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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 271/2002

New Delhi, this the 11th day of ^{September} ~~August~~, 2002

Hon'ble Sh. Govindan S.Tampi, Member (A)

1. Shri Prem Kumar
S/o Shri Hans Raj
AC Fitter Gr.I
Under Sr. Section Engineer
(P.C. Shatabdi) P.G. Shed
Northern Railway, Ajmeri Gate
Delhi.
2. Shri Anup Deo
S/o Shri Palbi Dev Bara
AC Fitter Grade-I
(P.C. Shatabdi) P.G. Shed
Northern Railway
Ajmeri Gate, Delhi.
3. Shri Ram Nath
S/o Shri Mohan Lal
AC Fitter Gr.I
P.G. Shed,
Northern Railway
Delhi.
4. Shri Ram Niwas
S/o Shri Chand Lal
AC Fitter Grade-I
P.G. Shatabdi Shed
Northern Railway
Ajmeri Gate, Delhi.
5. Shri Dinesh Kumar
S/o Shri C.S. Gupta
AC Fitter Gr.II
Northern Railway,
Delhi.

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6.	Shri Anil Kumar S/o Shri Hukam Chand AC Fitter, Gr. II Northern Railway Ajmeri Gate Delhi.	14.	Shri Ravi Prakash Gupta S/o Shri Jugal Kishor A.C.Fitter, Grade-II Northern Railway Ajmeri Gate, Delhi.
7.	Shri Ashok Kumar S/o Shri Rajpal Singh A.C. Fitter, Gr. II Northern Railway Ajmerit Gate Delhi.	15.	Shri Sandeep Kumar S/o Shri Bisan Lal A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
8.	Shri Harbans Lal S/o Shri Amar Nath A.C. Fitter, Gr. II Northern Railway Ajmerit Gate Delhi.	16.	Shri Ashok Kumar S/o Shri R.L.Sharma A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
9.	Shri Satish Rangli S/o Shri Bhim Singh A.C. Fitter, Gr.II Northern Railway Ajmeri Gate Delhi.	17.	Shri Rakesh Kumar S/o Shri Jagdish Prasad A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
10.	Shri Subash Kumar S/o Shri Kishan Swarup A.C.Fitter, Grade-II Northern Railway Ajmeri Gate Delhi.	18.	Shri Ishwar Singh S/o Shri Bhim Singh A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
11.	Shri Joginder Kumar S/o Shri Mohan Lal A.C.Fitter, Grade-II Northern Railway Ajmeri Gate, Delhi.	19.	Shri Satinder Kumar S/o Shri Charmbir Singh A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
12.	Shri Ranjeet Singh S/o Shri Sodra Singh A.C.Fitter, Grade-II Northern Railway Ajmeri Gate Delhi.	20.	Shri Pankaj Tiwari S/o Shri G.K.Tiwari Northern Railway, A.C.Fitter, Grade-III Ajmeri Gate, Delhi.
13.	Shri Tika Ram S/o Shri Purun Chand A.C.Fitter, Grade-II Northern Railway Delhi.	21.	Shri Vishal Dhawan S/o Shri Ashok Kumar A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
		22.	Shri Prem Chand S/o Shri Ram Swaroop A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.

