

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.P.NO. 71/95 in O.A.737/95.

Date of Order: 22-1-96.

Between:

1. Ch-Baguel.
2. Y.Jaganmohan Reddy.
3. B.Yadagiri.
4. Lakshminarayana.
5. R.C.Sekhar.
6. B.Surya Prakash
7. S.Krishnamachary
8. K.Chandra Sekhar.
9. D.Rama Subba Rao.
10. Ajendra Paul.
11. W.Vittal Rao.
12. Trilok Chand Solanki.
13. N.Nabi Naick.
14. B.Churchill.
15. T.Sujatha.
16. M.Satyanarayana.
17. A.Babji.
18. A.V.Prabhakar Rao.
19. S.Venugopal.
20. J.Sajitha.
21. G.Jayakar.
22. M.C.Vijay Kumar.
23. A.Gopal Reddy.
24. M.Sham Rao.
25. A.Madhavi.
26. K.Radha Rani.
27. Ch.V.Ramana.
28. V.Adilakshmi.
29. V.Anuradha.
30. S.Kanchana Lakshmi.
31. M.Ravi Kumar.
32. D.Sheela Rani.
33. N.R.Jairam.
34. N.Vasudeva Naik.
35. K.Rama Devi.
36. B.Pushpa Latha.
37. Preeti Saxena.
38. N.Mahesh Mohan Rao.
39. J.V.Ramana.
40. M.Swarnalatha.
41. B.Shailaja.
42. G.Venkateswarlu.
43. K.Rama.
44. D.K.Prasanna.
45. B.S.Hanumantha Reddy.
46. S.Srinivas Reddy.
47. Gona Dass.
48. G.Ramesh Kumar.
49. A.Usha.
50. N.Dayanand.
51. K.Kasi Visweswara Rao.
52. K.B.Ramakrishna Sarma.
53. Anitha Deshmukh.
54. S.Rama Devi.
55. B.Damodar Rao.
56. O.V.Uma Prasad.
57. T.Leela Prasad.
58. K.Renuka.
59. Y.Venkata Rao.
60. A.R.Uvender Babu.
61. M.Vanaja.
62. B.Neeraja.
63. P.V.Subrahmanyam.
64. K.S.K.Chakravarthy.
65. V.Chencha Rao.
66. M.Sudhakar
67. V.Radha
68. M.Prabhavati.
69. G.Annapurna.
70. M.Vijaya Sree.
71. T.Koteswara Rao.
72. C.V.Nataraj.
73. Ex M C.L.V.Subba Rao.
74. E.Meenakshi.
75. K.Jayanth.
76. S.Bhaskar Rao.
77. L.K.Murthy.
78. K.Sudhakar Rao.
79. Noor Mohiddin.
80. G.Sreenivas Rao.

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81. G.Sudhakar
82. C.A.Vijaya Kumar.
83. L.Nageswara Rao.
84. Pradeep Raj Sarma.
85. D.Venkata Ramana.
86. T.G.Ram.
87. M.T.V.Rao.
88. G.Venkateswara Rao.
89. M.Narasimma.
90. Beshimmela Bee.
91. G.Brahmanandam.
92. Ch.Appa Rao.
93. B.Uma Shankar.
94. B.Satyanarayana.
95. N.Santosh Kumar.
96. B.Ashok.
97. Y.Ratna Raju.
98. T.S.S.Ramanujam.

... Applicants.

and

1. Union of India, rep. by its  
Secretary, Ministry of Home Affairs,  
New Delhi.
2. The Registrar General of India,  
Ministry of Home Affairs,  
2/A, Man Singh Road, New Delhi-1.
3. The Director of Census Operations,  
Ministry of Home Affairs, A.P.  
Somajiguda, Hyderabad-29.

... Respondents.

For the Applicants: Mr. K.K.Chakravarthy, Advocate.

For the Respondents: Mr. V.Bheemanna, Addl.CGSC.

CORAM:

THE HON'BLE MR. JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE MR. R.RANGARAJAN : MEMBER(ADMN)



R.A.71/95 in OA.737/95

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard Sri K.K. Chakravarthy, learned counsel for the applicants and Sri V. Bhimanna, learned counsel for the respondents.

2. The applicants in the OA filed this RA. The OA was disposed of by order dated 18-8-95 and the operative portion therein is as under :

"If 14 members of the staff who had originally opted for six day week now opt for 5 day week, the Respondent No.3 has to adopt 5 day week from the Monday following the day by which options are given by the 14 employees referred to. Respondent No.3 may watch the performance of the staff of the DDE Centre for three months in order to find out whether there is any lower operative output. If he notices any discernible lower output, then he can switch over to 6 day week."

3. It is stated that in pursuance of the above order, fresh options were asked for from those 14 who were originally opted for six day week and out of them eleven had given a fresh option for five day week. Out of the remaining three, two agreed for five day week, for they are allotted in the morning shift. Thus only one who is one of the three supervisors had not given option for five day week. In view of the same, six day week is being continued for the office of R-3.

