

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

O.A.571/97

Wednesday, this the 31st day of May, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. R.Rajarathinam,
S/o Rasiah,
Station Master,
Mettupalayam.
2. N.Ramaraj,
S/o Naganaya Gounder,
Station Master Grade-II,
Mettupalayam.
3. V.Prakash,
S/o T.V.Vijayankutty Nair,
Station Master Grade-III,
Mettupalayam.

- Applicants

By Advocate Mr TC Govindaswamy

Vs

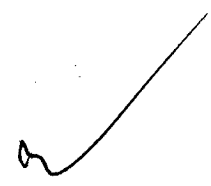
1. The General Manager,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Madras-3.
2. The Divisional Operations Manager,
Southern Railway,
Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat.
4. The Regional Labour Commissioner
(Central), Madras.

- Respondents

By Advocate Mrs Sumathi Dandapani(for R.1 to 3)

By Advocate Mr MHJ David J, ACGSC(for R-4)

..2..



The application having been heard on 31.5.2000, the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicants, Station Masters of Mettupalayam are aggrieved by the telephonic order of the Divisional Operations Manager[notified by the Station Superintendent, Mettupalayam dated 16.12.96 by which Station Masters, Mettupalayam have been classified as essentially intermittent with immediate effect pending job analysis of work-load of SM/MTP to ensure movement of RG/LRSM would be at his end. According to the applicants, as the Station Masters, Mettupalayam having been continuously treated as 'continuous' according to Railway Servants'(Hours of Employment) Rules, 1961 and as per the roster, the order issued by the Divisional Operations Manager not being the competent authority and as there being no emergent situation, is illegal and unjustified. The applicants therefore pray that the impugned orders may be set aside.

2. The respondents 1 to 3 in their reply statement contend that as there was overlapping duties of Station Masters for about two hours in Mettupalayam, one Station Master from 0630 to 1430 hours and another Station Master from 1230 to 2030 hours, there would be two Station Masters for about two hours from 1230 to 1430 hours where there was no train service at all, that in Karamada - Udagamandalam Section, Mettupalayam is the only station with continuous roster, and that as there was increased vacancy position due to want of Station Masters essentially intermittent roster was introduced as a temporary measure pending job analysis. This according to the respondents is perfectly in accordance with Rule 3 of Railway Servants Hours of Employment Rules, 1961. It has been further stated that a job analysis was conducted to find out the hours of action/inaction

...3...



so as to determine the justification for re-classification of the roster of Station Master at Mettupalayam as 'essentially intermittant' and that pursuant to the job analysis, the justification on reclassification having been established, the order in that regard is in process.

3. Having heard the learned counsel on either side and having perused the pleadings as also the relevant rules in that regard, we do not find any legitimate grievance of the applicant's deserving redressal. The argument of the learned counsel of the applicant that the Divisional Operations Manager is incompetent to issue the order is untenable. Rule 3 of Railway Servants Hours of Employment Rules reads as follows:

"The power to declare the employment of a Railway Servant as 'intensive' or 'essentially intermittant' within the meaning of Section 71(a) and vest with the Head of the Railway Administration or with an Officer not below the Rank of Senior Scale Officer as a temporary measure during the period of emergency."

If the situation is emergent, the Divisional Operations Manager, who is a Senior Scale Officer is empowered to issue an order of reclassification as a temporary measure. From the contention in paragraph 3 of the reply statement, we are satisfied that as there was scarcity of Station Masters and the Station Masters posted at Mettupalayam were not having sufficient work, there was an emergent situation calling for exercising the powers by

....4....



the Divisional Operations Manager. We therefore, find no infirmity with the impugned order.

4. In the result, the application is dismissed leaving the parties to bear their own costs.

Dated, the 31st of May, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs/1600