

(ख) यदि हां, तो सर्वोच्च न्यायालय के निर्णयों के बावजूद भी उक्त कर्मचारियों को बहाल न करने के क्या कारण हैं ?

विधि तथा समाज कल्याण और रेल मंत्री (श्री गोविन्द मैनन) : (क) कानपुर के भूत-पूर्व टिकट बाबू, श्री अब्दुल अलीम खां, का अभ्यावेदन भेजते हुए दो संसद सदस्यों ने अनुरोध किया था कि सर्वोच्च न्यायालय के 5 दिसम्बर, 1963 के निर्णय के आधार पर श्री अब्दुल अलीम खां को बहाल कर दिया जाये। सर्वोच्च न्यायालय के बाद के किसी निर्णय का उल्लेख न तो संसद सदस्यों के पत्रों में है और न स्वयं श्री अब्दुल अलीम खां के अभ्यावेदन में।

(ख) सर्वोच्च न्यायालय का 5 दिसम्बर, 1963 का निर्णय केवल उन स्थायी रेल कर्मचारियों के मामले में लागू होता है, जिन्हें अनुशासन और अपील नियमों में निर्धारित कार्यविधि का पालन किये बिना, नौकरी से हटा दिया गया था। श्री अब्दुल अलीम खां को, 22 दिसम्बर, 1949 से, तत्कालीन अनुशासन और अपील नियमों में निर्धारित कार्यविधि का पालन करते हुए, नौकरी से हटाया गया था; अतः उन्हें सर्वोच्च न्यायालय के 5 दिसम्बर, 1963 के निर्णय के आधार पर बहाल करने का प्रश्न ही नहीं उठता।

#### SECURITY DEPOSIT BY COMMERCIAL CLERKS (SOUTHERN RAILWAY)

5068. SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state:

(a) whether the Southern Railway authorities are harassing the Commercial Clerks who have put in 10 or more years of service, by asking them to deposit a security of Rs. 300/-;

(b) whether Government have received any representations from the All India Railway Commercial Clerks' Association in this respect, and if so, the action taken on it; and

(c) whether Government will issue necessary instructions to the concerned offices not to insist on security deposit from the employees who have put in 10 years of service or more, and who have a confirmed status in the Railway, since they have sufficient balance in their Provident Fund account which is more than the security amount?

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS (SHRI GOVINDA MENON) : (a) Commercial clerks who were not permanent on 4-7-1949 and those appointed after that date are required to furnish a security deposit of Rs. 300/-. Commercial clerks who are required to furnish security deposit and have not done so have been asked by the Southern Railway Administration to do so. This does not constitute harassment.

(b) Yes, representations from the Association were received by the Southern Railway, but no action was taken as this is not a recognised Union.

(c) The general principle of obtaining security deposit from staff entrusted with cash or stores cannot be relaxed, but to minimise any difficulty the employees may feel in doing so, the railways allow staff to deposit the security in easy instalments. The rules also permit the security to be given in the form of Government Savings Certificates or a Fidelity Guarantee Insurance Policy in lieu of cash. The employees' own contribution to the Provident Fund can in no circumstances be forfeited to Government. In the case of pensionable staff, there is no Government contribution to the Provident Fund and even in the case of non-pensionable staff, there are certain restrictions on the appropriation of the Government contribution to the Provident Fund towards the risks against which the security deposit is intended to provide a cover. It is, therefore, not possible for the Provident Fund accumulations of employees to be regarded as replacing the security deposit.

#### PROMOTION OF RAILWAY COMMERCIAL CLERKS

5069. SHRI CHANDRIKA PRASAD : Will the Minister of RAILWAYS be pleased to state :