

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(29)

O.A. No. 1605/95/99

Date of Decision: 10.9.99

Shri Yad Ram & Ors.

...Applicants

(By Advocate Shri G.D. Bhandari)

Versus

Union of India & Ors.

...Respondents -

(By Advocate Shri R.L. Dhawan)

CORAM:

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

HON'BLE ~~SHRI~~/MRS. SHANTA SHASTRY, MEMBER (A)

1. TO BE REFERRED TO THE REPORTER ~~OR NOT?~~ YES
2. WHETHER IT NEEDS TO BE CIRCULATED TO OTHER BENCHES OF THE TRIBUNAL?

CRR

(V. Rajagopala Reddy)
Vice-Chairman (J)

Cases referred:

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1605/95

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New Delhi this the 10th day of September, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHARIMAN (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

1. Yad Ram
2. Ram Bharosey Lal
3. Niranjana Singh
4. Kailash Chand
5. Nand Kishore
6. Mangat
7. Jagdeep
8. Amar Singh

...Applicants

(All working as Cabin Men, Northern Railway,
Railway Station, Raja Ka Sahaspur and
R/o Railway Quarters, Railway Station,
Raja Ka Sahaspur)

(By Advocate Shri G.D. Bhandari)

-Versus-

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Moradabad.

...Respondents

(By Advocate Shri R.L. Dhawan)

O R D E R

By Reddy, J.

The applicants in this case are aggrieved by the reclassification of the working hours which have been changed from "continuous" to "essentially intermittent" and the duty hours have been increased from eight to 12 hours in the Railways.

2. The applicants are working in the posts of Cabin Signal Men in Raja Ka Sahaspur Station. It is a Group 'C' post. The Railways have framed the Hours of Employment, called Railway Servants (Hours of

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Employment) Rules, 1961 (for short, Rules). Under the Rules the Railway servants are classified into the following categories:

- a. Intensive.
- b. Continuous
- c. Essential Intermittent and
- d. Excluded staff.

3. The cabin Singal Men have been classified as continuous and have been performing eight hours shift a day and change hands after every shift of their duty. It is the case of the applicants that the increase in traffic warrants reclassification from "continuous" to "intensive", reducing the daily duty hours from eight to six hours. As per Railway Board's letter dated 3.3.1972 the classification of the staff is subjected to a change in accordance with the quantum of work from time to time. The competent authority is the General Manager and "job analysis" is necessary to assess the work load. It is the grievance of the applicants that the respondents by virtue of the impugned order, ordering the classification from "continuous" to "intermittent" the working hours have been increased from 8 hours to 12 hours at a stretch. It was also ordered that surplus posts should be surrendered resulting in transfer/reversion of the surplus staff.

4. The learned counsel for the applicants contends that the impugned order is arbitrary as it was not passed in accordance with the rules. By

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virtue of the impugned order the applicants may face reversion, removal or transfer. The learned counsel for the respondents, however, submits that "factual job analysis" of duties of the Cabin Signal Men was conducted for 72 consecutive hours, i.e. from 8.00 hrs of 3.5.93 to 8.00 hrs of 6.5.93 by the 'Job Analysis Team' under intimation to the subordinate staff. It was averred that as a result of scrutiny thereof it was found that during 24 hours only 8 hours 8 minutes were found effective as against the minimum of 12 hours prescribed for the workman category. The change of the classification was also approved by the competent authority. It is contended by the learned counsel for the respondents that certain aspects of job analysis have been approved by the Railway Labour Tribunal in 1969 and the Railway Board in its letter dated 28.6.74 has directed that the procedure should be accordingly followed for job analysis of Railway Servants. The analysis has been done in accordance with the said letter and in accordance with the rules.

5. The learned counsel for the respondents also relied upon the judgement in 461/92 and 462/92 Rati Ram & Ors. vs. Union of India & Ors. etc. etc. which was disposed of ^{on} 6.5.97. This was also a case where the question of reclassification of Railway servants has been discussed. The Bench, however, disposed of the case, directing the applicants to approach the alternative forum available under the Rules, viz. The Regional Labour Commissioner and thereafter the appellate authority. We do not propose

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to resort to the said course, as this is an old case. Hence, we deal with the merits of the case and dispose of the same.

6. The only issue raised in this case is whether the reclassification was done in accordance with the relevant Rules of 1961 of the Railway Board. The latest rules on this aspect are contained in the Railway Board letter dated 28.6.74. This letter gives instructions as to the job analysis recommended by the Railway Labour Tribunal in 1969 which are based upon the Rules of 1961. Both the counsel relied upon these instructions. In para 2 of the instructions four methods are indicated for job analysis, namely, (a) Rough assessment method, (b) Representative method, (c) Method of issuance of certificate by Executive Officer and (d) Factual job analysis. The learned counsel for the applicants submits that the last method, namely, factual job analysis is the most important and effective method. It should be seen that the present reclassification was done only on this method. It is also noticed from this letter that the factual job analysis method was found by the Tribunal as the most suitable. It is also averred in the counter that the job analysis method was done by the Job Analysis Team under intimation to the subordinate staff concerned. In the report given by the said Team which is annexed at Annexure R-1 it is stated that the job analysis was done by factual job analysis of duties of Cabin Signal Men for 72 consecutive hours from 3.5.93 to 6.5.93. In Annexure R-4 to the counter dated 19.7.94 the General Manager stated that the

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competent authority has approved the change of classification from continuous to essentially intermittent.

7. It is contended by the learned counsel for the applicants that the Executive Officers and the Accounts Officers should have been associated in the final decision making process and that was absent in the present case. We do not agree. In para 4 of the letter dated 28.6.74 of the Railway Board it is true that it was stated that the association of all the Executive Officers and Accounts Officers in the final decision making process is unexceptionable. However, no such ground was taken by the applicants in the OA. Hence, it is not traversed in the counter-affidavit. A general ground was taken that the job analysis was not done in accordance with the rules. There is also nothing to show that the executive officers and accounts officer have not been associated in the analysis. It is seen that the competent authority has approved the work of the job analysis. Hence, it must be presumed that the team^{has} done the work in accordance with the instructions.

8. In the circumstances, we do not find any infirmity in the impugned order. The OA fails and is accordingly dismissed. No costs.

Shanta S.
(Smt. Shanta Shastry)
Member (J)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman(J)

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