

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
OA 199/2003 DATE OF ORDER: 6.2.2004

Lallu Ram son of Shri Harbax aged about 49 years, resident of Loco Hassarpura, A House No. 137, Jaipur at present employed on the post of Sr. Peon in the office of D.C. Pay department North-Western Railway, Jaipur Division, Jaipur.

.... Applicant
VERSUS

1. Union of India through General Manager, North-Western Zone, North-Western Railway, Jaipur.
2. Chief Accounts Officer, North Western Zone, North Western Railway, Jaipur.
3. Sr. Divisional Accounts Officer, Divisional Pay Office, North Western Railway, Jaipur Division, Jaipur.
4. Chairman, Railway Board, Rail Bhawan, New Delhi.

.... Respondents

Mr. C.B. Sharma, Counsel for the applicant.
Mr. S.S. Hassan, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed the present OA thereby praying for the following reliefs:-

- "(i) That the respondents may be directed to revise the working days of pay office Jaipur from 6 days a week to 5 days a week by withdrawing order dated 18.1.2002 (Annexure A/1)
- (ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iii) That the cost of this application may be awarded."

2. The facts of the case are that the applicant at the relevant time was working as Senior Peon in the Office of D.C. Pay Department, North-Western Railway, Jaipur Division, Jaipur. The grievance of the applicant in this OA is that Pay Office of Jaipur and Ajmer are functioning for six days

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a week whereas Pay Office of Jodhpur & Bikaner are working for five days a week. Both these Divisions are part of the North Western Railway, which has come into existence on 01.10.2002, as such the action of the respondents in extracting the work from the applicant for six days a week is discriminatory and arbitrary. As such, he has filed the present OA for the aforesaid reliefs.

3. Notice of this application was given to the respondents. The respondents have filed reply. Subsequently the respondents have also filed additional reply. In Para Nos. 3 & 4 of the Additional reply, the following ~~averments~~ have been made:-

"3. That it is submitted that North Western Railway came into existence w.e.f. 1.10.2002 prior to which Jodhpur and Bikaner divisions were under the jurisdiction of Northern Railway, Headquarter Delhi whereas Ajmer and Jaipur Divisions were under the jurisdiction of Western Railway, Headquarter Mumbai. These four divisions i.e. Jodhpur, Bikaner, Ajmer and Jaipur are now under the control of North Western Railway w.e.f. 1.10.2002. As aforesaid, Jodhpur & Bikaner Divisions were under the jurisdiction of Northern Railway prior to 1.10.2002 and these two divisions came under the jurisdiction of North Western Railway w.e.f. 1.10.2002. Cash & Pay Offices at Jaipur and Ajmer were observing 6 days working whereas the other two divisions namely Bikaner and Jodhpur were observing 5 days working on the pattern of their Parent Railway i.e. Northern Railway. Therefore, before amalgamation of these two divisions i.e. Jodhpur & Bikaner from the Northern Railway and Ajmer and Jaipur from the Western Railway two different systems were there so far as the working days are concerned. However, now instruction has been issued vide letter dated 15.9.2003 (copy enclosed as Annexure R/1) by the North Western Railway whereby all the Cash and Pay Offices of North Western Railway including Bikaner and Jodhpur zones are now required to observe 6 & working days a week. This is compliance to the Railway Board's letter No. (LL)85/ HEB/1-15 dated 20.8.1986 and in line with the judgement of Hon'ble CAT Mumbai in OA No. 1100/97 dated 28.11.2001.

4. That in view of the fact that a decision has been taken to observe 6 working days a week, now there is no disparity between the two zones and all the four divisions of the entire North Western Railway is observing 6 days working a week so far as the Cash and Pay Offices are concerned."

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4. In view of the stand taken by the respondents in the Additional reply affidavit, the relevant portion of which has been extracted above, there is no disparity between the four divisions and are working 6 days a week so far as the Cash and Pay Offices are concerned. As such, the present OA has become infructuous. Accordingly, the same is disposed of with no order as to costs.

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(A.K. BHANDARI)
MEMBER (A)

Y
(M.L. CHAUHAN)
MEMBER (J)