

# डेडीकेटेड फ्रेंट कोरीडोर कॉर्पोरेशन ऑफ इंडिया लि.

### भारत सरकार (रेल मंत्रालय) का उपक्रम

Dedicated Freight Corridor Corporation of India Limited

A Govt. of India (Ministry of Railways) Enterprise

No. 2022/HQ/Admin/RTI-1467

Sh. Ashwani Kumar UP

> Subject: Providing information w.r.t. Original RTI Application received under the RTI Act 2005.

Reference: 1. Your RTI application dated 30.11.2022 received through DOPT portal.

CPIO's online response dated 31.12.2022.

Since you have deposited the amount of Rs. 18/- the information as received from concerned record holding office is attached.

First Appeal if any may be made to the First Appellate Authority within 30 days of receipt of reply. The name, designation & address of the First Appellate Authority is as under;

Mr. Gaurav Sharma GM/Administration DFCCIL, 5th Floor, Supreme Court Metro Station Building, Pragati Maidan, New Delhi-110001

DA: 09 sheets

(S.K. Panda) JGM/Admn.(CPIO) Mob.-9717636811

E-mail: skpanda@dfcc.co.in

New Delhi: 04.01.2023



# डेडिकेटेड फ्रेट कॉरीडोर कॉर्पोरेशन ऑफ़ इंडिया लिमिटेड

भारतसरकार (रेलमंबालय) काउपक्रम

# Dedicated Freight Corridor Corporation of India Limited

A Government of India (Ministry of Railways) Enterprise

HQ-HR0COPO(HRP)/5/2021-HR-COORD AND POLICY /7021

Dated: 17.05.2022

## Circular No 18/2022

Sub: Railway Servants (Hours of Work and Period of Rest) Rules 2005

Ref: RBE No: 131/2005, No. E(LL)2001/HER/9 dated 09.08.2005

In terms of sub clause 34, Para 2, Chapter I of Indian Railways Act 1989, DFCCIL employees are covered under definition of Railway servant.

In view of the above, the provisions of Railway Servants (Hours of Work and Period of Rest) Rules, 2005 are applicable to DFCCIL employees.

Accordingly, Railway Servants (Hours of Work and Period of Rest) Rules, 2005 are enclosed for implementation in DFCCIL.

This issues with the approval of Competent Authority.

DA: As above

Group General Manager/HR

#### Email to -

- Secy to MD, for kind information of MD
- Director/Infra, Director/Finance, Director/OP&BD, Director/PP, CVO
- ED/Infra-I/EDFC, ED/Infra-II/EDFC, ED/Infra/WDFC, ED/AM/WDFC
- All GGMs/GMs/CGMs/GM CO for information of all employees
- Manager/IT for placing the circular on intranet

Registered Office: 5th Floor, Supreme Court Metro Station Building Complex, New Delhi-110001. Tel: +91-11-23454700, Fax: 011-23454701, Web: www.dfccil.gov.in, CIN: U 60232 DL 2006 GOI 155068

### MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 28th February, 2005

G.S.R. 75 .- In exercise of the powers conferred by section 136 of the Railways Act, 1989 (24 of 1989) the Central Government hereby makes the following rules, namely -

#### PART-1

- 1 Short title, commencement and application-
- (1) These rules may be called the Railway Servants (Hours of Work and Period of Rost) Rules, 2005.
- (2) They shall come into force on the date of their publication in the Official Gazette
- (1) They shall apply only to those railway servants to whom Chapter XIV of the Act applies
- 2 Definitions :-

