

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 19TH DAY OF FEBRUARY, 1987.

Hon'ble Mr. K.S. Puttaswamy, Vice-Chairman
Present: Hon'ble Mr. L.H.A. Rego, Member (A)

APPLICATION NO. 30/1987

All India Loco Running
Staff Association,
H.Q. Anara,
Bangalore/Yeswanthapur Branch. ... Applicant

(Shri M. Raghavendrachar, Advocate)

V.,

1.Divisional Railway Manager
Mysore Division,
Mysore.

2.The Divisional Railway Manager,
Bangalore Division,
Bangalore.

... Respondents

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day
Shri L.H.A. Rego, Hon'ble Member (A), made the following.

O R D E R

This fresh application was originally filed before
this Bench of the Central Administrative Tribunal on
15.1.1987 by the Secretary, All India Loco Running Staff
Association, Bangalore and two other individual applicants.
Later, on 19.1.1987, the Counsel for the applicants filed
a memo before this Bench, with a prayer for deletion of
the two individual applicants. He also filed I.A. I,

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bringing to the notice of the Tribunal that the above applicant-Association is designated as the Indian Railway Loco Running Staff, who among others comprise drivers of Express, Passenger, Goods and Diesel trains, as also of Shunting Engines. In this I.A., he has prayed for permission for this Association to come on record, to prosecute this application in order to safeguard the service interests of its members. The Counsel has also by a memo, amended its original prayer restricting it to payment of Running Allowance (RA, for short) to the loco-running staff of the Bangalore Railway Division (SBC) by the respondents, according to Rules.

2. The essential features giving the relevant background to this case are as follows: The Government of India took a decision on 20.12.1980, to carve out the new Bangalore Division (SBC), in the Southern Railway, from the erstwhile Madras (MAS) and Mysore Divisions (MYS), with headquarters at Bangalore, with its territorial jurisdiction, as indicated in Annexure-A. According to this Annexure, the traffic and loco-running staff was to exercise option for SBC, according to the modalities stated therein. This Annexure also specified that the sharing of trains among the above respective three Railway Divisions, would be so worked out, so as to ensure optimum promotional prospects for the said staff, between the Divisions concerned and that the train services in these Divisions would be adjusted as warranted by circumstances.

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3. On 30.12.1986, a meeting was held at Bangalore, in connection with sharing of trains, between MYS and SBC, which among others, was attended by the Divisional Railway Managers (DRMs) of SBC and MYS and 5 other Railway officials. It was also attended by as many as 16 Railway labour representatives of SBC and MYS, who safeguarded the interests of the category of posts, such as Drivers, Firemen, Travelling Ticket Examiners, Assistant Station Masters and others. The following is the gist of the decision, seen to have been arrived at unanimously, at this meeting (Annexure-C):

- i) All train services both coaching and goods on SBC-MYS section, shall be worked by Guards and Drivers in SBC only with full responsibility on SBC, with effect from 1.1.1987.
- ii) Nos. 201 and 202, 203 and 204 Mail and Express trains between Arsikere (ASK) and SBC, shall be handed over to MYS, with effect from 15.1.1987.
- iii) Nos. 291 and 292 and 227 and 228 Passr. trains between ASK-SBC, shall be handed over to MYS with effect from 15.1.1987.
- iv) In respect of goods trains between Yeshwanthpur (YPR) and BYPL and YSK, out of 6 pairs of regular goods trains, 4 pairs would be taken over by MYS on a phased programme, with effect from February 1987 at the rate of one train each month and the proposal of sharing

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of trains viz,, 4 pairs to be run by MYS crew implemented by iast May 1987. It was also decided that any addition-al trains on this section shall be shared equally.

- v) Any further introduction of coaching train shall go to MYS as per the original decision dated 8.6.1982.
- vi) The decision taken in respect of loco-running staff, would be equally applicable to traffic running staff.

4. The applicant-Association is said to be aggrieved at this decision, as it entails transfer of 50 posts to MYS, consequent to sharing of trains as decided at the above meeting, which is detrimental to the service interests of its members.

