

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

No. ERB-I/2024/14/36

dated: 14.10.2024

ORDER

The Hon'ble Central Administrative Tribunal/New Delhi vide its judgement dated 31.05.2016 in O.A. No. 591/2009 (in the matter of Shri N.K. Sharma & others Vs UOI) and O.A. No. 2981/2009 (in the matter of Shri Manoj Kumar & others Vs UOI) [both involving the seniority issue between Direct Recruit Section officers and Promotee Section Officers of Railway Board Secretariat Service(RBSS)] has quashed and set aside the inter-se Seniority list of Section Officers' Grade of RBSS issued in 2008 and directed this Ministry to recast a fresh year-wise Seniority lists of Section Officers from 1970 onwards, taking into account the principles deliberated in their order.

2. In compliance of Hon'ble CAT, New Delhi's order dated 31.05.2016 in O.A. No.591/2009 & O.A. No. 2981 of 2009, the Seniority List of Section Officer's Grade of Railway Board Secretariat Service (RBSS) has been revised from 1970 onwards and issued vide this Ministry's Circular dated 29.08.2017.

3. Further, in para 182 (vi) of its order dated 31.05.2016, Hon'ble CAT has directed as under:-

"The Respondent No.1 shall, after finalization of the SOs' level Seniority List, convene DPCs or Review DPCs, for considering year-wise further promotions of all the incumbent SOs in that seniority list as Under Secretaries and Deputy Secretaries etc., and so on."

4. In order to implement the judgment dated 31.05.2016 passed by Hon'ble CAT/PB/New Delhi's in O.A. No. 591/2009 and O.A. No.2981/2009, the panels of Grade-I (Deputy Director/Under Secretary) of Railway Board Secretariat Service (RBSS) for the vacancy years 1980-81 to 2010-11 [i.e. the year upto which regular panels of Grade-I(US/DD) of RBSS were earlier framed in consultation with UPSC] were reviewed in consultation with UPSC and issued vide O.O. No. 50 of 2024 dated 05.08.2024.

5. Based on the abovementioned revised Grade-I(Deputy Director) panels of RBSS, promotions to Deputy Secretary/Joint Director and above grades of RBSS, have been reviewed and the Competent Authority has approved the empanelment/promotion of following officers of RBSS, to Deputy Secretary and above grades w.e.f. the dates mentioned against their names:-

S. No.	Name (S/Shri/Ms.)	DOB	Deputy Secretary	Director	SAG
1.	S.C. Jain	13.10.35	01.10.87	01.10.93	-
2.	S.K. Ahuja	07.02.35	01.04.88	-	-
3.	R. L. Agarwala	05.09.40	14.07.88	01.10.93	11.10.99

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4.	S. Raghunathan	05.09.43	14.07.88	01.11.93	01.10.00
5.	O.P. Saxena	24.03.32	14.07.88	-	-
6.	V. K. Rao	27.09.33	14.07.88	-	-
7.	M. L. Bhatia	17.08.35	01.08.88	-	-
8.	R. C. Magan	15.09.37	05.08.88	01.11.94	-
9.	A.K. Das Gupta	16.07.31	01.01.89	-	-
10.	R. N. Pahwa	15.11.35	07.02.89	-	-
11.	D. C. Chakravarty	28.09.32	01.08.89	-	-
12.	S. N. Shukla	01.01.34	01.01.90	-	-
13.	K. S. Subramanian	29.08.35	01.04.90	-	-
14.	Balbir Singh	13.10.41	01.04.90	01.07.95	01.02.01
15.	Karam Chand	22.11.33	01.08.90	-	-
16.	K. K. Roy	11.01.40	01.10.90	01.10.95	-
17.	S. R. Dhar	06.01.42	01.10.90	01.02.96	01.04.01
18.	K. L. Dua	20.04.38	04.10.90	-	-
19.	N.S. Sohi	29.01.41	01.10.91	-	-
20.	R.K. Malhotra	01.10.35	01.07.92	-	-
21.	Ram Singh	27.03.36	01.07.92	-	-
22.	C.L. Mina	05.04.35	01.07.92	-	-
23.	P.P. Sharma	03.05.55	01.07.93	01.02.98	01.11.01
24.	M.S. Mehra	22.07.54	01.07.93	01.03.98	01.01.02
25.	Manohar Kujur	20.06.42	01.07.93	-	-
26.	R. Aravamudhan	22.01.37	01.07.93	-	-
27.	Shiv Dan Singh	14.01.58	01.07.93	01.08.00	01.02.02
28.	R.N. Mehrotra	04.04.37	01.07.94	-	-
29.	D.D. Rai	07.09.37	01.07.94	-	-
30.	K.K. Sharma	15.01.48	01.07.96	01.10.00	01.07.04
31.	K. Subramaniam	02.01.44	01.07.96	01.02.01	-
32.	P.L.N. Sharma	09.12.39	01.07.96	-	-
33.	K.M. Narayanan	20.07.46	01.07.96	01.04.01	01.07.04
34.	P. Sethuraman	01.09.38	01.07.96	-	-
35.	Maneesh Kumar	29.09.60	01.07.97	01.11.01	01.08.06
36.	Anuj Dayal	06.09.62	01.07.97	-	-
37.	Pradip Chatterjee	21.07.43	01.07.98	01.02.02	-
38.	A.V.M. Kutty	05.09.49	01.07.98	01.06.02	-
39.	Desh Raj	15.06.42	01.07.98	-	-
40.	H. Moharana	25.06.62	01.07.99	01.08.03	01.07.07
41.	B. Majumdar	24.12.62	01.07.99	01.10.03	02.11.07
42.	R.K. Meena	15.03.60	01.07.99	01.01.04	26.04.12
43.	R.S. Lahan	15.04.41	01.07.99	-	-
44.	S.K. Agarwal	08.08.63	01.07.00	01.02.04	26.04.12
45.	Sunil Kumar	01.06.65	01.07.01	09.03.05	26.04.12
46.	K. Biswalo	01.07.51	01.07.01	09.03.05	-
47.	Rashmi Bhatnagar	09.10.66	01.07.01	09.03.05	-

