

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

THIRTY THIRD REPORT

(Presented to Lok Sabha on 22.8.2003)

**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2003/Sravana, 1925 (Saka)

CONTENTS

Composition of the Committee on Petitions

I. INTRODUCTION

II. REPORT:

- (i) Representation regarding conversion of Achalpur-Murtijapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra.
- (ii) Representation regarding grievances of Loco Running Staff of Eastern Railways.
- (iii) Gist of the representation regarding allotment of land under the Gadgil Assurance Scheme to residents of Ashoka Pahari, Faiz Road, Karol Bagh, New Delhi.
- (iv) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirteenth Report on the representation requesting for absorption in permanent post of Group 'D' category in the catering unit of Eastern Railway, Asansol.

APPENDIX

Salient Features of the 'Agreement' between Indian Railways and the Central Provinces Railways Company Limited.

III. MINUTES

- (i) Minutes of the Seventy-Sixth sitting of the Committee held on 14.7.2003.
- (ii) Minutes of the Seventy-Eighth sitting of the Committee held on 19.8.2003.

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Basudeb Acharia - *Chairman*

Members

2. Shri S. Bangarappa
3. Shri Ambati Brahmaniah
4. Shri Ram Rati Bind
5. Shri Bikram Keshari Deo
6. Shri Anant Gudhe
7. Shri Babubhai K. Katara
8. Shri P.R. Khunte
9. Shri P.R. Kyndiah
10. Shri G. Mallikarajunappa
11. Shri Sis Ram Ola
12. Shri Shriniwas Patil
13. Shri Sunder Lal Patwa
14. Dr. Bikram Sarkar
15. Shri C. Sreenivasan

SECRETARIAT

1. Shri John Joseph - Additional Secretary
2. Shri R.C. Ahuja - Joint Secretary
3. Shri Brahm Dutt - Deputy Secretary
4. Smt. Neera Singh - Under Secretary
5. Shri V.P. Gupta - Committee Officer

THIRTY THIRD REPORT OF THE COMMITTEE ON PETITIONS
(THIRTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Thirty-Third Report of the Committee to the House on the following matters:-

- (i) Representation regarding conversion of Achalpur-Murtijapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra.
- (ii) Representation regarding grievances of Loco Running Staff of Eastern Railways.
- (iii) Gist of the representation regarding allotment of land under the Gadgil Assurance Scheme to residents of Ashoka Pahari, Faiz Road, Karol Bagh, New Delhi.
- (iv) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Thirteenth Report on the representation requesting for absorption in permanent post of Group 'D' category in the catering unit of Eastern Railway, Asansol.

2. The Committee considered and adopted the draft Thirty-Third Report at their sitting held on 19th August, 2003.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

19th August, 2003.
28 Sravana, 1925(Saka)

BASUDEB ACHARIA
Chairman,
Committee on Petitions.

CHAPTER - I

REPRESENTATION REGARDING CONVERSION OF ACHALPUR – MURTIJAPUR NARROW GAUGE RAILWAY LINE INTO BROAD GAUGE IN VIDARBHA AREA OF MAHARASHTRA.

1.1 Shri Anant Gudhe, MP forwarded a representation on 1st October, 2002, signed by Shri Omprakash Dixit of Paratwada, Taluk Achalpur (Maharashtra) regarding conversion of Achalpur-Murtijapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra.

1.2. In the representation, the petitioner inter-alia stated that presently, there is a narrow gauge railway line between Achalpur Railway Station and Murtijapur Railway Station in the Vidarbha area of the State of Maharashtra. This narrow gauge railway line had been set up by a privately owned Company way back in 1916. The petitioner placed before the Committee that the Achalpur – Murtijapur railway line passes through Anjangaon, Achalpur, Daryapur, etc., tehsil areas, which are considered to be some of the best agricultural and irrigated areas in the State. There is significant incoming and outgoing traffic on these places. However, the Railways have stated that this rail line could not fetch even the royalty/lease amount payable to the owner Company (i.e. The Central Provinces Railways Company Ltd.) from the services provided by the Railways on the route.

The petitioner contended that due to non-availability of better railway facilities between Achalpur and Murtijapur Railway Stations, developmental activities in the adjoining areas of the railway line have been poor. If the narrow gauge line between Achalpur and Murtijapur Railway Stations is converted into broad gauge line then some new trains could also be connected with this rail route and the Indian Railways could definitely earn a lot from these routes.

1.3. The petitioner, therefore, requested for gauge conversion of Achalpur – Murtijapur Railway line from narrow gauge to broad gauge so as to facilitate the broad gauge trains in the area.

1.4. The representation was forwarded to the Ministry of Railways (Railway Board) on 9th December, 2002 for furnishing their factual comments on the points raised in the representation. In response, the Ministry of Railways (Railway Board) vide their O.M. dated 24th January, 2003 submitted their comments as follows:-

“Achalpur-Murtijapur Railway line forms part of Central Provinces Railway, and is being worked by Central Railway in terms of an agreement

entered into with the owning Company, viz., “The Central Provinces Railways Company Limited”, which is not a British, but an Indian Company, registered under the then Companies Act. The question of payment of royalty by the Indian Railway to the said Company therefore, does not arise. Besides, the Company owns two more narrow gauge railway lines in sections, Murtijapur-Yavatmal and Pulgaon-Arvi. Under the Agreement, the Central Government has the option, recurring at intervals of every ten years, to purchase the lines. At the time of the last ten yearly review in 1996, it was decided on financial considerations, not to exercise the purchase option in view of the heavy capital investment required and the unremunerative nature of the lines. The question of conversion of this line into broad gauge can only be considered after the line is taken over by the Government. Since the option to purchase this line can be exercised only at the time of the next 10 yearly in 2006, the matter would be examined afresh, at that time.”

