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भारत सरकार
Government of India,
श्रम मंत्रालय
Ministry of Labour
क्षेत्रीय श्रमयुक्त (के) का कार्यालय
OFFICE OF THE REGIONAL LABOUR COMMISSIONER (C)
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सत्यमेव जयते

श्रम सदन, ३ मेन, ३ क्रॉस,
शिवमोहनपुर इन्डस्ट्रियल सबर्ब II स्टेज,
Yeshwantpur Indl. Suburb II Stage,
तुमकूर रोड, बंगलूर - ५६० ०२२.
Tumkur Road, Bangalore 560 022.
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No: 95/1/2000-B2

22nd October 2001

The Divisional Secretary,
Indian Railway Loco
Runningmen Orgn.,
Muniswamappa Building,
Railway Station Circle,
Yeswantpur, Bangalore 560 022.

The Sr. Div. Personnel Officer,
Southern Railways,
City Railway Station,
Bangalore.

Sir,

Sub: Order of Hon'ble Central Administrative Tribunal, Bangalore,
dated 9th November 1999 in O.A.253 of 1999.

Please find enclosed a copy of the order No. 95/1/2000-B2 dated
22nd October 2001 passed by the Authority under the Hours of
Employment Regulations and Regional Labour Commissioner (Central),
Bangalore.

Yours faithfully,

(K. SAMANTARAY)
Assistant Labour Commissioner (Central)
Bangalore

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**BEFORE THE AUTHORITY UNDER THE HOURS OF EMPLOYMENT REGULATIONS
KARNATAKA REGION**

F.No: 95()/2000-B2

Shri Abraham Koshy, Divisional Secretary, Indian Railway Loco Runningmen Organisation, Southern Railway, Bangalore, filed an application before the Hon'ble Central Administrative Tribunal, Bangalore Bench, seeking certain relief. The Hon'ble C.A.T., vide order dated 9th November 1999, has disposed of the said petition with the following observations:

"The respondents counsel submit that the applicants could give a representation to the 4th respondent with regard to their entitlement to avail Head Quarters rest and periodical rest as it is the 4th respondent who is the authority under the regulations and that if such a representation is given, the 4th respondent after hearing the respondents 1 to 3 would pass appropriate orders. The learned counsel for the applicants submits that the applicants have still not given any representation to the 4th respondent and that they have no objection to give a representation to the 4th respondent in this regard. In view of this, the present application is disposed of permitting the applicants to give a representation to the 4th respondent seeking the relief which they have now sought and on such representation being given, the 4th respondent shall consider the same after hearing the respondents 1 to 3 and the applicants and then pass appropriate orders in accordance with law. The 4th respondent will dispose of the representation within six months from the date on which such representation is given."

The Divisional Secretary, Indian Railway Loco Runningmen Organisation, has accordingly submitted a representation dated 24.1.2000 urging the following:



सत्यमेव जयते

a) That he is the Divisional Secretary of Indian Railway Loco Runningmen Organisation, a registered trade union bearing Registration No. BRT/BI/10 which represents the loco running staff of Bangalore Division of Southern Railway. In fact the petitioner himself is working as Goods Driver in the Bangalore Division of Southern Railway.

b) That the Hours of Employment were regulated under Chapter VI-A (Limitation of Employment of Railway Servants) of the Indian Railway Act, 1890 and the rules and instructions issued thereunder. Of the four different classifications of employment viz., (1) Continuous, (2) Essentially Intermittent, (3) Intensive and (4) Excluded, the loco running staff come under the 'continuous classification. In terms of Section 71-D of the Indian Railways Act, 1890 (as it then stood),

- “(1) Subject to the provisions of this Section, a railway servant:-
- (a) whose employment is intensive or continuous shall be granted, each week commencing on Sunday, a rest of not less than thirty consecutive hours;
- (b) xxxxx
- (c) xxxxx
- (2) Notwithstanding anything contained in sub-section (1), loco motive or traffic running staff shall be granted each month, a rest of at least four periods of not less than thirty consecutive hours each, or at least five period of not less than twenty-two consecutive hours each including a full night.



(1) Notwithstanding anything contained in sub-section (1) the Central Government may, by rules made under Section 71-E, specify the railway servants to whom periods of rest may be granted on a scale less than that laid down under sub-section (1) and may prescribe the periods of rest to be granted to such railway servant.

