

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**

O.A. 1337 of 1996

**Present : Hon'ble Mr. B.V. Rao, Judicial Member
Hon'ble P.K. Chatterjee, Administrative Member.**

Shri Sankar Jyoti Ghosh and 29 Ors.

- Versus -

- 1. Union of India, service through
the General Manager, S.E. Railway,
Garden Reach, Calcutta-43.**
- 2. Chief Personnel Officer, S.E. Railway,
GRC, Calcutta-43.]**
- 3. F.A. & C.A.O., S.E. Railway,
GRC, Calcutta-43.**
- 4. Chief Cashier (JA), S.E. Railway,
GRC, Calcutta-43.**

...Respondents

For the applicants : Mr. B.C. Sinha, counsel.

For the respondents : Mr. A.P. Deb, counsel.

ORDER Dt. 10.8.07

B.V. Rao, Member (J)

30 applicants who are working in the Cash and Pay Offices under the direct control of Chief Cashier, South Eastern Railway, Garden Reach have jointly filed this O.A. being aggrieved by the order dated 5.11.96 issue by the Chief Cashier, South Eastern Railway, Garden Reach introducing six days week in Cash and Pay Offices in all Divisional Cash and Pay Offices under the said Railways.

2. The applicants are employees of Cash and Pay Offices of Garden Reach under the Chief Cashier. They claim that the Cash and Pay Offices are administrative offices of the railways and all along they were following similar duty hours like other administrative offices. Earlier they were enjoying 2nd Saturday. On the recommendation of the Pay

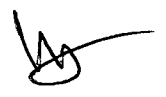


Commission the Govt. of India introduced 5 days week with revised duty hours. The applicants were also enjoying the same. They are aggrieved that suddenly by the impugned letter dated 5.11.96, it has been directed that in all Divisional Cash and Pay Offices including Sub Pay Office, 6 days week instead of 5 days week will be observed. The applicants have contended that their service condition has been curtailed unilaterally by introducing 6 days week instead of 5 days week which they have been enjoying so long in parity with other administrative offices. They have, therefore, filed this O.A. praying for quashing of the order dated 5.11.96 along with Railway Board's letter dated 15.5.96 with a direction to the respondent authorities to continue to observe 5 days week in all Divisional Cash Offices as is being done in the railways Headquarters Pay and Cash Offices.

3. This Tribunal by order dated 11.11.96 issued a stay order and on the strength of the interim order the applicants are enjoying 5 days week.

4. The respondents have filed a reply in which they have stated that the Divisional Cash Offices are not administrative offices as has been decided by the Railway Board and, therefore, the applicants cannot claim that they will observe 5 days week only. By filing a supplementary reply the respondents have submitted that in all other railways, viz. Southern Railways, Central Railways etc. 6 days week in the Divisional Cash Offices has been introduced and, therefore, there cannot be any exception for the SE Railway employees.

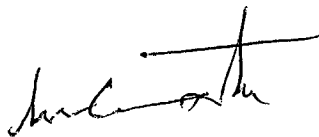
5. We have heard Id. counsel for the parties and have gone through various orders and circulars produced before us carefully. From various Railway Board's orders we find that as a policy decision, it has been decided that Cash and Pay Offices of Zonal Railways cannot be treated as administrative office for the purpose of 5 days week. They are, therefore, required to follow 6 days week. This policy decision has also been reiterated subsequently and, therefore, the South Eastern Railway authorities issued the impugned order dated 5.11.96 introducing 6 days week for the applicants.



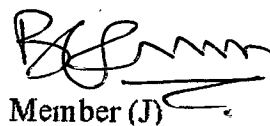
6. Working hours and holidays are to be decided by the Govt. as a matter of policy. Even in the railways there are Operating Departments or Engineering Department where there can be no holidays but roster duties are being performed by the employees so that they may not be deprived of usual weekly rest day(s). This is entirely a policy matter and railways being an All India organization working round the clock, it is for the Railway Board to decide service of which employees are required and for how many days or hours in a week. The Court of Tribunal cannot interfere in such administrative matter. We also take note of the fact that in other railways 6 days week have already been introduced for the Cash and Pay Offices. There may be difference between HQrs. Cash and Pay Office and Divisional Cash and Pay Office because in the HQrs. office which is purely an administrative office the necessity of opening the Cash Office for 6 days may not be required but in Divisional and other offices opening of the Cash Offices even for 7 days a week may be required in the interest of the administration.

7. In view of the above we are not inclined to interfere in the matter which is to be decided by the authority according to the best interest of the administration. However, we also find that 6 days week was introduced on the basis of the recommendations of the Pay Commission. 6th Pay Commission recommendations are also due for publication of its recommendation shortly and it is an expert body to decide such service conditions of a particular category of employees.

8. In view of the above we find no merit in this O.A. which is accordingly dismissed. Interim order is vacated. However, the authorities may consider the grievance of the applicants appropriately and take a policy decision in the matter taking into the view overall interests of both the Administration and the railways uniformly.



Member (A)



Member (J)