

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.021/631/2016

Reserved: 27.09.2018

Order pronounced: 28.09.2018

Between:

1. Sri. K.R.K.Rao aged 58 years ,
S/o K.Tukaram, HSk-I (ACCM),
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.
2. Sri. D.Bharat aged 52 years,
S/o Nivarthi, (ACCA)-II, S.C.Railway,
O/o SSE/AC/SC, Secunderabad Division.
3. Sri. Abdul Faiz, aged 52 years,
S/o Abdul Karem, HSk-II(ACCM), S.C.Railway,
O/o SSE/AC/SC, Secunderabad Division.
4. Sri. Jeelani aged 58 Years,
S/o Patel, HSk-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb., Secunderabad Division.
5. Sri. G.Srenivasulu aged 52 Years,
S/o G.Krishaniah HSk-II(ACCM),
S.C.Railway, O/o SSE/AC/HYb,
Secunderabad Division,
6. Sri K.Pentaiah aged 43 years,
S/o K.Sathaiah ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.
7. Sri S.Kumaraswamy, aged 44 years,
S/o Bugulaiah ACCA-II,
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.
8. Sri. G.Srinivas Rao aged 55 years,
S/o G.Krishnamurthy, HSk-II,(ACCM),
S.C.Railway, O/o SSE/AC/Hyb, Secunderabad Division.
9. Sri.P. Ganeshwar aged 56 Years,
S/o P.Sathayanarayana HSk-II,(ACCM),
S.C.Railway, O/o SSE/AC/Hyb, Secunderabad Division.

10. Sri. P.Vankat Swamy aged 37 years,
S/o P.Bheemaiah ACCA-II,
S.C.Railway, O/o SSE/AC/HYb, Secunderabad Division.

11. Sri.K.Bikshapathy aged 32 years,
S/o K.Venkat Ramulu ACCA-II,
S.C.Railway, O/o SSE/AC/ Hyb. Secunderabad Division.

12. Sri. Abdul Samad aged 53 Years,
S/o S.K.Abdulla Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb, Secunderabad Division.

13. Sri.N.Bhasker aged 56 Years.,
S/o Narsimlu Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb, Secunderabad Division.

14. Sri. V.V.Ramana aged 50 Years.,
S/o V.Viswanadha sastry Tech-I(ACCM),
S.C.Railway, O/o SSE/AC/Hyb, Secunderabad Division.

15. Sri. Shabbir Ali aged 52 Years.,
S/o Sy.Yawarali Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb. Secunderabad Division.

16. Sri. M.Ratan Kumar aged 46 Years.,
S/o M.Seshagiri Rao ACCA-II,
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.

17. Sri.G.BalaRaj aged 35 Years.,
S/o Balaiah ACCA-II, S.C.Railway, O/o SSE/AC/Hyb.
Secunderabad Division.

18. Sri.O.Sarang aged 52 Years.,
S/o O.Ramsway Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb.
Secunderabad Division.

19. Sri.M.Babu aged 35 Years.
S/o M.Abrharm ACCA-II,
S.C.Railway, O/o SSE/AC/Hyb.
Secunderabad Division.

20. Sri.N.Yadanajana swamy aged 59 Years.,
S/o N.Venkataswamy, (Retd.) Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb. Hyderabad Division.

21. Sri.G.Rajaiah aged 59 Years.,
s/o G.Narasaih (Retd.) Tech-I (ACCM)
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.

22. Sri. S.Mohan Rao aged 54 Years,
S/o S.Subbaraju Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb. Hyderabad Division.

23. Sri. K.V.S.S Raju aged 56 Years,
S/o K.Rajagopal Raju Tech-I(ACCM),
S.C.Railway, O/o SSE/AC/Hyb. Hyderabad Division.

24. Sri. T.Balakumar aged 57 years,
S/o Bthanappa Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/Hyb.
Hyderabad Division.