In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Railways Act, 1989 (24 of 1989);
- (b) 'full-night' means the period between 10.00 p.m. and 6.00 a.m.
- (c) 'long-on' means a period of duty over eight hours in the case of 'intensive' workers, over ten hours in the case of 'continuous' workers and over twelve hours in the case of 'essentially intermittent' workers,
- (d) 'ordinary rate of pay' includes-
  - (i) pay as defined in rule 1303(F.R.9) of the Indian Railway Establishment Code volume-II (1990 Edition) and includes element of running allowance to the extent of 30 per cent of basic pay in the case of running staff as defined in Rule 1507 of the aforesaid Code,
  - (ii) Dearness Allowance, Additional Dearness Allowance and Denrices Pay, if any; and
  - (iii) Compensatory (City) Allowance,
- (e) "Railway servants employed in confidential capacity" includes-
  - (i) Stonographers working either in a separate confidential cell or attuched to the officers in Administrative offices;
  - (ii) Cypher operators,
  - (iii) Confidential Assistants and Personal Assistants, and
  - (iv) Any other milway servant who may be so specified by the Head of the Railway Administration to luive been employed in confidential capacity,
- (f) 'Regional Labour Commissioner' means an officer appointed as such by the Government of India in the Ministry of labour by notification in the official gazette;
- (g) 'Roadside station' means a station other than-
  - (i) an important junction station;
  - (ii) a station with marshalling yard,
  - (iii) an important terminal station;
  - (iv) a station from which trains are ordered as a regular measure, and
  - (v) a station where a separate goods office under a supervisory Goods Clerk, in the grade of Chief Goods Clerk or of higher rank sanctioned on the basis of worklead in that Goods Office has been provided

Provided that the Head of the Railway Administration or the authority to whom he may delegate this power, may draw up a list of road-side stations keeping in view the above definition.

- (b) 'roster' means a document which shows the hours that a milway servant is expected to be on duty every day, the daily as well as weekly rest and break between spells of daty in a day besides other necessary
- (i) 'running staff' means the staff who are defined to be so in Rule 1507 of Indian Railway Establishment Code Volume II (1990 Edition).
- (j) "Section" means a section of the Act;
- (k) 'short off' means a period of rest which is-
  - (i) in the case of intensive workers :-
  - (A) less then 12 hours in a roster of six hours daty, and

- (B) less than 14 hours in a mixed roster of 6 and 8 hours duty
- (ii) in the case of continuous worker-less than 10 hours.
- (iii) in the case of essentially intermittent workers—less than 8 hours.
- (i) 'spin duty' means duty in two or more spetts with intervening breaks each of half or more hour necessitated by exigencies of work and when the employee is free to leave his place of duty. Intervals for rest and meals shall not be breaks for the purpose of split-duty;
- (m) "sustained attention" as used in sub-section(b), section 130 implies mental effort.

Explanation: A Pointsman waiting for the arrival of a train after setting points is required to give sustained attention. Similarly a Station Master or an Assistant Station Master is generally required to pay sustained attention from the time he gives line clear to the Station in rear till the time the train arrives and again from the time the line clear is asked for to the time the Block Section alread is cleared. Wherever circumstances justify a different treatment, the period involving sustained attention may be decided by the Controlling Authority In case of any doubt, the decision of the Head of the Department shall be final

(n) All other words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Indian Railway Establishment Code or the Act.

### PART-II

# CLASSIFICATION OF EMPLOYMENT AND HOURS OF WORK

1. Prescribed authority to classify the employment of milway servant— (1) The power to declare the employment of railway servants as 'intensive' or 'essentially intermittent' within the meaning of section 130 shall vest in the Head of the Railway Administration

Provided that the Head of the Railway Administration may, in his discretion, delegate the power vested in him under this sub-rule to the Chief Personnel Officer:

Provided further that during the period of emergency such as flood, accident, the power vested in the competent authority can be exercised by an officer not below the rank of senior scale

(2) A copy of every declaration made by the prescribed authority under sub-rule (1) shall, as soon as may be, sent to the Regional Labour Commissioner concerned and, in case the declaration is made by an officer other than the Head of the Railway Administration, to the head of the Railway Administration or the Chief Personnel Officer, as the case may be.

- (1) Any railway servant aggreeved by the declaration of classification made under rule 3 may, within ninety 1 Appeals against classification days from the date of such declaration, prefer an appeal to the Regional Labour Commissioner, who after scrutiny of relevant documents or if considered necessary, after a fresh job analysis, may order for a change in the classification
- (2) Any railway servant or Railway Administration aggreeved by a decision of the Regional Labour Commissioner may, before the expiry of ninety days from the date on which the decision of the Regional Labour Commissioner is communicated to him, prefer an appeal to the Secretary to the Government of India In the Ministry of Labour who will dispose it of after hearing the parties concerned

(1) The Ministry of Lubour shall, by order in writing, specify the railway servants or classes of Railway servants who shall be treated as supervisory staff under sub-clause (iv) of clause (c) of Section 130 on the ground that the Railway Supervisory stall servant holds a position of responsibility, is employed on duties mainly of a supervisory character and is, from the nature of his work and position, comparatively free to adjust his hours of duty or work during such hours :

Provided that the railway servants who on the date of publication of these rules are treated as supervisory staff under the rules shall continue to be treated as such until the orders specifying the railway tervants or classes of railway servants as supervisory staff is issued under this sub-rule.

