



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 09TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.15797 OF 2022 (S-RES)

BETWEEN:

1. INDIAN RAILWAY LOCO RUNNING MEN ORGANISATION (R) THROUGH DIVISIONAL SECRETARY, BANGALORE DIVISION, SRI ASHUTHOSH SRIVASTAVA, S/O. N. L. SRIVASTAVA, AGED ABOUT 50 YEARS, LOCO PILOT (PASSENGER) R/AT FLAT NO. B-5/701, PANCHAVATI BDA APARTMENT, J. P. NAGAR, 8TH PHASE, JAMBUSAVAARI DINNE, BENGALURU - 560 083.
2. SRI. D. RAJKUMAR S/O. C. DHARMAN, AGED ABOUT 52 YEARS, LOCO PILOT (PASSENGER) CREW CONTROLLER OFFICE, SOUTHWESTERN RAILWAY, BENGALURU - 560 023, R/AT NO. 202, GREEN VIEW RESIDENCY, M.M. REDDY ROAD, H.A. FARM POST, MARIYANNA PALYA, KEMPAPURA, HEBBAL, BENGALURU - 560 024.
3. SRI. ABRAHAM KOSHY S/O. V. V. KOSHY, AGED ABOUT 52 YEARS, LOCO PILOT (MAIL),





CREW CONTROLLER OFFICE,
SOUTHWESTERN RAILWAY,
BENGALURU - 560 023,
R/AT NO. GE-95,
GARDEN ENCLAVE,
BANJARA LAYOUT,
JAYANTHI NAGAR,
HORAMAVU,
BENGALURU - 560 043.

...PETITIONERS

(BY SMT. KOMALA G., ADVOCATE)

AND:

1. THE UNION OF INDIA
THROUGH ITS SECRETARY,
MINISTRY OF RAILWAY,
RAIL BHAVAN,
NEAR INDIA GATE,
NEW DELHI-110 001.
2. THE CHAIRMAN AND CEO
RAILWAY BOARD,
RAIL BHAVAN,
NEAR INDIA GATE,
NEW DELHI-110 001.
3. THE GENERAL MANAGER
SOUTHWESTERN RAILWAY,
KESHWAPUR,
HUBLI-580 023.
4. THE SENIOR DIVISIONAL PERSONNEL OFFICER
SOUTHWESTERN RAILWAY,
BANGALORE DIVISION,
BENGALURU - 560 023.
5. JOINT SECRETARY
MINISTRY OF LABOUR,
SHRAM SHAKTI BHAVAN
RAFI MARG



NEW DELHI-110 001.

6. REGIONAL LABOUR COMMISSIONER (CENTRAL)
AND AUTHORITY
UNDER HOURS OF EMPLOYMENT REGULATION,
KARNATAKA REGION,
SHRAM SADAN,
3RD MAIN, 3RD CROSS, II PHASE,
YESWANTHPUR,
BENGALURU - 560 022.

AND ALSO AT
KARMIKA BHAVAN, DAIRY CIRCLE,
BANNERGHATTA ROAD,
BENGALURU - 560 029.

...RESPONDENTS

(BY SRI. CHANDRACHUD A.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO FOLLOW THE ORDERS DATED 22.10.2001 AT ANNEXURE-A PASSED BY THE AUTHORITY UNDER THE HOURS OF EMPLOYMENT REGULATIONS, KARNATAKA REGION IN F.NO.95(1)/2000 B3 AND AS WELL THAT WAS CONFIRMED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL IN RA NO.170/34/2017 IN ITS ORDERS DATED 26.9.2018 AT ANNEXURE-M AND EITHER SEE TO THAT THE HEAD QUARTER REST AND THE PERIODIC REST DO NOT OVERLAP AND IN THE EVENT WHERE THERE IS OVERLAPPING OF BOTH THE HEAD QUARTER REST AND THE PERIODIC REST THE COMPENSATION IS BEING PAID CALCULATED AT A RATE OF TWICE THE NORMAL RATES IN LIEU OF THE HEAD QUARTER REST AS PER THE ORDER DATED 22.10.2001 AT ANNEXURE-A PASSED BY THE AUTHORITY UNDER THE HOURS OF EMPLOYMENT REGULATIONS KARNATAKA REGION IN F NO.95 (1)/2000 B2

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

Sri A. Chandrachud, learned counsel appearing for the respondent No.1 is pleaded that the writ petition is not maintainable in view of the law declared by the Hon'ble Apex Court in the case of ***L.Chandrakumar vs. Union Of India and others*** reported in ***AIR 1997 SC 1125.***

2. Heard the learned counsel appearing for the parties.

3. In this writ petition, the petitioners have sought for direction to the respondent-authorities to consider the case of the petitioners as per order dated 22.10.2001 (Annexure-A), which came to be confirmed by the Central Administrative Tribunal in RA No.170/34/2017 dated 26.09.2018 (Annexure-M) and such other reliefs.

4. Having taken note of the order passed by the CAT, Bangalore, in Application No.O.A.No.33 of 2008, disposed of on 01.04.2010 (Annexure-E), and Review



Application No.170/00034/2017 before the CAT, Bangalore on 22.10.2018, (Annexure-M), the petitioners are permitted to approach the aforementioned Tribunal for redressal of their grievance. Accordingly, the writ petition is ***disposed of***. All the contentions of the parties are kept open.

SD/-
JUDGE

SB
List No.: 1 Sl No.: 20