

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

**M.A. No. 566/2018
In
O.A. No. 114/2018**

Date Of Decision: 25th October, 2018.

**CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).
HON'BLE SMT. RAVINDER KAUR, MEMBER (J).**

Shri Ahmed Afroz,
S/o Kausar Nawab, Age about 43 years,
Occupation: Service,
Length of service: about 25 years,
An Indian Inhabitant of Mumbai,
Presently working as motorman in Mumbai
Division of Central Railway.
Residing at Flat No. 19, Aasiana Tower,
I.C. Colony, Borivali(West), Mumbai- 400 103.

....Applicant.

(In Person)

Versus

- 1) The Union of India,
Through: General Manager,
Headquarters Office,
Central Railway,
CST Mumbai- 400 001.
- 2) The Secretary,
Ministry of Railways,
Room No. 256-A,
Rail Bhawan, Raisina Road,
New Delhi- 110 001.
- 3) Divisional Railway Manager,
Mumbai Division, Central Railway,
Mobile Number: 9987645000,
Address: DRM's Building,
Ground Floor,
CST Mumbai- 400 001.
- 4) Senior Divisional Operating Manager,
Mumbai Division, Central Railway,
Address: DRM's Building,
Ground Floor, C.S.T. Mumbai- 400 001.

5) Senior Divisional Electrical Engineer(TRS. O.), Mumbai Division, Central Railway, Address: DRM's Building, Ground Floor, C.S.T. Mumbai- 400 001.

...Respondents.

(By Advocate Shri R R Shetty)

ORDER(Oral)
PER:- R. VIJAYKUMAR, MEMBER (A) .

When the case was called out, heard applicant who appeared in person and learned counsel for the respondents.

2. M.A. No. 566/2018 has been filed for early hearing in this matter which had been posted for hearing on 07.02.2019.

3. The impugned order which has been listed as Annexure A-6 in this representation is a letter from the respondents in No. BB/P/HOER/Running dt. 15.03.2017 which was issued in pursuance of this Tribunal's directions made at admission stage on 21.12.2016 in OA No. 840/2016. The applicant has raised various questions about the hours of employment granted to Motormen in the Railways where he is employed in the same capacity at present. The impugned order

refers to the Railway Servants (Hours of Work and Period of Rest) Rules, 2005 wherein it is stated that Railway Servants (Hours of Employment) Rules, 1961 framed under the Indian Railways Act, 1890 mentions at Rule 4 that any questions under Rule 3 shall be referred to the Regional Labour Commissioner (C). It is apparent that this Tribunal had not heard the respondents at the time of consideration of the applicant's case in OA No. 840/2016 and issued directions at the admission stage. In their reply, the respondents have invited the attention of the Tribunal to the provisions of rules which provide an avenue for relief for the applicant which he should have availed before making any approach to this Tribunal.

4. In the circumstances given the specific content of the Rule and its direction, this Tribunal cannot hear this application in its present form and the applicant is re-directed to make his representation for relief with reference to the impugned letter (Annexure A-

6) by which he had filed this application on 25.01.2018 within 30 days, to the appropriate forum, if so advised and as per law.

5. The OA and MA No. 566/2018 are disposed of as above. No order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

Ram.