

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.337/98

Tuesday, this the 14th day of November, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M.Johnson
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.
2. M.Gurupatham,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.
3. R.Jayakumar,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.
4. M.Manickam,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.
5. V.Chellaiah,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.
6. S.Madasamy,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam.

7. M. Smile,
Senior Gangman,
Under Section Engineer,
(Permanent Way),
Southern Railway,
Palayam. - Applicants

By Advocate Mr TC Govindaswamy

Vs

1. The Secretary to the
Government of India,
Ministry of Railways,
Rail Bhavan,
New Delhi.

2. The Chief Engineer,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Madras-3.

3. The Senior Divisional Engineer,
Southern Railway,
Palghat Division,
Palghat.

4. The Section Engineer,
(Permanent Way),
Southern Railway,
Palayam,
Dindigal District.

5. The Commissioner of Railway Safety,
Race Course Road,
Bangalore. - Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 14.11.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who are Senior Gangmen, have prayed in this application for a declaration that the orders of the respondents that each of the Gangman shall necessarily through pack a track length of 15 sleepers per day is ultravires

Chapter XIV of the Railways Act, 1989 and para 224 of the Indian Railway Permanent Way Manual and for a direction to the respondents to strictly adhere to para 224 of the Indian Railway Permanent Way Manual when the work of through packing of track is undertaken by the Gang. It is alleged in the application that by compelling Gangmen to through pack at least 15 sleepers per day instead of 12, would enhance their workload and offends the Hours of Employment Regulation.

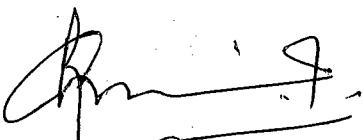
2. Respondents in their reply statement contend that there is no basis in the claim of the applicants and that identical question has been considered by the Madras Bench of the Tribunal in T.A.K.No.440/87. Since the Tribunal has rejected the claim of the applicants in the said case and there is no changed circumstance, the respondents contend that there is no basis for the claim of the applicants.

3. We have heard the learned counsel on either side. We find that the Madras Bench of the Tribunal has in T.A.K.No.440/87 considered the identical question and held that the applicants had failed to make out any ground in support of the application which was for similar reliefs on identical grounds as in this case. We do not find any reason to take a different view as no fresh material has been brought in which would justify a different conclusion. Hence the

application which is devoid of merit deserves to be dismissed.

4. In the light of what is stated above, the application is dismissed, leaving the parties to bear their own costs.

Dated, the 14th of November, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs