

**Promotion to Upper Division Grade in Railway Board's Office**

7208. SHRI P. GANGADEB:  
SHRI R. N. BARMAN:

Will the Minister of RAILWAYS be pleased to state:

(a) whether in *B. S. Vadera Vs. Union of India*, the Supreme Court has held that regular promotions from 1st December, 1954 to the Upper Division Grade, which is styled as Grade I, were to be made as envisaged under the Scheme dated the 5th February, 1957 i.e. on the basis of merit with due regard to seniority;

(b) whether the Supreme Court had also held that the rules, unless they can be impeached on grounds such as breach of Part III, or any other constitutional provision, must be enforced, if made by the appropriate authority; and

(c) whether the rules, as envisaged in the Scheme dated 5th February, 1957 were enforced in making regular promotions to the Upper Division Grade in the Board's Office from 1st December, 1954 and if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) As already indicated in reply to Unstarred Question No. 4747 put by Shri Krishna Kumar Chatterjee on 17th December, 1958, in the Lok Sabha, all promotions and appointments to Grade I (Upper Division Grade) of the Railway Board Secretariat Clerical Service were required to be regulated in accordance with the provisions contained in the Railway Board Secretariat Clerical Service Scheme as modified subsequently. In this context the relevant portion of the judgement of the Supreme Court on the writ petition of Shri Vadera is reproduced below:

"TO CONCLUDE, on this aspect, we are satisfied that the

Scheme, Annexure 4, as modified by Annexure 7, framed by the 2nd respondent, Railway Board, such as it is, must have effect, as it does not suffer from any defect in its making and does not offend against the Constitution."

(b) Yes.

(c) The appointments were made on the basis of seniority subject to the rejection of the unfit as provided in the modified Scheme.

**Opening of a New Division at Quilon (Kerala) to Increase Operational Efficiency**

7209. SHRI VAYALAR RAVI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government are aware that the operational efficiency of Railways in Kerala region is quite inadequate to satisfy the traffic and operational needs of the area;

(b) if so, the steps Government propose to take during the Fifth Plan to remove defects; and

(c) whether Government propose to open a new Division with Quilon as Head-Quarters to increase the operational efficiency of Railways in this area?

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MOHD. SHAFI QURESHI): (a) to (c). The Madurai and Olavakkot Divisions of the Southern Railway which serve the State of Kerala are catering adequately to the needs of that State. These divisions are amongst the light divisions on the Indian Railways and their operational efficiency has been improving during the recent years. In view of this there is no justification at present for opening a new division at Quilon or any other place in Kerala.