5. The applicant-Association has furnished the following details of kilometreage, in respect of the various rail sections in MYS and SBC:

MYS		SBC	
Rail Section (1)	Distance (Km) (2)	Rail Section (3)	Distance (Km) (4)
Mysore to Chamarajanagar	62	Bangalore (BLRE) to)	
Mysore to Hubli <u>via</u> ASK	468	Dharmavaram and)	189
Birur to Talaguppa	161	Guntakal. ..	
Hassan to Mangalore	189	BLRE to Jelarpet	143
Chikkajajur to Chitradurga	37	BLRE to Marikoppam	80
		BLRE to Salem	231
		BLRE to ASK	165
Total :	917		788

6. The applicant-Association states, that the salary of the loco-running staff is governed by the running of trains and is based on the kilometreage covered each day, an abstract of which is struck at the end of the month; hence the kilometreage covered in a month has a crucial bearing on the salary of the staff.

7. Aggrieved with the decision taken at the meeting held at Bangalore on 30.12.1986 (Annexure-C), the applicant-Association submitted a representation to the DRM, SBC on 9.1.1987 (Annexure-D), to reconsider proper sharing of trains and loco-running of staff among the respective Divisions, so that the service interests of the staff in SBC were not jeopardised, but to no avail. The jurisdiction of SBC was not extended to Salem, Dharmavaram and to Jalarpet, with the result, that the service interests of the loco-running staff were marred. Hence, this application was filed before this Bench for redress.

8. The respondents have not filed a statement of objections. The learned Counsel for the applicant-Association subsequently, as aforementioned, amended the prayer to confine it to payment of Running Allowance (RA for short) to the loco-running staff, in SBC, in a manner, that they were not put to pecuniary loss, as compared to the RA, this staff drew, prior to formation of SBC and to the RA drawn by its counterparts in MYS, in particular.

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and other benefits, had therefore statutory protection. To buttress his argument further, he referred to the Report of the Running Allowance Committee 1968 (RAC for short) set up by the Railway Board and the Report of the III Central Pay Commission 1973 (CPC for short).

12. The RAC recommended unification of RA Rules (Vide para 2.03 of Chapter II). It observed, that the basis of payment of RA, be standardised and that it be correlated to the work done. It further observed, that despite variation in the RA earned, the requisite inducement would not be lost, if RA on an average, ranged between 60% - 80% of the enhanced basic pay generally in respect of the loco-running staff. RAC also recommended, that in future the pay scales of the loco-running staff, should not be enhanced so as to accord with those of the other staff, but only the rate of RA, should be commensurately increased, to ensure better correlation with emoluments and performance. Thereby, Shri Achar sought to bring out, that RA was an integral part of pay of the applicant for retiral and other benefits.

13. In para 183 of Chapter 36, the CPC refers to the conclusion arrived at by the Railway Labour Tribunal, 1969, on examining the recommendations of IInd and IIInd Central Pay Commissions, that RA contained an element of pay. In this light and in order to remove disparity in the emoluments received monthly, by a railway employee,

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17. Shri Achar also relied on the decision of the Supreme Court, in C.C. PADMANABHAN & ORS Vs. DIRECTOR OF PUBLIC INSTRUCTIONS & ORS, reported in 1981 Supreme Court Cases (L & S) 439, wherein it was held, that the transfer of the Assistant Educational Officers, to their substantive posts of High School Assistants (which were lower in category, considering the nature of the work and responsibility involved) after six years of service, was violative of Arts. 14 and 16 of the Constitution, being arbitrary, as it deprived the Asst. Educational Officers of the benefit of special pay ensuring higher emoluments, than available to the High School Assistants and pensionary benefits accruing from this special pay.

18. Shri Srirangaiah, learned Counsel for the respondents, refuted the contention of Shri Achar, stating that the sharing of trains and appointment of staff, between the respective Railway Divisions, was determined by the Railway Department, on careful consideration of technical and administrative reasons, governing efficient movement of the trains in public interest and that the applicant-Association could not dictate terms to the Railways in the matter. He averred, that the decision at the meeting held at Bangalore on 30.12.1986, in connection with the sharing of trans between MYS and SBC, which was challenged by the applicants, was not taken in isolation, but by associating representatives concerned with the interests of the affected cadres of

different categories and grades of Running Staff. With the coming into force of these new rates, the present dual rate system (III-A & III-B rates) will stand abolished.

