

ORAL ANSWERS TO QUESTIONS

[English]

Reinstatement of Railway Employees

- *1. SHRI TARIT BARAN TOPDAR:
SHRI BASUDEB ACHARIA:

Will the Minister of RAILWAYS be pleased to state:

(a) the present position regarding the reinstatement of the railway employees dismissed from service after 1980 under Rule 14 (ii) of the Railway Servants (Discipline & Appeal) Rules; and

(b) the time by which the remaining such employees are likely to be reinstated?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN) : (a) and (b). Out of the Railway employees who were dismissed/ removed from service under rule 14 (ii) of the Railway Servants (Discipline & Appeal) Rules from 01.04.1980 and onwards in connection with trade Union activities, those whose appeals were decided favourably and those who were required to be taken back as per Court directions have been reinstated. It is not proposed to reinstate the remaining employees. However, it is proposed to give them some monetary relief.

SHRI TARIT BARAN TOPDAR: After swearing in by the Railway Officials in favour of the Railway Organisation, it is stated in the affidavit as follows:

"It is submitted that in the context of the damaged for reinstatement of the dismissed employees during 1981 strike raised in the Parliament and outside, the entire issue relating to the dismissed employees is under active consideration of the Government." (Interruptions).

"It is under active consideration of the Government at the highest level and the decision is awaited."

MR. SPEAKER: Please ask the question; do not read it.

SHRI TARIT BARAN TOPDAR: When this is the statement given in an affidavit, how have the Government decided to give simply monetary relief and what prompted the Government to appeal before the Supreme Court in this matter? (Interruptions).

SHRI MALLIKARJUN: The matter of reinstatement of the dismissed or removed employees under Rule 14(2) had been actively considered by the highest authority, i.e. the Cabinet and the Cabinet has taken a decision that there is no question of reinstatement. However, for giving the pensionary benefits of the removed staff necessary steps will be taken under the rules. (Interruptions).

MR. SPEAKER: Please, allow him to answer.

SHRI TARIT BARAN TOPDAR: Why has the Cabinet decided not to take the railway employees back when two successive Governments had passed the order which was awaiting a Cabinet approval to reinstate all the employees? And this Government also, in the previous session, the first session earlier, committed before the House that they would take a decision in favour of taking them. It was only a matter of formality. Then, what was the reason?

SHRI MALLIKARJUN: So far as the decision of the previous two Governments is concerned, for example, the National Front Government on 6th November 1990 had taken a decision. But, however, the decision of the Cabinet was rescinded. It has been rescinded.

SHRI TARIT BARAN TOPDAR: Who rescinded it?

SHRI MALLIKARJUN: Then the next Government, we, have just committed to Parliament that we would take it before the Cabinet and the present Minister of Railways on 25-7-1991 had informed the august House that a sympathetic view will be taken. Since the Supreme Court itself had upheld

the action taken under rule 14(2) of the Railway Services (Discipline and Appeal) Rules, this is the present position and once they have decided, in the interest of national discipline, a decision has been taken not to reinstate them. (*Interruptions*).

SHRI BASU DEB ACHARIA: This is a retrograde step taken by this Government.

SHRI SOMNATH CHATTERJEE: It is a betrayal.

SHRI BASU DEB ACHARIA: Yes, it is a betrayal. These employees were dismissed in the year 1981 for participating in a strike. The employees went on strike because there was a betrayal on the part of the railway administration. There was an agreement in 1973 to reduce the duty hours of locomotives to ten hours. But this decision was not implemented. In this House, in 1973 the then Railway Minister, Shri Lalit Narain Mishra made a statement that it would be implemented. But it was not implemented though a Grievances Committee was formed.

Then, in 1990 the then Railway Minister, Shri George Fernandes, who is present here, rejected the proposal, which now the present Cabinet has approved earlier to give monetary relief to those dismissed railway employees.

MR. SPEAKER: What are you doing?

SHRI BASU DEB ACHARIA: Our demand was not for giving monetary relief. Our demand was to reinstate those employees because they were dismissed; they were victimised their services were terminated; their right to go on strike was withdrawn. Our demand was not merely for paying them money. Our demand was to reinstate them (*Interruptions*).

MR. SPEAKER: Mr. Acharia, please ask your question.

SHRI BASU DEB ACHARIA: At no point of time, neither in the Railway Consultative Committee meeting nor on the floor of the

House, this impression - instead of reinstating them, some monetary relief will be given - was given. All these Central Administrative Tribunals have given judgement in favour of reinstatement (*Interruptions*). And what the Minister has said is not true because still 284 employees (*Interruptions*).

MR. SPEAKER: Mr. Acharia, I am warning you that I will disallow your question unless you come to the point.

SHRI BASU DEB ACHARIA: About whom the reinstatement order has been given by the Central Administrative Tribunal. But the Railway Administration has not taken them back. Sir, may I know from the Railway Minister whether he will honour the sentiments of the House, the sentiments expressed by the entire section of this House, from the ruling party to the opposition? Sir, this is an unanimous demand. Arjun Singhji is here. He has also assured the House that they would be reinstated. Sir, I want to know from the Minister whether he would honour the sentiments expressed in this House and reinstate them (*Interruptions*).

MR. SPEAKER: Mr. Acharia, I am going to disallow your question if you do not sit down now.

SHRI BASU DEB ACHARIA: Our demand was to reinstate the dismissed employees and not for paying them mere monetary relief.

SHRI MALLIKARJUN: I would like to make the position crystal clear. Our of 611 (*Interruptions*).

SHRI BASU DEB ACHARIA: Not 611, it is 822 (*Interruptions*).