25. Sri. B.Balakrishna aged 53 years,
S/o venatadri Tech-III(ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

26. Sri. B.Radhakrishna aged 35 years,
S/o Venkatiah ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

27. Sri.B.Laxminarayana aged 45 Years,
S/o B.Laxmaih ACCA-II,
S.C.Raiwlay, O/o SSE/AC/SC.
Secunderabad Division.

28. Sri. Nasirahmed aged 46 years,
S/o shaikahmed ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

29. Sri. Sangram Soren aged 34 years,
S/o Sundar Mohan soren, Tech-I,(ACCM)
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.

30. Sri K.Gurucharavan aged 54 years,
S/o K.Mallesham Tech-III(ACCM),
S.C.Railway, O/o SSE/AC/SC, Secunderabad. Division.

31. Sri M.S.Patrick aged 59 Years,
S/o D.Manicram SR.Tech (ACCM)
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.
32. Sri.S.Rajeshwer Rao aged 56 Years,
S/o S.Ragajiea ACCA-II
S.C.Railway, O/o SSE/AC/SC, Secunderabad Division.
33. Sri.Gobru Rathod aged 41 years,
S/o chokala ACCA-II, S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.
34. Sri.B.Satyyanarayana aged 58 years,
S/o B.Venkatswamy Tech-I,
S.C.Railway, O/o SSE/SC/AC/SC.
Secunderabad Division.
35. Sri. S.Dineshkumar aged 35 years,
S/o S.Bikshapathi ACCA-II,
S.C.Railway, O/o SSE/SC/AC/Hyb. Hyderabad Division.
36. Sri. A.Srinivas aged 36 years,
S/o swamy Tech-I (ACCM)
S.C. Railway, O/o SSE/AC/SC, Secunderabad Division.
37. Sri. T.T.Sridhar aged 38 years,
S/o Ranga Rao ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.
38. Sri.N.Bhasker aged 48 years,
S/o Srihari ACCA-II, S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.
39. Sri.N.saporna aged 48 years,
S/o yesurathnam ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.
40. Sri.Angainailu aged 30 Years,
S/o Yadigiri ACCA-II, S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.
41. Sri.T.Muthyal Rao aged 44 Years,
S/o T.shanker ACCA-II, S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

42. Sri.D.Rajesh aged 41 years,
S/o Ram pyari Tech-I, (ACCM)
S.C.Railway O/o SSE/AC/SC.
Secunderabad Division.

43. Sri.Sanjay Kumar aged 40 Years,
S/o M.G.Selvarajan ACCA-II,
S.C.Railway O/o SSE/AC/SC.
Secunderabad Division.

44. Sri.B.shankar aged 52 years,
S/o Narsaih ACCA-II, S.C.Railway O/o SSE/AC/SC.
Secunderabad Division.

45. Sri. Md.Ankush aged 59 Years,
S/o Md. Yakub. (Retd.) Tech-I (ACCM),
S.C.Railway O/o SSE/AC/Hyb.
Secunderabad Division.

46. Sri.L.Sarath Kumar aged 54 Years,
S/o L.Vinobha Tech-I (ACCM),
S.C.Railway O/o SSE/AC/HYb.
Secunderabad Division.

47. Sri. MD.Rahim aged 43 Years,
S/o M.D.Khaja. ACCA-II
S.C.Railway O/o SSE/AC/HYb.
Secunderabad Division.

48. Sri.O.Sarangam aged 53 Years,
S/o Ramaswamy Tech.I (ACCM)
S.C.Railway O/o SSE/AC/SC.
Secunderabad Division.

49. Sri. K.Varaprasad aged 32 Years,
S/o K.Satynarayana ACCA-II
S.C.Railway O/o SSE/AC/Hyb.
Secunderabad Division.

50. Sri.V.Ramesh Babu aged 32 Years,
S/o Suryanalyn ACCA-II,
S.C.Railway O/o SSE/AC/Hyb.
Secunderabad Division.

51. Sri.O.Rajander aged 35 years,
S/o chandriar ACCA-II, S.C.Railway O/o SSE/AC/Hyb.
Secunderabad Division.

52. Sri.Akistalah aged 45 Years,
S/o Bikshapthy ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

53. Sri. S.Sathyanarayana aged 40 years,
S/o S.Rama Swamy Tech-I (ACCM)
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