1.5. After perusal of the comments furnished by the Ministry of Railways (Railway Board), the Committee took the oral evidence of the representatives of the Ministry of Railways (Railway Board) on 14th July, 2003. During evidence, the Committee desired to know the number of passengers and trains running between Achalpur and Murtijapur railway stations. The Chairman, Railway Board stated that:-

“We are running one pair of narrow gauge train on Murtijapur-Achalpur line. The passengers are picked up from various stations on this section and the total number of people carried per day works out to 358.”

1.6. The Committee asked about the railway lines which are not owned by the Indian Railways but are being used by Railways on lease/rent etc. In response, the Ministry of Railways (Railway Board) in their written note submitted that there are two privately owned Narrow Gauge railway lines, which are worked by the contiguous railway systems in terms of an Agreement entered into with the owning Companies. These two private railway lines are as under:-

- (i) Ahmadpur-Katwa Railway Line – This is a 52 Km. Long privately owned narrow gauge line, taking off from the Ahmadpur station on the Burdwan-Rampurhat section and going upto Katwa on the Bandel-Katwa line. This railway line is owned by the Ahmadpur-Katwa Railway Company Ltd. and is worked by Eastern Railway in terms of an Agreement entered into w.e.f. 1.7.67.
- (ii) The Central Provinces Railways – The Central Provinces Railways is a privately owned narrow gauge Railway of 225 Kms worked by the Central Railway. It has three sections namely:

a)	Murtijapur – Yavatmal	113 Kms.
b)	Murtijapur – Achalpur	77 Kms.
c)	Pulagaon – Arvi	35 Kms.

	Total	225 Kms.

1.7. On a query about the provisions of rolling stocks, locomotives, coaches, wagons etc., involved in these privately owned narrow gauge rail lines, the Chairman (Railway Board) during evidence informed the Committee that the rolling stocks belonged to the (owner) Company. The maintenance part is being done by the Railways.

1.8. As regards the expenditure for maintenance of 225 Kms. stretch of narrow gauge rail-line owned by the Central Provinces Railways Company Ltd., the Chairman (Railway Board) stated that:-

“With regard to expenditure, as per the agreement, we retain 45 per cent of the gross earnings with ourselves. That is taken as the money to cover our working expenditure. The remaining 55 per cent of the gross earnings is given to the company, which is the owner. We have to see that there is certain guarantee money. That 55 per cent is the guarantee money to cover the five per cent return on the capital, which is Rs.94 lakh plus Rs.21,000 per annum towards management expenses.”

1.9. The salient features of the “Agreement” between the Railways and the owning Company i.e., Central Provinces Railways Company Ltd., made in the year 1916, as submitted by the Ministry of Railways (Railway Board), are given at Appendix.

1.10. When the Committee desired to know about the gauge conversion of the Achalpur-Murtijapur narrow gauge rail line into broad gauge, (a 77 Kms. stretch), the Chairman (Railway Board) stated during evidence that:-

“If we go for Murtijapur-Achalpur only, then it will not be possible to consider one section in isolation because the agreement with the party (i.e. the owner Company) is for three sections, for 225 kilometres combined. If we think, we have to think of all the three and not just one. Murtijapur line is about 77 kilometres. If we take combined, the estimated cost will have to be seen. For them, we need very heavy repair. On the section of 77 kilometre, the cost of repair needed is roughly Rs.19 crore. Then, we have to approach the party (i.e. the owner company) as per the agreement. They are supposed to bear this cost. Whatever is above Rs.10,000 we have to take the explicit approval for that. We have to give 12 months’ notice to

them. Then, they have to give it to us. Below Rs.10,000 there is no problem. We book it ourselves.”

He added:-

“If we have to run these lines, one side is that we will have to go in for the repairs, which the party (the owner company) is not agreeing. The party has refused it saying that they are not going to bear any expenditure. So, if we do not get the money to maintain this track, a stage may come when we may have to close down the lines because of the condition of the track and bridges.”

1.11 On being pointed out that the rail track and rolling stocks of in the section were deteriorating and old, the Chairman (Railway Board) opined:-

“There is only one pair of train. All non-standard lines were used in earlier times. But we have started feeling the pinch of the maintenance of the track also.”

1.12. On a query regarding the average speed of narrow gauge train on the Achalpur – Murtijapur rail line, the Chairman (Railway Board) informed the Committee that the average speed (of trains) is 16 kmph to 17 kmph.

1.13. On a query regarding the position of renewal of old narrow gauge and meter gauge rail tracks in the country by the Indian Railways, the Chairman (Railway Board) stated that such tracks have not been renewed for quite a long time.

1.14. When the Committee pointed out that the Indian Railways should take over the privately owned railway line of 225 Kms. as there is a specific clause in their ‘Agreement’ with the Central Provinces Railways Company Ltd., the Ministry of Railways (Railway Board) in their written note stated that merely taking over by the Railways may not be adequate until and unless the entire system, is not only upgraded to Broad Gauge but also extended from the dead end to the main Railway Network, as these lines are branch lines and are only connected to main line at one end. The cost of converting the network of 225 Kms. into Broad Gauge alone may require an investment of about Rs.200 crore (which would be substantially more now) and with no commensurate returns on this additional capital investment. Also on account of the region already being served adequately by well developed road-network, the requirement of the region was being taken care of. Hence on these consideration, it was decided in the ten yearly review in 1996 as per the ‘Agreement’ not to take over the line.

