

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

ON THE 13th DAY OF APRIL 2012

BEFORE

THE HON'BLE MR. JUSTICE K. L. MANJUNATH

A N D

THE HON'BLE MR. JUSTICE RAVI MALIMATH

W.P. No. 66707/2010 (S-CAT)

BETWEEN:

1. The Union of India through
Ministry of Railway,
Rail Bhavan, Near India Gate,
New Delhi-110 001.
2. The Chairman,
Railway Board,
Rail Bhavan, Near India Gate,
New Delhi-110 001.
3. The General Manager,
South Western Railway,
Keshwapur, Hubli.
4. Joint Secretary,
Ministry of Labour,
Government of India,
Shram Shakti Bhavan,
New Delhi-110 001.

- Petitioners

(by Sri M.B. Kanavi, Advocate)



And

1. Indian Railway Loco Running Men Organisation (Regd.) through Divisional Secretary, Bangalore Division, P. Anil Srinivasa Rao, S/o P. Srinivasa Rao, Aged about 37 years, Loco Pilot (Passenger-I), Munisawmappa Building, Railway Station Circle, Yeshwathapur, Bangalore-560 022.
2. Shri D. Rajkumar, S/o C. Dharman, Aged about 37 years, Assistant Loco (Grade-1), No. 17, IInd Cross, Annayyappa Reddy Layout, Doddabanasamadi, Bangalore-560 043.

- Respondents

(by Sri Gode Nagaraja, Advocate)

This petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dated 01.04.2010 passed by the Central Administrative Tribunal, Bangalore Bench, in O.A. No. 23/2008, etc.

THIS PETITION COMING ON FOR FINAL HEARING THIS DAY, **RAVI MALIMATH, J**, PASSED THE FOLLOWING:-



ORDER

1. The respondents filed O.A. No. 33/2008 before the Central Administrative Tribunal, Bangalore, seeking for rest hours to which they are entitled to, in terms of the relevant statute and rules.
2. The Tribunal by a detail consideration of the contention of both the parties ordered as follows:

“10. For the foregoing reasons and discussions made above and in view of the facts and circumstances of the case, the impugned order No. F. No.Z-20025/2/2002-CLS.I dated 1.5.2003 issued by Respondent No. 4(Annexure-A/6) is quashed and set aside. We direct the respondent Nos. 1 to 3 to limit the hours of work of Locomotive Running Staff as per the provisions of Section 133 of the Railways Act and Rule 8 of the Railway Rules and further direct the respondents 1 to 3 to grant periodical rest in the Locomotive Running Staff under the provisions of Rule 133 of the Railways Act and Rule 12 of the Railway Rules.”



Aggrieved by the observations made by the Bench in the body of the order wherein they have stated that, a monetary compensation itself would suffice in lieu of the rest, the Union has filed the present petition.

3. On considering the contentions we are of the considered view that no such direction was issued by the Tribunal. The direction issued by the Tribunal to the respondents 1 to 3 therein was to limit the working hours of the locomotive running staff as per the provisions of Rule 133 of the Railways Act and Rule 8 of the Railway Rules and they were further directed to grant periodical rest to the locomotive running staff under the provisions of Rule 133 of the Railways Act and Rule 12 of the Railway Rules. What has been directed is what is contained in the statute and the Rules. Nothing more than has been done by the Tribunal.

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4. Under these circumstances we fail to understand as to how the Union is aggrieved by such a direction issued directing compliance of the statute and the Rules.

For the aforesaid reasons, the petition being devoid of merits is dismissed.

Sd/-
JUDGE

Sd/-
JUDGE

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