



CGHC010096062026

2026:CGHC:43315-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3049 of 2026

- 1 - Union of India, through its General Manager, South East Central Railways Headquarters, Distt. Bilaspur, Chhattisgarh 491001
- 2 - Senior Divisional Personnel Officer South East Central Railways Raipur, Chhattisgarh 492001.
- 3 - Chief Personnel Officer South East Central Railways, Distt. Raipur, Chhattisgarh 492001.
- 4 - Assistant Personnel Officer South East Central Railway, Distt. Raipur.

... Petitioners

versus

- 1 - Ch. Dora Babu S/o Late Venkaiya Naidu Aged About 54 Years Presently Working As Senior Technician In The Office of SSE/A.C and T.L./durg, Chhattisgarh, Pin Code 491001, Residential Address Qr. No. 75/4 Railway Colony, Durg, C.G. 491001.
- 2 - Vikas Kumar Kashyap S/o Sri Ghanshyam Lal Aged About 39 Years Presently Working As Senior Technician In The Office Of Sse/ac TI/durg, Sec Railway, Durg, C.G., Pin Code 492008, R/o House No. 868/10k, Sector 3, Shivnand Nagar, Khamtarai, C.G. 492008, Distt. Durg.
- 3 - Y.R. Eswar Rao S/o Late Y. Appa Rao Aged About 55 Years Presently Working As Senior Technician In The Office of SSEE/AC and T.L./durg, C.G., Pin Code 490025, R/o Qr. No. 72/c Zone 1 BMY Charoda (PO), Durg, Chhattisgarh 490025.
- 4 - Brijesh Kumar Varma S/o Sri Guru Prasad Aged About 46 Years Presently Working As Technician-1 in the Office of SSE/AC and

T.L./Durg, C.G., Pin Code 490006, R/o Plat No. 613/52 Ashish Nagar (West) Street No. 21/C Bhilai, Durg, Chhattisgarh 490006.

5 - Jaichand H. Lilhare S/o Late Harichand Lilhare Aged About 41 Years Presently Working as AC-ASSNT-I in the Office of SSE/AC and T.L./Durg C.G., Pin Code 491001, Mob No. 9981638536, R/o Qr. No. 788 Jayanti Nagar, Durg, Chhattisgarh. 491001.

6 - Manoj Bc S/o Late Dutiya Bc Aged About 32 Years Presently Working As Technician-1 in the office of SSE/AC and T.L./Durg, C.G., Pin Code 490025, R/o G-Cabin Bmy Charoda Near Surat Nagar Chanuman Mandir Ward No. 34, Durg, Chhattisgarh 490025.

7 - Akhil Pawar S/o Late Ashok Kumar Aged About 33 Years Presently Working As AC-ASST in the office of SSEE/G/AC and T.L./Durg, C.G., Pin Code 492009, R/o Near Naya Talab, Gandhi Nagar Gudhiyari Raipur, Chhattisgarh 492009

8 - Sohan Lal S/o Late Gend Lal Aged About 37 Years Presently Working As AC Technician-III In The Office of SSEE/G/AC and T.L./Durg, C.G., Pin Code 490025, R/o Panchsheel Nagar (East) Near Gsit School Charoda, Durg, Chhattisgarh 490025.

9 - Kaushal Prasad S/o Late Devnath Aged About 38 Years Presently Working As AC Technician-III in the Office of SSEE/E/G/AC and T.L./Durg, C.G., Pin Code 493114, R/o CG GB-LIG-77, Kohka Tilda Neora, Raipur, C.G. 493114.

10 - Harish Kumar Verma S/o Hr Verma Aged About 52 Years Presently Working As Technician Gr-1 in the Office of SSEE/AC and T.L./Durg, C.G., Pin Code 491001, R/o House No. 495 Kosaradah Kanhayapuri Near Durga Mandir, Durg, Chhattisgarh 491001.

11 - Hetram Ghritlehere S/o Shri Firatram Ghritlehere Aged About 50 Years Presently Working As AC Technician-I in the Office of SSEE/AC and T.L./Durg, C.G., Pin Code 491001, R/o Sai Nagar Street No. 07 Ward No. 58 Near Rajput Welding, Durg, Chhattisgarh 491001.

12 - Pradeep Kumar Gupta S/o Ram Pratap Gupta Aged About 42 Years Presently Working as Senior Technician in the Office of SSEE/AC

and T.L./Durg, C.G., Pin Code 490020, R/o Behind Heritage School Hari Nagar, Durg, Chhattisgarh 490020.

13 - Venkat Rao S/o Late S. Kurma Rao Aged About 57 Years Presently Working As Senior AC Technician in the Office of SSE/AC and T.L./Durg, C.G., Pin Code 491001, R/o House No. 117/1 Railway Colony, Durg, Chhattisgarh 491001.

14 - Sachin Kumar S/o Late Gulab Aged About 40 Years Presently Working as AC Assistant in the Office of SSEE/AC and T.L./EL/G/Durg, C.G., Pin Code 490021, R/o Padam Nagar Bhilai, Charoda, Durg, Chhattisgarh 490021.

... Respondents

For Petitioners/UOI	:	Mr. Ramakant Mishra, Deputy Solicitor General
For Respondents	:	Ms. Smita Jha, Advocate

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice
Hon'ble Shri Santosh Sharma, Judge

Judgment on Board

Per Krushna Ram Mohapatra, Chief Justice

06.10.2026

- 1 Heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for Petitioners - Union of India as well as Ms. Smita Jha, learned counsel, appearing for the Respondents.
- 2 The Petitioners – Union of India challenge the order dated 25th September, 2025 (Annexure - P/1) passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for brevity, 'the Tribunal') in Original Application No. 154 of 2023, in which the Tribunal held that the Respondents are entitled to overtime allowances / wages.