(1) Subject to any rules that may be made under Section 71-E temporary exemptions of railway servants from the provisions of sub-section (1) or sub-section (2) may be made by the prescribed authority if it is of opinion that such temporary exemptions are necessary in the cases of circumstances specified under sub-section (4) of Section 71-C. Provided that a railway servant so exempted shall, as far as may be possible, be granted compensatory periods of rest for the periods he has foregone."

c) That, in terms of the above provisions of law as 'continuous' workers, they are entitled to avail rest of not less than 30 consecutive hours for each week commencing on Sunday. Notwithstanding the above, they are entitled to rest of four periods of not less than 30 consecutive hours each in a month or at least 5 periods of not less than 22 hours including a full night.



d) That, in terms of the specific instructions for regulating the hours of work and periods of rest of running staff and travelling staff, as provided under Section VI of the Hours of Employment Regulations, 1961, the statutory limit of the hours of employment of running staff, classified as 'continuous' is 54 hours in a week on the average in any month. In terms of para 11 of Section VI referred to above, the running staff may be given 4 periods of rest of not less than 30 consecutive hours each of five period of not less than 22 consecutive hours each in a month. The periods of rest should be given at Headquarters and should always include a full night in bed. In terms of para 12 of the same section,

(i) Rest at headquarters – Loco and Traffic running staff should be given adequate rest after their trips as under:

- (a) For running duty of less than 8 hours – 12 hours.
- (b) For running duty of 8 hours or more – 16 hours (as amended in terms of Railway Board letter bearing No. E(LL)71/IIER/9 dated 14.4.1971).

(ii) Rest at outstations while working other than short trips

- (a) For running duty of 8 hours or more - 8 hours.
- (b) For running duty of less than 8 hours – rest equal to running duty period.



e) That, it may be seen that the general rule under Section 71-D(i) is that every railway servant under continuous classification must have a rest of 30 consecutive hours in a week commencing a Sunday. However, as an exception in the case of running staff the same can be modified to the extent of granting 4 periods of rest in a month with 30 consecutive hours at a stretch or 5 periods of rest in a month of 22 consecutive hours each.

f) That, it may be seen from the special instructions that the exception has been made as the rule as regards the loco running staff and in practice, the petitioners get no demarcated rest at all throughout the year and they are rostered to work on all the 365 days in the year irrespective of whether they are working passenger trains/express trains or goods trains. As a matter of fact, for the passenger/express/mail drivers (except relieving staff) there are definite links even though these links are liable to vary in times of emergency. Late running of trains, however, will not result in change of their link resulting in denial of not only rest at headquarters after duty but also the periodical rest. No periodical rest is prescribed in the roster and is left uncertain at the whim and caprice of the immediate superiors. For the easy identification of the grievance, the Union has produced an extract of crew links of the Express/Passenger Trains of Southern Railway. The same has been examined and marked as Annexure 'A1 (a) to (c)'.



सत्यमेव जयते

g) That, these annexures show the link of drivers working express/mail trains hauled by both Electric (AC) Locos and Diesel Locos. Annexure A1(a) is called as 11 men link in which 11 drivers are engaged, each picking up on the first day, working trains for 11 days and reverting back to day one or first train on the 12th day. Annexure A1(b) is another similar link in which 20 drivers work continuously starting with train No. 1014 on the first day ending with train No. 6231 on the last day. On 21st day they revert back to pick up train No. 1014 only to complete the cycle again. Annexures A1(c) & A1(d) show sets of drivers working passenger trains. But the nature and method is one and the same but for the fact after how many days the drivers revert back to day one. It can be seen from these annexures that these drivers working express/mail and passengers work trains all the 365 days. Whatever link they may be fitted against.

However, as regards Goods Driver no link as aforesaid is provided and they are expected to work trains as and when they are called and booked for trains irrespective of whether they have availed periodical/headquarters rest or not. True extract of the nature of duties performed by one Shri Govindaiah, a Goods Driver, during the period from 16.12.1998 to 15.1.1999 has been produced which has been examined and marked as Annexure A-2. The said Annexure A-2 indicates that Shri Govindaiah has not been allowed to avail any weekly rest at all. Some of the drivers are utilized as Leave Reservers and in their cases, they have no fixed passenger/express link at all and they will have to work trains as and when called. For example, one Shri M. Narashintha Raju, during the period from 16.12.1998 to 15.1.99 had to work as many as 43 trains without any periodical/headquarters rest at all.



सत्यमेव जयते

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सत्यमेव जयते

In accordance with law as can be seen from paras B(2) and C, the drivers stand eligible for a full night rest. Railway Servant HOER (1961) and extract of RB circulars issued in this regard defines a full night in bed as:

"A person will be said to have had a full night in bed if he gets continuous rest of 8 hours between 10 pm and 6 am."

