifying criteria to get recognition under Final Modalities dated 9.9.2024 under section 1.1 are:

- a. Trade Unions must be registered least one year before the election i.e.as on 31.12.2023;
- b. The purpose of the Trade Unions must be “Representing the interests of all non-gazetted railway servants”.

Further, Section 1.3 of the Final Modalities dated 9.9.2024 have further qualification criteria as under:

*1.3 TU must not have been formed on the basis of any caste, tribe, region, linguistic or religious denomination or of any group/section/sub-class within such caste, tribe, region, linguistic or religious denomination.*

Which means the qualifying criteria to get recognition under Final Modalities dated 9.9.2024 under section 1.3 are that if trade unions are registered basis the any caste, tribe, region, linguistic or religious denomination or of any group/section/sub-class within such caste, tribe, region, linguistic or religious denomination, they will not get recognized as Trade Unions which again means the object and purpose of the Trade Unions.

Name as 'All India Railway Track Maintainers Union' (AIRTU) doesn't symbolizes any caste, tribe, region, linguistic or religious denomination but just a common Noun. Hence, qualify the test of section 1.3 of Final Modalities dated 9.9.2024 also.

- 3) However, the SBEC Letter issued by Secret Ballot Election Committee, Ministry of Railways, Government of India (Railway Board) while exceeding its jurisdiction, have added one more layer of qualifying criteria



beyond the scope of Final Modalities dated 9.9.2024 that Name/Title of any Trade Union should also not match/resemble to the category/cadre/section etc. of Railway Servants, which is alien to the object and purpose of Final Modalities dated 9.9.2024 as well as Trade Unions Act, 1926.

It is pertinent to mention here that in terms of section 1.1 Final Modalities dated 9.9.2024, it only put forth the criteria that Trade Unions must represent the interests of all Non-Gazetted Railway servants and should not limit its object and purpose concerning to any particular category/cadre/section etc. of Railway Servants. In terms of 1.1 Final Modalities dated 9.9.2024, Object and purpose of 'All India Railway Track Maintainers Union' (AIRTU) completely cover interests exclusively of all Non-Gazetted Railway servants and its name as "All India Railway Track Maintainers Union" is just a name for distinctive designation of Trade Union as Person which means just a name of person, place, thing or in short a "Noun" and no other meaning or inference should be drawn basis a "Noun". Therefore, AIRTU fulfills the qualifying criteria as prescribed under section 1.1 Final Modalities dated 9.9.2024.

Our Aforesaid submissions further find strength from object and purpose of 'All India Railway Track Maintainers Union' (AIRTU) bye-laws which broadly covers cover interests of all Non-Gazetted Railway servants and are in line with the Trade Unions Act, 1926. Relevant provisions of the AIRTU's bye-laws are reproduced herein as under:

*(2)-(37):-All the objectives of the Union are shown below:*

- (1) All those working in all zonal railways and production units of Indian Railways in every city of India To organize the railway employees of the departments and to regulate their relations with the owners.*
- (2) To create good conditions of living and service for the members.*
- (3) To get their complaints resolved.*
- (4) If possible, try to prevent decline in livelihood. When circumstances permit, try to obtain payment in advance.*
- (5) To make diligent efforts to resolve disputes between employers and workers so that work does not stop*



(6) Efforts to provide essential services against poverty, unemployment, disability, old age and death.

(7) To make efforts to get compensation to the members under the Workmen's Compensation Act in case of accidents.

(8) To provide legal assistance to returning members in matters arising out of their employment.

(9) To provide assistance to members during a strike or lockout initiated with the approval of the union. To make efforts.

(10) To collect information related to railway industries in India and outside India.

(11) Cooperate in India and outside India, especially with organizations having similar objectives.

(12) Power to the working class in India and outside India to achieve the objectives mentioned in this rule Has been given. To help in accordance with the Act and

(13) To improve the social, economic, civil and political condition of the members. Other generally necessary matters. Such steps are to be taken to achieve the objectives, in various sectors of Indian Railways Centers will be established.

Regarding admission of general members

....

(b) Every railway employee serving for more than one month in any department of the Indian Railways Can join the union and become a member and office bearer of the union.

In view of aforesaid, it is clear that object and purpose of the registration of AIRTU as Trade Union and its bye-laws is to serve and to cover the interest of all Non-Gazetted Railway servants.

- 4) Further, Secret Ballot Election Committee, Ministry of Railways, Government of India (Railway Board) have failed to appreciate the facts that AIRTU as a Trade Union, has been registered for the purpose of regulating the relations between the workmen/servants and its employer and AIRTU is a Union of workmen of those workmen who work in Railways in general which is the object & purpose behind notifying Final Modalities dated 9.9.2024. Furthermore, it is submitted that the Nomination forms specifically page no. 24 clearly shows that AIRTU's members are not restricted only in Track Maintainer's cadre /category but belongs to all the all Non-Gazetted Railway servants which includes but not limited to Loco Pilots, Assistant Loco Pilots, Signal and Telecom Helpers, Track Maintainers, Assistant Track Machine Staffs, Traffic Gateman, Station Masters etc which means &



includes almost all Non-Gazetted Railway servants. Furthermore, Para 3(a)(1) of the bye-laws of AIRTU, it is clearly mentioned that "any person who has completed 18 years of age and has been serving in a Railway department for more than one month can become ordinary member by paying an entry fee and Para (b) of the the bye-laws of AIRTU states that every railway employee serving in any department of Indian Railways for more than one month may join the union and become a member and office bearer of the union.