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48.	M.S. Saini	01.09.43	01.07.01	-	-
49.	Inder Mohan	11.05.48	01.07.01	09.03.05	-
50.	D.V. Rao	18.07.62	01.07.02	01.07.05	26.04.12
51.	B.K. Minz	11.02.52	01.07.02	01.07.05	-
52.	J.S. Gussain	10.01.48	01.07.02	01.07.05	-
53.	R.B.S. Negi	05.07.57	01.07.03	01.07.06	26.04.12
54.	D.R. Mehra	08.03.49	01.07.03	01.07.06	-
55.	K.V. Ramana	15.01.44	01.07.03	-	-
56.	O.P. Chawla	16.01.52	01.07.03	01.07.06	-
57.	R. Sarathy	02.06.50	01.07.04	02.11.07	-
58.	Anil Yadav	08.08.68	01.07.04	-	-
59.	D.D. Kapoor	21.08.48	01.07.04	-	-
60.	P.S. Meena	10.10.66	01.07.04	01.02.08	01.08.14
61.	K. Krishnan	25.11.56	01.07.04	01.06.08	01.06.15
62.	Akchansh	01.01.69	01.07.04	-	-
63.	S.R. Seth	17.03.51	01.07.05	01.04.09	-
64.	Gurdeep Singh Gill	02.01.46	01.07.05	-	-
65.	V. Vaidehi	29.10.57	01.07.06	01.07.10	01.12.16
66.	M.D. Pillai	10.05.51	01.07.06	-	-
67.	V.S. Dahiya	18.02.71	01.07.06	01.04.11	01.08.17
68.	K.L. Ahuja	05.10.46	01.07.06	-	-
69.	N. Soman	17.12.56	01.07.06	01.06.11	-
70.	Sunil K Singh	05.09.68	01.07.06	01.02.12	01.11.17
71.	Vijayanand	07.10.48	01.07.06	-	-
72.	R.P. Singh	03.11.46	01.07.06	-	-
73.	A.K. Bhatia	01.06.50	01.07.06	-	-
74.	K. Shankar	02.07.55	01.07.06	01.03.12	-
75.	Koshy Thomas	22.09.51	01.07.06	-	-
76.	V.K. Modgal	23.06.50	01.07.06	-	-
77.	K. Gangadharan	10.04.60	01.07.07	26.04.12	01.02.18
78.	U.K. Sood	28.02.48	01.07.07	-	-
79.	Gurmail Singh	05.02.49	01.07.07	-	-
80.	R.K. Bhatnagar	19.01.49	01.07.07	-	-
81.	R. Subramanian	24.11.52	01.07.07	26.04.12	-
82.	Parvez	10.02.61	01.07.07	26.04.12	-
83.	Manoj Kumar	04.01.69	01.07.07	26.04.12	14.12.22
84.	P. S. Kurup	15.02.51	01.07.08	-	-
85.	Sudhir Kumar	02.04.69	01.07.08	26.04.12	14.12.22
86.	N.K. Sharma	11.03.59	01.07.08	26.04.12	-
87.	S.B. Iyer	22.11.51	01.07.08	-	-
88.	Devinder Singh	14.07.50	01.07.08	-	-
89.	Sheela Verma	01.03.62	01.07.08	26.04.12	-
90.	T. Srinivas	24.08.68	01.07.08	26.04.12	01.01.23
91.	P.N. Kumaran	23.01.49	01.07.08	-	-