54. Sri.Maggdi Srinivas aged 39 years,
S/o Veeraswamy ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

55. Sri.K.Pradeep Kumar aged 52 Years.
S/o Shankar Tech-I (ACCM),
Sc.C.Railway, O/o SSE/AC/HYb.
Secunderabad Divison.

56. Sri.Sanjanna aged 37 years,
S/o Buchanna ACCA-II ,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

57. Sri.K.Kumar swamy aged 48 years,
S/o Kormaraih ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

58. Sri. P.Venkateshwarlu aged 31 years,
S/o R.Ramaswamy ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

59. Sri.N.Srinivas aged 46 years,
S/o Surya Sr.Tech.(ACCM).
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

60. Sri G.Baloji aged 43 years,
S/o G.B.Bheemal Tec-I (ACCM).

S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

61. Sri.Ch.Raj Kumar, aged 32 years,
S/o Ch.Satyanarayana Tech.III (ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

62. Sri.N.D.Sridhar Reddy aged 33 years,
S/o N.durga Reddy Tech-II (ACCM)
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

63. Sri.J.Narasinga Rao aged 52 years,
S/o Sathyarayana Tech-III (ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

64. Sri.K.Sarangapani aged 50 Years,
S/o Maisaiah Tech-I (ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

65. Sri.B.Srikanth aged 33 years,
S/o B.Jai Ram Tech.II (ACCM),
S.C.Railway, O/o SSE/AC/HYb
Secunderabad Division.

66. Sri.R.Prashanthseena aged 35 years,
S/o R.Chandrasena Tec-I(ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

67. Sri.P.Shanker aged 46 years,
S/o P.Mani Tech-II(ACCM),
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

68. Sri.R.Buma Mahander aged 29 Years,
S/o B.Surendranath ACCA,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

69. Sri.Rajkumar aged 30 years,
S/o Komaraiah ACCA, S.C.Railway, O/O SSE/AC/HYB.
Secunderabad Division.

70. Sri.T.Sammaih aged 52 years,
S/o Ilyaha ACCA,
S.C.Railway, O/o SSE/AC/HYB,
Secunderabad Division.

71. Sri.Md.Hussain aged 35 years,
S/o Md.Ismile, ACCA,
S.C.Railway, O/o SSE/AC/HYB,
Secunderabad Division.

72. Sri.N.Vaneshwar aged 32 years,
S/o N.Durgiah ACCA, S.C.Railway, O/o SSE/AC/HYB,
Secunderabad Division.

73. Sri D.Venkanna, aged 52 yers,
S/oD.kanthiya ACCA, S.C.Railway, O/o SSE/AC/HYB,
Secunderabad Division.

74. Sri.Md.Kalmuddin aged 59 years,
S/o Aminuddin Tech-I,(ACCM)
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

75. Sri.DJayakar aged 40 Years,
S/o D.K.Samson Tech-III (ACCM),
S.C.Railway, O/o SSE/AC/AC.
Secunderabad Division.

76. Sri.J.Narshiya aged 58 years,
S/o ACCA,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

77.Sri.D.K.Ranjit Kumar aged 32 years,
S/o D.Komaraiahe ACCA-II,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

78. Sri.P.Shankar aged 44 Years,
S/o P.Pochaiah ACCA-II, S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

79. Sri.G.A.Prithvi Vallaba aged 58 Years.,
S/o G.Achiram Sr.Tech.,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

80. Sri.J.S.Chandrashaker aged 56 Years.,
S/o J.N.Shankaraiah Sr.Tech.,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

