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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O A NO. 350/1036/2017

Date of order : 15.03.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

Edward Joseph Vicent,

son of Late Oscar Terence Vincent, aged about 55 years,
working in the Post of Watchman under CLW,
Chittaranjan-71331. Residing at Street No.88, Qtrs.
No.11/A, P. O. Chittaranjan, District Burdwan, Pin-
713331.

..... Applicant

-Versus-

1. The Union of India

Service through the General Manager, Chittaranjan
Locomotive Works, Chittaranjan, District Burdwan, Pin-
713331;

2. The Divisional Railway Manager,

Chittaranjan Locomotive Works, Chittaranjan, District-
Burdwan, Pin-713331.

3. The Senior Divisional Personnel Officer.,

Chittaranjan Locomotive Works, Chittaranjan, District
Burdwan, Pin-713331.

4. The Chief Personnel Officer,

Chittaranjan Locomotive Works, Chittaranjan,
District Burdwan, Pin-713331.

5. The Senior Section Engineer,

S.P. North, Simjuri/Fatehpur Electric Office; Chittaranjan
Locomotive Works, Chittaranjan, District Burdwan, Pin-
713331.

..... Respondents

For the applicant : Mr. A. Felix, Counsel

For the respondents : Mr. A. K. Banerjee, Counsel



O R D E RMrs. Manjula Das, Judicial Member

The applicant has filed this O. A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

"(i) An order or direction do issue directing the respondents 1, 2, 3, 4 to pay the arrears of salary to the applicant for the extra or additional duty rendered by him in P & TS as a Chowkidar w. e. f. the year of 2005 -2014 forthwith;

(ii) An order or direction do issue directing the respondents 1,2, 3 to divulge their position regarding category of watchman under HOER, roster duty of Watchman per day in hour and per week to the applicant;

(iii) Any other order or direction as this Tribunal may deem fit and proper."

2. Heard the Id. counsel for the applicant Mr. A. Felix and the Id. counsel for the respondents Mr. A. K. Banerjee. I have also perused the pleadings and materials placed before me.

3. Brief facts of the case as narrated by the Id. counsel for the applicant are that the applicant joined the office of the respondent authorities on 20.05.2014 in the post of Chowkidar and was performing twelve hours' duty every day and seventy two hours' roster duty and getting twenty four hours' rest. The grievance of the applicant is that he was not getting the additional twenty four hours' rest to which he was entitled under the Railway Servants (Hours of work and period of Rest) Rules, 2005 and "short off" as defined in Rule 2(k) of the aforesaid rules which means a period of rest which are as follows:-

(i) in case of intensive workers:-

(A) less than 12 hours in a roster of six hours duty;

(B) less than 14 hours in a mixed roster of 6 and 8 hours duty

(ii) In case of continuous workers less than 10 hours;

(iii) In case of essentially intermittent workers less than 8 hours.

It is submitted by the Id. counsel for the applicant that the applicant made an application to the respondents authorities concerned under the RTI Act, 2005 on 22.12.2016 seeking information in respect of the following :-

- (i) Duration of hours of rest of weekly watchman in P & TS;
- (ii) Number of days of casual leave of watchman in P & TS;
- (iii) Description of category of watchman under HOER
- (iv) Roster duty of watchman per day in hours and
- (v) Roster duty of watchman per week.

The applicant was given a reply on 02.01.2017 in reference to the query made in Item No.1 of his RTI application stating that weekly rest of watchman is one day i.e. 24 hours (Annexure A-1).

The Id. counsel for the applicant submitted that the applicant was further informed by the department vide letter dated 16.01.2017 that the Chowkidar/Watchman of some of the departments were getting 11(eleven) days CL in a calendar year ((Annexure A-2). However, Id. counsel for the applicant submitted that the applicant filed a representation to the authority concerned on 30.01.2017 through proper channel praying for payment of arrears of the duty performed by him in P & TS as a Chowkidar and for getting the additional rest of 24 hours to which he was entitled as per HOER Rules, 2005 (Annexure A/3).

The Id. counsel for the applicant further submitted that through RTI application the applicant had collected further information that he had not been

given additional rest of 24 hours per week against extra duty done by him i.e. 48 hours standard hours of duty plus 24 hours additional duty i.e. 72 hours per week as a Chowkidar as per Rule 8(2)(ii) of HOER/2005 and prayed for getting arrear payment of extra duty done by him from the year 2005 (Annexure A/4).

It is submitted by the Id. counsel for the applicant that the applicant made another RTI application on 19.05.2017 praying for certain information followed by RTI appeals, but the authority concerned disposed of the same on vague grounds.

4. However, Id. counsel for the applicant submitted that the applicant has filed a representation to the Respondent No.1 i.e. the General Manager, CLW, Chittaranjan ventilating his grievances on 24.05.2017 and prayed for payment of extra duty allowance (Annexure A-8) but the respondent authorities have not considered his prayer till date. Being aggrieved and dissatisfied with such inaction on the part of the respondents, the applicant has approached this Tribunal seeking the aforesaid reliefs.

Ld. counsel for the applicant submitted that the applicant would be satisfied for the present if a direction is given to the competent authority to consider his representation dated 24.05.2017 (Annexure A-8) as per rules and pass a reasoned and speaking order within a specific time frame.

5. I have considered the submissions made by Id. counsel for both sides. I am of the view that it will not be prejudicial to either of the parties if a direction is given to the respondent authority concerned to consider the representation of the applicant and pass a reasoned and speaking order on the same as per rules



and regulations governing the field within a specific time frame, as prayed by Id. counsel for the applicant.

6. Accordingly, the respondent No.1 i.e. the General Manager, Chittaranjan Locomotive Works or any other competent authority is directed to consider the representation of the applicant dated 24.05.2017 (Annexure "A-8") and pass a reasoned and speaking order on the same as per rules and regulations governing the field within a period of one month from the date of receipt of this order. The decision so arrived be communicated to the applicant forthwith. After such consideration, if the claim of the applicant is found to be genuine, then the respondent authorities shall extend the benefits to the applicant within a further period of two months from the date of taking decision in the matter.

7. It is made clear that I have not gone into the merits of the O. A. and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules.

8. With the above observations and directions, the O. A. is disposed of.

Manjula Das
Judicial Member