

**MOST IMMEIDATE**  
**COURT MATTER**

भारत सरकार / **GOVERNMENT OF INDIA**  
रेल मंत्रालय / **MINISTRY OF RAILWAYS**  
रेलवे बोर्ड / **RAILWAY BOARD**

**No. E(P&A)II/2025/Misc./5**

**New Delhi, dt. 16.09.2025**

**The General Managers,  
All Indian Railways  
(except SER)**

**Sub: Circulation of Hon'ble Supreme Court's Order dated  
04.09.2025 in SLP (C) Diary No. 47186/2025 - Union of  
India & Ors. vs. Arun Mukherjee & Ors.- regarding.**

Please find enclosed herewith a copy of the Hon'ble Supreme Court's order dated 04.09.2025 in the matter of Union of India & Ors. vs. Arun Mukherjee & Ors. [SLP (C) Diary No. 47186/2025], whereby the Hon'ble Court has **stayed the operation of the impugned judgment of the Hon'ble High Court, Calcutta, dated 18.03.2025 in WPCT No. 39/2025.**

2. The issue involved in the above case pertains to extension of 55% pay element to Chief Loco Inspectors (CLIs) for computation of retiral benefits. This is the first case on this subject in which a stay has been granted by the Hon'ble Supreme Court, after the summary dismissal of Civil Appeal No. 3110/2016 in Union of India & Ors. vs. Kishan Lall & Ors. by the Hon'ble Supreme Court.

2. While issuing notice in the present SLP, the Hon'ble Supreme Court has, inter alia, taken note of the following:

- There exists a clear distinction between running staff and static (Stationary) staff, and only those employees directly involved in the movement of trains (locomotive pilots/drivers and guards) are entitled to running allowance.
- Equating running staff with static staff for allowances or pay element benefits is inequitable and violative of Article 14 of the Constitution of India.
- Reliance was placed on earlier Supreme Court decisions in *Union of India & Ors. vs. B. Banerjee* (2013) 10 SCC 265 and *Union of India & Ors. vs. O.P. Saxena & Ors.* (1997) 6 SCC 360.
- The Hon'ble Court has also observed that implementation of the impugned High Court order would lead to anomalies, as highlighted in the tabulated chart placed at page 224 of the SLP, (copy enclosed for ready reference) and therefore stayed the effect and operation of the said judgment.

3. In light of the above, Zonal Railways are directed to actively rely on this order while contesting similar claims relating to extension of 55% pay element to CLIs in pending before CATs/High Courts. Specific

reference should be made to the anomalies noted by the Hon'ble Supreme Court in the tabulated chart while defending such claims. The stand of the Ministry of Railways must be defended vigorously, and the cited judgments may also be referred to both in counter affidavits and during oral arguments.

4. Strict compliance may please be ensured.

**Encl.:** As above.

Digitally signed by  
Manoj Kumar

Date: 17-09-2025

15:43:23

(Manoj Kumar)

**Dy. Director/Estt. (P&A)II**

**Railway Board**

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**COFMOW Railway Office Complex, Tilak Bridge, New Delhi -  
110002**

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).47186/2025

[Arising out of impugned final judgment and order dated 18-03-2025 in WPCT No.39/2025 passed by the High Court at Calcutta]

UNION OF INDIA & ORS.

PETITIONER(S)

VERSUS

ARUN MUKHERJEE & ORS.

RESPONDENT(S)

FOR ADMISSION and I.R.

IA No. 217809/2025 - CONDONATION OF DELAY IN FILING

IA No. 217807/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 04-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. S.D.Sanjay, A.S.G.  
Ms. Astha Singh, Adv.  
Ms. Akanksha Raj, Adv.  
Ms. Medha Trivedi, Adv.  
Ms. Mili Baxi, Adv.  
Mr. Merusagar Samantray, Adv.  
Mr. Amrish Kumar, AOR

For Respondent(s) :

Upon hearing the counsel the Court made the following

O R D E R

1. Petitioners challenge the judgment and order dated 18.03.2025 in W.P.C.T. No.39/2025 passed by the High Court at Calcutta, titled "*Union of India & Ors. vs. Arun Mukherjee & Ors.*".
2. Delay condoned.
3. Having heard learned Additional Advocate General

appearing for the petitioners, we note the following:

- a) Mr. S.D. Sanjay, learned Additional Advocate General, submits that there is a distinction between the running staff and the static staff. Only those employees, namely locomotive pilots/drivers or guards who are involved in the movement of trains, are entitled to the running allowance;
- b) The comparison between the two, i.e., running and static staff, is unfair and inequitable, as also a violation of Article 14 of the Constitution of India;
- c) Reliance is placed on the decisions of this Court in *Union of India & Ors. vs. B.Banerjee*<sup>1</sup> and *Union of India and Others v. O.P. Saxena and Others*<sup>2</sup>;
- d) Without expressing any opinion on the relevance or applicability of the said decisions, considering the averments in the special leave petition and specifically the anomaly which the implementation of the impugned judgment may cause, as indicated in the tabulated chart at page no.224, we are inclined to issue notice.

4. Issue notice, returnable on 17.10.2025.

5. Dasti service, in addition, is permitted. Let steps for service be taken within two weeks.

6. In the notice itself, let it be mentioned that the respondents are required to file the counter affidavit and

1 (2013) 10 SCC 265

2 (1997) 6 SCC 360

reply to the interlocutory application(s), if any, before the next date of listing.

7. The effect and operation of the impugned judgment/order shall remain stayed.

(D. NAVEEN)  
COURT MASTER (SH)

(ANU BHALLA)  
COURT MASTER (NSH)

understanding, a figure of Rs. 100 has been taken as Basic Pay.

Particulars	CLI		Running Staff
	As per Railway Board's Extant rule position envisaged in Board's Letter dated 25.11.1992	As claimed in the Court Case.	
(A)	(B)	(C)	(D)
Basic Pay (BP)	100	100	100
New BP	BP+30% = 100 + 30 = 130 Fixation at the time of promotion to CLI by giving 30% add-on pay element as per Para 8 (V) (b).	BP+30% 100+30=130	(BP would remain same as Running staff is not promoted to CLI in this case, he would continue to progress in

			his cadre. Thus no fixation benefit (30%) would be admissible.
Annual Increment (3%)	$130+3\%=134$	$130+3\%=134$	$100+3\%=103$
-do-	$134+3\%=138$	$134+3\%=138$	$103+3\%=106$
-do-	$138+3\%=142$	$138+3\%=142$	$106+3\%=109$
Emoluments for the purpose of calculating pension	$142+30\%=185$	$142+55\%=220$	$109+55\%=169$
Pension	50% of 185 = 93	50% of 220 = 110	50% of 169 = 85

21. Your petitioners state that from the above table it would appear that the CLIs (Stationary Staff) will end up getting pension which is approximately

30% more (as depicted in column (C). In the table above) than the pension which the staff actually retiring as running staff will get (as depicted in column (D) in table above). This would be grave injustice to such staff.

22. Your petitioners state that a collective reading of the provisions stated above clearly indicates distinction between the Running category posts and the posts of Loco Inspector as per which the post of Loco Inspector does not fall in the category of Running Staff since the post of CLI is not specified as a post of Running Staff under Rule 3(iv) of the rules. Further, both the posts are governed by separate set of rules as explained in succeeding paras.

23. Your petitioners stated that the Learned Tribunal erred in not appreciating that the detailed instructions exist specifically in respect of Running Staff (Guard, Loco Pilot and Assistant Loco Pilot) regarding their roles and