

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM

Order Sheet

Item no.: 18
R.A./3/2022 (ERNAKULAM)
[RA]
In
O.A./590/2020
DUTY HOURS
Court No.: 1

No of Adjournment: 12

Order Dated: 01/03/2023

**REJITH T AND ORS
Vs
THE DEPUTY COMMISSIONER NAVODAYA VIDYALAYA SAMITI AND ORS.**

For Applicant(s) Advocate : Mr. Vishnu S. Chempazhanthiyil

For Respondent(s) Advocate : Mr. M. K. Padmanabhan Nair, ACGSC

Order of The Tribunal

The grievance of the Review Applicant as is disclosed from the records and as revealed from the arguments of the learned Counsel for the applicant is with respect to the relief No.2 in the O.A, by which the applicant sought a declaration that compelling the applicants to discharge more than 12 hours duty in a day, for 7 days a week and requiring them to do extra work, as that of a Peon is illegal, arbitrary and to direct the respondents to regulate the working hours of Chowkidars/MTS in JNVs to 8 hours duty per day.

In the reply statement it was specifically mentioned in paragraph 14 that since respondents have engaged adequate security personnel and housekeeping staff by circular dated 02.06.2021 and by deciding the working hours of personnel on shift basis (8 hours duty) the relief sought does not survive. This Tribunal by the order, which is now sought to be reviewed, has taken this fact on record and held that the application in the light of the above has become infructuous and there there was no need for further orders on that aspect.

The review is sought by the applicant on the ground that this Tribunal did not adjudicate the issue of 8 hours duty and by virtue of Annexure RA2 it is evident that the applicants are still being called upon to perform duty from 6 PM to 6 AM, thereby their grievance still sustains. It was submitted by the learned Counsel that since the O.A has been dismissed as infructuous, in case of breach of the above submission, the applicants are disabled from initiating any contempt proceedings. In reply to this the learned ACGSC submitted that the JNVs are residential schools and all the staffs are residing there. By virtue of their rearrangement of duty are now only doing 8 hours duty a day. Learned ACGSC is directed to file an affidavit in this regard.

Post on 27.03.2023.

K V Eapen
Member (A)

Justice Sunil Thomas
Member (J)

/bp/