23.	Shri Lok Nagar S/o Shri Bishamber Dutt A.C.Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.	32.	Shri Balvinder Singh S/o Shri Amar Singh Diesel Fitter, Grade-II Northern Railway Ajmeri Gate, Delhi.
24.	Shri Man Mohan Singh S/o Shri Daryoo Singh A.C.Fitter, Grade-III Northern Railway Ajmerit Gate, Delhi.	33.	Shri Venoid Kumar S/o Shri Jagat Ram Diesel Fitter, Gr.II Northern Railway Ajmeri Gate, Delhi.
25.	Shri Sunder Singh S/o Shri Dhurga Dass Diesel Fitter, Grade-I Northern Railway Ajmeri Gate, Delhi.	34.	Shri Harbans Singh S/o Shri Bir Singh Diesel Fitter, Gr.III Northern Railway Ajmeri Gate, Delhi.
26.	Shri Dharam Pal Singh S/o Shri Jawahar Singh Diesel Fitter, Grade-I Northern Railway Ajmeri Gate, Delhi.	35.	Shri Kamal Singh S/o Shri Lal Bahadur Diesel Fitter, Grade-III Northern Railway Ajmeri Gate, Delhi.
27.	Shri Roop Ram S/o Shri J.J. Lal Diesel Fitter, Grade-I Northern Railway Ajmeri Gate, Delhi.	36.	Shri U.K.Duggal S/o Shri Kali Charan Wireman Grade-I Northern Railway Ajmeri Gate, Delhi.
28.	Shri Baldev Raj S/o Shri Durga Dass Diesel Fitter, Grade-I Northern Railway Ajmeri Gate, Delhi.	37.	Shri Sardool Singh S/o Shri Sulkhan Singh Wireman Grade-I Northern Railway Ajmeri Gate, Delhi.
29.	Shri Mahabir Singh S/o Shri Amar Singh Diesel Fitter, Grade-I Northern Railway Ajmeri Gate, Delhi.	38.	Shri Suresh Kumar S/o Shri Ram Chand Wireman Grade-I Northern Railway Ajmeri Gate, Delhi.
30.	Shri Kulwinder Singh S/o Shri Paras Nath Diesel Fitter, Grade-II Northern Railway Ajmeri Gate, Delhi.	39.	Shri Tikam Singh S/o Shri Ganga Sahai Wireman Grade-II Northern Railway Ajmeri Gate, Delhi.
31.	Shri Rajender Kumar S/o Shri Dhani Ram Diesel Fitter, Grade-II Northern Railway, Ajmeri Gate, Delhi.	40.	Shri Raghubeer Singh S/o Shri Ohtem Chand Wireman Grade-III Northern Railway, Ajmeri Gate, Delhi.

41. Shri Kamal Kishore
S/o Shri Gopal Dass
Wireman Grade-III
Northern Railway
Ajmeri Gate, Delhi.

42. Shri Dhanpat Ram
S/o Shri Babu Ram
Wireman Grade-III
Northern Railway
Ajmeri Gate, Delhi.

43. Shri Pradeep Kumar
S/o Shri Prama Nand
Helper Khalasi
Northern Railway
Ajmeri Gate, Delhi.

44. Shri Balkishan
S/o Shri Nanak Chand
Helper Khalasi
Northern Railway
Ajmeri Gate, Delhi.

45. Shri Veer Narain
S/o Shri Parmanand
Helper Khalasi
Northern Railway
Ajmeri Gate, Delhi.

46. Shri Hawa Singh
S/o Shri Kartar Singh
Helper Khalasi
Northern Railway
Ajmeri Gate, Delhi.

47. Shri Shyam Babu
S/o Shri Lahoo Singh
Helper Khalasi
Northern Railway
Ajmeri Gate, Delhi.

48. Shri R.D. Jain
S/o Shri Dharm Pal
AC Khalasi
Northern Railway
Ajmeri Gate, Delhi.

49. Shri Anil Kumar
S/o Shri Bansi Lal
AC Khalasi
Northern Railway
Ajmeri Gate, Delhi.

50. Shri Gorakh Nath
S/o Shri Baij Nath
AC Khalasi
Northern Railway
Ajmeri Gate, Delhi.

51. Shri Moti Lal
S/o Shri Laloo Ram
Khalasi
Northern Railway
Ajmeri Gate, Delhi.

52. Shri B. Myele
S/o Shri B. Anthony
M.C.M. Northern Rly
Ajmeri Gate, Delhi.

(By Adv. Sh. S.K. Sawhney)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi.

2. Divisional Railway Manager
Northern Railway
DRM Office, Chelmsford Road
New Delhi.

3. Senior Section Engineer (P.C.)
Shatabdi T.O.G. Shed
Northern Railway
Ajmeri Gate, Delhi.

(By Adv. Sh. Rajiv Bansal)

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O R D E R

By Sh. Govindan S.Tampi,

Following reliefs are claimed by the fifty two (52) applicants in this case :-

i) direct the respondents to issue link programmes for the deployment of staff in a manner that the continuous duty does not exceed 8 hours or 10 hours after including time for handing over and taking over ;

ii) direct the respondents to prepare the programme so that the applicants have full night rest at their headquarters ;

iii) direct the respondents to provide full staff in the team attending on Airconditioned Coaches except in emergency where staff may not be available due to leave and absenteeism ;

iv) grant any other relief that this Hon'ble Tribunal may deem fit ; and

v) award costs of this application.

