

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

18

O.A. No. 453 OF 1988.
~~E.A. No.~~

DATE OF DECISION 10.6.1993.

Amarine J. D'mello & Ors. Petitioner s

Mr.K.K.Shah & Mr.M.M.Xavier, Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent s

Mr. N.S.Shevde, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr. M.R.Kolhatkar, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

1. Amarine J. D'mello
2. P.S. Bhatt
3. A.M. Suthar
4. V.B. Parghi
5. A.B. Dholakia
6. K.L. Bhatt
7. V.D. Gaikwad

All ministerial staff working
under District Controller of
Stores, Sabarmati.

..... Applicants.

(Advocates: Mr.K.K. Shah &
Mr. M.M. Xavier)

Versus.

1. The Union of India owning
representing Western Railway
through its General Manager,
Churchgate, Bombay.

2. The District Controller of Stores
Western Railway, Sabarmati.

..... Respondents.

(Advocate: Mr. N.S.Shevde)

ORAL ORDER

O.A.No. 453 OF 1988

Date: 10.6.1993.

Per: Hon'ble Mr. M.R.Kolhatkar, Admn. Member.

Heard Mr. K.K. Shah and Mr. M.M. Xavier, learned
advocates for the applicants and Mr. N.S.Shevde, learned
advocate for the respondents.

2. This is an Original Application under section 19
of the Administrative Tribunals Act, 1985, in which
employees working in the office of the District
Controller of Stores, Sabarmati, Western Railway, have
impugned the circular dated 18th June, 1987 from the
General Manager (E), Western Railway, vide Annexure A-6
stating that the Ministerial/Accounts staff attached to
Field Units/Workshops should continue to observe the 6 day
Administrative Offices.
week even after the introduction of 5 day week in the / The

second prayer of the applicant is to hold that the Office of the DCOS Sabarmati is an Administrative Office and to direct the Railway Board to introduce five day week in DCOS Sabarmati. After the application was admitted the parties were also permitted to file additional documents which have a bearing on the above impugned orders. Admittedly, the introduction of the five day week pattern by the circular of the Railway Board dated 24.5.85 at Annexure A-1 relates back to the earlier circulars of the Railway Board dated 28.12.1959 at page 46 as modified by the subsequent circular dated 4.6.60 at page 47. There were certain offices namely District/Divisional and Headquarter Offices which remained closed on the second saturday. In the Railway Board circular dated 24.5.85 it is said that the orders regarding five day week will be applicable to such of the Railway offices which at present observe second Saturday of a month as a holiday in terms of Railway Board circular dated 4.6.1960. The applicant emphasises that their office is thus covered by the pattern of five day week. The respondents however refer to the Railway Board circular dated 28.8.86 which has clarified that staff which has their working linked to the Field Units should continue to observe six day week and the examples of Zonal Training School and system Training Schools have been cited. According to the applicant, the circular issued by General Manager, Western Railway

dated 18.12.1986 which states that the office of the DRM and Headquarters office alone would observe five day week is inconsistent with the circular of Railway Board dated 20.8.86 and since the impugned order Annexure A-6 though in terms quotes the Railway Board circular is really based on the Western Railway's Circular dated 18.12.1986 which as pointed out above is inconsistent with the Railway Board circular.

3. It is surprising to note that even after a lapse of seven years since the five day week was introduced in the Administrative Offices of the Government of India including the Railway Board there is a lack of clarity regarding the Administrative Offices to which the five day weeks applies and the Field Units/Workshops to which the six day week applies. There is also a distinction between the Ministerial Staff attached to Field/District Offices and District Stores Office. We have also perused the circular Annexure A-2 dated 30th May, 1986 by the Western Railway which though admittedly prior to the circular of the Railway Board dated 20.8.86 and the circular of the Western Railway dated 18th December, 1986 says in so many words that offices of the Dy. CPS/DCOS/ACBS can be treated as an Administrative Offices. We therefore feel that the matter needs to be clarified. It is

however not possible for this Tribunal to adjudication the question as to what are and what are not administrative offices and field offices. It is for the Railway Board to take a view on that issue from the point of view on administrative efficiency and convenience. We feel that an appropriate direction from this Tribunal would facilitate clearing up of the issue. We therefore, pass the following order :

O R D E R

The respondent No.1, General Manager, Western Railway representing the Union of India is directed to make a reference to the Railway Board seeking clarification as to whether the Annexure A-6 is inconsistent with Railway Board circular dated 24.5.1985 at Annexure A-1 and, in particular, whether the office of District Controller of Stores Sabarmati is an administrative office or field unit and accordingly whether it should follow five day or six day

pattern of functioning. Since the parties are litigating almost for 5 years we hope that it should be possible for the General Manager to obtain a clarification within a period of 4 months from the date of the receipt of the order. The clarification, when received should be communicated to the applicant. No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

R.C. Bhatt

(R.C. Bhatt)
Member (J)

etc.