

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.374/99

New Delhi. this the ²⁴ day of February, 1999

HON'BLE SHRI N.SAHU, MEMBER(A)

1. Mohd. Nasir s/o Sh. Abdul Rahim,
R/o 162-G, L.Colony, Tundla (U.P.)
2. Samsuddin s/o Sh. Dulare Mastu
Vill. Tundli Post Tundla (U.P.)
3. Nathan Khan s/o Sh. Faiz Mohd.
Vill. Tundli Post Tundla (U.P.)
4. Pawan Kumar Sharma s/o Sh. Rambir Sharma
Vill. Adalpur. Shabad Distt. Hathras
5. Brijesh Kr. Upadhyay s/o Sh. Ram Khiladi Sharma
Vill. Adalpur. Shabad Distt. Hathras
6. Anant Ram s/o Sh. Ram Chander
Vill. Jaitiasadulapur. P.O. Unchangaon.
Distt. Muradhabad (U.P.)
7. Hamit Khan s/o Sh. Basarat Khan
Vill. Tundli. PO Tundla (U.P.)
8. Udaiveer Singh s/o Sh. Sumer Singh
Vill. Saharak. Distt. Ferozabad (U.P.). . . . Applicants

All are working as Railway Parcel Porter under
society i.e. respondent No.4 at the various
station of the Northern Railway in Allahabad
Division

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The Secretary,
Ministry of Railway,
Rail Bhawan. New Delhi.
2. The General Manager,
Northern Railway. Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway, Allahabad Division
Allahabad
4. The Secretary,
Sehkari Sharam Samvida Samiti Ltd.,
Hata Sagari Ganj, Main Railway Tundla . . . Respondents

O R D E R

HON'BLE SHRI N. SAHU, MEMBER(A)

Heard Shri Yogesh Sharma, learned counsel for the applicant. The prayer of the applicants is to issue a direction against the failure of the respondents to treat them as regular employees of the Railway though similarly situated persons have been regularised. It is submitted that the Contract Labour System which existed earlier at all the Railway Stations for loading and unloading of the parcels was abolished in compliance with the decision of the Supreme Court in the case of Raghvendra Sumashta vs. UOI and ors. - (W.P. No.277/98). Thereafter, the learned counsel has brought to the notice of the court the decisions of the Supreme Court in the case of National Federation of Railway Porters, Vendors and Bearers vs. Union of India & ors. (W.P.(C) No.507/92) decided on 9.5.95 (Annexure A-3). In this case, the Hon'ble Supreme Court spelt out detailed guidelines and directions for absorption and regularisation of Railway Parcel Porters on contract labour basis, working continuously for sufficiently long time. In the case of National Federation of Railway Parcel Porters Union and ors. vs Union of India and ors. (W.P.(C) Nos.568 and 711 of 1995) decided on 8.7.96, the Hon'ble Supreme Court directed that in view of the earlier Supreme Court decision in National Federation case, casual porters working for a long period be regularised. The Supreme Court has relied upon its previous decision in National Federation's case reported in 1995(2) SLR 709 SC.

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2. Learned counsel for the applicant has also filed a copy of the order of the apex court in the case of Rashtriya Chaturth Shreni Railway Majdoor Congress pronounced on 1.10.97. The appellant union in that case filed an application before the Tribunal for regularisation of its members. The Tribunal declined to entertain the application on the ground that the Union had an alternative remedy available to it. The Supreme Court cited the earlier decisions. The order of the Tribunal was set aside with a direction to decide the issue in the light of the principles laid down in National Federation's case. Learned counsel for the applicant states that he has filed a representation to the Secretary, Railway Board, impleaded in this O.A. as respondent 1. This representation has been filed through the Divisional Railway Manager and the General Manager who are impleaded here as respondents 2 and 3. Learned counsel seeks disposal of the representation in the light of the decisions of the Hon'ble Supreme Court referred to above.

3. This O.A. can be disposed of by a simple direction to respondent 1 to dispose of the representation dated 21.11.98 addressed by the Parcel Porters working at various Stations of the Northern Railway in Allahabad Division to the Secretary, Railway Board, Rail Bhawan, New Delhi. All the 8 applicants in this O.A. are stated to be working under respondent 4, the Secretary, Sehkari Sharam Samvida Samiti Ltd., Hata Sagari Ganj, Main Railway Tundla.

4. The respondents are directed to dispose of the representation of Parcel Porters working at various Stations of the Northern Railway in Allahabad Division

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dated 21.11.98, referred to above, keeping in view the guidelines laid down by the Hon'ble Supreme Court in the case of National Federation of Railway Porters. Vendors and Bearers referred to supra, within a period of twelve weeks from the date of receipt of a copy of this order. As the interests of a large number of workers are going to be affected by the decision, the respondents may also give an opportunity of hearing to one or two representatives from amongst the applicants, before the order is passed.

after admission stage

5. O.A. is disposed of as above. No costs.

N. SAHU
(N. SAHU) 24-2-95
MEMBER(A)

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