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O.A.No.332 of 2010

ECoRly Shramik Union represented by its
General Secretary, Shri Chalasani Gandhi
-Versus-

.... Applicant

Union of India & Ors.

.... Respondents

1. Order dated: the 05th July, 2010.

C O R A M

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

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This Original Application has been filed by Shri Chalasani Gandhi describing himself to be the General Secretary of the East Coast Railway Shramik Union seeking to quash the order dated 24.01.2008 and to call upon the Respondents to show cause as to why the extension of working hours in Khurda Division and Waltair Division in ECRailway for ECRC and CRC shall not be reduced. Also he has prayed to direct the ECoRly authority to maintain uniformity in working at Reservation counter as is maintained throughout the country.

2. It has been contended by Learned Counsel of the Applicant that there is no power authority or competence of the authority who passed the order to fix the working hours differently at different places and as the order under Annexure-A/1 causes discrimination the same needs to be quashed. On the other hand Respondents' Counsel has submitted that it is too late in the day to challenge the order under Annexure-A/1 as it spent its force after three months and there is no record/document produced by the applicant that such arrangement is still going on. Besides the above, it has been stated by him that it is within the jurisdiction of the authority who passed the order to decide the working hours of its employees keeping in mind the necessity and public interest and there is a provision for payment of over time if any one has worked in excess of the normal duty hours. Further it was contended by him that if the applicant has any grievance he could have taken up the matter with

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his authority prior to approaching this Tribunal. He having not done so, this Original Application is liable to be dismissed.

3. I have considered the pleadings made by the Applicant with reference to the materials placed on record as also arguments advanced by the Learned Counsel for the Applicant as also by Mr. S.K.Ojha, Learned Standing Counsel for Railway appearing on notice for the Respondents. The order under Annexure-A/1 speaks as under:

“Keeping in view the demand of traffic it has been decided to extend working hours of PRS at Cuttack, Bhubaneswar Puri and Berhampur stations from existing timings of 08.00 to 20.00 hrs to 8.00 hrs to 22.00 hrs temporarily for three (3) months or till further review whichever is earlier.

Therefore, you are advised to make necessary adjustment in shifts of counter staff 08.00 to 15.00 hrs and 15 hrs to 22.00 hrs accordingly w.e.f. 25.01.2008.


This has the approval of the Chief Commercial Manager, ECoRailway, Bhubaneswar.

4. The order speaks extension of the duty hours from 8.00 to 22.00 hrs. This does not mean that the staffs are compelled to work beyond the duty hours one is required to perform in Railway. Shifting or extending the duty hours keeping in mind the public interest is within the jurisdiction and competence of the authority manning the department; for which the employees cannot have any right to raise any grievance because public interest is the paramount consideration; especially in the railway which directly provides service to the public. It is not for this Tribunal to decide what should be the opening/closing hours of an office. It is purely within the prerogative of the authority. This apart this order was in existence for three months or till further review whichever is earlier. No material has been produced by the applicant that the order is still in force after review. The Applicant has approached this Tribunal without exhausting the departmental remedies available to be exhausted as provided in the A.T. Act, 1985. In view of the above, I find no



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merit even to entertain and admit this OA. Hence this OA stands dismissed at this admission stage.

5. Send copies of this order along with copy of the OA to the Respondent No.2 for information.


(C.R. Mohapatra)
Member (Admn.)