

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00034/2017

IN

ORIGINAL APPLICATION NO.170/00960-63/2014

DATED THIS THE 1st DAY OF AUGUST 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. The Chairman,
Railway Board,
Railway Bhavan,
New Delhi – 110 001.

2. The General Manager (Personnel),
Head Quarters Office,
Gadag Road,
South Western Railway,
Hubli 580020

3. The Divisional Personnel Officer,
South Western Railway,
Bangalore Division,
Bangalore – 560 023.

.... Review Applicants

(By Shri N. Amaresh, Railway Standing Counsel)

vs.

1. Indian Railway Loco
Runningmen Organisation (R)
Through Division Secretary,
Bangalore Divisional,
Secretary, Ashuthosh Srivastava
S/o. N.L. Srivastava
Aged about 43 years,
Loco Pilot (Passenger)
Muniswamappa Building,

Railway Station Circle,
Yeshwanthpur,Bengaluru 560 022.

2. Sri. D. Rajkumar
S/o. C. Dharman
Aged about 43 years,
Loco Pilot (Passenger)
Working under Chief Crew
Controller Office, South Western Railway
Bangalore – 560 043.
Residing at No. 17, 2nd Cross,
Annayyappa Reddy Layout,
Doddabanasavadi,
Bangalore – 560 023.

3. Sri. P.S. Kochumohammed,
S/o. V.M. Sayed Mohammed
Aged about 50 years
Loco Pilot (Mail)
Working under Chief Crew
Controller Office,
South Western Railway
Bangalore – 560 023.
Residing at No. 43, 2nd Cross,
1st Stage, Okalipuram,
Bangalore –560 023.

4. Sri. Abraham Koshy
S/o. V.V. Koshy
Aged about 45 years
Loco Pilot Mail
Working under Chief
Controller Office,
South Western Railway
Bangalore – 560 023.
Residing at No. 9, Lepakshi Layout,
Near Banjara Orchards
Jayanthi Nagar,
Horamavu,
Bangalore – 560 043.

... Respondent in RA

(By Advocate Shri M.R. Achar)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. Shri N.Amaresh submits that in fact there is no overlapping . If there is no overlapping, there is no question of any compensation. But, if there is a question of overlapping, then there is definitely a question of compensation to be given. Nobody can ask a man to work without payment. If the Railway schedules its rail movement in according to their conditions then they must also be prepared to allow for the fact that some times duty may overlap. In case, it overlaps then the right of the employee to get compensation is sacrosanct under the laws of the land. Therefore, we will now pass a conditional order that directing the respondents to adjust a schedule in such a way that it may not overlap. If it overlaps, then payment must be made to compensate . This is clarified.
2. Review application is, therefore, disposed off. No order as costs.

(DINESH SHARMA)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicants in RA.34/2017

Annexure RA-1: Copy of the order dated 09.06.2015.

Annexure RA-2: Copy of the order dated 07.11.2016.

Annexure RA-3: Statement of Working Hours Feb 2017 of G. Ashok Babu.

Annexure RA-4: Statement of Working Hours Feb 2017 of S.

Udayakumar.