The Ministry also stated that connecting these rail lines to the main system at both ends, would entail, not only converting them first to Broad Gauge but, in addition, providing fresh links to the main system. All this would translate into heavy capital expenditure (conversion of all the branch lines alone would cost around Rs.400 to 500 crore at present day costs). As it is, the Railways have a throw-forward liability of around Rs.30,000 crore in new rail lines and gauge conversion. Whether or not the Railways should own private lines would largely depend on the financial position of the Railways, which, at present, is not very satisfactory and also on the potential of the line in question to generate income, the developmental needs of the economy, existence or otherwise of alternative means of transport in the region, etc. The taking over of these loss making lines would appear to be a reversal of the general policy for unremunerative branch lines.

1.15. When the Committee desired that a fresh preliminary – engineering-cum-traffic survey of the 225 kms of the rail line in question should be conducted, the Chairman (Railway Board) stated during evidence:-

“A preliminary engineering-cum-traffic survey can be conducted in the Ministry to find out where we spend the money. This can be a better technique. Unless we conduct preliminary-engineering-cum-traffic survey, it cannot be known whether it (gauge conversion) will prove to be profitable or not.”

1.16. The Committee desired that with private participation for developmental works in the rail lines, rail bridges, tracks, etc., the 225 Kms. of narrow gauge line owned by the Central Provinces Railways Company Ltd., should be improved. At this, the Chairman, Railway Board stated during evidence that:-

“We cannot privatise it since we have already signed an agreement.”

1.17. Regarding the Railways submission that ownership review of the railway line in question could be done only in 2006, when the next 10 year review would be due, the Committee pointed out that under the existing agreement with the owner of the Rail line, there is a provision of giving 12 months’ notice to the owner to take over the line and there exists a formula to determine the take over price. Asked about the views of the Railways for exercising this option, the Chairman, Railway Board stated during evidence:-

“..... I fully agree with you. There is no disagreement. The figure of Rs.1.12 crore was based on that only. Formula is the same, 25 times the average of three years gross earnings, which works out to be Rs.1.12 crore. You have to pay that. IN totality it is not much a sum. We are getting so much of land asset and all that. ... So, let us go for PETS (Preliminary Engineering-cum-Traffic Survey) and let us see how it works out.”

1.18. He added that after survey it will be known whether conversion would be profitable or not or whether joint or private funding/participation could be explored.

1.19. In reply to a question the witness agreed to examine the feasibility of increasing the number of trains/coaches on the existing route for the benefit of the passengers.

1.20. The Committee also pointed out that contention of the Railways that 'road connectivity in the area was good' could not be a factor to ignore and neglect railway network which is more reliable and convenient. To this, Chairman, Railway Board stated:-

“.... You are very right that they are doing roads under compulsion.”

OBSERVATIONS/RECOMMENDATIONS

1.21. The Committee note that two privately owned narrow gauge rail lines of almost 277 kms distance are being worked by the Indian Railways in terms of an 'Agreement' entered into with the private owning Companies. Around, 52 Kms of narrow Ahmadpur-Katwa Narrow gauge railway line is owned by the Ahmadpur-Katwa Railway Company Ltd. and worked by the Eastern Railway in terms of an 'Agreement' signed on 1.7.1967. In the Vidarbha region of the State of Maharashtra, 225 Kms of narrow gauge railway line is owned by the Central Provinces Railways Company Ltd. and worked by the Central Railway in terms of an 'Agreement' signed in 1916. This narrow gauge line consists of three sections viz. Murtajapur-Yavatmal of 113 Kms; Murtijapur- Achalpur of 77 Kms; and Pulagaon-Arvi of 35 Kms stretch.

1.22. The Committee are informed that under the 'Agreement' with the Central Provinces Railways Company Ltd, the Central Government has an option to purchase the 225 Kms length of narrow gauge line in Maharashtra at intervals of every ten years. As per the provisions of the 'Agreement', the ten yearly review had been made in 1996. However, the Central Government did not exercise its purchase option for taking over the 225 Kms of narrow gauge line in 1996 due to financial considerations, heavy capital investment and unremunerative nature of the rail line.

1.23. The petitioner has contended that the Achalpur- Murtijapur rail line passes through agriculturally rich and best irrigated areas in the State of Maharashtra with significant to and fro traffic from the area

and the Railways could improve its earnings by connecting new train routes in the region. Due to non-availability of better railway facilities between Achalpur and Murtijapur Railway Stations, the region is deprived of developmental activities. The petitioner has, therefore, requested that the Achalpur-Murtijapur narrow gauge line should be converted into broad gauge rail line in order to facilitate more trains in the area and provide better railway services.

1.24. The Committee cannot but express their concern over the fact that presently, only one pair of narrow gauge train is running on the Achalpur- Murtijapur route line with an average speed of 16-17 Kms per hour. The Committee need hardly emphasize that since railways are the most energy-efficient mode of transport and play an important role in the country's development, there is an apparent necessity to increase the railway transport network all over the country. The Committee also feel that for safety of passengers it is essential that old and worn-out railway tracks which are un-remunerative should be replaced. Similarly for connectivity with Railway net-work it is essential to convert all narrow gauge lines into broad-gauge so as to make them suitable for introduction of new trains and thereby facilitate trade, commerce and development in all parts of the country.

1.25. During the course of oral evidence before the Committee, the representatives of the Ministry of Railways have assured that a Preliminary Engineering-cum-Traffic Survey (PETS) of 225 Kms of the narrow gauge rail line, owned by the Central Provinces Railways Company Ltd in the Vidarbha area of Maharashtra would be carried out by the Government. The Committee, therefore, recommend that a comprehensive survey to assess the viability of the aforesaid rail line be completed in a time bound manner so as to introduce broad gauge rail tracks in the Murtijapur – Yavatmal – Achalpur – Arvi sectors.