(2) A copy of every such order issued under sub-nile (1) shall be furnished to the Chief Labour Commissioner (Central), New Delhi.

The following entegories of staff of the Health and Medical Department shall be treated as 'excluded' under Excluded staff sub-clause(v) of Clause(c) of Section 130, namely -

- (a) Matrons,
- (b) Sisters-in-charge,
- (c) Midwives who are not posted on regular shift duty in Railway Hospitals,
- (d) Health Educators and District Extension Educators (Male and Female),

- (c) Family Planning Field Workers (Male and Female).
- (f) Lady Health Visitors;
- (g) Auxiliary Nurses-cum-Midwives,
- (b) Projectionists;

In addition to the above, the Ministry of Railways may by order in writing specify any other category of railway stail in any of the Departments of the Indian Railways who shall be treated as 'Excluded' on the consideration that such staff are available on call.

## Criteria for determining classification of railway servants-

- (1) Continuous All employments of Railway servants except these excluded from the purview of the Hours of Employment Regulations are assumed to be 'Continuous' Thereafter, on the basis of factual job analysis the employment may be classified either as 'intensive' or 'essentially intermittent', as the case may be
- (2) Intensive: The two important fectors in declaring an employment as 'Intensive' under Clause (d) of Section 130 of the Act are -
  - (i) stremious nature of the work tending to cause mental or physical strain, and
  - (ii) Continuous application to such work with little or no periods of relaxation.

Explanation I: The term 'continued concentration' in clause (d) of the Section 130 is intended to convey that the attention demanded of the Pailway servant concerned for a particular nature of job should be exclusive not to allow any other thought or idea to enter the mind and must be of such nature as to cause strain (physical or mental or both) upon the Railway servant concerned as a result of continuous application to such work over certain period without reasonable periods of respite. Thus, having regard to the entire period of duty and nature of work, the prescribed authority shall, before declaring any employment as 'Intensive', satisfy itself that the above factors are present in the job concerned in other words, the prescribed authority shall consider whether the job is of such a character that it demands continued concentration without any reasonable periods

Explanation II: Factor (ii) should be considered to have been satisfied where the periods of rest, inaction or of relaxation. relaxation do not aggregate 6 hours or more in a cycle of 24 hours or one hour or more in a shift of 8 hours.

### (3) Essentially Intermittent

The work of an employee is to be regarded as 'essentially intermittent' if his daily duty hours which should be assumed to be twelve hours per day include-

- (a) one period of inaction of not less than one hour, or two such periods of not less than half an hour each,
- (b) various periods of inaction including the period of inaction specified in Clause (a) aggregating 50 per cent or more, during which he is not generally called upon to display either physical activities or sustained

NOTE: In assessing the work-load of the 'essentially intermittent' classification in accordance with sub-section (b) of Section 130, periods of inaction of less than 5 minutes shall be ignored

### 8. Fixation of hours of work -

The hours of work of a Railway servant as per roster (hereinafter referred to as the rostered hours of work) may be continuous or may have short interval for rest, or breaks due to exigencies of service or deployment.