But drivers are deprived of even this 'one-full-night-bed-rest'. Running Allowance Rules 1981 under sections 32(1)(a)(i) specifies 'engine attendance' time to be treated as duty under 10 hours rule. Notwithstanding this proviso, engine crew are awarded 10 hours duration as time required for themselves to get ready and prepare for working trains in the Adjudicator Award by Hon'ble Mr. Justice G.S. Rajadhyaksha in the dispute between Railways and their respective workmen in para 36 of his award. Thus, for example when a driver is rostered to work train No. 2677 (Annexure - A1(a)) leaving at 0600 hours he actually gets only 6 hours night rest instead of stipulated 8 hours continuous rest. Almost the same is the case for a driver working train No. 6231 leaving at 06.30 hours (to Mysore) as is seen in Annexure A1(b).

H. Indian Railway Act 1890 was repealed and re-enacted as the Railways Act 1989, except for minor variations, the provisions contained in the Railway Act, 1989, are almost the same as that of Indian Railway Act, 1890. Relevant provisions dealing with the Hours of Employment are contained in the Railways Act, 1989, in Chapter XIV and the relevant section in place of Section 71-D is Section 133. However, the rules and special instructions enacted in the Railways Act, 1890 with amendments from time to time continue to be in force.



I. That, hours of employment of railway servant are determined in the light of the decisions of National and International Conventions held from time to time.

J. That, a mere look at Annexures A1(a) and A1(c) would show that there is no definite periodical rest at all for the petitioners. As a matter of fact, the petitioners would be treated as having availed periodical rest. This leaves the running staff of Bangalore Division in perpetual state of uncertainty. As a matter of fact, they are kept away from the community at large and forced to lead a life of isolation and one of mere animal existence.

K. That, the provisions contained in the Railway Act and the rules and instructions made thereunder are statutory and binding in character. In this connection, it is submitted that the special instructions are issued by the Railway Board in exercise of its powers conferred under Rule 157 of the Indian Railway Establishment Code Volume-I (presently Rule 123 of the Code) and therefore they are also statutory in character.

L. That, the nature of duties are highly onerous, hazardous, risky and involves the safety of not only the travelling public but also the rolling stock and other freight traffic. The discrimination as aforesaid is mainly because, for the determination of intervals and hours of periodical rest, no definite principle is being followed. That apart, the headquarters rest, which the applicants are entitled to avail after each spell of duty, as provided under para 6 of Section VI of Hours of Employment Regulations, 1961, referred to above, are not reckoned independent of the periodical rest otherwise due.



सत्यमेव जयते

M. That, in cases where the petitioners are to avail periodical rest, after performing duties of more or less than 8 hours at a stretch, they are entitled to avail 16/12 hours of headquarters rest plus 30 hours or 22 hours of periodical rest, as the case may be. Both periods of rest as aforesaid are presently made to run concurrently, forcing the petitioners to have a periodical rest of hardly 14 hours/6 hours or 18 hours/10 hours as the case may be. Such action of the railway administration being highly inhumane and discriminatory, several representations were submitted to the authorities by individuals as well as the organization, to provide for periodical rest independent of the headquarters rest. The Union has furnished copies of some such representations. Several attempts have been made by the organization to settle the issue amicably with the authorities. It has been clarified that they are not seeking any reduction in average weekly working hours. In spite of that, there has not been any response from the authorities so far. The petitioners, in the result, are forced to lead a very pitiable life with unbearable stress and strain and are subjected to substantial prejudice, irreparable damages and recurring losses.

In view of what has been stated above, the Union has sought the following relief with legal provisions, if any:

1. The petitioners beg to state that the nature of duties rendered by them are highly-risky, tedious and onerous. The same involves too much mental and physical strain. With the close of every stretch of running duty, the petitioners are put to substantial mental and physical fatigue. It is in recognition of the same and for the running staff alone, that it has been