1.26. The Committee also recommend that as provided in the 'Agreement' with the owner, the Railways should take over Murtijapur-Yavatmal-Achalpur stretch of 225 Kms narrow gauge rail line from the owner Company. The Committee find that this would entail an expenditure of about Rs.1.12 crore only. After PETS, steps should be taken to upgrade this to broad gauge.

1.27. The Committee note that the existing one train running on the Achalpur- Murtijapur section has only a few compartments and it is plying less number of times on this line. The Committee also desire that pending take over/conversion to broad-gauge, adequate measures should be taken to increase the train capacity by addition of

compartments and the re-scheduling of the train time-table; and enhance the frequency of its daily trips. Repairs of the track will increase the speed of the train which is just 16-17 Kms. per hour.

1.28. The Committee note that under clause 25 of the 'Agreement' of 1916 with the Central Provinces Railways Company Ltd., for carrying outworks on the rail line costing more than Rs. 10,000/- , the Government is bound to give notice to the owner Company regarding reasonable alteration, improvement or addition and the amount is charged from the capital of the Company. The Committee, however, are distressed to learn that the owner Company has not acceded to the demands for addition, renovation, etc. of the track, although it is in a deteriorating position. The Committee expect that the Government will take up the matter with the owner with a view to carrying out necessary repairs/maintenance so that adequate facilities may be provided in the train as well as at the Railway Stations.

CHAPTER-II

REPRESENTATION REGARDING GRIEVANCES OF LOCO RUNNING STAFF OF EASTERN RAILWAY.

2.1 Shri N. Sarkar, Working President, Loco Running Staff Association, Yellow Building, P.O. Anara, Purulia, Eastern Railway and others submitted a representation to the Committee on Petitions regarding grievances of Loco Running staff of the Eastern Railway.

2.2. The main points put forth by the petitioners in the representation were as follows:-

- (i) A judgement has been delivered by the Central Administrative Tribunal (CAT), Principal Bench in O.A. NO. 514/2001 on 23rd October, 2002, wherein they have ordered and directed the respondent to extend to the applicants the benefit of the judgement rendered by Apex Court in Union of India, Shri V.R. Redappa, 1993(4) SCC 269, within a period of three months from the date of receipt of a copy of this order, in accordance with the Law rule and instructions on the subject;
- (ii) Hon'ble Kolkata Bench of CAT has passed orders to give benefit of the judgement in R. Radappa's case on 12.12.2001 but the Divisional Railway Manager, Asansol, Eastern Railway and Divisional Railway Manager, Sealdah, Eastern Railway, have given orders for not paying back wages of three years, thereby, depriving the staff of getting natural justice.
- (iii) Shri Gouri Shankar Singh, Ex-passenger Driver, under Senior Section Engineer (Loco), Bardhaman, Eastern Railway who retired from service on 30.11.2000 had not been paid Provident Fund, gratuity and other dues.

2.3. The petitioners had, therefore, requested to implement the judgement of Hon'ble CAT, Kolkata Bench at the earliest. Also admissible dues may be paid to the Ex-passenger Driver of the Eastern Railway.

2.4. The Ministry of Railways (Railway Board) were requested on 23 June, 2003 to furnish their comments on the points raised in the representation. The

Ministry of Railways (Railway Board) vide their communication dated 7 July, 2003 furnished their comments on the case as follows:-

- (i) Eastern Railway has already taken a decision to implement judgement dated 12.12.2001 of CAT/Kolkata Bench. Railway has also been directed to give the benefits immediately to the applicants in accordance with the directions of the Tribunal, if not already done.
- (ii) Judgemnt dated 23.10.2002 of CAT/Principal Bench in O.A. No.514/2001 has been examined and appeal has been filed in the High Court against the same. As the matter is subjudice, no further action is feasible at this stage.

2.5. The Committee, thereafter, took oral evidence of the representatives of the Ministry of Railways (Railway Board) on 14th July, 2003 in the matter. During the course of evidence, the Committee pointed out that the Hon'ble Court had given judgement on 12.12.2001 but the Railways had not gone for SLP for this case. The affected employees were waiting for over two years to get justice from the Railways. Asked about the reasons for delay in implementation of Court judgement, the Chairman, Railway Board stated as under:-

“I have gone into the details of the case and I can feel sorry for the delay. I have no explanation. I can only say that it will be done quickly. The instructions have already been issued. I can assure the esteemed Committee that it will be done quickly. They will be given their dues of three years. We will see that the arrears are given without any further delay.

2.6. Asked whether any responsibility has been fixed for this delay, the witness stated as under:-

“I have ordered an inquiry and I will take a severe action against the person who is responsible. Nobody has the right to delay whatever is due. I have already given instructions to fix up the responsibility. Nonetheless I can assure the esteemed Committee that the dues would be paid immediately.”

2.7. The petitioners also submitted before the Committee that following 13 employees have not been extended the benefit of Supreme Court Judgement in R.Radappa's case:-

- (1) Shri Laxmi Narayan Mukherjee, Eastern Railway,
Ex. Fireman, Loco Foreman Burdwan.
- (2) Shri Ashit Kumar Bagish, Eastern Railway,
Ex. Fireman Loco Foreman Ranaghat.