- (1) Subject to the limit specified in section 132 and having regard to the requirements of the service and the nature of work, the Railway Administration shall fix the normal rostered hours of work for the various categories of railway servants in the manner indicated in these rules.
  - (2) The restered hours of work of Railway servants shall consist of -
    - (i) standard hours of duty,
    - (ii) additional hours as may be prescribed in the case of certain categories classified as essentially
    - (iii) time required to do preparatory or complementary work or both for those who are required to do such
  - (3) The standard hours of duty for different classes of employment of Railway servants shall be as under :-
    - (a) Intensive

42 hours a week

(b) Continuous

48 hours a week; and

(c) Essentially Intermittent

48 hours a week;

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(4)(a) Railway servants having essentially intermittent class of employment shall be called upon to work as per rule 8(2)(ii) additional hours as indicated below :-

- (i) Gatemen 'C', Caretakers of Rost Houses and Reservoirs etc., Chowkidars and Saloon Attendants
- (ii) Railway servants posted to work in Essentially Intermittent employment at road-side stations and provided with residential quarters within 0.5 Kms. from their place of duty
- (iii) Rest of the employees posted to work in Essentially Intermittent class of employment

24 additional hours per week

-12 additional hours per wook

- (b) Such additional hours of work shall be reflected in the duty rosters of the Rallway servants concerned.
- (5) The time required by various categories of staff to do preparatory or complementary work or both, which includes the work of handing over and taking over charge, must necessarily be carried out outside the limits laid down for general working of an establishment, brunch or shift and shall be determined by means of job analysis of such work in respect of representative posts in respective categories.
- (6) The time determined under sub-rule(5) shall be added to the standard hours of duty of the staff in all the various classifications subject to maximum limit prescribed below
  - (a) when employment is intensive

3 hours a week;

(b) when employment is continuous

6 hours a week;

- (c) when employment is essentially intermittent -
  - (i) Gatemen 'C', Caretakers of Rest Houses and Reservoirs, Chowkidars, Saloon Attendants and those posted at road-side stations and provided with residential quarters within 500 metres from their place of duty
  - (ii) Railway servants other than those mentioned in is hours a week. sub-caluse (i)
- (7) The time required for preparatory or complementary work by the running staff shall be deemed to be
- NOTES: (i) Where the time assessed for doing preparatory or complementary work is under 15 minutes per day, the same shall not be treated as duty and shall not be exhibited in the roster.
  - (ii) In the case of employment of a 'continuous' nature, the time assessed for doing 'preparatory or complementary work between 15 minutes and less than 45 minutes per day should be treated as half an hour's work and such time between 45 minutes and one hour per day should be treated as one hour's
  - (iii) In the case of intensive and essentially intermittent categories of employment, such time assessed between 15 minutes and 30 minutes per day shall be treated as half an hour's work.
  - (iv) The time assessed for the work mentioned in Note (iii) shall be reflected in the duty rosters of the concerned
  - Total hours for preparatory or complementary work or both shall be so fixed to ensure that the overall duty hours do not exceed the limits prescribed for respective classification in Section 132.
  - (8) Where Railway servants are required to perform split-duty, such duty shall be subject to the following conditions, namely :-
    - (a) The spells of duty shall not exceed three and the number of breaks shall be limited to two;
    - (b) In the case of an employment of 'continuous' nature, the railway servant whose place of residence is beyond 1.6 kilometers from the place of duty, seven hours of split-duty shall be treated as equivalent to eight hours of normal duty.
    - (9) While preparing rosters, 'long on' or 'short off' shall, accordingly, be avoided.
  - (10) Where, in accordance with the provisions of sub-section (4) of Section 132 or sub-section (3) of Section 133 and in the circumstances mentioned therein, a Railway servant is called upon by an order of temporary exemption made under Rule 9 below by the competent authority to render duty beyond the hours of work fixed in accordance with the foregoing sub-rules or beyond the hours prescribed in Sub-section (1), (2) and (3) of the Section 132, it shall be the duty of the Railway servant concerned to render such extra horys, of duty.

- (1) Subject to the provisions of soft-section (4) of Section 1.12 and of sub-section (3) of Section 133, Head of Fower to make temporary exemption a Paniway Administration may by order in writing name temporary exemption of any Railway servant or class or Railway servants from the provisions of sub-section (1), (2) and (3) of Section 112 and sub-section (1) and (2) of Section 111
- (2) The Head of Railway Administration may by order in writing delegate his powers under sub-rule (1) to any afficer subordinate to him and whom he may deem fit to exercise the powers
- (3) A copy of every order of delegation made under sub-rule (2) shall be sent to the Regional Labour Commissioner concerned

