Annexure-III

The workload & responsibility of the legal set up

At the Divisional Level there should be atleast one Law Assistant/Chief Law Assistant per 300 cases. Each Division should have atleast one Law Officer (Group`B' Level). The Legal Organisation should be under ADRM through Sr.DPO in all Divisions. On the Zonal railways, the legal set up should be under the administrative control of AGM instead of SDGM.

2. The hierarchical structure of legal organization on the Railways should be as under :-

At Hqrs. Level	At Divisional Level
Addl. General Manager	ADRM
Dy.Chief Law Officer (JA Grade)	Sr.DPO
Sr.Law Officer (Sr.Scale)	Law Officer (Rs.7500-12000)
Law Officer (Gr.`B'/Rs.7500-12000)	Law Assistant (Rs.6500-10500)
Chief Law Assistant (7450-11500)	
Law Assistant (Rs.6500-10500)	

3. Legal Department (Zonal Railways) should open files with their case/s number and send the case to the Department concerned for draft parawise comments on the petitions. This should be scrutinized by Law Officer before putting up the case to the HOD/PHOD of the concerned Department/DRM. The over-all responsibility henceforth should lie with legal department for monitoring the court cases and filing appeals in the higher court but the responsibility of the implementation and follow up action on the implementation of the judgement will lie with the concerned department. Strengthening of Legal Organisation at the Divisional level in terms of providing legal advice and to avoid personal appearance of higher ups in the court should be ensured.

4. To make the legal set up more vibrant, the legal organization should provide a better pro-active role through training/exposure of the existing staff to legal pronouncement taking place, up-dating their knowledge and redefining their role further in providing the necessary assistance advice to the executive department.

24 MW/AIR

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2003E(GC)12-14 Pt.(06) New Delhi, dt.9.3.2006.

A B C D E F G H I J K L M N O P Q R

CPO (A)	CPO (IR)
DATE OF RECEIPT	TO WHOM MARKED
17/3/2006	DY CPO/GA2

The General Managers,
Central, Northeast Frontier,
South Central, South Eastern &
Western Railways and all the New Zones.

Sub : Restructuring of gazetted cadre of the Indian Railways for new Zones and new Divisions- Legal Department-Creation of two posts in JA Grade and six posts in Sr.Scale and upgradation of 11 posts of CLAs in Grade 7450-11500 to Group`B' in scale Rs.7500-12000.

Based on the Report/recommendations of the Departmental Committee for revamping and streamlining the legal set-up of Zonal Railways/Production Units, the gazetted cadre of Legal Department for the seven new Zones and eight new Divisions of Indian Railways has been reviewed with a view to restructuring and strengthening the set-up to cope with the increased workload and responsibilities and it has been decided to create 2 posts in JA Grade and 6 posts in Sr.Scale and upgrade 11 posts of Chief Law Assistants to Group`B' by surrendering 12 posts of CLAs from the new Zones and new Divisions.

2. Accordingly, sanction of the Ministry of Railways is hereby accorded to the creation of 2 posts in JA Grade and 6 posts in Sr.Scale and upgradation of 11 posts of Chief Law Assistants to Group`B' by surrender of 12 posts of CLAs in Grade Rs.7450-11500. Details of the posts to be created and upgraded are indicated in **Annexure I** to this sanction. The details of posts of CLAs to be surrendered are indicated in **Annexure II**.

3. The above posts which are permanent in existing grade shall be treated as permanent in the upgraded scale. The dates of operation of the newly created/upgraded posts may please be intimated to this Ministry in due course.

4. The Railway must ensure that the sanction orders for surrender of posts are issued before implementation of the upgradation and this office advised accordingly. The surrender of posts should be finalized duly vetted by FA&CAO.

5. The changed mode of working warrant that the Legal Officers and Sr.Legal Officers will attend the Court as and when required by the Court and give advisory work as required by the Departments. *The increased workload and responsibilities and duty list of the legal cadre in the changed mode of working as envisaged in the Committee's Report are indicated in Annexure III & IV respectively. Change in the Recruitment Rules wherever warranted will be notified separately in due course.

6. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

7. Please acknowledge receipt.

द.म., रेलवे
रेलवे बोर्ड डाक
RAILWAY BOARD DAK
दिनांक
Date: 15 MAR 2006
महा प्रबंधक का कार्यालय
Office of General Manager

(D.R. Mehra)
Director, Estt.(Gaz.Cadre)
Railway Board.

DA : As above.

