

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

No. E(P&A)II/2024/RS-14

New Delhi, dt 01.07.2024

The General Manager (P)  
South Western Railway  
Huballi- 580020

Sub:-O.A. No. 170/00213/2022 filed by Shri N. Krishna Kumar, CLI/SWR/SGT and O.A. No. 170/00215/2022 filed by Shri Irlapati Jaya Ramesh, CLI/SWR/SGT before the Hon'ble CAT/Bangalore Bench.

Ref:-SWR's letter No. SWR/P/R/524/Non Gaz/Vol. I/Policy dated 05.06.2024

SWR vide above referred letter has sought Board's clarification regarding course of action to be taken in the above captioned subject matter.

2. The matter has been examined in Board's office and it is advised that a W.P. in the subject matter may be filed immediately before the Hon'ble High Court/Bangalore as the order dt. 19.03.2024 of CAT/Bangalore is contrary to policy. The counter reply prepared in the matter be got vetted from this office before the same is filed before the Hon'ble High Court/Bangalore. It is further advised that the **Hon'ble Supreme Court in the matter of Narmada Bachaoo Andoolan V/s UOI and others (SCC 2000 Vol. 10 page 664) has ruled that "courts in the exercise of their jurisdiction will not transgress into the field of policy decision". Further in the case of Sumangalam Nagrath V/s UOI and others (SCC 1999 {L&S} 1318) the Supreme Court has held that "it is not for the Tribunal to examine the wisdom of rules.... policy decision is not debatable in judicial forum".**

2.1 The above judgments of the Hon'ble Supreme Court may also be referred in the counter reply.

2.2 It is also advised that the case may be contested vigorously in consultation with the legal counsel thereby protecting the administrative interest of the Railways.

3. Development in the case may be advised to this office from time to time.

W.C.



(Gaurav Puri)

Joint Director, E(P&A)

Railway Board

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