## 10. Principle of averaging and payment of overtime allowance-

- (1) Where a Railway servant is required to render extra hours of duty beyond the rostered hours fixed in accordance with rule 8 or beyond the limits specified for different classes of Railway servant under section 132, he shall be paid overtime for such extra bours of work, subject to the principle of averaging as specified in sub-rule (2)
- (2) Averging shall be done by averaging of the hours of work over the averaging periods as specified in Section 132 which has been adopted to provide a reasonable measure of clasticity as essential in railway working for certain classes of Railway servants and it shall apply to-
  - (i) running staff,
  - (ii) operating staff,

  - (iv) those other Railway servants whose work is connected with the work of any of the categories of Railway (iii) shift workers, and servants mentioned in clause (i), (ii) and (iii)

Subject to the provisions contained in sub-section (4) of Section 132, payment of overtime for excess hours of work shall be made as under :-

- (i) For the excess hours of work residered by a Railway servant between the limits of prescribed rustered hours of work and the hours prescribed in Section 132, during the relevant averaging period, payment shall be made at 1 % times the ordinary rate of pay, and
- (ii) For the excess hours of work rendered beyond the limits prescribed in Section 132, payment shall be made in two times the ordinary rate of pay
- (1) The hantly rate of overtime shall be worked out on the basis of rostered hours over the relevant averaging period as under -1/30 of monthly
  - Period of averaging ordinary rate of (i) Hourly rate of No. of rostered bours Pay (for staff of work in the averaging governed by period Averaging Principle) 1/30 of monthly (ii) Hourty rate of pay ordinary rate of No. of daily rostered (for those not DUN hours of work governed by Averaging Principte)

## 11. Register of extra hours of work -

The particulars of all extra hours of work done by a Railway servant beyond the prescribed rostered hours of thaty shall be recorded in a register to be maintained in Form 'A' appended to these rules by the officer authorized in this behalf by the Head of the Railway Administration

#### 17 Periodical Rost -

- Railway servant whose employment is Intensive or Continuous shall be granted, every week commencing on a Sunday, rost of not less than thirty consecutive hours and those whose employment is Essentially Intermittent, shall be granted rest of not less than twenty four consecutive hours including a full night
- (2) No Railway Scevam classified as Imensive, Contamous or Essentially Intermittent shall be called on duty indess one has had a rest of not less than 12,10,8 consecutive bours respectively after completion of the previous tour of daily. Such test shall be given as far as possible through the employment of rest givers and the rest givers so provided shall be separate for Continuous and Essentially Intermittent categories
- (3) Locumotive or traffic running staff shall be graved, each month, a rest of atleast five periods of not less than twenty-two consecutive hours each, or a rest of atteast four periods of not less than thirty consecutive hours each tocholing a full right. The hours of work for this purpose shall be calculated from "aigning my to strong off

The locomotive and truttle running staff shall not normally be away from headquarters for more than three or four days or a stretch and the periodic rest for such staff shall be given at headquarters. Rest of beaulignariers shall always metode a night in heal, and as far as possible be once in every ten days

Staff on duty in running trains, other than iccomptive and traffic running staff such as Travelling Pay Clerks and Catering Staff attached to Restaurant Cars shall be given periodic rost on the scale and in the manner had down for the tocomotive and traffic running staff. Some pertion of the periodic rest may however, be given away from their headquarters having regard to their length of trips

(6) The working hours and periodic test of marine staff, other than those who are governed by the Factories

Act shall be regulated in the same manner as those of running staff

(7) In accordance with clause (ii) of sub-section (2) of Section 133 of the Act, the Head of the Railway Administration may, with the prior approval of the Ministry of Railways, specify its, caregories of railway servants to whom the periods of rest on scales less than those laid down under sub-section (1) of the said section can be prescribed.

Compensatory periods of rest-

No railway servant in respect of whom an exemption has been made under rule 9 shall be required to work for more than fourteen days without a period of rest and shall be provided with compensatory rest within this period

#### PART-III

AUTHORITIES TO ENSURE PROPER IMPLEMENTATION OF THE PROVISIONS OF CHAPTER XIV OF THE ACT AND THESE RULES

4 Appointment of Supervisors-

The supervisors of Railway labour shall be appointed by the Ministry of Labour. The manner of their appointment and the educational qualifications etc. prescribed for the purpose will be as laid down by the Ministry of Labour from time to time

13 Display of rules and nonces-

Every Railway Administration shall display in a conspicuous place-

- where the railway servants work, notices specifying the classification of employment of railway servants; the duration of their hours of employment, their period of rest and rosters, and
- in each station or other establishment, a copy of Chapter XIV of the Act and these rules in English, Hindi and in local language.