3.4. Dearness Allowance on the Pay element of Running Allowance.

Instead of the Scheme of Additional Running Allowance recommended by the RAC, Running Staff will be paid with effect from 1.8.1981, Dearness Allowance, Additional D.A. at the appropriate rates as sanctioned by the Government from time to time on their basic pay plus the pay element of the Running Allowance viz. 30% of the basic pay.

3.5. Allowance in lieu of Kilometrage

When Running staff are engaged in or employed on duties other than running duties for which they are at present paid allowance in lieu of mileage, they will be paid allowance in kilometrage as below for every calender day for such duties as are required to be performed.

i) When such non-running duties are performed at their Headquarters, they will be paid the pay element of the running allowance viz. 30% of the basic pay applicable for the day.

ii) When such non-running duties are performed at outstation, they will be paid at the rates indicated in Annexure 'B' to this letter for each category and grade of running staff.

Provided that if during the same calender day, a member of the running staff is engaged in running as well as non-running duties, the allowance in lieu of kilometrage will be payable

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only if the periods spent on non-running duties is of four hours duration or more, as at present.

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3.12. Minimum guaranteed kilometrage.

i) The existing system of minimum guaranteed kilometrage will be discontinued and the concept of rostered day will be abolished w.e.f. 1.8.1981.

ii) However, each Railway in association with the DRM will immediately arrange to identify such sections as do not have the potential for enabling the running staff to earn adequate kilometrage within the stipulated duty hours. Apart from such sections, if there are any other circumstances, where the prescribed type of duty allotted to the running staff does not allow them to earn adequate kilometrage, they will also be identified. For these identified sections and in the other exceptional circumstances, the running staff will be paid at the rate of 120 kilometers for the full stipulated duty hours.

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3.23. Reckoning of Running Allowance as Pay

1) for the specified purposes for which running allowance is reckoned as Pay at present, 30% of the basic pay of the running staff concerned will be reckoned except as below:

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3.26 Payment during periods of cancellation of train services.

When running staff cannot be allowed running or other duties on account of:

a) Either the occurrence of natural calamities like breaches due to floods; or

b) coal shortage

they will be paid at a rate equal to Allowance in lieu of kilometrage at Headquarters as provided for in sub-para 3.5. supra.

20. Shri Srirangaiah submitted, that the instructions contained in the said communication dated 17.7.1981, from the Railway Board, took into account all relevant factors relating to payment of RA to the loco-running staff, under various circumstances, with due regard to the recommendations in the RAC and the CPC.

21. We have examined carefully the rival contentions and the material placed before us. We also heard Shri K.Y. Srinivasan, the Divisional Mechanical Engineer, SBC, who explained the technical details, regarding the sharing of the trains, among the respective Railway Divisions and their implication on the payment of RA to the applicant-Association. In a technical matter like sharing of the trains and appointment of loco-running staff, for the movement of trains with the desired efficiency in public interest, it is not the function of this Tribunal to interfere and sit in judgment. It would therefore not be proper for us to ^{AR} *avogate* to ourselves this complex and technical task, which is not within our *pale*.

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22. The facts relating to the case of SHARMA & ORS decided by the Principal Bench of the Central Administrative Tribunal, New Delhi referred to in para 16 supra, are not wholly identical to that of the case before us and therefore the ruling therein does not squarely apply to the latter. Also the case of C.C. PADMANABHAN & ORS, on which the Supreme Court has given a ruling, referred to in para-17 above, is clearly distinguishable on facts and details, as the posts involved were dissimilar, and carried a different nature of duty and responsibility.

23. We notice, that the instructions contained in the aforementioned communication dated 17.7.1981, from the Union Ministry of Railways (Railway Board) addressed to all the General Managers of Indian Railways, are comprehensive and take into account, all probable contingencies, to ensure, that RA as is reasonable, is paid to the loco-running staff, in correlation with the duty performed by this staff, as envisaged in the statutory Rules and in keeping with the recommendation of the Running Allowance Committee-vide para 19 above. We hope and trust, that the Railway Administration will expedite action in regard to the sharing of trains, between MYS and SBC, according to the decision taken at the meeting held at Bangalore on 30.12.1986 (to which we have referred earlier) and safeguard the interests of the applicants and others concerned, in regard to payment of RA, in the light of the foregoing.

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