

POL

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.97/TC-III/56/2/POL

New Delhi, dated 8.1.98

The General Managers (Claims)
All Zonal Railways.

Sub:-Settlement of claims of POL consignments.

Please refer to this Ministry's letter of even number dated 28.11.97 regarding settlement of claims pertaining of POL consignments booked on 'said to contain RRs'.

This matter has been reconsidered. The railways liability in case of consignments booked on 'said to contain RRs' has been clearly defined under section 65(2) of the Railways Act, 1989. It is, therefore, desired that all claims of Oil Industry for their consignments booked on 'said to contain' RR should be settled accordingly.

Please acknowledge receipt of letter

Sd./-
(H.C.Punia)
Executive Director (P.G.)
Railway Board

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.TC-III/3048/70/6

New Delhi, dated 13.7.1971

The General Managers (Claims)
All Indian Railways,
(except N.F. Railway)

Sub:- Issue of clear Railway Receipts in respect of POL consignments
loaded from the sidings – appointment of Commercial staff.

1. Reference Board's letter of even number dated 15.2.1971. The Oil companies have been complaining that they are not getting clear Railway Receipts for POL consignments loaded in some of their sidings. Details of sidings where clear Railway Receipts are not issued, as given by Oil companies were communicated to you under Board's letter dated 15.2.1971.
2. The general policy of the Board in this connection is that wherever Oil companies pay for the Commercial Staff for supervising loading of wagons in siding, clear Railway Receipts should be issued. The strength of the staff should be commensurate with workload.
3. At several sidings though some railway staff have been provided at the cost of the Oil companies, they are not adequate to supervise loading of all wagons. It explains why, in spite of posting of staff at some sidings, clear Railway Receipts are still not being issued. In such cases the Zonal Railways should ask the Oil companies to agree to augment the strength.

4. No rigid and uniform yardstick can be prescribed to determine the strength of staff required at all sidings. Various factors and locational peculiarities such as daily average loading, number of shifts operating, existence of loading facilities, distance between sidings, number of sumps and other working conditions will have to be taken into account to determine the optimum number of staff required for proper supervision of loading and documentation at each siding. Board, however, consider that normally 1 commercial clerk should be provided for 15 tank wagons per day of 8 hours. In applying this yardstick local working conditions, as already mentioned, should be kept in view. The distribution of the posts of Commercial Clerks in different grades should be based on the percentage prescribed by the Railway Board

5. To ensure that there is no cause for any future complaint from the Oil companies, the Zonal Railways should contact the siding holders and intimate to them what staff are required to enable the railways to issue clear Railway Receipts. Wherever the existing strength is not adequate, clear Railway Receipts should be given at least in respect of those wagons which can be supervised by the present staff.

6 Board desire that action should be taken immediately.

7. Please acknowledge receipt of this letter.

Sd./-
(M.S.Bhandari)
Deputy Director, Traffic Commercial (SD)
Railway Board

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.93/TC-III/56/5

New Delhi, dated 6.6.94

The General Managers (CL)
All Zonal Railways.

Sub:-Adjustment of Oil Companies Claims against Railway's dues.

Attention is invited to the Ministry's letter No.80/TC-III/56 dated 20.10.81 wherein instructions have been issued that Railways should not adjust their outstanding dues from the amount of the sanctioned claim of the Oil Companies.

The matter has been reviewed. It has been decided that such adjustments should be made only after giving the Oil Companies two notices which include the final notice. If they fail to respond then adjustment of Railway Claims against their sanctioned claims could be made after giving them a final notice.

Sd./-
(Achla Sinha)
Jt. Director, Traffic Comml. (Cl.)
Railway Board

No.93/TC-III/56/5

New Delhi, dated 6.6.94

Copy to FA&CAOs, All Zonal Railways for information and necessary action.
The receipt of this letter may please be acknowledged.

Sd./-
For Financial Commissioner/Railways

Copy to: 1) F(S) Branch Railway Board (with three spares).
2) TC(I), TC(IV) Branches of Railway Board.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.70/TC/RCC/Imp/380-381

New Delhi, dated 25.9.1970

To,
The General Managers (Claims)
All Indian Railways,

Sub:- Implementation of the recommendations of One-Man Expert Committee on
Compensation Claims-Claims on POL traffic –maintenance of tank wagons.

1. One-Man Expert Committee on Compensation Claims has made the following observations/recommendations in paras 380 and 381 of the Summary of observations and Recommendations:-

Para 380- "To cater for the growing petroleum traffic, Railways should pay special attention to the maintenance of tank wagons. While many claims were repudiated, a sum of Rs.23 lakhs was paid on account of leakage in 1968-69. Apart from the question of payment or repudiation, it should be realized that the POL traffic is a high-rated traffic which should receive more careful treatment."

Para 381- "All base stations for POL traffic should be well equipped with staff and material so that tank wagons are thoroughly examined and all deficiencies of equipment rectified before the tanks are supplied for loading."

2. The Board desire that observations made in para 380 quoted above may be taken note of and have accepted the recommendation in Para 381 quoted above. Necessary action should be taken to ensure implementation of

this recommendation. In this connection, please refer to Board's letter No.70/M(N)951/87 dated 10.7.70.

Please acknowledge receipt.

Sd./-
(M.S.Bhandari)
Deputy Director, Traffic Commercial (SD)
Railway Board

Copy to TC-III and M(N) Branches

S.K.MALIK
DIRECTOR, TRAFFIC COMMERCIAL (CL)

D.O. No.86/TC-III/56/2

New Delhi, dated 24.12.90

My dear Waghmare,

Sub:-Guidelines for setting claims for shortage of POL from Tank wagons
. Ref:- Your D.O. letter No.C-194/12/IX/TV/Pt.III dated the 30th Nov.'90.

