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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 197 OF 2009
CUTTACK, THIS THE 07th DAY OF September, 2011

Laxmikanta Giri & Another..... Applicant

Vs

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? X
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? X


(A.K.PATNAIK)
MEMBER (ADMN.)


(C.R.MOHAPATRA)
MEMBER (ADMN.)

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ORIGINAL APPLICATION NO. 197 OF 2009
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CORAM :

HON'BLE MR. C.R. MOHAPATRA, MEMBER (ADMN.)

&

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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1. All India Loco Running Staff Association represented by its secretary, Sri Laxmikanta Giri, aged about 41 years, Son of Late Krutibasa Giri, Vill-Nabara, P.O./P.S.- Singla, Dist. Balasore. Presently working as Loco pilot (Goods) Gr-ii under the chief crew controller, East Coast Railway, Khurda Road, Post-Jatni, Dist. Khurda.
 2. Krushna Chandra Panda, aged about 40 years, s/o Late Bauribandhu Panda of village Kailashpur (Dengawasta) PS-Digapahundi, Dist-Ganjam presently working as Asst. Loco pilot under the chief crew controller, East Coast Railway, Khurda Road, Post-Jatni, Dist. Khurda

.....Applicants

Advocate(s) for the Applicant- M/s Bimbisar Dash, Chhabilendu
Mohanta

VERSUS

1. Union of India represented through the General Manager, East Coast Railways, Chandrasekharapur, Rail Vihar, Bhubaneswar, Dist. Khurda.
2. Chief Motive Power Engineer, East Coast Railway, Rail Vihar, Chandrasekharapur, Dist. Khurda.
3. Divisional Railway Manager, East Coast Railway, Khurda Road, PS- Jatni, Dist-Khurda.
4. Senior Divisional Mechanical Engineer, East Coast Railway, Khurda Road, PO-Jatni, Dist. Khurda.
5. Divisional Railway Manager, East Coast Railway, Waltair, AT/PO-Dondaparthi, Visakhapatnam.
6. Senior Divisional Operational Manager, Waltair Division, AT/PO-Dondaparthi, Visakhapatnam.

..... Respondents

Advocates for the Respondents – Mr. S.K.Ojha.

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ORDER

HON'BLE MR.C.R.MOHAPATRA, MEMBER(ADMN.)

The All India Loco Running Staff Association represented by its Secretary, who is working as a Loco pilot under E.Co.Railways, Khurda Road and Sri Krushra Chandra Panda working as Assistant Loco pilot at E.Co.Railways, Khurda Road have filed the present O.A. U/s 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“a) The Original Application may be allowed.

b) The operation of letter dt. 25.02.2009 (Annexure-13), dt. 24.02.2009 (Annexure-12) and dt. 08.03.2009 (Annexure-15) may be quashed.

c) The respondents may be directed to utilize the Traffic Staffs/Token Porters for the purpose of coupling and uncoupling of locomotives.

d) This Hon'ble Tribunal may declare that the Asst. Loco Pilots are not duty bound to couple/uncouple the locomotives at the stating and end points and can be directed to do the said work during journey/en-route whenever required.”

2. The grievance of the applicants has emanated from the order issued by the Divisional Mechanical Engineer for Sr. Divisional Mechanical Engineer, E.Co.Railways, Khurda Road on 24.02.2009 (Annexure-A/12) whereunder the Assistant Loco pilots of Khurda Road have been advised to do the coupling and

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uncoupling work at Visakhapatnam (Waltair) till receipt of clarification on the provisions of SR 4.32.01. There was also a threat in this order that refusal to do the job may invite suitable disciplinary action. Vide Annexure-13, the DRM, Waltair made reference to the DRM, E.Co.Railways, Khurda Road on the subject of coupling/uncoupling of locomotives with rake at Visakhapatnam projecting the point that while for shunting purposes coupling and uncoupling will be done by the traffic staff, the Asst. Loco pilots are to continue the work with the job of attaching and detaching engine themselves and the same is as per the subsidiary rule No. SR 4.32.01, which provides that Asst. Driver will couple up the engines on the trains and uncouple engines from trains whenever required to do so. For shunting purposes, the coupling and uncoupling would be done by the traffic staff. Under Annexure-A/15, the Chief Motive Power Engineer, E.Co.Railways, Bhubaneswar addressed a letter to the Sr. DME, E.Co.Railways with reference to the DRM, Waltair letter dated 25.02.2009 (Annexure-A/13) giving the following clarification:

"The subsidiary rule No. SR 4.32.01 implies that

- Any shunting activity would require coupling/uncoupling of engine to be done by traffic staff.
- The movement of a train engine manned by a single man crew in a yard will be treated as a shunt movement.

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Since reversal of engine on a train does not come under the shunt movement as defined above, it is surmised that as per SR 4.32.01, the ALP should couple/uncouple the engine during reversals-whenever required to do so."

