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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 548 OF 1995
Cuttack, this the 9th day of August, 2002

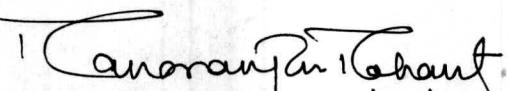
Madhusudan Patnaik and othersApplicants

Vrs.

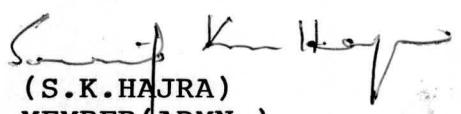
Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(M.R.MOHANTY) 09/08/2002

MEMBER (JUDL.)


(S.K.HAJRA)
MEMBER (ADMN.)

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CORAM:

HON'BLE SHRI S.K.HAJRA, MEMBER(ADMN.)
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDL.)

.....

1. Madhusudan Patnaik, aged about 37 years, son of late Laxminarayan Patnaik
2. Dillip Kumar Mohapatra, aged about 38 years, son of Chintamani Mohapatra.
3. Purna Chandra Puhan, aged about 37 years, son of late Trilochan Puhan.
4. Upendranath Swain, aged about 36 years, son of late Dibakar Swain.
5. Ajaya Kumar Mohapatra, aged about 38 years son of late Radhashyam Mohapatra.
6. Rabindra Kumar Sethi, aged about 36 years, son of Purna Chandra Sethi.
7. Rabindrakumar Baliarsingh, aged about 36 years, son of Ram Chandra Senapati
8. Sasanko Sekhar Patnaik, aged about 39 years, s/o Jagabandhu Patnaik
9. Pravash Kumar Sahoo, aged about 37 years, son of Baikunthanath Sahoo.
10. Padmanabha Sahu, aged about 37 years, son of Sri Abhimanyu Sahu.
11. Bholanath Pradhan, aged about 36 years, son of Sri Minaketan Pradhan.
12. Jayannath Jani, aged about 32 years, son of Shri Hajari Jani.
13. Santolu Kumar Acharya, aged about 27 years, son of S.N.Acharya
14. Niranjan Rout, aged about 27 years, C/o Sachindra Prasad Rout
15. Satyanarayan Patnaik, aged about 37 years, son of Purna Chandra Patnaik
16. Gora Chand Sahoo, aged about 30 years, son of late Laxmidhar Sahoo
17. Narendranath Sahoo, aged about 38 years, son of late Banamali Sahoo
18. Om Prakash Rath, aged about 36 years, son of Sri Srivatsa Rath

19. Rajendra Kumar Sahoo, aged about 25 years, son of Anam Ch.Sahoo.
20. Minaketan Mishra, aged about 37 years, son of Muralidhar Mishra.
21. Jasobanta Sahoo, aged about 36 years, son of late Rama Chandra Sahoo.
22. Sarat Ch.Sahoo, aged about 36 years, son of late Mani Charan Sahoo
23. Kulamani Sethi, son of Baidhar Sethi.
24. Akhila Chandra Sahoo, aged about 38 years, son of Sri Bansidhar Sahoo
25. Manjulika Mishra, aged about 38 years, w/o M.K.Mishra.
26. Pramoda Kumar Panda, aged about 37 years, son of Bhramarbar Panda
27. Bijaya Kumar Rout, aged about 38 years, son of Rama Chandra Rout
28. Suresh Chandra Sahoo, aged about 36 years, son of Benudhar Sahoo
29. Gour Mohan Ghosh, aged about 38 years,
All are working in the office of Directorate of Census Operation, Orissa, Unit-9, Janapath, Bhubaneswar-7.....Applicants

Advocates for applicants - M/s Ganeswar Rath
S.N.Mishra
A.K.Panda

Vrs.