- 3 Mr. Mishra, learned Deputy Solicitor General, appearing for the Petitioners – Union of India, submits that the Original Application was filed by the Respondents for grant of overtime allowances / wages contending that similar issue was raised by the employees of the Railways in OA No. 117 of 2018 – AC Coach (Escorting & Maint.) Staff Association, CSTM through its President / Chairman & Others Vs. Union of India before the Central Administrative Tribunal, Bombay Bench, which was allowed vide order dated 07.03.2011. The Respondents further contended that against the aforesaid order, the Union of India moved the Bombay High Court in Writ Petition No. 9227 of 2011, which was dismissed vide judgment dated 17.01.2012. SLP filed against the order of the Bombay High Court was also dismissed by the Hon'ble Supreme Court vide judgment dated 23.02.2015. Hence, the Respondents claimed that they are entitled to overtime allowances / wages. Mr. Mishra, learned Deputy Solicitor General, however, submitted that the Tribunal did not take into consideration the Circular dated 27.06.1985 issued by the Ministry of Railways (Railway Board), Government of India with regard to computation of duty hours of Air Conditioned Coach Attendants and In-charges. The said Circular was not taken into consideration by the Tribunal although specific objection was raised to that effect by the Petitioners – Union of India. The Tribunal also took note of the same at para-3 of the impugned order, which reads as under :-

“3. On the other hand, the respondents have controverted the claim of the applicant by citing the

Railway Board, letter RBE No.157/1985 dated 27.06.1985 (Annexure R/1) according to which the ACC attendants and the in charges may be allowed one hour before the commencement of the train journey for completing the pre-departure formalities. Similarly, they may be allowed one hour more after the arrival of the train at their base station for completing the handing over procedures. Thus, the learned counsel for the respondents submitted that the above circular issued by Railway Board is still in force as the same was not challenged in the cases referred in O.A. i.e. O.A. No.117/2008, W.P. No.9227/2011 and SLP(C) No.18333/2012 (supra), therefore, the ratio decided in the of aforesaid judgments is not applicable in the present case.”

- 4 It is further submitted by Mr. Mishra, learned DSGI that in the Circular dated 27.06.1985, it has been specifically stated at para – iii) that “ No night duty allowance will be payable for this period, but 25% of time spent in journey while returning to base station will be counted towards duty for the purpose of overtime. ACCA / ACCI detained at the outstation enroute will also be given credit of 25% of the time so spent on such occasion.” Learned Tribunal should have taken this aspect into consideration while passing the impugned order. It is also submitted that the learned Tribunal, being swayed away by the judgment passed by the Bombay Bench of the Tribunal, passed the impugned order holding the Respondents entitled to overtime allowances / wages. He, therefore, submits that the impugned order under Annexure – P/1 is not sustainable in the eye of law and is liable to be set aside.
- 5 Learned counsel for the Respondents vehemently objects to the same. It is submitted that the law is well settled with regard to overtime allowances / wages to the AC Coach Attendants. This

Court in the case of **South East Central Railway & Others Vs. Nazir Ahmed** {Writ Petition (S) No. 4098 of 2018} disposed on 30.07.2018 took note of the Circular dated 27.06.1985 and held as under :-

“5. Submission of the counsel for the Railways is that the Tribunal committed a serious error by not taking into consideration the distinguishing fact between the Bombay case and the Bilaspur case which is a Railway Board's Circular RBE/157/85 dated 27.6.1985. Counsel places emphasis on paragraph ii) of the said Circular, which reads as under :-

“ii) At outstation, at the end of their outward journey, they may be allowed one hour to complete the procedure for handing over the coach to the outstation maintenance staff. They will hand over the loose items under their possession, e.g. linen, tumblers, flasks etc. to the maintenance staff and take over the same when they take over charge at the commencement of train journey. They may take rest in the AC coach itself wherever rest facilities have not been made available to them in the nature of a running/rest room. They may be allowed one hour to take charge of the coach from the maintenance staff before the commencement of train journey.”

6. From a reading of the above, Railway Board's Circular as well as the other provisions in relation to duties of ACCA's or ACCI's, entitlement of overtime allowances is not a matter of argument. Situations have been perceived where a Railway employee can be treated to be on duty after duty hours in the given condition and for which he will be suitably compensated by award of overtime allowances. We do not see much of a difference in the view so taken by CAT Benches so far as the entitlement of overtime allowances being claimed by employee is concerned. But, it will always be subject to the employee establishing before the employer that he comes within the do's and the don'ts which can justify such claims.”

6 Thus, the objection raised by Mr. Mishra, learned DSGI is no more *res integra*. She, therefore, submits that the writ petition deserves no consideration and is liable to be dismissed.

- 7 Taking note of the submissions made by learned counsel for the parties and on perusal of the record, we are of the considered opinion that the law has already been settled with regard to entitlement of AC Coach Attendants. The Bombay Bench of the Central Administrative Tribunal in OA No. 117 of 2008 has dealt with the matter in detail and passed the order holding the AC Coach Attendants to be entitled to overtime allowances / wages. Further, the said judgment was tested before this Court and the Hon'ble Supreme Court by the Union of India, but of no avail. The contention raised by Mr. Mishra, learned DSGI with regard to the Circular dated 27.06.1985 was also taken into consideration by the Tribunal in the impugned order under Annexure – P/1. This Court had also an occasion to deal with the said Circular dated 27.06.1985 in **South East Central Railway & Others Vs. Nazir Ahmed** (supra).
- 8 In that view of the matter, we are of the considered opinion that the learned Tribunal has committed no error in holding that the Respondents are entitled to overtime allowances / wages. The writ petition is, thus, devoid of any merit and is **dismissed** accordingly.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice