

11.04.2023
Item No.31
gd/ssd

WPA(P)/265/2021
IA NO: CAN/2/2022
SAMAR KUMAR BACHHAR
VS
MINISTRY OF RAILWAYS AND OTHERS

Mr. Tathagata Datta
..Petitioner No.2 (In Person).

Mr. Dhiraj Kr. Trivedi,
Mr. Shailendra Kumar Mishra
..for the Respondent Nos.1 to 12.

1. By this writ petition the petitioner no.2 is appearing in person raises an issue with regard to the working hours of the railway employees, more particularly, the railway employees who are engaged in the monitoring of running of trains. The grievance of the petitioners is that such railway employees are made to work for more than eight hours and in certain cases 12 hours and there are several instances where railway employees have been made to work for 24 hours continuously. This, according to the petitioner, impinges upon the safety of the travelling public. Therefore, he has come forward with this writ petition.

2. The learned DSGI on written instructions submits that during the Covid Pandemic on account of shortage of staff, the railway employees were required to work for 12 hours and such arrangement

is no longer in force and has been revised and as of now the working hours is only eight hours.

3. The petitioners by way of reply would submit that it is not the case always and there are several instances by which the duty hours are informed to the concerned railway employees by WhatsApp messages.

4. So far as the conditions of service are concerned, it is for the employer to design and formulate such conditions. All that we can observe is that an employee should not be compelled to work for more than specified hours as if done so it will affect productivity and in cases of the railway employees if on account of fatigue they are unable to properly monitor the movement and operation of trains, it will jeopardise the public interest. Therefore, we would make an observation to be noted by the senior officials of the Railway Administration that the administration is to ensure that the safety and security of the travelling public is not in any manner compromised and the working hours of the railway employees be regulated.

8. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)