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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH ; JODHPUR.

Date of Decision : 16.01.2002

O.A No. 349/2001.

1. Sudershan Singh s/o Shri Brahm Dev Singh, aged about 33 years, at present employed on the post of Box Poter in the office of Station Master, Railway Station, Hanumangarh(NR) .
2. Om Prakash s/o Nank Ram aged about 47 years, at present employed on the post of Box potter, in the office of Station Master, Railway Station, Hanumangarh(NR) .
3. Kanda Swami s/o Kuku Swami aged about 35 years, at present employed on the post of Box potter in the office of Station Master, Railway Station, Hanumangarh(NR) .
4. Ramji Lal s/o Shri Babulal, aged 41 years, at present employed on the post of Box Poter in the office of Station Master, Railway Station, Hanumangarh(NR) .

Address for correspondence :

c/o Ramjilal, Block No.140-B, Medical Railway Colony, Hanumangarh Junction (Rajasthan) 335512.



... APPLICANTS.

v e r s u s

1. Union of India through General Manager, (NR), Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Operating Manager, Northern Railway, Bikaner Division, Bikaner.
4. Station Master, Hanumangarh Junction Rly. Station, Bikaner Division, Northern Railway.

... RESPONDENTS

Mr. K.S. Gill counsel for the applicants.

CORAM

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. A.P. Nagrath, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice O.P. Garg)

By means of this application under Section 19
of the Administrative Tribunals Act, 1985, the

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applicants who are four in number and are employed as Box Pater in the office of Station Master, Railway Station, Hanumangarh, Northern Railway, have claimed the following reliefs:-

"(i) The ~~annexure~~ impugned order dt. 8.5.2001 (Annexure A/1) passed by respondent No. 2 ordering changing continuous roster duties to that of E.I. roster, of the applicants (Bos Posters) at Hanumangarh Junction Railway Station, may be declared illegal and the same may kindly be quashed and further proceedings in pursuance of Annexure A-1 may also be quashed and respondents may kindly be directed to consider the representation of the applicants dated 4.8.2000 (Annexure A/2) and applicants may be allowed to all consequential benefits.

(ii) That any other order passed or be passed by the respondents which is against the applicants may also be taken on record and same ~~may~~ be quashed and set aside, any other order, direction for which this Hon'ble Tribunal deem just and proper may also be passed in the interest of justice.

(iii) The cost of the application may also be awarded".



2. We have heard Mr. K.S. Gill, learned counsel for the applicants at considerable length at the admission stage and find that the present OA is not cognizable by this Tribunal, as there has been a recent decision of this Bench in the case of Shankar Lal and 8 Others vs. U.O.I. & Ors. in O.A. No. 201/2001 decided on 06.12.2001, in which it has been held that ^{an OA dealing with the} controversy with regard to fixation of hours of duty is not maintainable and that the proper statutory remedy of the applicants is to approach the Regional Labour Commissioner. Shri K.S. Gill, placed reliance on the Full Bench decision of the Allahabad Tribunal in the case of Bhagwandin and Ors. vs. U.O.I. & Ors., (1995) 29 ATC (FB) 257 to support his contention that the

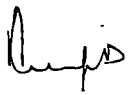
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application is maintainable. The decision relied upon by Shri K.S. Gill has been considered alongwith latter decisions on the point, in the decision of this Bench, in the case of Shankar Lal and Ors. (Supra) The applicants have not preferred any appeal under rule 4 of the Rules of the Railway Servants (Hours of employment) Rules 1961, they cannot be permitted to directly invoke the jurisdiction of this Tribunal.

3. Accordingly, the OA is dismissed as not maintainable without any order as to costs. The applicants, however, shall be at liberty to challenge the impugned order before the appropriate authority as contemplated under Rule 4 of the Rules of the Railway Servants (Hours of employment) Rules 1961.


(A.P. MACRATH)
Adm. Member


(JUSTICE O.P. GARG)
vice Chairman

Carbon copy along with CD & T's Admin
Sent to R1 to R4 index 28
to 28 - CC 22-1-2002

Part II and III destroyed
in my presence on 20 6-07
under the supervision of
section officer (1) as per
order dated 14 1-5-07

Section officer (Recordy)

HC
RS. Jyoti
13/2/2002

AD. Received with serial
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