- (3) Shri Supadhyay Ganguli, Eastern Railway,
Ex. Foreman Loco Foreman, Ranaghat.
- (4) Shri Abani Kanta Dutta, Ex-Diesel Assistant,
Under Loco Foreman, Burdwan, Eastern Railway
- (5) Late Achinta Kumar Biswas.
Ex. Chief Assistant Driver, Railway Burdwan.
- (6) Shri Narandranath Napit,
South Eastern, Railway.
- (7) Shri Sudesh Ram,
South Eastern Railway, Tata Nagar.
- (8) Shri Mohan Das, Ex-Driver, Cadre-C.
Eastern Railway, Asansol.
- (9) Shri J.C. Bhowmick, Ex. Driver,
Grade-C. Eastern Railway, Assansol.
- (10) Shri Jamil Ahmed.
Train Lighting Fitter, Eastern Railway, Assansol.
- (11) Shri B.K. Dey, Ex. Labour,
A.C.M.E. (W), LLB, Eastern Railway, Liluah.
- (12) Shri D.A. Tafader, Fitter, AC.M.E. (W),
Liluah, Eastern Railway.
- (13) Shri Om Prakash, Safaiwala, Working under A.C.M.E.
Eastern Railway, Liluah.

2.8. The Committee wanted to know about the position of another judgement given by the Principal Bench CAT dated 23 October, 2002 in regard to the above 13 cases. The witness stated as under:-

“In Raddappa’s case, he was re-instated as per the judgement of the Supreme Court. There was Devedanam case also. He has also exhausted the option of the lower court which gave the verdict that the Railways system or the procedure of dismissing him like this is not justified. Then we went to the higher court and the Supreme Court gave verdict in favour of Devadanam. Then again 13 people went to the CAT. The Principal

Bench gave the verdict that as it falls in the similar lines as the cases of Devadanam and Raddappa's, they should also be re-instated. The legal opinion given to us was that they do not fall in the same category as they have not gone to the lower court and have not done any pleading in the court. In view of this, we had gone for the appeal.”

2.9. Explaining it further, the Ministry of Railways in note stated:-

“The CAT/Principal bench have given their orders of 23.10.2002 mainly on the basis of judgement of Hon'ble Supreme Court dated 29.11.2000 in the case of A. Devadanam (Civil Appeal No. 759/1998). The Tribunal have held that Supreme Court has allowed the benefit of Redappa's judgement to the applicants in the A. Devadanam case, though the High Court had rejected their claims on merits. On the same analogy the claims of the applicants were allowed by the Tribunal considering them as similarly placed.

In this connection it may be stated that in A. Devadanam Case, the Supreme Court have opined that relief had been granted in the R. Redappa's case, because the exercise of power to termination was found to be arbitrary in all the Civil Appeals in the title case of R. Redappa. The Supreme Court accordingly considered the facts and circumstances of the appeals before them in A. Devadanam case and allowed the benefit of R. Redappa's case with some conditions.

In other words after considering the facts and circumstances of the appeals in the Devadanam case, the Supreme Court found some justification for extending the benefit.

The case of the applicants covered by the judgement of 23.10.2002, is not on the same footing because in their case, there is no finding from any court that they were arbitrarily dealt with and therefore, they were not entitled to the benefit of Redappa's judgement.

2.10. The Committee pointed out about the case of Shri Gouri Shankar, Driver who retired on 30.11.2000 and has not been paid his gratuity and pension till now. At this the representative of the Ministry of Railways (Railway Board) stated as under:-

“I admit and confess that it is again a bad case. His Provident Fund has been paid. We also have given his provisional pension. The rest of his dues will be paid by the end of this month. We have given very detailed and strict orders about it and whosoever is responsible for the delay we would fix responsibility on him. Whatever is admissible to him by way of interest, we would give it. On DCRG also, he will get interest.”

RECOMMENDATIONS/OBSERVATIONS

2.11. The Committee received a representation from Loco Running Staff Association regarding the grievances of the staff of the Eastern Railway particularly regarding the implementation of the Supreme Court Judgement delivered in R. Redappa's case (12.12.2001). It was held in this judgment that Railways have no arbitrary power to dismiss employees.

2.12. Examination of the matter by the Committee has revealed that Eastern Railway has been very casual about the well being of the their employees. Even after the comprehensive judgement of the Supreme Court in the case of R. Redappa in regard to the manner of dismissal of employees, the Eastern Railway is not adhering to it in letter and spirit. A judgement of the Kolkata Bench of CAT given on 12th December, 2001 to give benefit of R. Reddapa's case to employees of Loco Running Staff of Eastern Railway has not been implemented by the Railways so far. During the course of evidence, Chairman Railway Board assured the Committee that the benefit to the concerned employees would be given now. The Committee desire that this should be done expeditiously. As assured, action should be taken against the officers responsible for delay in implementation of the CAT judgement.

2.13. The Committee regret to note that Eastern Railway is not giving the above benefit to another batch of 13 employees as per orders of CAT/Principal Bench given on 23rd October, 2002. Instead of honouring the verdict of CAT, Railways have gone for appeal in the court. The Committee feel that this is yet another case of high handedness by the Railways. The Committee would like the Railways to re-examine the matter in the right perspective and consider withdrawal of their appeal from the court and give due benefits to the concerned employees.

2.14. The Committee are unhappy to note that Railways forget about their own employees. Shri Gouri Shankar Singh, who retired from the Railways as Driver on 30th November, 2000 has not been paid his retirement benefits even after a lapse of over two years. It is only after intervention by the Committee that some of his dues are being paid now. The Committee would like the Railways to give his dues expeditiously. Needless to emphasize that the Railways would ensure that they would take adequate care of their serving and as well as retired employees.

CHAPTER-III

GIST OF THE REPRESENTATION REGARDING ALLOTMENT OF LAND UNDER THE GADGIL ASSURANCE SCHEME TO RESIDENTS OF ASHOKA PAHARI, FAIZ ROAD, KAROL BAGH, NEW DELHI.

