

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.78/99.

New Delhi, this the 11th day of January, 1999

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

1. Hari Narain Singh
s/o Shri Ramji Lal
2. Labhansh Kumar
S/o Sh.Om Prakash
3. Athar Ali
S/o Shri Ayub Ali
4. Jetender
S/o Sh.Kanchi Lal
5. Amar Singh
S/o Sh.Babu Lal
6. Kisan Singh
S/o Shri Ramji Lal
7. Amit
S/o Shri Subhash Tiwari
8. Vajish Kumar
S/o Sh.Raj Kumar
9. Saleen Raza
S/o Shri Hasan Khan
10. Ikan Ali
S/o Shri Ayub Ali
11. Amjad Ahmed
S/o Shri Sher Mohd.
12. Hajari Lal
S/o Shri Tota Ram
13. Gulam Mohd.
S/o Shri Machahu Khan
14. Mohd. Sabir
S/o Shri Kuhda Bux
15. Azhar Ali
S/o Shri Hashmat Ali

....Applicants

All are parcelporter working under respondent
No.4 at Northern Railway Delhi Sarai Rohilla
Station.Delhi

(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, Bikaner
Division, Bikaner(Raj.)
4. M.s Maruti Handlers,
V-B-10, Hudco Quarters,
Jai Narain Vyas Nagar Colony,
Bikaner(Raj.)

....Respondents

O R D E R (ORAL)

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

(2)

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 appellants 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 20.6.98 although probably by a typing mistake, it is written as 20.5.98, addressed by the Parcel Porters, Delhi Sarai Rohilla Station to the Secretary, Railway Board, Rail Bhawan, New Delhi. All the 15 applicants in this O.A. are stated to be working under respondent 4. M/s Maruti Handlers, at Delhi Sarai Rohilla Station, Delhi.

4. The respondents are directed to dispose of the representation of Parcel Porters, Delhi Sarai Rohilla Station dated 20.6.98 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 six 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.

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


(N. SAHU)
MEMBER(A)

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