2. Heard S/Shri S.K.Sawhney and Rajiv Bansal, 1d. counsel appearing for the applicant and the respondents respectively.

3. Applicants are working as Air Conditioned Fitter - Grade I, II & III - Diesel Fitter grade I, II & III, Wireman Grade I, II & III, Helper Khalasi and Khalasi long distance trains with air conditioned

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coaches. According to them, the trains in which they are engaged are being manned by lesser staff than sanctioned, leading to risk in operations. Following the Justice Miabhoi Award in July, 1972, respondents had issued orders on 27-6-85, providing for link arrangement for staff at convenient intermediary stations in long distance trains. This had not been done resulting in continuous duty for the staff i.e. between 28-73 hours and denial of bed rest during night. Even at the arrival stations, the staff are not relieved and they have to perform maintenance job. Representations of the applicants for alleviation of the above difficulties did not evoke any response, leading them to file this OA.

4. According to the applicants, the respondents are illegally extracting more than 10 hours duty for at stretch from the applicants without permitting statutory weekly rest in breach of their own instructions in their letter dated 27-6-85. By this act, the respondents are committing unfair labour practices as well as giving rise to difficulties in operation and even accidents. Tribunal's intervention is, therefore, called for urgently, is what the applicants plead through Sh. S.K.Sawhney.

5. Replying on behalf of the respondents, Sh. Sh. Rajiv Bansal, ld. counsel strongly rebuts the pleas raised by the applicants. According to them, the respondents are taking duties strictly in accordance with the Rules framed by the Railway Board in terms of their letter dated 2-8-98 and no illegality is being committed. These instructions had provided that

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"electrical staff should man the sleeper from one end to the other and there should be normally no change enroute". It is true that as far as escorting staff was concerned, a slight change was ordered on account of the major technological upgradation in February, 1997 when rakes were equipped with RMPU (Roof Mounted Package Unit), which are generally trouble free. Respondents also state that they had experimented with the system of having staff change enroute, but had given it up as the same was found to be failure. They also point out that the staff who were travelling with the trains get rest at the destination while those at the secondary maintenance depot attend to the normal maintenance. The respondents further contend that staff doing escort duty are given proper link rest, weekly rest and compensatory rest as and when due. In the circumstances, the OA would merit dismissal, according to Sh. Bansal.

6. I have carefully considered the matter and I find that the applicants have some case. What they are seeking by way of this OA, is the enforcement of the procedure laid down in Railway Board's reference No. E (LL)83/HER/1-2 dated 27-6-85 laying down uniform procedure for computation of duty hours of ACC Attendant & Incharges. The same had laid down a reasonable procedure so that the work was taken by the staff in an appropriate manner with necessary rest. The procedure has undergone some changes with the Railway Board's letter No. 87/Elec.(I)/180/6 dated 2-8-98, whereunder, the staff had been directed to be attached from one journey to the other. Some re-organisation of the staff also had taken place.

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All these apparently have led to the situation, in which, the staff are forced to do more work than that could be possible. Subjecting the staff to perform duties at a stretch for long without rest and weekly off would be improper and inhuman. The same would also entail difficulties in operation and as correctly pointed out by the applicants, risk of accidents and danger to human life. The policy would, therefore, call for change by the respondents.

7. In the above view of the matter, the OA succeeds and is accordingly allowed. Respondents are directed to re-examine the entire issue regarding the working hours of the staff in the long distance AC trains like Rajdhani Express and Shatabadi Express, evolve scheme which would be fair to all concerned. To facilitate the respondents to undertake this exercise, the applicants shall file a fresh and detailed representation bringing out all the facts, within one month from the receipt of a copy of this order and the respondents shall consider the same and evolve and notify a scheme for the purpose in a period of three months from the date of receipt of a copy of the representation. No costs.

GOVINDAN S. TAMBI
MEMBER (A)

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fresh m/s for extra 2 time & eod