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92.	B.K. Ban	09.05.52	01.07.08	26.04.12	-
93.	V.K. Narang	08.08.50	01.07.08	-	-
94.	Chander Prakash	30.03.51	01.07.09	-	-
95.	Ravi Shekhar	02.12.70	01.07.10	01.07.13	01.09.23
96.	G. Priya Sudarsani	08.04.73	01.07.11	01.07.14	-
97.	Suman Sharma	12.04.61	01.07.11	01.07.14	-
98.	Sunil Kumar Singh	11.07.59	01.07.11	01.07.14	-
99.	Subroto Sarkar	30.01.52	01.07.11	-	-
100.	A.K. Maity	22.09.51	01.07.11	-	-
101.	Debashish Mallik	31.10.59	01.07.11	01.07.14	-
102.	Felix Kerketta	23.06.57	01.07.11	01.07.14	-
103.	Jiwanand	02.05.53	01.07.11	-	-
104.	V. Rajagopal	01.03.58	01.07.11	01.07.14	-
105.	Puran Chand	25.11.55	01.07.11	01.07.14	-
106.	Mamta Kandwal	02.01.55	01.07.12	-	-
107.	A.K. Sen	01.09.59	01.07.12	01.07.15	-
108.	S. Ramakrishnan	16.01.53	01.07.12	-	-
109.	B.S. Kiran	13.07.77	01.07.13	01.07.16	-
110.	D. Mazumdar	01.11.59	01.07.13	01.07.16	-
111.	Madan Lal	09.11.54	01.07.13	-	-

6. The competent authority while approving the recommendations of DPC has also approved the following:-

"...The change in the seniority position of Section Officers in RBSS, as per the seniority list dated 29.08.2017 issued in compliance with the Hon'ble CAT's judgment, has rendered all regular promotions of Under Secretaries and above in RBSS from 1980 onwards erroneous and inoperative. The present Review DPC regularizes the promotion of eligible officers to the grades of Deputy Secretary, Director, and SAG in RBSS. As a result, some officers are recommended for promotion to higher grades from dates earlier than when they shouldered higher responsibilities, while others are recommended for promotion from later dates than their actual earlier promotion. Paragraph 183 of the Hon'ble CAT's judgment dated 31.05.2016 clarifies that:-

"If any individual has fortuitously enjoyed higher emoluments due to erroneous promotions granted earlier than due, no recoveries of excess salary or emoluments already disbursed will be made."...

For officers recommended for promotion to higher grades from dates earlier than when they shouldered higher responsibilities, reliance is placed on paragraph 228 of Indian Railway Establishment Manual (IREM Volume I). Rule 228 inter alia provides that in such cases the pay should be fixed on proforma basis and the enhanced pay was to be allowed from the date of actual promotion and no arrears on this account was to be paid for the past period as he did not actually perform duties and responsibilities of the higher post. The same provision has been made in the revised panels of Under Secretary level

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from 1980 to 2010 issued vide Board's Office Order No. 50 of 2004, dated 05.08.2004. This rule has been upheld by the Hon'ble Supreme Court in rulings dated 13.08.1997 (Civil Appeal No.8904/1994) and 21.09.2006 (Civil Appeal No.4222/2006 arising out of SLP(C) No. 23021/2005)..."

7. Accordingly, officers getting promoted to Selection Grade (Deputy Secretary/ Joint Director), Director and SAG of RBSS (as may be the case) from an earlier date, as compared to their original promotions, will be notionally promoted to said grade(s) from the dates mentioned against their names and will not be entitled for any arrears for this period, as they have not shouldered higher responsibilities of said grade(s), and thus they will be entitled for arrears only from the date of their actual promotion to the said grade(s); and

7.1. Officers getting promoted to Selection Grade (Deputy Secretary/ Joint Director), Director and SAG Grade of RBSS in later years or not promoted, as compared to their original promotion, no recovery in pay/pension will be made.

8. The above order would be subject to following:-

- (i) final outcome of the W.P.(C) No.4530/2019 (Sanjay Gauri and Ors. Vs. UOI & Ors.) and W.P.(C) No. 5420/2019 (N.K. Sharma & Ors. V/s UOI & Ors.) filed in the Hon'ble High Court of Delhi;
- (ii) further orders that may be passed by the Hon'ble Supreme Court of India in the Jarnail Singh batch of cases[Civil Appeal No.629 of 2022 arising out of SLP(C) No.30621/2011].


14/10/2024

(Ashok Kumar)
Under Secretary (E)-III
Railway Board

Copy to:-

1. PSOs/Sr. PPSs/PPSs/PSs to CRB & CEO, Secy., PED/Vig., EO, JS(G), JS, EDE(Res.), Dir.(Estt.), DS(A), DS(G), US(Conf.), US(D), Railway Board.
2. The Pay & Accounts Officer, Railway Board.
3. Cash-I, G(Acc) Branches Railway Board.
4. The General Secretary, Railway Board Secretariat Service Group 'A' Officers' Association, Rail Bhavan, New Delhi.
5. Officers concerned.
