

Hans Raj Arora

Vs

Union of India and Others

Writ Petition (Civil) No. 8213 of 1983

(Ranganath Misra, M. M. Dutt JJ)

14.08.1987

ORDER

1. The Indian Railways Conference Association (IRCA for short) has about 1000 employees working under it. These people are not treated as regular railway employees and they are deprived of wages and other benefits as are available to the employees in the railway establishment. In the writ petition, based on the allegation of discrimination, seven aspects have been indicated in paragraph 12. The claims are actually three in number, and can be taken to have been covered by items (a), (b) and (c) of that paragraph. The other claims would be dependent upon the status of regular employment in the railway establishment being conferred on the petitioner. When this matter was heard on the last occasion by us, we had called upon the Union of India as also the railway authorities and IRCA to examine the claim of the petitioners and file an affidavit pointing out as to what aspects relief can be conceded. Pursuant to our direction respondents 2 and 3 have filed an affidavit through the General Secretary of IRCA and therein it has been stated that the claim (a) has already been allowed and the IRCA has no objection for allowing claim under (b). So far as the claim under (c) is concerned it has been pointed out that allowing the same would involve financial liability to the extent of Rs. 7.2 crores. We have heard learned counsel for both sides in regard to this claim. We see no justification for working out the financial implication of Rs. 7.2 crores under this head. Once the employees of IRCA are placed at par with regular railway employees they would become entitled for consideration for housing loans and on the basis of their respective entitlements advances would be admissible. It is conceded that at present a sum of Rs. 90 lakhs is provided for such purpose. It is also conceded that usually a larger amount is provided for in the railway budget for the purpose. If the petitioners become entitled to be considered for building advance, the resultant effect would only be that for the amount which may be allocated for the purpose in the railway budget, a greater number of employees would be entitled to be considered, and it would not necessarily involve additional financial liability unless as a benevolent employer, the railway administration increases the budgetary allocation considering the additional number of beneficiaries. We see no justification for withholding the relief under item (c). The other claims are consequential upon the status of regular employees being conferred and learned counsel for both sides agree that if status is conferred no particular direction is necessary for conferring the benefits. The petitioners are entitled to the relief under items (a) and (b) as conceded and to the relief under item (c) on the basis of the reasons given above. The writ petition is disposed of accordingly. There will be no order as to costs.

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