19.MW/AIR

ANNEXURE - IV

DUTY LIST IN THE LAW CADRE

Duty List of Chief Legal Assistants/Law Assistants

1. Coordination between Railway Advocates and administration in all types of cases and all level of Courts including Tribunals as well as Central Agency Section of Supreme Court and High Court, Commissioners etc.
2. Process for nomination of Railway Advocates.
3. Process for obtaining power of attorney in favour of conducting Railway Advocates.
4. Maintain daily diary about the pending cases alongwith date of hearing and report proceedings of each case daily to ALO.
5. Maintain accountal of each effective and non effective hearing of each case.
6. Vetting and verification of all legal documents, viz. contract, agreement, lease, adoption deed, sale deed etc.
7. Maintain list of all types of cases subjectwise, advocatewise, courtwise with number allotted by the court.
8. Ensure intime payment of legal fee to advocates.
9. Procure copies of judgements or interim orders intime from the courts and supply the same to the concerned for taking immediate action.
10. Follow up action for pending cases with executives and bring into notice of nodal officers about urgency of taking decision in any individual case in order to avoid embarrassing situation.
11. Maintain liaison with Solicitor General of India including Additional Solicitor and Government Advocates in connection with cases in High Court and Supreme Court and manage to fix conferences with Senior Officers.
12. Put up the position of pending implementation with highlights of contempt prone cases, position of contempt cases, specific directions of Hon'ble Courts in particular cases to nodal officers.
13. The cases in the Lower Courts are to be effectively contested by taking legal objections like jurisdiction, powers of the authority taking the case, entitlement of relief to the employee as per his/her status in the administration by Legal Assistants.

Duty List of Senior Law Officers

1. Supervise the Legal work of the departments assigned to him
2. Ensure timely filing of replies/counters in the courts.
3. To coordinate with cadre officers and senior officers for smooth conduct of court cases.
4. Analyse the reasons for adverse decisions in the court cases. identify weak areas & suggest corrective measures.
5. Ensure timely action on the judgements delivered by different courts.
6. Study the pleadings of the petitioners/applicants and reply given by the cadre officer to frame out the reply and ensure filing of proper reply in the court along with all relied upon documents taken from the concerned cadre officers with latest case law on the subject.
7. Brief Railway Advocates from time to time to achieve positive results.
8. Analyse the grounds for appeal prepared by Law Officer. Vetting and verification of all legal documents, viz. contract, agreement, lease, adoption deed, sale deed etc.
9. Ensure timely payment of legal fee to Advocates and legal expenses.
10. Vetting and verification of legal documents.
11. Ensure better coordination between Railway Advocates and Administration.

Duty List of Law Officers

1. Nomination of Railway Advocates.
2. To coordinate with cadre officers for procuring power of attorney, parawise comments and relating rules in support of the stand to be taken by the administration in the court of law.
3. Study the pleadings of the petitioners/applicants and reply given by the cadre officer to frame out the reply and ensure filing of proper reply in the court along with all relied upon documents taken from the concerned cadre officers with latest case law on the subject.
4. Brief Railway Advocates from time to time to achieve positive results.
5. Examine timely action on the judgement to avoid embarrassing position of senior officers.
6. Frame grounds for appeal after taking the approval of the competent authority through cadre officer and ensure the appeal is filed intime to avoid legal complications.
7. Vetting and verification of all legal documents, viz. contract, agreement, lease, adoption deed, sale deed etc.
8. Ensure intime payment of legal fee to Advocates and legal expenses.
9. Ensure procuring of copies of judgements or interim orders intime from the courts and ensure the same to the concerned for taking immediate action.
10. Ensure to put up all the relevant data/information relating to Court Cases as and when called by the senior officers.
11. Follow up action for pending cases with executives and bring into notice of nodal officers about urgency of taking decision in any individual case in order to avoid embarrassing situation.
12. Maintain liaison with Solicitor General of India including Additional Solicitor and Government Advocates in connection with cases in High Court and Supreme Court and manage to fix conferences with Senior Officers.
13. Put up the position of pending implementation with highlights of contempt prone cases, position of contempt cases, specific directions of Hon'ble Courts in particular cases to nodal officers.
14. Monitor – Pending cases in filing of reply, process of implementation, reply to MA, CCP's, review, appeal, preparation of PCDO, identify the assistance requires and follow of action.

Duty List of Dy.Chief Law Officers (JA Grade)

1. Supervise the legal work of entire Railway.

2. Coordinate and apprise the position of legal cases to senior officers.

3. Monitor - contempt/ implementation/appeal/ execution cases.

4. To coordinate with Attorney General, Solicitor General, Additional Solicitor General, Senior Advocates and Railway Board.