mandatorily required in terms of para 12 of Section VI of Hours of Employment Regulations that loco and traffic running staff should be given specified hours of rest after every trip. The rest so provided i.e., upto 12 hours of rest after a running duty less than 8 hours and upto 16 hours after a running duty exceeding 8 hours or more, is only to compensate and to overcome the mental and physical fatigue caused. Periodical rest on the contrary is the recognized in every statute like Factories Act, Minimum Wages Act, etc., and the said periodical rest or weekly off is one provided to every government employees as well as employees of private/public sectors. Periods of periodical rest is provided to enable every workmen to have a day off at the end of 6 days of work, so as to meet his social obligations and other family requirements, and to overcome his fatigue and to come back to duty with freshness of mind and body. The periods of rest as provided under paras 11 and 12 referred to above are independent of each other and therefore there is no justification in letting the headquarters rest overlap the periodical rest. Therefore the action of the Railway Administration in overlapping the headquarter rest as provided under para 12 with the periodical rest as provided under para 11 or refusing weekly rest and periodical rest together to the petitioners and other running staff is highly arbitrary, discriminatory and hence violative of Articles 14, 16 and 21 of the Constitution.

The petitioners further beg to state that the rest provided under para 12 of Section VI (special instructions) of Hours of Employment Regulations is



independent of periodical rest provided under para 11 and the same cannot be legally allowed to overlap with each other. Such overlapping has no nexus to the object sought to be achieved and for this reason also overlapping of the periodical rest with headquarters rest is therefore highly arbitrary, discriminatory and unconstitutional.

3. Further the petitioners earn headquarters rest after a strenuous spell of duty as provided under the Rules. The applicants earn periodical rest after working a minimum of at least six days. Denial of headquarters rest after performing a spell of duty, which is meant to overcome mental fatigue and the physical strain, is nothing but deprivation of the petitioners personal life and liberty and hence an infraction of the fundamental rights guaranteed under Article 21 of the Constitution.

In the light of the above, the Divisional Secretary, IRLRO, has accordingly sought the following reliefs:

- (a) Declare that the petitioners are entitled to avail the headquarters rest as provided under para 12 of Section VI of the Hours of Employment Regulations, 1961 independent of periodical rest as provided under para 11 of Section VI of Hours of Employment Regulations, 1961 and that overlapping of the periodical rest with the headquarters rest as aforesaid is arbitrary, discriminatory, unreasonable and unconstitutional.



सत्यमेव जयते

- (b) Direct the Railway Authorities to grant the petitioners periodical rest as provided under Section 133 of the Railways Act, 1989 read with para 11 of Section VI of the Hours of Employment Regulations, 1961 at fixed intervals in continuation of the Headquarters rest which may fall due in terms of para 12 of Section VI of the Hours of Employment Regulations, 1961.
- (c) Direct the Railway Authorities to grant Compensatory Rest (CR) wherever the petitioners and running staff are denied of the legitimate four 30 hours/five 22 hours of PR in a month.
- (d) Direct the authorities to advise staff in advance of such PR.
- (e) Direct such PR includes a full night in bed i.e. 2200 hours to 0600 hours.

On the other hand, the Divisional Personnel Officer, Southern Railways, Bangalore, has stated as under in his rejoinder:

- 1) That, the Indian Railway Loco Runningmen Organization is not a recognized union and is not representing the cause of all the Loco Running Staff of this Railway.
- 2) That, the nature of duty of running staff is quite different from that of others and considering their special nature of working condition, special benefits are being offered by the Railways.



- 3) That, the running staff have been classified as 'continuous' under the provisions of the HOER, and the employees so classified shall be granted each week commencing on Sunday a rest of not less than 30 consecutive hours each or at least five periods of not less than 22 consecutive hours each including a full night.
- 4) That, in the case of Express/Passenger Train Drivers, they are working in link (deemed roster) and they are granted periodical rest of 30 hours of four periods or 22 hours of five periods in a month. The goods drivers are not having a permanent link and their utilization depends upon the train ordering.
- 5) That, in the case of Shri Govindaiah, being one of the two trained drivers available having special training on WDS 4B Locos, he was utilized continuously in Bangalore-Mysore Section as leave reserve. For the leave reserves no permanent rosters will be available and they will be utilized against the *casualties* (the word as used by the Rly. Admn.)
- 6) That, granting of periodical rest is advised to the Running staff on or before its commencement as per the special instructions for regulating the Hours of Employment of Running Staff. Generally the Running Staff working at Baiyyappannahalli and Bangalore are granted periodical rest regularly. When they are availing leave or reporting sick they will not become eligible for four or five periods of rest in a month and the number of days of periodical rest proportionally be reduced.



- 8) That, whenever the staff are requesting leave, it is ensured that periodical rest is given before granting the leave and the same is recorded in the leave application. The non-granting of periodical rest once in 10 days at least if any, is purely on the request of the staff concerned as they are monetarily benefited and it is not willfully or intentionally denied by the Administration.
- 9) The Headquarters rest is provided to the Running Staff as per the norms in force. The granting of periodical rest on the seventh day cannot be assured to the Running Staff on par with other employees as they are working only on deemed Roster and not on fixed roster. It is also ensured by the Railways that sufficient rest is being given to the Running Staff after completing the running duty in such a way that at HQ after performing running duties of less than 8 hours they are granted 12 hours rest and in cases of running duty of 8 hours or more, 16 hours rest is given. For running duty of 8 hours or more, 8 hours of out station rest and for running duty of less than 8 hours, the rest at out station equals to the running duty period is given to them.
- 10) That, there is no specific provision under HOER that the periodical rest is to be granted in addition to normal rest (liberalized rest). Whenever periodical rest and liberalized rest at HQ (12 hrs/16 hrs) occurs simultaneously both are given concurrently and not separately. The applicants, on many an occasion have voluntarily foregone their periodical rest and prepared to work to get the benefit of OTA.



In view of what have been stated in the foregoing submissions, the DPO, Southern Railway, Bangalore, sought to dismiss the application as the procedure in granting periodical rest and HQ rest are being followed correctly.

The parties were heard on various dates from 18.09.2000. As it was felt that, before going into merits of the case, the issues involved required spot verification, the Labour Enforcement Officer (Central), Bangalore, having jurisdiction, was advised to conduct spot investigation to ascertain the facts. Accordingly the Officer conducted the enquiry and came out with the following findings:

1. As per the crew link running staff (Mechanical), the periodic rest is given in the crew link itself.
2. After completion of the trip, Headquarters rest of 12/16 is also provided.
3. In the hours of rest availed is below the stipulated hours i.e., 12/16 hours they are entitled to claim breach of rest allowance.
4. Minimum rest of 12/16 hours is granted.
5. Periodic rest is also granted i.e. 4 times 30 hours/5 times 22 hours in a month.
6. As per HORE 6 days continuous night working in a week as per the link they are not allowed. However, 7th day rest cannot be assured due to emergency.
7. As per link, periodical rest includes one full night for drivers.

It appears in some cases the Loco Drivers have voluntarily foregone the periodical rest and prepared to work to get the extra benefits.

All the above are followed except emergency and exceptional cases.



Before pursuing the matter further, it was felt that the said observations be communicated to the parties and their opinion be solicited. In response to the same, the Divisional Secretary has offered the following comments.

a) The periodical rest is given to crew link either four 30 hours of rest or five 22 hours of rest in a month. This system was brought into effect on the recommendation of the Rajyadakshya Award in the year 1946. The working conditions have since been changed.

b) At present there is no crew link for the goods train working crews. Here this periodical rest should be given after completion of six continuous working days ensuring with night in bed. Further in order to ensure for prompt availing periodical rest, a register should be maintained in each crew booking point. In addition, the periodical rest should not get lapsed. The periodical rest can be taken at any time in case if the administration fails to allow him to avail the rest. But this is not practiced.

c) Even the existing crew links of passenger and express trains, the crews were forced to work without allowing them to take periodical rest.

It has been further alleged by the Divisional Secretary that as and when the Minimum periodical rest is allowed, the Head Quarters rest will not be included. Therefore, whenever the periodical rest is allowed, the Head Quarters rest should also be included so that the crew can avail adequate rest at home and proper safety can be ensured while working the trains. On these lines he has argued at sufficient length.



Likewise, the Divisional Personal Officer, Southern Railway, Bangalore has also offered his comments, detailing the following:

- 1) The Running Staff have been Head quartered at Bangalore City and Baiyappanahalli to work passenger and goods train respectively.
- 2) At Baiyappanahalli the periodical Rest (PR) Register is being maintained and grants of PRs is regularly recorded there.
- 3) The granting of periodical rest is made known to them in-advance at the time of signing off in the case of Goods Drivers and in case of Passenger Drivers it is already known to them since they are working in regular link. While drawing the link it has been ensured that they are getting sufficient Headquarters Rest and periodical rest.
- 4) Though the granting of periodic rest is mandatory, some of the drivers are not willing to avail P.R. for the monetary benefit they are getting. However, considering that safety aspect is involved suitable instructions have been given to the concerned not to encourage this practice.
- 5) In the case of Goods Drivers though the maximum Head Quarters rest is 16 hours, in some cases it is noticed that they are on rest for more than 25 to 30 hours for want of goods train ordering.



सत्यमेव जयते

- 6) The granting of Headquarters Rest has become regular and not denied and the same marked in the Crew Booking Register and no breach of rest is noticed at Biyappanahalli. However, if Breach of Rest Allowance (BRA) becomes payable the same will be paid.
- 7) In the case of Passenger Drivers the PR has been incorporated in their link itself.
- 8) As per the existing guidelines which has already been given to you, the periodical rest and Headquarters rest are allowed concurrently.
- 9) The Running staff are enjoying the special privileges which are not extended to other employees. Further the nature of working of different categories of staff in Indian Railways cannot be compared with running staff and vice-versa.

During the hearing held on 20.08.2001, Shri M.R.Sabapathy, Hony. President, spelt out in clear terms that whenever periodical rest is allowed, the Headquarter rest should also be allowed independently.

I have heard the parties and perused meticulously whatever records have been placed before me. Though the Divisional Secretary has argued at sufficient length, I feel the bone of contention is the Permissibility or otherwise of the Head Quarter rest independently whenever the periodical rest is allowed.



To substantiate their claim, the Divisional Secretary has quoted the case of one Mr. Govindanah, Driver, who allegedly worked for 30 days continuously without any rest. It is quite shocking indeed. Also rather unfortunate. However the DPO, during the course of hearing, has admitted that such a case might be a stray one, and the Railway Administration is always on the vigil to avoid such an event.

Admittedly, the Railway Administration is not allowing the Head Quarters rest independently whenever periodical rest is given. Periodical rest is allowed duly excluding the usual Head Quarter rest. The concept of Periodical rest admittedly, is to ensure that the running staff is able to avail the required rest so as to protect his health and prevent a psychological imbalance due to over work. It appears that the Railway Administration has felt that when such a rest is automatically ensured in the form of Headquarter rest, there is no need for periodical rest. By no stretch of imagination, the same shall tantamount to depriving an entitlement, which has been earned. I do appreciate the logic of the Railway Administration. However, it is a matter of prudence that the administration ensures suitable compensation to the extent of such deprivation.

I find that 'Periodical Rest' and 'Headquarter Rest' are two different connotations altogether. I am in total disagreement as far as the exclusion of usual Headquarters Rest from the Periodical Rest. Having sufficiently studied the issue involved in the instant case, I am of the considered opinion that Periodical rest supercedes the Headquarter rest, though neither of them can be deprived. The



सत्यमेव जयते

proper course for the Railway Administration would be, wherever the PR and HQ rest overlap, to suitably compensate monetarily in so far as HQ rest is concerned and allow the running staff to avail the Periodical rest in the over all interest of extracting the optimum service from such staff.

It is crucial to remember here that the running staff discharges the duties that demands alertness and constant vigil and it is anybody's guess, what the consequences might be in case of anything to the contrary. Hence "Periodical rest becomes all the more necessary and rather vitally essential". Nothing can compensate "Periodical Rest". So, as already stated by me, only Headquarters Rest survives for consideration as to whether it should be allowed in the form of rest or monetary compensation itself would suffice.

Adverting to the argument of the Divisional Secretary demanding an independent Headquarter rest, I would like to answer in the negative. I do agree with the submission of the Divisional Personnel Officer that the Railways is suffering because of shortage of running staff. I am not here to go into the reasons of the same. In the interest of efficient functioning of the Railways, the proper course for the Railway Administration would be to suitably compensate monetarily for foregoing the Headquarters Rest. What should be the quantum? To this, I would like to say in explicit terms that the running staff should be entitled to receive twice their normal rate of wages in lieu of the Headquarters rest. It is a pity that the employees cannot be vexed by depriving to which they are entitled which would reflect in their over all performance. Such cases should merit salubrious attention of the Administration.



In the conspectus of what has been stated herein before, I proceed to dispose of the instant case with the following terms, which shall have a prospective effect:

- The Running Staff shall be entitled to Periodical Rest as prescribed under the HOER. However, where the Headquarter rest over lapse, the running staff shall be entitled for payment of Compensation in lieu of the Headquarter rest at a rate which would be "Twice" the normal rates of wages.
- The Railway Administration shall decide on the modalities and implement them so as to ensure that no running staff over works, even if he desires to, on his own volition. The implementation report shall be submitted to this Authority within a period of 90 days from the date of receipt of this order.

Dictated to the stenographer, transcribed by him and verified by me after typing.

Issued under my hand on this 22nd October 2001.

(G. RAMACHANDRA)
Authority under Hours of Employment Regulation
and
Regional Labour Commissioner (Central)
- Bangalore

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