3.1. Smt. Lajwanti Virmani, w/o Late Tara Chand Virmani, r/o T-2284 and Smt. Bhageshwari, w/o Late Shri Kewal Ram Purohit, r/o 2283/1 of Ashok Nagar, Faiz Road, Karol Bagh, New Delhi-110005, submitted their representations dated 19th and 29th April, 2002, respectively. In their representation, it was stated that:-

- (i) They are refugees migrant from Pakistan and since Independence they have been living in Ashoka Pahari, Faiz Road, Karol Bagh, New Delhi – 110005. They have been occupying their land and paying the demurrages and holding all the relevant documents required by the D.D.A. under the GADGIL ASSURANCE SCHEME according to which the occupied land is allotted to the residents in the area.

- (ii) In their case, after paying regularly the demurrage charges, they were issued clearance certificate in 1981. Then in 1984, the allotment letter was issued in their name by DDA for land measuring 72 sq. yards (60 Sq. meters) bearing No.T-2284 &T-2283/1 @ Rs.12.63 per sq. yd. (no profit-no-loss basis) on perpetual lease basis. After a lapse of nearly about twenty years they received a letter from DDA, OSB Branch (old scheme) directing them to deposit a huge amount of Rs. 45,91,851 and Rs. 60 lakh, respectively, on account of premium, to get the lease deed in their name. Surprisingly, this letter did not disclose and mention any clarification i.e. rate of land per sq. yard or sq. meter to get the same in their name on behalf of which the lease deed would be registered. Similar letters were also received by other residents of their locality.

- (iii) For those occupying land measuring more than 72sq. yards, the DDA had determined the rate which was Rs. 77000/- per sq. yard. Such high rates of land are not prevailing anywhere in Delhi. In fact, the rate determined for the adjoining area viz. Subahsh Nagar, Karol Bagh which is just across the road from their area was Rs. 2500/- per sq. yard. It is pertinent to mention that the Subhash Nagar area is also covered under the GADGIL ASSURANCE SCHEME.

- (iv) Article 300 A of our Constitution Protects every citizen's property by saying and so enforcing that "No person shall be deprived of his property, save by authority of Law". Thus the DDA's action of again demanding exorbitant amounts from them for 72 Sq. yards of the land, which has already been allotted to them after paying the cost determined and demanded by DDA in 1983, is totally unilateral, arbitrary and unjustified.
- (v) The petitioners, therefore, requested the Committee on Petitions to intervene in the matter and direct the DDA that:-
 - (a) The letter issued by the DDA demanding exorbitant amount of Rs. 45.91 lakh and Rs. 60 lakh as premium may be withdrawn.
 - (b) Lease deed may be issued immediately for the land allotted to them in 1984.
 - (c) For the land occupied in excess of 72sq. yards, the rate may be fixed at Rs. 2500/- per sq. yard as has been done in the case of residents of Subhash Nagar, an adjoining area also covered under the GADGIL ASSURANCE SCHEME.

3.2. The Ministry of Urban Development & Poverty Alleviation with whom the matter was taken up have vide their communication dated 18 November, 2002 furnished their comments intimating inter-alia that:-

"Area along Faiz Road in Jhandewalan Block B popularly known as Ashok Nagar had been encroached upon by squatters, jhuggies, khokhas, industrial sheds and all manners of temporary residential structures. A Committee was constituted by DDA to examine such cases. It was concluded that 78 individuals with adequate proofs of residence in the said area were eligible for benefits under the Gadgil Assurance Scheme. The matter was considered by a Technical Committee and a scheme was prepared to rehabilitate the said persons in Ashok Nagar. The area available for accommodating the scheme was about 3 acres. As such it was decided to allot plots of 72 sq. yards (60 mts.) to the inhabitants. DDA had taken a number of decisions for rehabilitation of displaced persons who were covered under the Gadgil Assurance. Allotment of land was to be made on the basis of area under their occupation with an overall limit of 200 sq. yds. One plot was to be allotted to one person paying damages to the Authority. In case more than one family resided at the same place, and they were also displaced squatters or the original squatters, each of them was considered

eligible for allotment of a plot/built up house depending upon their income group and at the market rate as fixed by DDA. The cost of land to be charged from the said squatters was to be fixed by the Finance Member, DDA. It was decided that plots of 72 sq. yds. be carved out as per the approved lay out plan. The scheme approved by the Authority could not be implemented due to existence of about 455 structures including those of the families covered under the Gadgil Assurance.”

- 3.3. The Ministry further stated that:-
“On the directions of Lt. Governor, Delhi, a Committee consisting of Commissioner (LD), DDA, Commissioner (LM-I), DDA, Commissioner (Planning), and concerned Chief Engineer and a representative of Finance Member, DDA was formed to look into the issue of rates of land beyond 72 sq. yds. The Committee met under the Chairmanship of Vice-Chairman, DDA on 27.6.2000 and after detailed discussions concluded that regularization of land up to 200 sq. yds. at pre-determined rates will not affect development plan prepared by the DDA. It was proposed to regularize land up to a maximum of 200 sq. yds to persons covered under the Gadgil Assurance on payment of charges at pre determined rates. It was decided to charge current market rate for regularization of land beyond 200 sq. yds. The said proposal was approved by the Delhi Development Authority vide its Resolutions No. 56/2000 on 18.8.2000.

The Finance Department of DDA worked out the current pre determined rates as Rs. 16, 436 per sq. mtr. as against the previously prescribed rate of Rs. 12.63 per sq. yds. fixed by the Government for persons covered under the Gadgil Assurance. Since the said rate was considered to be very high, it was decided to up date the rate of 1985 i.e. Rs. 12.63 per sq. yd by charging interest @ 18% per annum. Accordingly, the DDA vide Resolution No. 27/2001 decided to regularize allotment of land up to 200 sq. yds. on payment of the “No Profit No Loss” rate i.e. Rs. 12.63 per sq. yds. up dated by usual interest @ 18% per annum.”

