

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

G.A. NO. 1011/1989

DATE OF DECISION: 27.02.1992

SHRI VIJAY PAL & ORS.

...APPLICANTS

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI D.K. CHAKRAVORTY, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANTS

...SHRI B.S. MAINEE

FOR THE RESPONDENTS

...SHRI O.N. MOOLRI

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*

2. To be referred to the Reporter or not? *Y*

JUDGEMENT

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

Vijay Pal and 19 others are working as Pointsmen in Northern Railway and they have challenged the failure of the respondents to review the classification of the applicants who have been classified as 'Essentially Intermittent' staff for the last so many decades. The grievance of the applicants is that they are forced to perform 12 hours duty everyday and are not being paid any overtime in spite of of various representations to the higher officers.

2. According to the case of the applicants, there are three main categories of the Railway staff, namely (i) Continuous (ii) Intensive and (iii) Essentially Intermittent. The rules,

(S)

of course, provided that the classification of Railway servants cannot be of a permanent nature and they are liable to vary according to fluctuations in the quantum of work and the classification should be reviewed as and when warranted. It is said that the traffic increased in the last few years and presently there are 70 trains running in the Ghaziabad-Saharanpur section.

3. The prayer of the applicants is that the respondents be directed to conduct factual job analysis and review the classification of the applicants in the light of the said analysis and further a direction to the respondents to change the classification of the applicants from essentially intermittent to continuous with a further request to pay overtime allowance for the period of duty performed by the applicant over and above 8 hours of duty.

4. The respondents contested the application and stated that the respondents conducted the factual job analysis into the workload of Pointsmen on Gurdhar to Tapri stations on representative basis and the result was arrived at out of the factual job analysis report reckoned their classification as essentially intermittent under Hours of Employment Regulations.

It is also stated that review into the workload in other categories has been taken from time to time (Annexure A1 to the counter), but the position remained that the status-quo or down gradation from continuous to essentially intermittent. The applicants are working in essentially intermittent classification allotted to them as per work load under ^{they} hours of Employment Regulations and neither worked extra hours duty nor were due for overtime as alleged by them.

5. We have heard the learned counsel for the parties at length and have gone through the record of the case. The learned counsel for the applicants pointed out that the respondents themselves in para 4.25 of the counter admitted that the request of the staff for job analysis is registered in priority register and except for Pointsman, factual job analysis has been done in 1988.

6. The learned counsel for the respondents referred to the decision of the Principal Bench in TA 817/86 (Shri Narayan Singh Vs. General Manager) decided on 13.4.1988. The same point was involved in that case. By detailed reasoning, the Bench decided as follows :-

"In the circumstances we have to hold that this is really a matter which does not call for judicial review. An administrative action in accordance with the statutory rules can be assailed only if it is shown to be arbitrary, unfair, based on extraneous consideration or by way of colourable exercise of power. We dismiss the application."

(P)

We are totally in agreement with the above view of the Bench.

7. We, therefore, find no merit in this application and dismiss it leaving the parties to bear their own costs.

AKS

J. P. Sharma
(J.P. SHARMA) 27/2/92
MEMBER (J)

D. K. Chakravorty
(D.K. CHAKRAVORTY) 27-2-1992
MEMBER (A)

Pronounced by Hon'ble Shri J.P. Sharma, Member (J).

J. P. Sharma
(J.P. SHARMA) 27.2.92
MEMBER (J)