

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1178/92

DATE OF DECISION: 5/01/2001

Shri M.B.Thombare & 3 Ors.

Applicant.

Shri G.S.Malia

-----Advocate for
Applicant.

Versus

Union of India & 3 Ors

-----Respondents.

Shri V.S.Masurkar

-----Advocate for
Respondents.

CORAM:

Hon'ble Shri Kuldip Singh Member (J).
Hon'ble Smt. Shanta Shastray Member (A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.


KULDIP SINGH
(SHANTA-SHASTRY)
MEMBER (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 1178/92
DATED THE 5th OF JAN. 2001

**CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)**

1. M.B.Thombare, Accounts Assistant,
W.A.A.O.(P.O.H.)'s Office,
Bhusawal - 425 201.
2. A.P.Shirapure, Accounts Assistant,
W.A.A.O's Office,
Manmad.
3. V.O.Patil, Sr.Section Officer,
W.A.A.O's Office,
Bhusawal - 425 201.
4. S.N.Kulkarni, Sr.Section Officer,
W.A.A.O's Office,
Manmad - 423 101. Applicants

By Advocate Shri G.S.Wali.

VOLUME 2

1. Union of India,
Through General Manager,
Central Railway,
Bombay V.T.
2. Financial Advisor & Chief Accounts
Officers (FA & CAO),
Central Railway Head Quarters Office,
Bombay V.T.,
Bombay - 400 001.
3. W.A.A.O,
W.A.A.O's Office,
Manmad, Central Railway,
Manmad - 423 101.
4. W.A.A.O.,
W.A.A.O's Office,
Central Railway,
Bhusawal - 425 201.

By Advocate Shri V.S. Masurkar

《ORAL》《ORDER》

Per Shri Kuldip Singh, Member (J).

The applicants in this DA have challenged the letter dated 30/9/92 by which the respondents have sought to introduce

six day week w.e.f. 1/11/92. Though, it is stated under the rule in terms of para 157 of the Indian Railway Establishment Code Volume I, the offices in which the applicants are working have to observe 5 day week as they had been observing for the last seven years.

2. The facts of the case are that the applicants were working in the Accounts Office which is stated to be part and parcel of the Office of the Financial Advisor and Chief Accounts Officer which is an administrative office. Therefore, by impugned order, the applicants cannot be forced to work for six day week.

3. The OA is contested by the respondents. The respondents pleaded that though the applicants are working in the Administrative Office, but they are attached to the field units, Workshops, etc. which are required to work six days a week.

4. We have heard the learned counsels on both sides and gone through the record.

5. The learned counsel for respondent referred to judgement in OA no.1110/92 which is based on identical facts and had been dismissed by this Tribunal on 11/10/2000. However, the learned counsel for the respondent further submitted ^{that} the facts and the present case of the applicant are identical to the case in OA.1110/92 and the judgement squarely applies to the present facts of the case.

6. In addition to that we are also of the view that in all Government offices previously there were six day week, sometimes ago ¹ i.e. about 10 years ago, five day week was introduced in the Central Government Office. Now again if the respondents is following six day week for some of the offices which are

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...3.

inter-related to the workshop, etc, we do not find that there is any violation of rights vested in the applicant. Since the working hours remain the same, Moreover change in working days is necessitated and is in public interest ^W _A since these offices are inter-related with the working of workshops which work for six days. Efficiency of the running of Railways is required to be maintained.

7. Moreover as stated in the judgement in OA No.1110/92, it has also been observed that in certain offices ~~of~~ staff were required to work six days a week despite general working of five days a week. Railway Board had issued clarifications with regard to number of working days per week in establishment linked with workshop which show a decision had been taken by Railway Board for providing six days a week. We find that the OA has no merits and is hereby dismissed. No costs.



(SHANTA SHAstry)
MEMBER(A)



(KULDIP SINGH)
MEMBER(J)

abp