

The past cases which were pending on 9-6-1961 shall, however, be regulated in accordance with the orders contained in Railway Board's letter dated 9-6-1961. This has the sanction of the President.

(Authority:—Railway Board's letter No. F (E) 58/PA1/1, dated 24-8-1961).

Serial No. 1343.—Circular No. 362-E/O-III(Eiv), dated 30-10-1961.

Sub.—Remuneration to Railway Officers acting as Arbitrators.

In continuation of this office letter No. 362E/O/2(Eiv), dated 7-9-1961, a copy of the Railway Board's letter No. E (G) 60HO1-25, dated 14-9-1961 is reproduced below for information and guidance:—

“With reference to the instructions contained in Board's letter No. E(G) 60HO1-25, dated the 16th January, 1961, on the above noted subject, certain points were raised for clarification. A statement giving the points raised and Board's clarification is sent herewith for your information and guidance.”

2. The Board's letter of 16-1-1961 referred to was circulated under this office endorsement No. 362E/O-III(Eiv), dated 4-3-1961.

<i>S. No.</i>	<i>Point of doubt.</i>	<i>Clarification.</i>
1.	Whether Board's letter No. E(G)-60HO1-25 of 16-1-1961 preclude the payment of remuneration to the arbitrator by the private parties, if both the parties to the arbitration are private parties.	No. It is within the competence of the G.M. to give permission to the Railway Officers to act as arbitrators and to accept fee subject to the provisions of Rule 2216-RII.
2.	Whether in a case where the parties to the dispute are a Railway and a private person should the cost of stamp duty and other actual expenses like clerkage etc., be paid to the arbitrator, exclusive of the honorarium admissible under the rules, (in either case).	Yes. The expenditure of the nature like clerkage etc. forms part of the arbitration cost and is payable according to the directions of the Arbitrator.
3.	In a case where the parties to the dispute are the Railway (to which the arbitrator does not belong) and a private party, should, the costs which are awarded against the private party in favour of the Admn. be credited to the Railway revenues and not the arbitration fees etc. payable by the private party.	Yes.
4.	Whether payments at the scales fixed are admissible for the dates of hearing as also for other dates when they study or do any other work in connection with the arbitration.	The scale of honorarium prescribed refers to the days of hearing only and the remuneration fixed for the days of hearing covers the time spent by the arbitrator in studying the case, writing out awards etc. and also takes into account the value of claims in dispute.