Every Railway Administration shall send each financial year a return in Form 'B' appended to these rules, so as 16 Angual Repuri to reach the Regional Labour Commissioner not later than the 15th day of May following the end of the financial year to which it relates.

#### PART-IV

#### RESIDUARY POWERS

Power to make modification in special cases --

- (1) Notwithstanding anything provided in these Rules, where, in the interest of efficient working of the Railways, there are certain conditions of special nature necessatating an immediate modification of any conditions laid down under these rules to sait local conditions, such modifications which are not inconsistent with any provisions of Chapter XIV of the Act, may be effected with prior approval of the Ministry of Railways.
- (2) A copy of each such modification shall be sent to the Regional Labour Commussioner concerned
- (1) If any Railway servant is indversely affected by any such modification made under sub-rule (1), he may prefer an appear before the expiry of 90 days from the date of effecting such modification to the Ministry of Railways whose decision thereon shall be final

#### PARTA

### REPEAL AND SAVING

- The Railway servants (Hours of Employment) Rules, 1961 and any orders usued thereunder in so far as they are inconsistent with these rules, are hereby repealed, provided that
  - such repeal shall not affect the previous operation of the said rules or any orders made or anything done or any action taken thereinder,
  - (2) nothing in these rules that be constitued as depriving any person to whom these rules apply, of any right of appeal which had accreed to him under the rules or orders in force before the commencement of these rules

an appeal pending at the commencement of these cures against an order made before such commencement shall be considered and orders thereon shall be made in accordance with these rules as if such orders were made and the appeals were preferred under tiese rules.

as from the conumencement of these rules any appendior application for review against any orders made before such commencement, shall be preferred or made under these rules as if such orders were made

under those rules.

[File No. E(LL)2001/HER/9] V.N. MATHUR, Secy Railway Board

The Railway Servants (Hours of Employment) Roles, 1961 were published vide G.S.R. 40 dated 6-1-1962 Featnete and amended vide G.S.R. 430 dated 26-3-77

#### FORM 'A'

(See Rule 11)

## REGISTER OF EXTRA HOURS OF WORK—REGISTER PRESCRIBED UNDER RULE 11 OF RAILWAY SERVANTS (HOURS OF WORK AND PERIOD OF REST) RULES, 2004

Station Division.

			DIVISION.	The second second			1000	Extra
S No	Month And	Name and Father's	Designation	Classification Intensive Continuous	Rate of Pay	Rostered hours	hours	Hours Worked
	date ovenime	name		Essentially		From To	From To	
	worked			-	11/3	(7)	(8)	(9)
128	(2)	(3)	(4)	(5)	(6)	4.1		

cuson or nocking cura nours	Compulsory rest granted	Number of hours for which over- time pay able	Reasons for granting temporary exemption under section (32(4) and	Signature of subordinate incharge granting exemption under rules	Amount of overtime paid and date of payment	Remarks	
	Date From To			(14)	(15)	(16)	
103	(11)	(12)	(4.3)	0.55			

#### FORM 'B' (See Rule 16)

# ANNUAL RETURN FOR THE YEAR ENDING 31st MARCH

			Inte	ensive	Continuous				
S No.	Name of Ruilway	Total No of Railway servants employed			Running staff		Other than Running staff		
			No Percent	Percent	No.	Parcent	No.	Percent	
				(6)	(7)	(8)	(9)		
(1)	(2)	(1)	(4)	7-37	1.7				

26706553

Essentially Intermittent		Supervisory		Excluded Employed in consideration capacity		Others			
	***	No	Percent	No.	Percent	No.	Percent	Remarks	
No. Percent	340		18/41	/151	(16)	(17)	(18)		
(10)	(11)	(12)	(13)	(14)	(15)	11111			
ce le	he Regional l			Cantrall			Sign F	ature of Head/Inch Railway Administra (SE	