

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

Allahabad : Dated this 9th day of April, 1997

Original Application No. 1303 of 1994

District : Varanasi

CORAM:

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

1. Staff Council Diesel Locomotive Works, Varanasi, through its Joint Secretary.
2. Lallu Singh Bansal, S/o Late Kachan Lal, Joint Secretary Staff Council Diesel Locomotive Works, Varanasi.

(By Sri Ramesh Rai, Advocate)

.... Applicants

Versus

1. Union of India through Secretary Ministry of Railway, New Delhi.
2. General Manager, Diesel Locomotive Works, Varanasi.
3. Railway Board New Delhi through its Chairman.

(By Sri Amit Sthalekar, Advocate)

..... Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, by the Staff Council Diesel Locomotive Works, Varanasi, through its Joint Secretary as well as by the Joint Secretary of the Staff Council. They have challenged the circular dated 6-7-1994 issued by the Railway Board and also the order dated 24-8-1994 passed by the Deputy Chief Controller, D.L.W. Varanasi by which 5½ days working week has been introduced in all offices of D.L.W. in the production units.

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2. The applicants' case is that the Government of India had introduced 5 days in a week in certain Government Offices which has resulted in increasing efficiency and the similar working pattern should have been introduced in D.L.W. also. The respondents have contested this case by filing a counter affidavit in which it has been stated that the status of offices who are observing 5 days in a week was considered by the Board and it was observed that such offices ^{which} were located either in the factory premises or next to the factory premises and their nature of work indirectly related to activities in the factory and are more like field units ~~and~~ should follow the same working pattern as the factory staff and accordingly 5½ days working week was introduced by the impugned circular. The applicants have not filed any rejoinder affidavit nor had appeared to controvert their arguments, but in addl. counter affidavit filed by the respondents, it has been stated that a similar matter in OA No. 969/1994 filed before the Calcutta Bench of the Tribunal, some what similar issue came up for decision and the matter has been disposed of with a direction to the Railway Board to consider the matter afresh.

3. In terms of Rule 4(v)(a) of the Central Administrative Tribunal (Procedures) Rules, 1987, an application may be filed by an association provided at least one affected person joins the application. The present application has been filed by Staff Council of the D.L.W. through its Joint Secretary as well as by the Joint Secretary of the Staff Council. It has not been filed by any

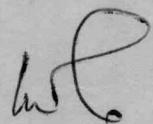
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other person in individual capacity as employee.

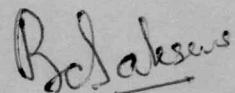
Therefore, in our view this application is not maintainable in terms of the abovementioned provision.

4. Even otherwise on merit, we find no case for our interference as the question of fixing working period is a matter which comes within the ~~parview~~ provisions of Government policy and unless the working periods fixed are wholly arbitrary, there is no reason for the Tribunal to interfere. We do not find any arbitrariness in the decision of the Railway Board in fixation of $5\frac{1}{2}$ days week for the offices in the production unit.

5. In view of the foregoing, the OA is dismissed accordingly having no ~~merit~~ substance, leaving the parties to bear their own costs.



Member (A)



Vice Chairman

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