1. In this connection two letters are important. First one is D.O. letter No.TCIII/3089/74/1 dated 16th Nov.'76, vide which the policy guidelines have been issued. The second letter is No.86/TCIII/56/2 dated 7.12.1989 vide which it has been stated that after review the adequacy of guidelines issued in 1976 have been found sufficient. Thus, basically the guidelines of 1976's letter continue.

2. Your problems are also covered under para 4 (1) of 1976's letter which is reproduced below:-

Top and bottom seals broken at destination and shortage found.	Claims should be normally accepted after due verification of the shortage unless there are other circumstances under which the claim is not admissible.
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3. From the above para it will be noticed that it has been clearly stated that claims should normally be accepted in the case of interference of top and bottom seals at destination but a proviso has also been made as under:-

“Unless there are other circumstances under which the claim is not admissible.”

This shows that the merits of the case will have to be judged in each individual case.

4. Now let us examine the conditions narrated in your letter of 13.9.1988 and try to see the adequacy of para (c) of 1976's letter. The position is as under:-

(a) “When both seals of the tank wagon, top and bottom are found missing but there is no evidence of leakage and man-hole is found duly closed with nut and bolts”.

Evidently, in such a case the claim would not be admissible.

(b) “When the top and bottom seals are found missing and the tank wagon is found leaking”.

In such a case there is no reason why the claim should not be paid.

(c) “When top and bottom seals are found missing and man-hole cover also open but no evidence of leakage.”

It shows that there has been interference and thus, liability of Railway cannot be denied. Yet if there is evidence to believe that leakage has not taken place the claim can be repudiated but the individual merit of the case will have to be closely examined.

(d) “When seals on top and bottom are found intact but the wagon is found leaking.

This case is covered by para 4(1) (b) of 1976 letter which states as under:-

Top and bottom seals intact at destination but shortage found.	This shows that the tank was not interfered with en-route and as such the claim should be repudiated unless other circumstances make railways liable.
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In this case again merits will have to be judged. The intactness of seals is a very favourable evidence for the Railways. As regards leakage it can be because of the negligence of the Oil Companies in closing the valves for which obviously Railway cannot pay claim. In any case on account of this leakage a very small amount of loss is likely, genuineness of which can be easily judged by dip measurement.

I hope this will clarify the position.

Yours sincerely,

Sd/-

(S.K.MALIK)

Shri B.N.Waghmare,
Dy.C.C.O.
Central Railway,
Bombay.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No86/TC-III/56/2

New Delhi, dated 8-9-1989.

The General Managers
All Indian Railways.

Sub: Seals on P.O.L. Tanks.

Shortage claims on POL consignments are settled in accordance with the guidelines issued by the Ministry of Railways vide its letter number TC-III/3089/74/1 dt. 16-11-1976. According to them the liability of the Railways is determined by the condition of the seals on the POL tank wagon at the destination. It is therefore of utmost important that seals are checked by Railway staff at the point of loading and delivery. In this connection attention of the Railways is invited to paras 1564, 1509, 1571, 1572, 1573, 1574, 1575, 1576 and 1577 of IRCM Vol.II which give the guidelines for the railway staff in these matters. Attention of the Railways is also invited to Section 76(C) of the IRA, under the provision of which in respect of private siding, the liability of Railway causes once the consignment has been delivered to the consignees at the inter-charge point and also acknowledged by him. The new Railways Act 24 of 1989 yet to be notified besides retaining this provision has further expanded its scope in respect of outward loaded consignments.

The Ministry of Railways therefore desires that guidelines contained in the paras of IRCM Vol.II referred to above should be brought to the notice of the Railway staff concerned.

Please acknowledge receipt of this letter.

Sd./-
(PRAMOD UNİYAL)
Joint Director, Traffic Commercial (CL)
Railway Board

DA: Nil.
No86/TC-III/56/2

New Delhi, dated 8-9-1989.

Copy to: Chief Claims Officers, All Zonal Railways for information and necessary
action please.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No84/TC-III/56/1

New Delhi, dated 15-2-1985.

The General Managers
NF and Southern Railways.

Sub:-Claims for shortage in Tank Wagons arising out of Transhipment of
consignment enroute.

Ref: 1) NF Railways letter No. C/65/0/16/1D/PT-III(B) dated 21-12-1984.

2) Southern Railway's letter No. C.122/P/Vol.XI-A/POL/FG.III dated 27/29-
12-1984.

Para 1582 of Indian Railway Commercial Manual, Vol.II regarding transhipment of POL Traffic inter-alia stipulates that where due in leakage, accident or any other cause, it becomes necessary to transship the contents of tank wagon, the sender should be telegraphed to immediately arrange for the attendance of their representative at the time of transhipment and that the responsibility to take all precaution during transhipment rests with representatives of oil companies.

From your letter under reference it is seen that your railway is not following the above stipulations in the matter of transshipping POL Traffic. It is desired that instructions contained in para 1582 of the Commercial Manual, Vol.II as referred to above should be scrupulously followed to avoid complaints from oil companies.

Receipt of this letter may please be acknowledged.

Sd./-
(J.N. Tripathi)
Joint Director, Traffic Commercial (Claims)
Railway Board

No.84-TC-III/56.

New Delhi, dated 15-2-1985.

Copy for information and similar action to the General Managers (Claims) All
Indian Railways (except NF and Southern Railways.)

Sd./-
(J.N. Tripathi)
Joint Director, Traffic Commercial (Claims)
Railway Board