81. Sri. S.K.Kareemullah aged 52 Years.,
S/o Sk.Kalasha Sr.Tech.
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

82. Sri.K.Hari Babu aged 35 years,
S/o Babu Rao ACCA,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

83. Sri.P.Ashok aged 34 Years,
S/o P.Mukudam ACKH,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

84. Sri.I.Ratankumar aged 38 Years,
S/o Laxmidas ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

85. Sri.P.Saibaba aged 50 Years,
S/o P.Narsuma Tech-I,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

86. Sri A.Venkateswarlu aged 47 years,
S/o Yakub Occ: ACCA-II,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

87. Sri.J.Anjaiah aged 53 years,
S/o J.Narshai , Tech-I,
S.C.Railway, O/o SSE/AC/SC,
Secunderabad Division.

88. Sri. S.Devuja aged 50 Years.,
S/o Jamla, Tech-I, S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

89. Shri D.Subamaneshwar aged 34 years.,
S/o ACCA,
S.C.Railway, O/o SSE/AC/SC. Secunderabad Division.

90. Shri B.Rynald aged 58 Years.,
S/o Benny OCC:Tech-I,
S.C.Railway, O/o SSE/AC/SC.
Secunderabad Division.

91. Shri. P.Shanker aged 46 years.,
S/o P.Mani Occ: Tech-II
S.C.Railway, O/o. SSE/AC/SC.
Secunderabad Division.
92. Shri E.Vinod.Kumar aged 59 Years,
S/o E.V.Rao OCC: Tech-I,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
93. Shri G.Kumar aged 35 Years.,
S/o Krishna swamy OCC:ACKH,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
94. Shri .M.Raja Babu aged 30 Years.,
S/o Pochaiah OCC:ACC-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
95. Shri A.Sanjeev Kumar aged 43 Years.,
S/o A.Narshiya OCC:ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
96. Shri G.Gopal Rao aged 35 Years.,
S/o G.venkatiah OCC:ACCA-III,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
97. Shri K.srinivas aged 58 Years.,
S/o K.balakrishna OCC:Sr.Tech-I
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
98. Shri K.GovindaRajulu aged 52 Years.,
S/o K.S.Rao OCC:Tech-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
99. Shri A.Manaih aged 55 Years.,
S/o A.Anjaiah OCC:Tech-I,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.
100. Shri L.Ashok aged 40 Years.,
S/o Komuriaha OCC: ACCA-I,,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

101. Shri P.Nagender Kumar aged 58 Years.,
S/o P.Venketesh Rao OCC: Tech-I,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

102 Shri.J.Ravi Kumar aged Years.,
S/o J.Laxmi Nayarana OCC:ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

103. Shri. M.Damoder Reddy, aged 45 years.,
S/o Papi Reddy OCC:ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

104. Shri E.Rajaiha aged 46 years.,
S/o E.Yellaiah OCC:ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

105. Shri.Md.Mumtazuddin aged 35 years.,
S/o Ibrahim OCC: ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

106. Shri.Md.Akbar pasha aged 40 years.,
S/o Yakub Ali OCC: ACCA-II,
S.C.Railway, O/o SSE/AC/HYB.
Secunderabad Division.

... Applicants.

A N D

UOI rep., by its.

1. The General Manager (P)
S.C. Railway, 3rd Floor, Rail Nilyam, Secunderabad.

2 The Divisional Railway Manager,(P)
Sanchalan Bhavan, Secunderabad Division, Secunderabad.

3. Sr. Divisional Electrical Engineer,
Sanchalan Bhavan, Secunderabad Division, Secunderabad.

4.Senior Section Engineer/AC/SC
(AC Coaching/Escorting) S.C. Railway,
Secunderabad Division, Secunderabad.

5. Senior Section Engineer/AC/Hyderabad,
(AC Coaching/Escorting)) S.C. Railway,
Secunderabad Division, Secunderabad.

... Respondents.

Counsel for the Applicants ... Mr. G.S. Rao
 Counsel for the Respondents ... Mr. V.V.N. Narasimham, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed against the letter No.SCR/P-SC/OT/341 dated 04.05.2016 issued by the 2nd respondent rejecting the claim of the applicants in granting of Over Time Allowance (OTA) for halt period.