- 3.4. The Ministry further stated that:-
“The representations of Smt. Lajwanti Virmani and Smt. Bhageshwari have been examined in the light of position stated above and the Ministry is of the view that charging of current market rate of Rs. 77,161 per sq. mtr. by DDA is not in accordance with the decisions approved by Delhi Development Authority vide its Resolution Nos. 56/2000 & 27/2001. Accordingly DDA was asked to review the matter and issue revised demand notices to the representationists. DDA has since intimated that they have decided with the approval of competent authority to regularize an area up to 200 sq. yds on no profit no loss rate of Rs. 12.63 per sq. yds. and

also to revise the rate of excess area beyond 200 sq. yds. The revised demand letters have been issued by DDA to both the representationists.”

3.5. When asked about the amount of damages to be paid by the petitioners and issuance of allotment letter by DDA, the Ministry of Urban Development & Poverty Alleviation vide their further communication dated 10 March, 2003 stated that:-

“DDA had asked Smt. Lajwanti and Smt. Bhageshwari Devi to deposit a sum of Rs. 36,071/- and Rs. 36,728/- respectively as damages for the excess area in their occupation on 18.2.2003. The petitioners have since deposited the amount demanded by DDA. DDA has been advised to execute the lease deed within a fortnight time.”

3.6. Finally, the Ministry of Urban Development & Poverty Alleviation vide their latest communication dated 29.3.2003 informed that:-

“DDA has issued the lease deed papers to Smt. Lajwanti and Smt. Bhageshwari Devi vide their letter dated 17.3.2003. The respective lease deeds will be executed after the representationists return the lease deed papers duly stamped by the Collector of Stamps.”

3.7. The Committee are happy to note that through their intervention the grievances of the petitioners have been redressed.

CHAPTER-IV

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR THIRTEENTH REPORT ON THE REPRESENTATION REQUESTING FOR ABSORPTION IN PERMANENT POST OF GROUP 'D' CATEGORY IN THE CATERING UNIT OF EASTERN RAILWAY, ASANSOL.

4.1. The Committee on Petitions in their Thirteenth Report (Thirteenth Lok Sabha) presented to Lok Sabha on 14th March, 2002 had dealt with the representation of Shri Gajraj Yadav and others requesting for absorption in permanent post of Group 'D' category in the Catering Unit of Eastern Railway, Asansol.

4.2. The Committee had made certain observations/recommendations in the matter and the Ministry of Railways (Railway Board) were requested to furnish their action taken notes for the consideration of the Committee.

4.3. Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of the observations/recommendations contained in the Report.

4.4. The Committee will now deal with the action taken by the Government on their recommendations.

4.5. In paragraph 2.11 of the Report, the Committee had observed as follows:-

“The Committee note that Supreme Court of India in its order dated 13th December, 1983 observed that persons working as Commission Bearers and Vendors would be absorbed progressively as members in permanent Railway service and the Hon'ble Court has directed that the Government would take steps to absorb all the Bearers and Vendors as early as possible. In pursuance of the Supreme Court's order, the Ministry of Railways (Railway Board) has decided to absorb Commission Vendors/Bearers against Group 'D' posts after following due procedure and laid down norms. Subsequently, out of 52 Commission Vendors of the Catering Unit of Asansol Division of Eastern Railway, 27 have been absorbed in permanent service by Eastern Railway.”

4.6. In paragraph 2.12 of the Report, the Committee had observed as follows:-

“The main contention of the petitioners is that 56 Commission Vendors working under the control of the Chief Catering Inspector of Eastern Railway, Asansol as screened by a Screening Committee have been included in list published by the Railway Authorities for absorption in

Group 'D' posts in Catering Department. These 56 Commission Vendors have been duly medically examined and 52 were declared medically fit. However, only 26 Commission Vendors have been absorbed in permanent posts by Eastern Railway and the remaining Commission Vendors have not yet been given suitable appointment in permanent post by the Railway Administration. The petitioners have further stated that the Central Administrative Tribunal, Kolkata Bench categorically issued orders to absorb these Vendors in Railway services in Group 'D' categories according to turn and panel but no further appointments have been made by the Eastern Railway. Hence the delay in their appointments against permanent posts in the Railways is depriving them of their legitimate right. The petitioners have, therefore, requested that all the Commission Vendors as screened by the Screening Committee should be absorbed in Group 'D' posts in the Eastern Railway.”

4.7. In paragraph 2.13 of the Report, the Committee had recommended as follows:-

“The Committee observe that the Railway Authorities have also issued a statement wherein it has been mentioned that 309 posts of Group 'D' are vacant and 212 posts are exclusively of the bearers. As regards the appointment of 30 remaining Vendors i.e. out of the 56 Commission Vendors/Bearers in Asansol Division selected by the Screening Committee, the representatives of the Ministry of Railways (Railway Board) have assured the Committee during the oral evidence that if these Vendors are willing to shift to other vacancies they would be accommodated in the Railway Service in an early way. The Committee, therefore, recommend that suitable measures are taken by the Ministry of Railways (Railway Board) to absorb the all concerned Commission Vendors/Bearers in Asansol Division in permanent Group 'D' posts in Railways as per the directives of the Supreme Court without further loss of time.”

