

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2177/1992

New Delhi this the 15 day of October, 1997.

(9)

HON'BLE SHRI S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. S. K. Khanna W/O B. K. Khanna,
Documentalist, Lady Hardinge
Medical college and Hospital,
New Delhi.
Resident of 114-A (SFS)
DDA Flats, Gulabi Bagh,
Delhi-110007.

... Applicant

(By Shri M. L. Ohri, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Health, Nirman Bhawan,
New Delhi.
2. The Director General
Health Services,
Nirman Bhawan,
New Delhi.
3. The Principal,
Lady Hardinge Medical
College and Hospital,
New Delhi.

... Respondents

(None present for Respondents)

O R D E R

Shri S. R. Adige, VC (A) -

Applicant impugns respondents' order dated
2.7.1992 (Annexure-3) as well as respondents'
memorandum dated 15.5.1992 (Annexure-1) and the night
duty roster (Annexure-2). Her grievance is that as a
Documentalist in the Lady Hardinge Medical College,
Delhi her job and responsibilities (Annexure-13) were
not those of a Librarian, but despite that respondents
by impugned duty roster compelled her to perform night

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duty from 9 p.m. to 8 a.m., some times on successive dates, and when she objected, her period of absence was treated as "unauthorised" and without pay and allowances.

2. Respondents state that since January, 1992 the Library timings were extended to 24 hours to meet the long felt need of the students and for this purpose shift duty roster was introduced. Four shift teams were set up and each had three members. The night shift is from 9 p.m. to 8 a.m.; the morning shift from 8 a.m. to 2 p.m. and the evening shift is from 2 p.m. to 9 p.m. During the night shift the usual practice is for each shift member to take 3-4 hours rest at a time by rotation, effectively reducing their work to about 8 hours. After every night duty the team gets a day off (24 hours) for rest. It has been stated that this arrangement has been made for the convenience of the staff because if the shift timings had been strictly on an 8 hour basis, the odd nature of timings would make it difficult for staff to travel to work and home. Respondents also state that whenever applicant had supplied bona fide medical certificates in support of her illness, she was granted medical leave, but they complain that whenever they put her on night shifts, she developed a variety of "illnesses" which kept her away from attending her night shift duty and the next day. That "two-day illness" miraculously disappeared on the day of her morning and evening shifts. They state that on these occasions applicant sent letters without attaching

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copies of medical certificates by post to the Principal which arrived several days later and her claim for illness remained unsupported subsequently. Respondents also state that applicant is not only a Documentalist, but by way of her seniority, functions as a shift team leader, in charge of supervising the junior staff who do duty in her shift timings. The teams have been arranged in such a manner as to ensure that at least one senior or supervisory staff is available in every shift to deal with problems faced by students/readers.

3. We have considered the matter carefully. While respondents' intention in providing 24 hours library facility to students is no doubt laudable, it has to be implemented in a manner that does not throw intolerable strain on the employees. On the other hand employees cannot refuse to carry out lawful orders of superior authorities made in public interest on the ground that the duties and responsibilities attached to their post do not specifically make mention of such duties, or on the ground that they are required to perform their duties outside normal duty hours. A balance has, therefore, to be struck between respondents' laudable intention in providing 24 hour library service to the students and the private rights of employees such as the applicant.

4. Keeping the above in view we dispose of this O.A. with a direction to respondents to ensure that on the dates applicant and other employees are

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required to put in night duty, the duty hours as contained in DOP&T O.M. dated 4.10.1989 (Annexure P-1) are strictly adhered to and the same is incorporated in the roster duty chart. Such allowances as are applicable to government servants in applicant's category who are required to put in night duty on a particular night, should also be paid to them. Adequate rest periods should also be provided between two night duty shifts for rest and recuperation in accordance with rules and instructions. In so far as applicant's absence on particular dates in the past is concerned, respondents should consider adjusting the same against leave due to her.

5. The O.A. is disposed of in terms of para 4 above. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

(S. R. ADIGE)
VICE CHAIRMAN (A)

/as/