
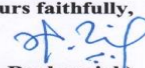


SRES – NFIR

HALTING OT FOR 1050 AC ESCORTING STAFF - ACTION TAKEN

NFIR PNM Item No.16 sent to Board on 21.07.2022 and recent NFIR representation dated 16.03.2023

For eg. Tamilnadu Express 12621 arrives Delhi at 7.40 hrs afterwards shunting the rake to Sakurbasti Yard (SSB) which is 10 kms away from NDLS. Eventhough their duty is upto 8.40 hrs they have to look after the following duties : Yard Maintenance, Co-ordinating duty of the Diesel Generator Power Car, Enroute failure to be highlighted to secondary maintenance staff, Memo to be given to Diesel Fuel demand for Generator Car, to look after the safety of the coach likewise of secondary staff, pilferage to be ensured. For the above work/period, the escorting staff to be treated as on-duty. If anything happens, they should be covered under WCA.

N F I R		Registration No. : RTU/Ann/31/2012
 National Federation of Indian Railwaymen		
3, CHELMSFORD ROAD, NEW DELHI - 110 055		
Affiliated to : Indian National Trade Union Congress (INTUC) & International Transport Workers' Federation (ITF) Dated: 16/03/2023		
No. NFIR/IV/HOER/2018		
The Director General (HR), Railway Board, New Delhi Dear Sir,		
Sub:	Difficulties faced by AC Escorting Staff manning AC Coaches on Mail/Express and highspeed trains on the Divisions/Zones in day-to-day working excessive utilization beyond duty hours-reg.	
Ref:	(i) NFIR's PNM Agenda Item No. 16 sent to Railway Board on 21/07/2022. (ii) NFIR's letter No. NFIR/IV/HOER/2018 dated 28/04/2022. *****	
Kind attention of Railway Board is invited to the penultimate para of NFIR's PNM Agenda Item No. 16 wherein it has been mentioned that the PCME/S.C. Railway has also sent letter to Railway Board (No. E.II/TL&AC/4/70 dated 25/03/2022) highlighting the legal complications arisen as a result of Judgment dated 21/03/2011 by Hon'ble CAT Bombay in O.A. No. 117/2008, thereafter Hon'ble CAT Hyderabad order dated 28/09/2018 in O.A. No. 631/2016, dismissal of appeals in the Hon'ble High Court of Telangana as also dismissal of SLP in the Hon'ble Supreme Court. Now as per settled position concluded legally the halting period of ACCI/ACCA/Power Car Operators is to be treated as "DUTY" for the purpose of making payment of Over Time Allowance to these Staff.		
While Railway Board's response in the matter is still awaited, Federation desires to state that similar case involving over 300 AC Escorting Staff working on South Western Railway has been decided by the Hon'ble CAT Bangalore vide O.A. No. 170/00494/2022 on 3 rd January, 2023 wherein the Respondent No. 1, who happens to be the General Manager/South Western Railway has been directed to consider the representation dated 11/10/2022 submitted by the AC Escorting Staff (Annexure A1-1 of the OA) and pass reasoned and speaking order in accordance with the Law expeditiously, having regard to the judicial orders referred to above, within a period of six weeks.		
Federation has further come to know that on Southern Railway Divisions also more than 1050 AC Escorting Staff have been facing hardships due to their excessive utilization without payment of Over Time for extra duty hours performed by them. These staff have also been demanding payment of Over Time Allowance on the basis of decisions of Benches of Hon'ble Tribunal, decision of Hon'ble High Court, Bombay & Telangana and dismissal of Railway Administration's SLP at the level of Hon'ble Supreme Court.		
Summing up, Federation again urges to consider the above valid points for taking uniform decision, conceding the valid demands of AC Escorting Staff.		
NFIR, therefore requests the Railway Board to issue instructions to all Zonal Railways in the light of the judicial decisions given by various Courts including the order of Hon'ble Supreme Court for ensuring payment of OTA to the A/C escorting Staff duly treating the entire period as "DUTY". A copy of the instructions issued may be endorsed to the Federation.		
		Yours faithfully,  (Dr. M. Raghavaiah) General Secretary

Dr. M.RAGHAVAIAH
GS/NFIR & President/SRES

Circular No. 1302
Date : 19.03.2023

P.S.SURIYAPRAKASAM
JGS/NFIR & GS/SRES

For more details visit : sresindia.org / nfirindia.org