4.8. In their action taken note the Ministry of Railways (Railway Board) have stated that the number of posts in departmental catering units have been frozen long back and as a policy, these services are being outsourced to private licencees. To expedite the absorption of Commission Vendors/Bearers, the Railways have been advised to absorb these people in other departments. Sofaras Asansol Division is concerned, the total number of screened Commission Vendors was 52 and 25 of them have been absorbed in Asansol Division and one in Liluah Workshop and 26 are waiting for absorption. Personnel Branch of Eastern Railway has requested all Divisional Railway Managers including that of Asansol Division to absorb the rest of the screened Commission Vendors in Group 'D' vacancies other than the catering department.

OBSERVATION/RECOMMENDATION

4.9. The Committee regret to note that after presentation of their Report in March, 2002, the Railways have not regularized even a single Commission Vendor/Bearer (beyond the already absorbed 26 vendors) out of the panel prepared by the Screening Committee. The Committee are not impressed by the reported request of the Eastern Railway to its Divisional Managers to absorb the empanelled Vendors/Bearers in regular posts. They, therefore, strongly recommend that all the eligible Vendors/Bearers cleared by the Screening Committee should be put in regular grade within three months of presentation of this Report to Parliament. The Committee would like to be apprised of the conclusive action taken in the matter.

MINUTES OF THE SEVENTY-SIXTH SITTING OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) HELD ON 14TH JULY, 2003 IN COMMITTEE ROOM NO.53, FIRST FLOOR, PARLIAMENT HOUSE, NEW DELHI.

The Committee sat from 1400 to 1610 hours.

PRESENT

Shri Basudeb Acharia - Chairman

MEMBERS

2. Shri Ram Rati Bind
3. Shri Anant Gudhe
4. Shri Shriniwas Patil
5. Dr. Bikram Sarkar

SECRETARIAT

1. Shri Brahm Dutt - Deputy Secretary
2. Smt. Neera Singh - Under Secretary

WITNESSES

**REPRESENTATIVES OF THE MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

1. Shri R.K. Singh - Chairman, Railway Board
2. Smt. Vijayalakshmi Vishwanathan - Financial Commissioner
3. Shri Kanwarjit Singh - Member Engineering
4. Shri Sudhir Mathur - Executive Director/Finance
5. Shri S.K. Choudhary - Executive Director/ Traffic (Commercial)
6. Shri B.S. Sudhir Chandra - Member Staff
7. Shri K. Biswal - Executive Director (Estt.)
8. Shri K.K. Sharma - Joint Secretary

9. Shri U.V. Acharya - Additional Member/Staff

REPRESENTATIVES OF THE MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF COMMERCE)

1. Shri Deepak Chatterji - Secretary
2. Shri V.K. Gauba - Deputy Secretary
3. Shri S.D. Kapoor - Chairman-cum-Managing Director (MMTC Ltd.)
4. Dr. B.B.L. Madhukar - Director (Personnel) (MMTC Ltd.)
5. Shri G.P. Sharma - Chief General Manager (Personnel) (MMTC Ltd.)

REPRESENTATIVES OF THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS

1. Shri Ashok Joshi - Secretary
2. Shri Santosh Nautiyal - Chairman–National Highway Authority of India
3. Shri Nirmaljeet Singh - Member – National Highway Authority of India.

At the outset, the Committee considered the Draft Twenty-eighth, Twenty-ninth and Thirtieth Reports of the Committee and adopted the same with some minor verbal changes. The Committee then authorized the Chairman to finalise the Reports and to present them to the House on 22nd July, 2003.

2. The Chairman, thereafter, welcomed the representatives of the Ministry of Railways (Railway Board); Ministry of Commerce & Industry (Department of Commerce) and the Ministry of Road Transport & Highways, respectively, to the sitting of the Committee and invited their attention to the provisions contained in Direction 58 of the Directions by the Speaker, Lok Sabha.

3. The Committee then took oral evidence of the respective representatives of the above Ministries on the following subjects:-

- (i) Representation regarding conversion of Achalpur-Murtizapur narrow gauge railway line into broad gauge in Vidarbha area of Maharashtra (Ministry of Railways);
 - (ii) Representation regarding grievances of Loco Running Staff in Eastern Railways (Ministry of Railways);
 - (iii) Representation requesting to thwart the move for sale of MICA Plant and Machinery of MMTC (Ministry of Commerce); and
 - (iv) Representation requesting to review notification dated 8.2.2002 and change National Highway (NH) 60 for alignment at Laxman Nath, Orissa (Ministry of Road Transport & Highways).
4. A verbatim record of the proceedings was kept.

The Committee then adjourned

MINUTES OF THE SEVENTY-EIGHTH SITTING OF THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) HELD ON 19TH AUGUST, 2003 IN COMMITTEE ROOM NO.63, FIRST FLOOR, PARLIAMENT HOUSE, NEW DELHI.

The Committee sat from 1500 to 1525 hours.

PRESENT

Shri Basudeb Acharia - Chairman

MEMBERS

2. Shri S. Bangarappa
3. Shri Ambati Brahmaniah
4. Shri Ram Rati Bind
5. Shri Bikram Keshari Deo
6. Shri Anant Gudhe
7. Shri P.R. Khunte
8. Shri Sis Ram Ola
9. Shri Shriniwas Patil
10. Dr. Bikram Sarkar

SECRETARIAT

1. Shri Brahm Dutt - Deputy Secretary
2. Smt. Neera Singh - Under Secretary

At the outset, the Committee considered the Draft Thirty-third Report of the Committee and adopted the same. The Committee then authorized the Chairman to finalise the Report and to present it to the House on 22nd August, 2003.

2. The Committee, thereafter, discussed the future programme of the Committee and decided to hold their next sittings on 4th and 15th September, 2003.

The Committee then adjourned