Hence, AIRTU can't be said to violative of section 1.1 basis its name as it will be against the basic fundamentals of constitution of India as enshrined under articles 14, 15, 16 and 21.

- 5) It is not out of place to submit here that even the Registration of Trade Union under the Trade Unions Act, 1926 is based on the object and purpose of Trade Unions basis their Bye-Law and "name" of Trade Union is only distinctive designation of Trade Union a person. The relevant provision of the Trade Unions Act, 1926 is reproduced herein below:

2 (h) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions:

.....

4. Mode of registration.—5[(1)] Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.

[(2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the registration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the applications.]

.....

6. Provisions to be contained in the rules of a Trade Union.—A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in



accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely:—

(a) the name of the Trade Union;

(b) the whole of the objects for which the Trade Union has been established;

(c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act;

(d) the maintenance of a list of the members of the Trade Union and adequate facilities for the inspection thereof by the 1[office-bearers] and members of the Trade Union;

(e) the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as 1[office-bearers] required under section 22 to form the executive of the Trade Union;

.....

26. Effects of change of name and of amalgamation.—(1) The change in the name of a registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

From the definition of Trade Union contained in Section 2(h) of the Trade Union Act, 1926, Trade Union is formed primarily for the purpose of regulating the relations between workmen and employers which is the instant case is for interest of all Non-Gazetted Railway servants. This gets further strengthened while reading definition of Trade Dispute contained in Section 2(g) of the Trade Unions Act, 1926 with the object and purpose of Bye-laws of AIRTU, it works with the objective and purpose of regulating their relations between the employers would normally have negotiations representing its workmen before the employer and in case those negotiations do not result in amicable settlement or resolution of disputes, such Trade Unions would raise trade dispute with its employer.

Further, Section 6 of the Trade Unions Act, 1926, mandates a Trade Union to have its Constitution/Bye-Laws/Rules by incorporation of the provisions contained therein i.e. under Section 6 Clause (e) deals with admission of ordinary members and specifically provides that ordinary members should be those persons who are actually engaged or employed in an industry with which the Trade Union is connected. Bye-laws of AIRTU have similar



provisions in conformity of Section 6 Trade Unions Act, 1926 dealing with the interest of all Non-Gazetted Railway servants. Further, section 26 of Trade Unions Act, 1926 specifically made it clear that change in name or name doesn't cast any material impact on the object, purpose, duties and obligations of the Trade Unions. Hence, whether the name of applicant Trade Union's name is 'All India Railway Track Maintainers Union' (AIRTU) or anything else doesn't matter till the time it deals with the interest of all Non-Gazetted Railway servants or its character remains intact.

- 6) Hon'ble Supreme Court in its judgement dated 11.12.2023 passed Writ Petition (Civil) no. 1099 of 2019 & batch have held that change in name doesn't results in character which means legislative and executive powers on the States hence, name doesn't define the character.

*A change in the boundaries or the name of a State does not result in the change of its character as a State because such a character is derived not from its name or boundaries but from its relationship with the Union Government – one characterised by autonomy. As discussed in the previous segment, the Constitution confers legislative and executive powers on the States, which play an indispensable role in our democratic set-up. These characteristics of States are not usually lost when its boundaries, size, or name are changed.*

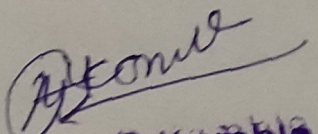
Similarly, in present case name of our 'All India Railway Track Maintainers Union' (AIRTU) doesn't defines its object, purpose and character but is just a name for distinctive designation of Trade Union as person which means just a name of person, place, thing or in short a “Noun” and no other meaning or inference should be drawn basis a “Noun” and object, purpose and character of AIRTU is to deal with the interest of all Non-Gazetted Railway servants regulating their relations between the employers would normally have negotiations representing its workmen before the employer and in case those negotiations do not result in amicable settlement or resolution of



disputes, such Trade Unions would raise trade dispute with its employer i.e. Railways.

- 7) In view of aforesaid, SBEC Letter by Secret Ballot Election Committee, Ministry of Railways, Government of India (Railway Board) declaring (ref: paragraph no 8) that name of 'All India Railway Track Maintainers Union' (AIRTU) is violative of Section 1.1 of Final Modalities dated 9.9.2024 and rejecting its nomination and recognition is legally & factually incorrect & misconceived hence, liable to withdrawn and/or cancelled. It is further, request before your good office that applicant, 'All India Railway Track Maintainers Union' (AIRTU) should be recognized Final Modalities dated 9.9.2024 and allowed to contest election among other recognized Trade Unions of Railways.

Thanking You

  
**Ananta B. Kamble**  
Zonal Gen. Secretary  
AIRTU  
South Central railway  
Secunderabad.

General Secretary  
South Central Railway  
All India Railway Track Maintainers Union' (AIRTU)

Copy to: Secret Ballot Election Committee,  
Ministry of Railways, Government of India (Railway Board)