

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No. 156 of 2012

Cuttack, this the 1st day of March, 2012

Atanu Kumar Jena & Others Applicants
-Versus
Union of India and Others Respondents

C O R A M

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

A N D

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

.....

O R D E R

Nine Applicants who are working as Chief Reservation Supervisor II and Enquiry Cum Reservation Clerk in various Passenger Reservation System Counters located at Cuttack and Bhubaneswar of the East Coast Railway have filed this Original Application seeking to quash the instruction/Message issued by the Senior DCM Letter No. KUR/Staff/PRS/Working Hrs/1033 dated 28.02.2012 [Annexure-15 (Message)]. According to the instruction, all the PRS counters having two shifts shall operate up to 22 Hrs by manning in the counters in seven hrs duty instead of 6 Hrs with effect from 1st March, 2012. Applicants' contention is that such instruction is contrary to the Railway Board's instruction under Annexure-1 dated 22-04-1993. By way of interim relief, they have prayed to stay the letter under Annexure-15.

2

4

2. By filing MA No. 164 of 2012 under Rule 4(4) of the CAT Rules, 1986 they also crave leave of this Tribunal to prosecute this OA jointly.

3. Heard Mr. K.Pattnaik, Learned Counsel appearing for the Applicants and Mr. M.K.Das, Learned Counsel representing for the Respondents both on the merit of the matter so also on the MA No. 164 of 2012 and perused the materials placed on record. *In view of the submissions made by Learned Counsel for the Applicants prayer of the Applicants made in MA No. 164 of 2012 i.e. to prosecute this OA jointly stands allowed. MA No. 164 of 2012 is accordingly disposed of.*

4. **Issue notice to the Respondents on the question of admission requiring them to file counter within EIGHT weeks from the date of receipt of copy of this order.**

5. As regards the request of the Applicants to stay the operation of the letter under Annexure-15, Mr. Patnaik, Learned Counsel appearing for the Applicants, in course of hearing, brought to our notice a copy of the Letter No. SDCM/KUR/Staff/PRS/Working Hours/1033 dated 28.2.2012. In the said Letter the Assistant Commercial Manger (Coaching), O/O the Senior Divisional Commercial Manager communicated the decision of the GM, ECoRly, BBSR to all concerned for operating all the Passenger Reservation Centre (PRS) Counters having 02

L

5

shifts at the locations mentioned therein up to 22.00 hours by manning the counters in 07 hours shift duty instead of 06 hours w.e.f. 01-03-2012.

6. It was contended by Learned Counsel for the Applicants that SEVEN hours working duty of the PRS centers fixed by the Railway earlier was changed to SIX hours by the letter under Annexure-13, and, as such, sudden change, without any notice in compliance of the principles of natural justice, will affect the Applicants being contrary to the timings specified by the Railway Board in Annexure-1. We were informed that the working hours of the PRS Centers were fixed for SIX hours considering the nature of the working with the computers in lieu of normal EIGHT hours working. In the circumstances, Learned Counsel for the Applicants submitted that since sudden change of the working hours will affect the applicants the letter under Annexure-15 needs to be stayed pending final decision on this OA.

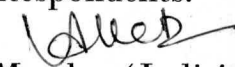
7. Mr.M.K.Das, Learned Counsel representing the Respondent-Railways, contested the matter by stating that timing of the working hours of the PRS Centers has been fixed taking into consideration the need of the general public and this being a policy decision taken by the competent authority in public interest, judicial intervention is unwarranted. Hence, he requested not to stay the letter under Annexure-15.

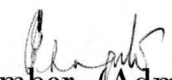
6

8. We have considered the rival submissions of the parties. From the letter under Annexure-13 it is seen that in regard to fixation of the working hours the matter was referred to the Railway Board and decision of the Railway Board is still awaited. We are conscious that fixation of the timings for the working hours is within the domain of the competent authority. At the same time it cannot be brushed aside that the fixation of timing should not be contrary to the existing instructions of the Railway Board. Further, the matter is under consideration of the Railway Board, as revealed from record and corroborated in course of submissions by the parties. In view of this position, expressing any opinion at this stage may be prejudicial to either of the parties. Hence we refrain from doing so at this stage. In the circumstances while refraining from staying the letter under Annexure-15, we direct the Respondent No.1, as an interim measure, to take action/issue suitable instruction for proper planning and deployment for meeting the public need in such a manner among the existing employees so that a particular set of employees is not put to any disadvantage.

9. Send copy of this order along with notices to the

Respondents.


Member (Judicial)


Member (Admn.)