3. As it is seen from the prayer of the applicants that all the above three Annexures, i.e. A/12, A/13 and A/15 have been impugned in this O.A. The contention of the applicants is that they are required to do job of coupling and uncoupling of the locomotive during journey whereas the traffic staff/token porters are men to do the job of coupling and uncoupling of engines. The Asst. Loco pilots being Class-III employees are not supposed to do the work of Class-IV employees and compelling the Asst. Loco pilots to do the coupling/uncoupling of engines at the time of shunting is against the guidelines issued by the Railway administration. Applicants have submitted that under GR 4.32 read with SR 4.32.01, the traffic staffs are required to be engaged in the job of coupling and uncoupling at the starting and end point so also at the stations en route. They further contend that only in extraneous circumstances during the absence of traffic staff like token porter, Asst. Loco pilots are required to do the coupling and uncoupling job. They further point out that in other Divisions Asst. Loco pilots are not being insisted upon to do the coupling and uncoupling work.

4. Respondents have contested the claim of the applicants by filing a detailed counter. Their stand is that SR 4.32.01 of GR 2000 speaks about coupling and uncoupling of engines by the Asst. Driver (now designated as Asst. Loco Pilots) whenever required to do so except shunting where coupling and uncoupling would be done by the traffic staff. Further, this provision clarifies that if an engine is manned by a single man engine crew in a yard, the same is to be treated as a shunt movement (shunting). Respondents point out that at Vsakapatnam, the geographical constraints restrict the train line to a dead end. The direction of the train is reversed for making further course of journey to either destination whenever the train is admitted into Visakhapatnam station either from Howrah or from Bijayawada. So the arrival engine is uncoupled and fresh engine is coupled at the other end of the train. They contend that services of ALPs for uncoupling of the arrival engine and coupling of the fresh engine are being utilized because this work does not fall under shunting category of operation. They point out that Chapter 1 of GR 2000 clarifies about the shunting operation. Respondents by filing a copy of their letter dated 07/12.05.2009 finally stated that the ALPs of Khurda Division, who are working in trains up to Visakhapatnam should couple/uncouple the engines from the trains during reversals whenever required to do so. Thus, the Respondents have

justified their action in issuing the direction/clarification to the effect that ALPs are being involved in coupling and uncoupling as they are available in the locomotive due to various technical and operational reasons.

5. No rejoinder has been filed in spite of the opportunity given to the applicant.

6. Heard Ld. Counsel for the respective parties and perused the available records including the various rules regarding the duties of Drivers/Asst. Drivers.

7. The following points emerge from the pleadings as well as arguments/counter arguments of the parties during hearing.

(a) The validity of SR 4.32.01 and its applicability.

(b) The assignment of work to the crew involved in the movement of Locomotives.

(c) The peculiar problems due to geographical constraints at Visakhapatnam Railway Station.

8. Our findings in regard to (a) is that there is no dispute between the parties regarding the provisions of SR 4.32.01. It is very clear that coupling and uncoupling of engines from trains does not come within the definition of 'Shunting'. Hence, whenever shunting is involved, coupling and uncoupling will be done by the



traffic staff and, in other circumstances, the same will have to be done by the Asst. Loco pilots.

Regarding (b) and (c), we note that the instruction at Annexure-A/15 is Visakhapatnam specific. Hence, the ALPs of Khurda Road, who are working in the trains up to Visakhapatnam are required to couple/uncouple the engines from the trains during reversal whenever required to do so, the only exception to be followed is that they do not have to do this job in the case of Shunting.

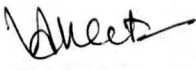
9. Needless to emphasize that the duties and responsibilities of the Railway staff have to be performed/carried out keeping in view the greater interest of the public and the operational efficiency of the Railways. Hence, we do not want to delve in to the intricacies/the technicalities involved in the performance of certain duties which the Railway administration in its wisdom has decided.

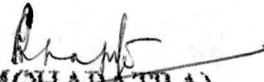
10. Notwithstanding the above, we find that the all Asst. Loco pilots of Khurda Road, about more than 50, have approached the General Manager, East Coast Railways, Bhubaneswar vide Annexure-A/16 and A/17 on the specific issue as to whether it should be the duty of the traffic staff or the ALPs in regard to coupling and uncoupling of locomotives at Visakhapatnam. It is the General Manager, East Coast Railways, being the Zonal Head,

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should consider the various points raised by the ALPs keeping in view the various rules, subsidiary rules framed by Railways on the subject. Hence, we would like to leave the matter to the General Manager, East Coast Railways, i.e Respondent No.1, for a comprehensive examination of the nature of job and the assignment to be given to the ALPs depending upon the technicalities, intricacies of job and operational efficiency of the Railways. We hope and trust that Respondent No.1 shall do well to examine in depth and issue appropriate direction to the Divisional Headquarters at Khurda under intimation to the applicants within a period of three months from the date of receipt of copy of this order.

11. With the above observation and direction, this O.A. stands disposed of. No costs.


(A.K. PATNAIK)
MEMBER (JUDL.)


(C.R. MOHAPATRA)
MEMBER (ADMN.)