

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) URGENT 4/2020 (To be numbered subsequently)

ALL INDIA LOCO RUNNING STAFF ASSOCIATION

..... Petitioner

Through: Mr. Saqib, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Jagjit Singh, Standing Counsel for
Railway Board

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

27.03.2020

CM APPL. No. /2020 (To be numbered subsequently) (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) URGENT 4/2020 & CM APPL. No. /2020 (to be numbered subsequently)

The present petition under Article 226 of the Constitution of India, has been instituted on behalf of the All India Loco Running Staff Association, inviting the attention of this Court to the abject and unnecessary confusion, that has been created amongst the Zonal Railways, in the aftermath of the impugned letter No.2016/ML/467/1 dated 20.03.2020, issued by the Ministry of Railways, Railway Board,

respondent No.2 herein, particularly in the backdrop of the COVID-19 pandemic, which has the potential of exposing the members of the petitioner association to the contraction of the corona virus.

Issue notice.

Mr. Jagjit Singh, learned Standing Counsel accepts notice on behalf of the official respondents and prays for time to file a reply.

Let the reply/counter affidavit be filed, within a period of three weeks from today, with an advance copy to the learned counsel for the petitioner, who may file rejoinder thereto, if any, within one week thereafter.

List on 16.04.2020.

In the meantime, the operation of the impugned letter No.2016/ML/467/1 dated 20.03.2020, issued by the Ministry of Railways, Railway Board, respondent No.2 herein, shall remain stayed.

It is clarified that the Railways will not subject the Loco Running Staff to either the breath analyzer test or the bio-metric verification, during signing on/off duties, till the next date of hearing.

The official respondents are further directed to take and implement the following actions, in the interim, with immediate effect:-

- (i) The staff will Sign On and Sign Off manually on a register Details of Sign On/Sign Off may be entered in CMS through computers by CC/data entry operations.
- (ii) Running staff while signing On/Off should use their own pen, Common pens, if any, may be removed.

- (iii) In order to ensure safe train working, a declaration should be taken in the enclosed format before Sign-On and Sign-Off.
- (iv) Special watch may be kept on the staff to eliminate drunkenness on duty.
- (v) Surprise checks may be conducted on suspected staff by Officers & Supervisors.

Furthermore the respondents shall take due precautions to prevent the spread of corona virus (COVID-19) by ensuring the following provisions in all workplaces, including Running Rooms:-

- Sufficient Liquid soap and hand sanitizers should be made available in the lobbies and running/Rest Rooms.
- Equipments/apparatus and other commonly used items in the crew lobbies and running rooms may be frequently cleaned sanitized.
- Sharing of linen and use of blankets is to be stopped in running rooms.
- The bed rooms/wash room areas, dining halls other common rooms/halls, offices in the crew lobbies and running rooms may be kept frequently cleaned, sanitized and well ventilated by keeping the windows and doors open.

The Railway Board is also directed to communicate the present order to the Heads of all the Zonal Railways, forthwith.

A copy of this order be provided by the Registry, electronically, to learned counsel appearing on behalf of the parties. Further, a copy of this order be uploaded on the website of this Court forthwith.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

MARCH 27, 2020
dn/as