2. Brief facts of the case are that the applicants are Escorting and Maintenance staff in Air Condition coaches. They are designated as A.C. Coach Mechanics (ACCM) and A.C. Coach Attendants (ACCA). The staff working in express and mail passenger trains operating between Hyderabad/ Secunderabad and various destinations all over the country. ACCM and ACCA staff assume their duties on departing from Hyderabad/ Secunderabad and are relieved only when they return back to Hyderabad/ Secunderabad. Therefore, they are said to be on duty all throughout. The said staff attend to safety, custody and security of fittings, working of AC plant/ alternators, maintaining log book, ensuring comfortable temperature, check fuses, rectify AC faults, report defects, attend to maintenance, attend to comfort of the passengers, filling up of water tankers, supply and collection of linen blankets, checking tickets of passengers when they first enter the coach, accommodating passengers joining en route, checking inflammables and so on. The applicants attend to works of maintenance and allied activities pertaining to AC coaches. They continue to be on duty even after reaching the destination station as per the claim of the applicants till they entrain for return journey. Hence, they claim OTA for doing excess work during halt

period at the destination station. The applicants, when they approached this Tribunal earlier in OA No. 1294/2015, the respondents were directed to dispose of the representations of the applicants and issue appropriate orders. Consequently, the 2nd respondent passed the impugned order dt.4.5.2016 rejecting the claim of the applicants for OTA. Therefore, this OA.

3. The contention of the applicants is that when some employees of the said category (ACCM/ACCA) of the Central Railway demanded OTA wages for halt period at outstation/ destination station, the DRM/ Central Railway sought clarification on the issue from the Senior Section Engineer, Central Railway who is incharge of their duties/ roster of ACCM/ACCA, replied vide his letter dated 28.08.2002 (A-I) stating that the halt period at destination is being treated as continuous for the purpose of calculating wages/ TA and DA, but not counted for the purpose of OTA. He also informed that the ACCMs/ACCAs are not being relieved at the destination station. As they are being relieved only after returning to the originating station, the applicants contend that their entire period of travel and halt period tantamount to being on official duty. The applicants contend that they report to duty one hour before the train departs from the originating station and also at the destination station. They claim that they are with the coach even at the destination station attending to maintenance and other allied activities in keeping the coach ready for travel. Hence, as they are working beyond their schedule hours, they are entitled for OTA. They also contend that they stay in the coach itself during halt period at the destination station as a matter of security. Hence, they are continuously on duty till they return to the originating point. The applicants also emphasize that their claim for OTA has been allowed by the Hon'ble Bombay Bench of this Tribunal in OA No. 117/2008 and the

Hon'ble High Court of Judicature at Bombay in Writ Petition No. 9227 of 2011 has upheld the same, which was also confirmed by the Hon'ble Supreme Court vide Special Leave to Appeal (C) No. 18333/2012. Therefore, it being a covered case, their claim should also be considered.

4. The respondents contention in their defence is that, at the outstation point, coaches are handed over to the Secondary Maintenance Depot duly informing the condition of the coaches by the ACCM/ACCA. The later take over the coaches from Secondary maintenance depot and resume their duty at the destination station till they reach the originating point. As the work of maintenance of coaches is being undertaken by the secondary maintenance depot, the interim period from handing over to taking over charge from maintenance depots does not qualify for the payment of OTA. General maintenance like linen change etc is now being outsourced and therefore coaching staff (ACCM/ACCA) have no role in this regard. The respondents admit that the said staff do report one hour before departure time on either end and attend to different identified works allotted to them while train is stationary and on the move too. Respondents also inform that as per the orders of this Tribunal contained in OA No. 1294/2015, wherein reference was made to the observations of the Hon'ble Bombay Bench of this Tribunal in OA No. 117/2008, they have replied to the applicants after making a detailed examination on the points raised therein. Further, respondents also confirm that the applicants are being paid OTA as per rake link charts and 104 hours fortnightly rosters. They are also paid TA and NDA during the period of journey. There are no provisions to pay OTA for the inaction period. The claim of the applicants is therefore irregular and hence, prayed to dismiss the OA.

5. Heard learned counsel for both sides and perused the documents.

6. Learned counsel for the applicants has drawn attention of this Tribunal to a letter dated 25.09.2012 addressed to the General Manager, South Central Railway by some of the applicants informing the former that consequent to favourable orders issued by the Hon'ble CAT, Bombay Bench and also the Hon'ble High Court of Judicature at Bombay to pay OTA at the destination station, they also should be paid accordingly. This letter was followed by another letter dated 01.09.2015 stating that the Central Railway is paying OTA based on the orders of the Hon'ble CAT, Bombay Bench and the Hon'ble High Court of Judicature at Bombay supra. Applicants requested to implement the same orders and grant them OTA for the halt period at destination station. Learned counsel claims that despite bringing it to the notice of the General Manager, South Central Railway about the decisions of the Hon'ble High Court of Judicature at Bombay and the Hon'ble CAT, Bombay Bench, the claim of the applicants was not attended to, which is unfortunate. The impugned order 04.05.2016 only states that for the inaction period, no OTA can be allowed and that they are being paid as per 104 hours fortnightly roster. It does not refer to the observations of the Hon'ble Bombay High Court or the Bombay Bench of this Tribunal. Without referring to those observations, despite representing so, the respondents have given a mechanical reply is a charged argument of the learned counsel. Learned counsel has also brought to the notice of this Tribunal that the matter which was considered by the Hon'ble Bombay High Court and the Hon'ble Bombay Bench of this Tribunal, was taken up with the Hon'ble Supreme Court by the respondents and their plea was dismissed vide order dt. 23.02.2015 in Special Leave to Appeal (C) No. 18333/2012. He also submitted a copy of the order of the Hon'ble High Court of Chhattisgarh, Bilaspur in WP (S) No. 4098/2018, dt. 30.07.2018, which is in favour of the applicants.

7. Learned counsel for the respondents has pointed out that the entire issue has arisen because of the letter of the Senior Section Engineer, Central Railway dated 28.08.2002 wherein he stated that the ACCM/ACCA staff are not being relieved at the destination station. Learned counsel expressed apprehension whether this was raised at different judicial forums stated by the learned counsel for the applicants. He claims that ACCM/ ACCA staff are provided rooms at the destination points and that they do not attend to any duty whatsoever at the destination point. Therefore, this period has to be treated as inaction period. If treated as inaction period then the applicants are not entitled for any OTA whatsoever for the said period. Learned counsel for the respondents also states that the ACCM/ACCA staff are being paid TA and DA towards expenses they have to meet during halt period. As there is secondary maintenance staff to take care of the coaches, the claim of the applicants is irregular.

8. The case is all about treating the halt period as on duty or otherwise. The respondents claim that the secondary maintenance staff do take over the maintenance and other allied activities at the destination station. However, it is understood from the arguments and the material submitted that the applicants are relieved from duty only when they reach the originating station after they complete the entire trip. In other words, they are on duty from the originating station till they return to the same station. The respondents also did not file any material to prove the fact that they are being relieved at the destination station. The letter of the Sr. Section Engineer, Central Railway dated 28.08.2002 clearly indicates that the ACCM/ ACCA staff are not being relieved at the destination point. Learned counsel for the applicants has informed that unlike for the running staff, the applicants are not provided any rest rooms and hence, they have to invariably reside in the coaches only. The respondents could not

