

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

Date of Order : 20.04.2001

ORIGINAL APPLICATION NO. 355/1999.

1. Shri Mam Raj S/o Shri Ganesh Ram, aged 41 years, ( Leaver man under Station Superintendent, Northern Railway, Suratgarh ), r/o Railway Colony, Opposite Railway Platform M.G., Suratgarh.
2. Shri Om Prakash S/o Shri Shyam Lal , aged 40 years, ( Cabin Man under Station Superintendent, Northern Railway, Suratgarh ), r/o Railway Colony, Near old Running Room, Suratgarh.
3. Shri Mang Nath S/o Shri Trilok Nath, aged 40 years, ( Leaver man under Station Superintendent, Northern Railway, Suratgarh ), r/o Ward No. 5, Hanuman Khad, Suratgarh.



APPLICANTS ..

VERSUS

1. The U.O.I., through General Manager, Head quarter's office of the Northern Railway, Baroda House New Delhi.
2. Divisional Personal Officer, Northern Railway, Bikaner.

RESPONDENTS ..

Mr. Y. K. Sharma, counsel for the applicant.

Mr. R. K. Soni, counsel for the respondents.

CORAM

Hon'ble Mr. Justice, B. S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

( per Hon'ble Mr. Gopal Singh )

In this application under Section 19 of the  
Administrative Tribunals Act, 1985, it has been prayed

Leave of

that impugned order dated 24.05.1999 ( Annexure A-1 ) be quashed and the respondents are directed to implement the roster Lever man and Cabin man as "continuous" at Suratgarh station, it has also been prayed that respondents be directed to pay overtime allowance of 4 hours per day to the applicants.

2. In the counter, it has been stated by the respondents that the applicants have alternative remedy before the Regional Labour Commissioner under Railway Servants ( Hours of Employment ) Rules 1961. The power to adjudicate classification of employment of within a Railway servant lies ~~not~~ the purview of the Regional Labour Commissioner. Rule 4 ( 1 ) of the Rules of 1961 provides that if any question arises in respect of a declaration made under Rule 3, the matter shall be referred to the Regional Labour Commissioner, whose decision, subject to the provisions of the sub-rule ( 2 ) shall be final. The sub-rule 2 of the rule 4 provides that any person aggrieved by a decision of the Regional Labour Commissioner ( in short it will here in after shall be referred as RLC ) may, before the expiry of 30 days from the date on which the decision of the RLC is communicated to him, prefer an appeal to the Government whose decision thereon shall be final. It has, therefore, been prayed by the respondents that the applicant has wrongly approached the Tribunal in the matter, instead of approaching the Regional Labour Commissioner and the application deserves to be dismissed on that count alone.

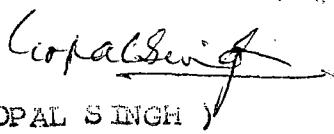
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3. We have heard the learned counsel for the parties and perused the records of the case carefully.

4. The learned counsel for the applicant agrees to the submissions made by the respondents noted supra. A similar question had come up before this Tribunal earlier in OA No. 367/99 decided on 19.01.2001. In that case following the judgement of Hon'ble the Supreme Court in State of Punjab and Others vs. Ram Lubhaya Bagga and Others, reported in 1988 (4) SCC 117, it was held that the fixation of duty hours of Railway servants is an administrative action relating to the day to day working of such Railway servants and, therefore, cannot be interfered with by us.

5. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

6. The O.A. is accordingly dismissed, with no order as to costs. We leave it to the applicant to approach the appropriate forum if so advised.

  
( GOPAL SINGH )

Advn. Member

  
( B. S. RAIKOTE )

Vice Chairman

Copy  
of  
Part II

Plumby  
dated 25/4/07  
(for Rgt Personnel  
by Staffing course)

Part II and III destroyed  
in my presence on 29/3/07  
under the supervision of  
Section Officer ( ) as per  
order dated 19/3/07

Section Officer (Record)