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To
PCOM-CCG
GM(E)-CCG

Sub: Indiscreet amendment in Subsidiary Rule 4.25 (1) of G&SR of Western Railway for working trains without Guards
Ref: Amendment Slip No. 64 to G&SR – 2008 edition dated 6-12-2021 issued by Authorized Officer i.e. PCOM – CCG

WR administration vide PCOM-CCG's letter No. T 202/5/4® dated 06-12-2021 have issued above cited amendment to G&SR – 2008 edition in SR 4.25 (1) of Chapter-IV at Page No. 147 wherein procedure for working of Goods trains, Departmental Trains, Empty Coaching Trains and Parcel Special Trains without guard to cater operational exigencies.

As per extant provisions, any Subsidiary rule can be amended only to the extent that General Rule is not breached. Above action of administration is in violation of General Rules. GR 4.25 reads as under:

“4.25

Guards -

- (1) Except under Special instructions or in an emergency, every running train shall be provided with one or more guards.
- (2) The Guard of a running train shall travel in his brake-van, except -
 - (a) in an emergency, or
 - (b) under special instructions
- (3) When a train is worked without Guard, such of his duties as can be performed by the Loco Pilot, shall devolve on his as may be specified by special instructions.”

Thus, any train can run without guard only under Special Instructions. The meaning of Special Instructions is also well described in G&SR. As per GR 1.02 (50), 'Special Instructions' means instructions issued from time to time

by the authorised officer in respect to particular cases or special circumstances.

Thus, special instructions has to be issued on case-to-case basis by authorised officer in respect of particular cases. Issuing general instructions to run trains without guard through amendment slip in Subsidiary Rule is not permissible.

Moreover, the General Rules are called "Indian Railways (Open Lines) General Rules, 1976 and have come into force by issuing notification No. 69-RR/4 dated 11-2-1976 by Member Traffic, Railway Board, exercising powers conferred by section 47 of the Indian Railways Act, 1890 (IX of 1890), therefore superseding GR by zonal railway is not permissible.

Definition of Subsidiary Rules itself prohibits any of its amendment in violation of General Rules. As per GR 1.02 (55), 'Subsidiary Rule' means a special instruction which is subservient to the General Rules to which it relates and shall not be at variance with any General Rule.

Due to issue of above amendment slip, ADI Divisional Administration has fearlessly started running trains without Guards in the name of shortage. This has caused large scale discontentment & fear amongst Goods Guards. On one hand, Goods Guards of ADI Division are deprived of their due promotion to the post of Sr. Goods Guards because of not maintaining proper 50-50 % ratio and on the other hand all-round efforts are being made to abolish posts of Goods Guards by issuing this type of amendments.

Since the above correction Slip No. 64 is issued in violation of all existing rules it is necessary to withdraw it in the interest of safe running of trains over Western Railway.

General Secretary