SHRI MALLIKARJUN: I have to inform the House that after the removal of these employees, some of them have gone on appeals and some of them have gone to courts (*Interruptions*).

SHRI BASU DEB ACHARIA: All of them have gone to courts.

SHRI MALLIKARJUN: All right. All of them have gone to courts.

Sir, in whichever case the Court has given the order that they should be reinstated, we have reinstated them (*Interruptions*).

SHRI BASU DEB ACHARIA: Please tell the House as to what the Court has said (*Interruptions*).

SHRI MALLIKARJUN: Under appeals, 20 people were reinstated. Under the court direction, 293 employees have been reinstated. So, 313 employees were reinstated out of the loco staff. And other than LRSA, there were 56 cases. Out of which, five were reinstated under the direction of the court. That is now, out of the total, the number of remaining employees is 349 (*Interruptions*).

SHRI BASU DEB ACHARIA: Your figure is not correct (*Interruptions*).

SHRI MALLIKARJUN: Among these 349 also, 66 employees have already attained the age of superannuation and about 14 employees have died. In regard to the remaining cases, as my Minister has informed the House, we have taken a sympathetic view in order to protect their pensionary benefits. We have a manual of Railway Pension Rules. We are looking as to how best we can give the pensionary benefits to the rest of the staff and they will not be reinstated. This is a decision of the Cabinet (*Interruptions*).

SHRI SOMNATH CHATTERJEE: Why not? They have to be (*Interruptions*).

SHRI MALLIKARJUN: It is not a retrograde step. It is a prospective step in the national interest.

SHRI MANORANJAN BHAKTA: Mr. Speaker, Sir, I would like to ask a brief and pointed question to the hon. Minister because all sections in this House have, time and again, demanded for reinstatement of the Railway employees. In that respect, the Minister has replied that some of the Mem-

bers have been reinstated and some are not. I would like to know whether these include the members of the Railway Protection Force and whether some of them have been reinstated and if not what action the Government is contemplating to take for their reinstatement? This was a categorical assurance we have received from the Leader of the House that the matter will be taken up with the Government and with the Railway Minister. I would like to know the latest position from the hon. Minister.

SHRI GEORGE FERNANDES: Sir, neither is this a question of sentiments of the House nor is it a question of public opinion. It is a question of promises made by the Government. Several Ministers have made promises in this House. This Resolution has been passed by this august House. The Government issued a formal order regarding its implementation. The hon. Minister said that the order was rescinded. Who rescinded it? The order was issued in the first week of September 1990 as to how such people could be reinstated. Who rescinded that order? We were part of the Government which unanimously supported this order. The points mentioned by the hon. Minister are not correct. Is it not true that the hon. Minister has a file with a noting that those employees were dismissed on improper grounds and that they should be reinstated.

SHRI MALLIKARJUN: The hon. Member has said that the decision to rescind the order was taken by the National Front Government on 6.11.90.

[*English*]

The then Prime Minister, Shri V.P. Singh had done this and not by this Government, not any other Government including Shri Chandra Shekhar's Government. It was rescinded by the same Cabinet which had taken the decision.

[*Translation*]

SHRI GEORGE FERNANDES: Is there a noting on the file that these employees

should be reinstated, and that there is no allegation on them.

[*English*]

I am on a very specific issue. Is there any official noting on the file. There are two issues. One issue is about the decision and this talks about the rescinding of the decision, which is absolutely rubbish. The second and more important issue is this. Is there a noting on the file that these employees shall be taken back?

SHRI MALLIKARJUN: I will read out what has been communicated.

MR. SPEAKER: No. (*Interruptions*).

[*Translation*]

MR. SPEAKER: The first question is as to how this order was rescinded and the second question is regarding who made the nothing on the file. Such nothings should be placed before the House

SHRI MALLIKARJUN: That cannot be done. (*Interruptions*).

[*English*]

We only give the decisions, We are not supposed to bring out the entire file—the notings and everything. We are only supposed to tell the decisions taken. The decision is this. (*Interruptions*) The Cabinet decision of 6.11.1990 was rescinded by the then Prime Minister hon. Shri V.P. Singh (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Sir, he should give the date. He is wrong. He is quoting the date of 15th. Our Government fell on 7th. It is totally wrong. (*Interruptions*)

SHRI MALLIKARJUN: You have to recollect. I am not wrong. (*Interruptions*)

SHRI TARIT BARAN TOPDAR: You may never said it earlier. You are misleading the House. You may expel us from the House. (*Interruptions*)

MR. SPEAKER: Please take your seat. (*Interruptions*)

MR. SPEAKER: Mr. Minister, Please take your seat.

(*Interruptions*)

MR. SPEAKER: Please understand. Do not interrupt like that. Please understand what I am telling. This does not lead you anywhere.

(*Interruptions*)

MR. SPEAKER: Why are you shouting? There is a Minister who is making a statement. The former Prime Minister is here. He is very well within his right to ask the date on which that signature was put. He has put the question. Let the Minister answer. Everything will come out. Why are you shouting unnecessarily?

(*Interruptions*)

SHRI MALLIKARJUN: Sir, the whole world knows; the whole country knows (*Interruptions*) that on 6.11.1990 the Cabinet met under the Presidentship of the then Prime Minister and the decision was taken to reinstate them. But the same night when the National Front Government lost the confidence of this House, the President of the Republic of India has instructed that such important decisions cannot be carried out. That was how it has been rescinded. (*Interruptions*)

11.33 hrs.

At this stage Shri Anil Basu and several other hon. Members came and stood on the floor near the Table

MR. SPEAKER: The House stands adjourned to reassemble after 15 minutes.

11.35 hrs.

The Lok Sabha then adjourned till fifty minutes past Eleven of the Clock.