

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING AT BILASPUR
Original Application No. 123 of 2005
Bilaspur, this the 29th day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

G. Dutta & 14 others. ... Applicants
(By Advocate - Shri B.P. Rao)

V e r s u s

Union of India & 3 others. ... Respondents
(By Advocate - Shri H.B. Srivastava)

O R D E R (Oral)

By A.K. Gaur, Judicial Member -

By means of this Original Application the applicants have sought quashing of notifications, memorandums, office orders and duty rosters of Railway authorities by which the classification of Motor Vehicle Drivers of S.E.C. Railway has been changed from continuous to essentially intermittent.

2. We have gone through the Railway Board's orders, 2005. Paras 3(2) & 4 of Part-II of RRE No. 131/2005 regarding classification of employment and hours of work reads as under:

"3. Prescribed authority to classify the employment of railway servant.-

(2) A copy of every declaration made by the prescribed authority under sub-rule (1) shall, as soon as may be, sent to the Regional Labour Commissioner concerned and, in case the declaration is made by an officer other than the Head of the Railway Administration, to the Head of the Railway Administration or the Chief Personnel Officer, as the case may be

4. Appeals against classification.-

(1) Any railway servant aggrieved by the declaration of classification made under rule 3 may, within ninety days from the date of such declaration, prefer an appeal to the Regional Labour Commissioner, who, after scrutiny of relevant documents or if considered necessary, after a fresh job analysis, may order for a change in the classification.

(2) Any railway servant or Railway Administration aggrieved by a decision of the Regional Labour Commissioner may, before the expiry of ninety days from the date on which the decision of the Regional Labour Commissioner is communicated to him, prefer an appeal to the Secretary to the Government of India in the Ministry of Labour who will dispose it of after hearing the parties concerned."

3. Mr. H.B. Srivastava appearing on behalf of the respondents has produced the original records pertaining to this case and stated at the Bar that the matter has already been referred to the Regional Labour Commissioner, Raipur vide letter dated 16.6.2006. In view of there being a specific provision under the rules, we see no reason as to why the applicants have not preferred any appeal against the said orders of the respondents.

4. Accordingly, the applicants ~~are directed to~~ ^{may, if they so desire,} prefer an appeal before the Regional Labour Commissioner within a period of one month from the date of receipt of a copy of this order. ^{Within the aforesaid time limit,} If such an appeal is preferred, the Regional Labour Commissioner will decide the same without considering the question of limitation but on merits, within a period of six months from the date of filing of the appeal by the applicants and pass a reasoned and speaking order. Be it noted that we have not expressed any opinion on the merits of the case.

5. In view of the above, the Original Application stands disposed of. No costs. The Registry is directed to supply the copy of memo of parties to the concerned parties.

by Jain
(A.K. Gaur)
Judicial Member

Gaur
(Dr. G.C. Srivastava)
Vice Chairman

"SA" राजांकन सं. ओ/न्या.....जललपुर, दि.....
परिवारिं पार्जे धिलि--

- (1) राधिल, उच्च व्यापारिक दारा पुरानीपुराना, जललपुर
- (2) आकेश्वर श्री/भूमिका/सु.....के काउंसल
- (3) प्रत्यार्थी श्री/भूमिका/सु.....के काउंसल
- (4) व्यापारी, योग्या, जबलपुर व्यापारी
सूचना एवं वापर्याक कार्यालयी सु.....

DR. G.C. Srivastava
उप अधिकारी

Approved
5/7/06