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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 496/2003

TUESDAY, THIS THE 27th DAY OF JUNE, 2006

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

- 1 N.S. Samuel, Mail Guard
Southern Railway,
Palakkad Division
Shoranur.
- 2 K.Balakrishnan, Mail Guard,
Southern Railway,
Palakkad Division
Shoranur.
- 3 G. Vijayakumar, Senior Goods Guard
Southern Railway,
Palakkad Division
Palakkad.
- 4 P.P. Narayanan
Senior Goods Guard,
Southern Railway,
Palakkad Division

Applicants

By Advocate M/s. Santhosh & Rajan

Vs

- 1 Union of India represented by
its General Manager
Southern Railway,
Chennai.
- 2 The Chief Passenger
Transportation Manager
Southern Railway
Chennai

3 The Senior Divisional Operating Manager
 Southern Railway
 Palakkad.

4 The Senior Personnel Operating Manager
 Southern Railway,
 Thiruvananthapuram

Respondents

By Advocate Mrs. Sumathi Dandapani.

O R D E R

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicants herein are working as Mail Guards attached to Shoranur Depot of Palakkad Division and are aggrieved by Annexures A-2, A-3, A-6, A-7 and A-8 orders through which the rosters have been issued fixing the number of train links. It is their grievance that out of 35 sanctioned posts of Mail Guards at Shoranur, rosters were issued only for 28/29 Mail Guards at Shoranur and that they are also in violation of the provisions of Hours Of Employment Regulations (HOER). It is contended that the first applicant and four other Guards had filed O.A. 786/2002 before this Bench of the Tribunal and the Tribunal disposed of the OA permitting the applicants to file a detailed representation and directing the respondents to consider the same and pass orders. Annexure A-6 is purportedly in implementation of the above directions but it has been issued on behalf of the General Manager and it is signed only by the Senior Transportation Manager and as such Annexure A-6 order has not considered the various points raised by the applicants and is passed without application of mind

without taking into account the direction of the Tribunal.

2 In the reply statement the respondents have disputed the various contentions raised by the applicant as having no basis. They have stated that the General Manager has considered the representations of the applicants and answered each and every point raised by the applicants in Annexure A-5 representation submitted by them. It was also denied that Annexure A-1 roster is not made in accordance with the Hours of Employment Regulations. According to these regulations the roster hours are given as follows:

Running staff rostered hours 52 hours per week
Maximum hours of work at a stretch – 10 hours
Rest at Headquarters-18 hours when working hours exceed 8 hours
Working less than 8 hours. Rest 12 hours
Periodical rests 5 spells of 22 hours at 4 spells of 30 hours
including a full night in bed for a month.

3 Annexure A-1 roster protects the working hours within the limit of 10 hours and there is absolutely no violation as contended by the applicants. Moreover, a meeting of the representatives of the unions was convened before issuing Annexure A-2 order on 4.7.02, 26.7.02, 27.9.02 and 31.10.2002 and the orders have been passed after consultation with the recognised unions and with their approval. It is also submitted by the respondents that the Indian Railway has more than 16,00,000 employees and the Railway Board is the authority to decide all administrative matters and allotment of work to

different wings and departments and take administrative action for better and convenient functioning of the Railway. If the personal convenience of each and every employee is to be taken into account it will be difficult to run the Railway administration. All actions have been taken considering the interest of all persons including Guards and also operating persons and Railway in general. Administration has provided a smooth running facility for the employees as well as strict coordination between the different stations and different adjustments between trains and also taking into account the provisions of improving the running facilities of employees as well. It is also pointed out that except the first applicant shri Samuel, other applicants were not parties to the earlier OA No. 786/2002 and they were not included in the above representation at Annexure A-4.

4 The applicants have filed a rejoinder repeating their earlier contentions that the promotion chances of the Guards of the Palakkad Division are curtailed by the implementation of the impugned orders.

5 We have heard both sides. The learned counsel appearing for the applicants maintained that the rosters have resulted in increase of duty hours for the employees and harped on the point that Annexure A-6 order passed by the respondents was without any application of mind and that it is not considered by the General Manager keeping in view the points raised by the applicants in their

representation. He could not however pin point any specific violation of the provisions of the Hours of Employment Regulations nor identify any point in the representation which was left uncovered in the impugned order at Annexure A-6. The learned counsel for the respondents mentioned that there were eight points raised in the A-5 representation and all these points were specifically considered by the General Manager who has actually passed the order even though it was signed by the Senior Transportation Manager. The Regulation 10 of the HOER indicate that the maximum duty hours should be limited to 10. Therefore there is no basis in the applicants' argument that the duty hours have been increased.

6 The averments in the OA as well as the arguments advanced by the applicants' side are only general statements. We could not identify any specific grievance of the applicants. The impugned order at Annexure A-6 has been issued in implementation of the earlier directions of this Tribunal. This is a self explanatory order dealing with each and every grievance in the Annexure A-5 representation and conveying a decision on the same. A reading of the order clearly shows that the difficulties expressed by the applicants were gone into in detail by the General Manager even though it is signed by the Senior Transportation Manager. It states clearly that the General Manager has passed the order.

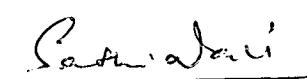
7 Another contention raised by the applicant is that there is reduction in the post of Guards in the Palghat Division and increase

in the number in the Trichy and Trivandrum Divisions. The reply statement of the respondents makes it clear that the total number of posts of Guards has been fixed at 93 and this position is continuing and there has been no reduction. The applicants have not made out any ground for arriving at the conclusion that the impugned order has resulted in any curtailment of the posts. Besides, it is also seen that the impugned orders were issued after proper consultation with the recognised unions and the unions have not raised any grievance. Moreover, we are also inclined to agree with the stand of the respondents that the matters like appointment, assignment of duty of Guards, rostering of running staff/movement of trains, etc. relate to routine administration of the Railways and are not to be subjected to judicial review and the responsibility for the same are vested in competent administrative authorities. Unless any clear violation of rules is brought to our notice there is no basis for interference with the impugned order. As discussed earlier, the applicants have failed in making out any case by pointing out any specific violation of the HOB or any other rule. We are therefore of the view that the matter does not require any further adjudication and hence the O.A. is dismissed. No costs.

Dated 27.6.2006.


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN