

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR

NO. CGIT/LC/R/138/2017

Present: P.K.Srivastava

H.J.S..(Retd)

**The Secretary,
Dakshin Purva Madhya Railway Mens Union,
Add – LIG – 857, Near Navin School, Aditya Nagar,
Durg (CG) - 491001**

Workman

Versues

**Sr. Divisional Personnel Officer,
South East Central Railway,
DRM Complex,
Raipur (Chhattisgarh)**

Management

(JUDGMENT)

(Passed on this 04th day of February, 2026)

As per letter dated 17/10/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. **L-41011/30/2017 (IR(B-I))** dt. 17/10/2017. The dispute under reference relates to:

"Whether the action of the Railway Administrative of SEC, Raipur in implementing the Rly Board order No. 83 Electric(I) 138/8 dated 24/25.10.21985 i.r.o. payment of Overtime Allowances to Maintenance-cum-Escorting staff deployed in AC Coaches is legal and justified? If not, what relief the workmen performing both Maintenance & Escorting jobs are entitled to?"

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statement of claim and defense.

Case of the workman union is mainly that, the Workman Nazir Ahmed was employee of Railway, initially appointed on 01.01.1986 on the post of helper and was posted in the Office of Senior Engineer SSEE

(AC/LT/Durg) under maintenance roster. There are two rosters with respect to AC, one is maintenance and other is escort roster. The work/duties and nature of work of two rosters are different, their working roster hours are also different. In the maintenance roster, as mentioned in letter of Maintenance dated 12.12.2013, where the workman was working as a helper, the employee is required to complete 96 hours on duty in 14 days and will be entitled to overtime allowances for work above the ceiling limit of 96 hours in 14 days. Likewise, the hours of duties for AC escorting rosters is 104 hours in 14 days and employee AC escorting rosters becomes entitled to get overtime allowance for the hours he worked above the specified limit of 104 hours in 14 days. The Management of Railways issued a letter No. E/PB/R/Welfare/TA & OT/01/2014 dated 14.05.2015 by which the provisions of 104 hours in 14 days for Escort Rosters employee was made applicable to the employees in the Maintenance roster also which is without authority, unjust, illegal and arbitrary.

It is further the case of the Union that, the Divisional Electrical Engineer Raipur issued a letter dated 16.05.2011 in which it was mentioned that no employees/helper of maintenance roster should be provided work in AC escorting roster for duties of Escorting AC Coaches and Power coaches. There are separate guidelines vide letter No. 83 Elect/(i)138/8 dated 24/25.10.1985, which provide that where ever possible, the break in duty may be considered at important *en route* stations having resting facilities after 10 to 12 hours duty with fresh set of staff taking over and where this is not feasible, the staff should be given adequate compensatory rest at home station to keep this cumulative duty hours below the permissible limits of 104 hours period. The Union has further alleged that, Railway Board letter No. E(LL)74/HER (RLT) 10 dated 13.08.1975 further provides in its Clause 9(b) that the instructions in his letter shall equally apply to continuous workers under H.O.E.R. of Electrical Department working in locomotive Running Sheds. On this score also, the fixing of 104 hours limit for 14 days for maintenance roster staff is without sanction of law. The Union has prayed

that direction be issued to the Management of Railways to pay overtime to the Workman Nazir Ahmed for hours above ceiling limits of 96 hours in 14 days which he had spent on duty.

Management has defended its action with the case that as per Railway Provisions Instructions dated 27.06.1985, the AC/Technician, AC Helpers and Khalasi are allowed one hour before commencement of journey for completing pre-departure taking over formalities at the out-station also at the end of their outward journey, they are allowed one hour to complete procedure for handing over gauge to outstation maintenance staff during their escorting duties. Hence they are given credit of additional four hours towards taking over and handing over proceedings. So far as the validity of relevant circular with regard to circulars of overtime allowance is concerned, Management has referred to judgment of *Hon'ble High Court of Bilaspur in WP(s) No. 9098/2018 in the matter of South East Central Railways V.s. Nazir Ahmed* and directed the Railways to calculate and pay overtime allowance to the applicants as per Rules and Circulars of Railways and has pleaded that the Railway Board Circular was not quashed. It is also the case of Railways that *Principal Bench of Central Administrative Tribunal at New Delhi dismissed a petition OA No. 250/2017* holding that no overtime allowance with respect to halt period at a destination station. In this case also, the validity of the said circular was not calculated. Hence, the present claim is barred by principle of Res judicata.

In evidence, the workman Nazir Ahmed has filed his affidavit as his examination in chief. He has been cross-examined by Management of Railways. Railways have filed affidavit of its witness Khilawan Singh Kanwar, Senior Section Engineer as his examination in chief. He has been cross-examined by Workman side. The workman has further filed and proved documents which are information obtained from RTI dated 13.10.2021 relating to copies of Overtime Vouchers, total roster duty hours, actual hours of duty performed by employee Roop Singh and extra duty hours, as well

reasons for working extra hours with relation to employees Roop Singh, Akash Shrivastava, Dauli Chand Sharma and many others who have been working with Western Central Railway as AC Mechanics, Technicians/fitter/helper to show that they have been paid overtime on the basis of 96 hours for 14 days doing the same job on same post in Maintenance yard which the Workman Nazir Ahmed was doing at Durg. Collectively marked Annexures W-1, No. of these vouchers are 111. He has also filed and proved information dated 17.12.2025 obtained through RTI regarding details of Shift in which maintenance has done and time of departure of train as well details of working hours in which he was on duty within the period March, 2015 to March, 2021.

I have heard arguments of Learned Counsel for the Workman Union Mr. Arun Patel and Mr. S.K. Gupta for Railways. I have gone through the record as well.

Following issues arise for consideration in the case in hand.

1. *Whether the claim of the Workman Union is barred by res judicata?*
2. *Whether the Management is justified in refusing overtime allowance to Workman Najir Ahmed who has been working as AC Mechanic/ helper in the Maintenance Roster on the basis of Work Hours spend by him and duty which are excess to the ceiling limit of 96 hours in 14 days, is justified in law?*

Issue No. 1 –

Learned Counsel for Management of Railway have referred to judgment of Hon'ble High Court of Chhattisgarh at Bilaspur dated 30.07.2018 in WP(s) No. 4098/2018. A photocopy of this judgment is on record.

A perusal of this judgment reveals that, this Writ was filed by Railways through their General Manager against order dated

22.08.2018, passed by the Central Administrative Tribunal in OA No. 203/00705/2016. The respondent workman in the said writ had prayed to quash and set-aside order dated 03.02.2016 passed by the Management of Railways and direction to Railways for grant of proper overtime allowances with arrears and interest for the half period as he was not relieved their duties even when the train had halted. It also comes out from perusal of this judgment that fact in issue before the Central Administrative Tribunal and the Writ Petition was different from the case in hand.

The perusal of other judgment, OA No. 250/2017 passed by the Central Administrative Tribunal in the case of **Najir and others V.s. G.M. Northern Railways and others.** This case also related to over staying on escort duties. Section 11 of Civil CPC is being reproduced as follows:

11. Res judicata.—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression “former suit” shall denote a suit which has been decided prior to a suit in question whether or not it was instituted prior thereto. Explanation

II.—For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other. Explanation

IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating . 1

Explanation VII.—The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII. —An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised

Since, the facts in issue are not substantially the same, then the case in hand and the referred cases, **it is held that the claim of the Workman is not barred by res judicata.**

Issue No. 1 is answered accordingly.

Issue No. 2 -

The relevant portion of the Railway Board Circular dated 24/25.10.1985 is being reproduced as follows:

“Reliving at intermediate stations –

Whenever possible, the break in duty may be considered at en-route stations having resting facilities, after 10 to 12 hours duty with a fresh state of staff taking over and where this is not feasible, the staff should be given adequate compensatory rest at home station to keep this cumulative duty hours below permissible limit of 104 hours for 14 days period.

It also comes out from perusal of this letter that it is with respect to the deployment of AC and Electrical staff in the Air condition and power coaches of various trains including Rajdhani, Deluxe and other trains.

This is also not disputed that as per circulars, the duty hours for AC Mechanics/Helpers in the Maintenance Hours is 96 hours for 14 days and they will be entitled to overtime allowance as per relevant provisions when they work above the ceiling limit. The letter dated 14.05.2015 issued by the Assistant Personnel Officer, wherein he states that the AC Technical Staff of Durg (AC Technicians/Helpers working in the Maintenance Roster) should be 104 hours as instead of 96 hours as per Circular of Railway Board dated 24/25.10.1985. The relevant portion of this circular has been mentioned earlier, this circular talks only with respect to the AC staff in escorting duty and not in maintenance duty. Hence, this letter and this interpretation of the Assistant Personnel Officer of the Railways in the Office of South Eastern Railways at Raipur made by him in his letter No. E/PS/R/Welfare/TA&OT/01/2014 dated 14.05.2015 is nothing but misinterpretation of the Railway Board Circular of 24/25.10.1985.

It is relevant to mention on this juncture the fact that, from the RTI document filed from the side of Workman Union, the AC Mechanics and Helpers working in the Maintenance Roster in West Central Railway at Bhopal are being paid overtime on the basis of 96 Hours work in 14 days, hence on this score also the action of Management is discriminatory and arbitrary.

Hence on the basis of above discussion, the action of Management on the basis of this letter in not granting overtime to the AC Mechanic/Helpers working within the Maintenance Roster

who have worked beyond the ceiling limit of 96 Hours in 14 days is held unjustified in law.

Issue No. 2 is answered accordingly.

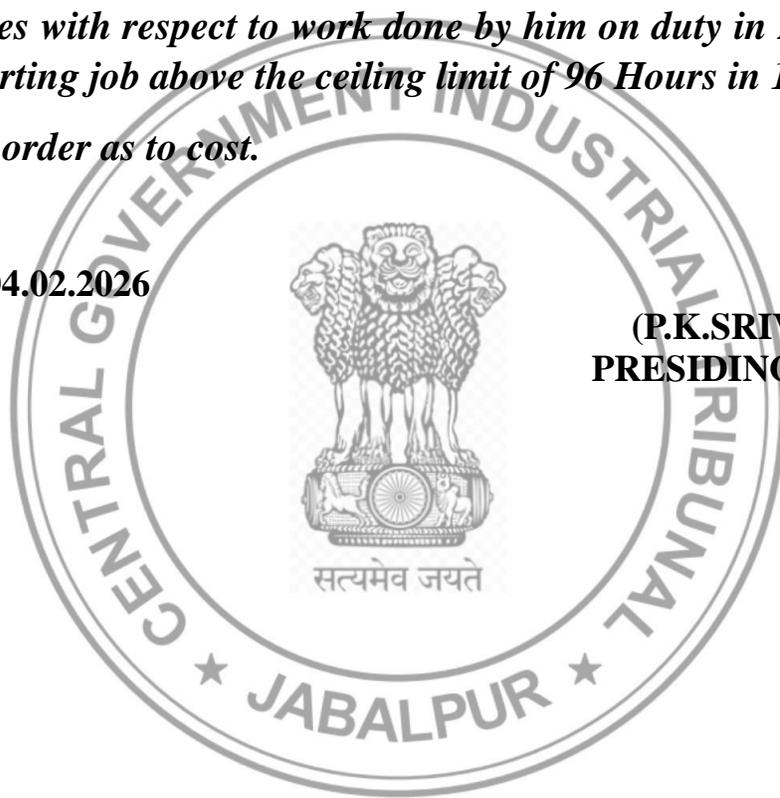
On the basis of above discussion the reference is answered as follows-

AWARD

The action of Management of South Easter Central Railway through its Senior Divisional Personnel Officer/Manager in implementing the Railway Board order No. 83 Electric (1) 138/8 dated 24/25.10.1985 with respect to payment of over time allowances to Maintenance cum Escorting staff deployed in AC Coaches is held unjust and illegal, the Applicant Workman is held entitled to overtime allowances with respect to work done by him on duty in Maintenance and Escorting job above the ceiling limit of 96 Hours in 14 days.

No order as to cost.

DATE:- 04.02.2026



(P.K.SRIVASTAVA)
PRESIDING OFFICER