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4. The main contentions for the applicants in this RA are as under :

The supervisor who had not given option for five day week was in general shift from 1-10-1995 and as he was in general shift he was working from 10 am to 5 pm and as such he is not feeling the inconvenience that is being felt by others who are attending either to the morning shift or afternoon shift. It is urged for the respondents that it is one of policy when the working hours are fixed or shifts are fixed and it is not open to the applicants or the employees to claim that the office should work for five days but not for six days. But in any case, one of the concerned employees had not accepted for five day week, so six day week is being continued. Further contention for the respondents is that there are no error apparent on the record, and hence This RA itself is not maintainable.

5. It was not brought to the notice of this Tribunal when the order dated 18-8-95 was passed, that some of the supervisors were working in general shift. It is now said that some of the operators are attending to the duties on the administrative side, and hence they are working only for a five days in a week during the regular office hours. The further submission is that one of the supervisors is working in general shift and eight operators are assisting him, and hence they are also working in general shift, and the said supervisor and eight operators are working on Saturdays also.

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But as they are working on Saturdays also, even though they are in general shift they are working from 10 am to 5 pm, even ~~for~~ <sup>though</sup> the regular office hours for those who are working on the Establishment side are from 9-15 am to 5-30 pm. There is also ~~rotation~~ whereby every one has to work in both shifts and in general shift in ~~any~~ year for that rotation will be once in a four months in a year.

6. It is contended for the applicants that as the above facts were not brought to the notice of this Bench at the time of the disposal of this OA, and <sup>as</sup> they are having bearing in regard to the ultimate order which is ~~to be~~ to be passed, it is a matter for review. We feel that there is force in the above contention for the applicants and hence we hold that ~~this~~ <sup>application</sup> review is maintainable.

7. Before OM dated 26-5-95 was issued, the Regional offices were given options to have either 5 day or 6 day week, as the operators have to work in two shifts. But ~~probably~~ <sup>as</sup> some of the members of the staff submitted that it ~~would~~ be inconvenient due to want of transport facilities or otherwise ~~who~~ <sup>15</sup> come to the first shift at the early hours of the day, or ~~who~~ <sup>is leave leave</sup> left office late in night when one works in the second shift, it was ordered that all the Regional offices shall work for six day week. The above order ~~dated~~ 26-5-1995 in the OA was challenged. After taking into considerations the various aspects we passed the order which was extracted herein before. As one of the supervisors had not agreed for five day week, question of <sup>modifying</sup> vacating order dated 18-8-1995 had not arisen.



for applicability

8. But now what is urged is that as the one who opposed for five day week was working in the general shift, R-3 could not switch over for five day week as on basis as <sup>hour</sup> ~~as~~ trial envisaged in the impugned order for three months. But it is contended that as the said supervisor was also working <sup>for</sup> ~~in~~ <sup>in a</sup> six day week, it is ~~had~~ become necessary to take his option for consideration.

9. The total number of hours for which the general shift supervisor and his assistants are working come to 42 hours, and if they work for five days in a week from 9.15 am to 10.30 pm with ~~as~~ lunch break, it will come to  $42\frac{1}{2}$  hours. So the supervisor and the operator ~~under~~ whom who are working <sup>under him</sup> in general shift are directed to work <sup>from</sup> 9.15 to 5.15 pm, shift there will not be any reduction in the working hours, <sup>and</sup> on the other hand there will be increase of  $\frac{1}{2}$  hour per week.

10. It is stated for the respondents that R-3 has no objection for allotting morning shift to the two operators who asked for it, and the other operators had no objections for the same. It is also submitted for the applicants that the other two supervisors will not have any objection if Sri Krishna Prasad, the supervisor who insisted upon six day week, is going to be continued in general shift for four months from 1-2-1996.

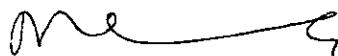
11. In the circumstances, it is just and proper to modify the order dated 18-8-1995 in OA.737/95 as under :  
 The five day week had to be <sup>followed</sup> opted for four months from 1-2-1996 on trial basis in regard to the operators

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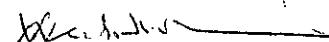


and supervisors who ~~are~~ <sup>have</sup> to work in two shifts, and then the hours for those two shifts for five day week will be the hours that were made applicable to five day week as per G.O.M. ~~by~~ 26-5-95 the G.O.M which was challenged in the OA was issued. The supervisor and the eight operators who had to work as assistants under him in general shift had to work during the office hours prescribed for the Central Government offices working for five days in a week.

12. The RA is ordered accordingly. No costs.//



(R. Rangarajan)  
Member (Admn.)



(V. Neeladri Rao)  
Vice Chairman

Dated : January 22, 1996  
Dictated in Open Court

  
25/1/96  
Deputy Registrar (J)CC

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To

1. The Secretary, Union of India,  
Ministry of Home Affairs, New Delhi.
2. The Registrar General of India,  
Ministry of Home Affairs, 2/A Mansigh Road, New Delhi-1.
3. The Director of Census Operations, Ministry of  
Home Affairs, A.P. Somajiguda, Hyderabad-29.
4. One copy to Mr. K. K. Chakravarthy, Advocate, CAT, Hyd.
5. One copy to Mr. V. Bheemanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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