produce any evidence or letter indicating that the applicants have been provided rest rooms on par with other running staff. Further, Rule 1502 of IREM provides for OTA which is described as allowance paid to railway servants for actual time worked in excess of the hours of employment prescribed by any law or rule. The claim of the learned counsel for the respondents is that the letter written by the Senior Section Engineer should not be given much credence as this is a policy decision which has to be decided by the competent authorities. Even if the Tribunal were to agree with the argument of the learned counsel for the respondents, yet it is an admitted fact that the applicants are not being relieved at the destination station, which is an indication that they are on duty during the halt hours involved. Learned counsel for the respondents stated that the applicants do get TA and DA at the destination station point. TA is given as an allowance for travel and dearness allowance for meeting the incidental expenses at the destination station. However, for extra work done, overtime allowance has to be allowed. Therefore, the provisions of Rule 1502 of IREM applies to the applicants fully. The learned counsel for the applicants claims that for any theft of items like fans, lights, etc., responsibility is fixed on the applicants and they are proceeded against. Besides the case of the applicants is fully covered by the judgment of the Hon'ble Bombay Bench of this Tribunal in OA 117/2008 and Bilaspur Bench of this Tribunal in OA 705/2016 which dealt with the objection raised by the learned counsel for the respondents regarding the letter dt. 28.08.2002 written by the Sr. Section Engineer, Central Railway. Hon'ble High court of Judicature at Bombay in WP No.9227/2011 as well as the order of the Hon'ble Supreme Court of India in Special Leave to Appeal (C) No.18333/2012 confirmed the order of the Bombay Bench of this Tribunal favouring grant of OTA at destination station. Further, the findings of the Hon'ble Bilaspur Bench

of this Tribunal in OA No. 705/2016 and also the findings of the High Court of Chhattisgarh, Bilaspur in WP (S) No. 4098/2018 come to the rescue of the applicants in depth. It is also important to note that Railways being a single entity, extending a benefit to one segment of employees under a particular zone and denying to those in another zone performing similar duties and belonging to the same category is discriminatory. Hon'ble Supreme Court has directed the respondent organization, in a similar case wherein running allowance was granted to Northern Railway staff but not to Eastern Railway staff, to extend the same to the Eastern Railway staff as well in WP (C) No. 939 to 945 of 1983, vide judgment dated July 20th 1988. Hence, the respondents are duty bound to extend the same benefit in view of similarities of duties as discussed in the present case between those of South Central Railway and Central Railway. Thus, as seen from the above, law is well settled in regard to the issue in question. The facts discussed confirm that the applicants are on duty at the destination station.

9. This Tribunal most respectfully agrees with the findings of the above judicial forums in accordance with the observations of Hon'ble Supreme Court in the case of Sub-Inspector Rooplal vs Lt. Governor, (2000) 1 SCC 644, Hon'ble Apex Court as under:-

Precedents which enunciate rules of law form the foundation of administration of justice under our system. This is a fundamental principle which every presiding officer of a judicial forum ought to know, for consistency in interpretation of law alone can lead to public confidence in our judicial system. This Court has laid down time and again that precedent law must be followed by all concerned; deviation from the same should be only on a procedure known to law. A subordinate court is bound by the enunciation of law made by the superior courts. A Coordinate Bench of a Court cannot pronounce judgment contrary to declaration of law made by another Bench. It can only refer it to a larger Bench if it disagrees with the earlier pronouncement.

10. To conclude, based on the facts narrated above, the OA fully succeeds. Therefore, the letter No.SCR/P-SC/OT/341 dated 04.05.2016 issued by the 2nd respondent is quashed. The respondents are directed to consider payment of OTA to the applicants treating the halt period at destination station as duty henceforth and also pay the OTA arrears to the applicants on similar terms and conditions from the date when the similarly placed staff (ACCM/ACCA) have been paid in Central Railway, within a period of three months from the date of receipt of copy of this order.

11. Further, respondents may also consider this order as judgment *in rem* and apply the same to other similarly situated ACCM/ACCA staff who are not parties to this OA and those who fulfil the terms and conditions discussed in the present case, as the same would avoid multiplicity of litigation. In fact, the Hon'ble Apex Court in *Amrit Lal Berry Vs. CCE, 1975 (4) SCC 714* and *Inder Pal Yadav Vs. Union of India, 1985 (2) SCC 648* held so and the V CPC in para 126.5 also emphasized such a practice.

12. The OA is accordingly allowed. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 28th day of September, 2018

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