1. Union of India, represented by its Secretary, Ministry of Home, New Delhi.
2. Registrar General of India, 2-A, Mansingh Road, New Delhi.
3. Director of Census Operation, Orissa, Bhubaneswar

..... Respondents

Advocate for respondents - Mr.B.Dash
ACGSC

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O R D E R
SHRI S.K.HAJRA, MEMBER(ADMINISTRATIVE)

Respondent No.3 issued office order,
dated 2.6.1995 (Annexure A/6), adopting six-day week

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in two shifts with every second Saturday of the month as holiday for the Direct Data Entry (D.D.E.) Unit of his office. Respondent no.2 replied on 24.7.1995 (Annexure A/8) to the Secretary General, AICEF, Directorate of Census Operations, Orissa, assigning reasons for introduction of six-day week.

2. Aggrieved by the introduction of six-day week, the applicants, who were working in D.D.E. Unit of the office of respondent no.3, filed this Original Application with prayer to quash Annexures A/6 and A/8.

3. Arguments advanced by Shri S.N.Mishra, learned counsel for the applicants, are as follows. Government of India introduced five-day week in all administrative offices by order, dated 21.5.1985 (Annexure A/1). D.D.E. Unit of the office of respondent no.3 worked for five days a week from 1985 to 1995. To the dismay of the applicants, respondent no.3 introduced six-day week for D.D.E. Unit of his office by the impugned order at Annexure A/6, but the administrative personnel in his office continued to work for five days a week. All the officers of D.D.E. Unit had opted for working for five days a week. The introduction of six-day week, which resulted in D.D.E. Unit working for 42 hours a week whereas the administrative personnel work for 40 hours a week, is arbitrary and discriminatory, apart from eroding efficiency of the staff of D.D.E. Unit. Six-day week is followed by few field Departments in Government of India. But the applicants, working in D.D.E. Unit, are not field level functionaries and they work in offices.

4. Shri B.Dash, learned Additional Standing Counsel, appearing for the respondents, argued as follows. The applicants filed this Original Application without making a representation to respondent no.3, exhausting the departmental remedy. The fixation of six-day week for D.D.E.Unit of the office of respondent no.3 was done pursuant to the Office Memorandum, dated 26.5.1995 (Annexure R/3) issued by respondent no.2. This was done, as explained in the aforesaid Office Memorandum, to enhance the operational efficiency of the D.D.E.Unit, to mitigate the transport problem of the employees, and to bring about uniformity. Some offices like C.P.W.D., Printing Press, have field units working for six days a week. There is no disparity in the working hours between census staff and D.D.E staff. The introduction of working hours (six-day week for D.D.E.Unit) is a policy matter which is not to be adjudicated in a court case.

5. We heard both sides and perused the records. It is indisputable that several Government of India offices like post offices, C.P.W.D., Central Government Health Scheme, work for six days a week to meet the growing and varying needs of the public and the Department. So, the characterisation of fixation of six-day week for the staff of D.D.E.Unit in the office of respondent no.3 as arbitrary and discriminatory does not stand to reason. As explained in the letter, dated 24.7.1995 (Annexure A/8), of respondent no.2, six-day week for staff of the D.D.E.Unit was introduced to
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mitigate the transport problem of the employees, to enhance productivity, and to remove operational fatigue caused by long continuous working hours. The six-day week for the staff in D.D.E.Centres was introduced in all offices of Directorate of Census Operations throughout the country by Office Memorandum, dated 26.5.1995 (Annexure R/3) ^{of respondent no.2.} This was an administrative measure calculated to improve the productivity of the employees working in D.D.E.Centres and mitigate the transport problem faced by some employees. There is no ground for interfering with such a decision, more so because ^{it does not} constitute violation of any statutory rules.

6. In short, we see no reason for interfering with the impugned orders at Annexures A/6 and A/8.

7. For the reasons given above, this Original Application is dismissed without any costs.

Charanprakash
(M.R.MOHANTY) 09/08/2002

MEMBER (JUDICIAL)

Sampurna Hajra
(S.K.HAJRA)

MEMBER (ADMINISTRATIVE)

AN/PS