

Munna Khan and Others

Vs

Union of India and Others

Writ Petition No. 329 of 1987

(K.N. Singh, M.H. Kania JJ)

18.04.1988

ORDER

1. Heard learned counsel for the parties.

2. In view of the decision of this Court in *Catering Cleaners of Southern Railway v. Union of India* (AIR 1987 SC 777) and having regard to the facts and circumstances of this case, we direct the Central Government to take appropriate action under Section 10 of the Contract Labour (Abolition and Regulation) Act in the matter of prohibiting the employment of contract labour in the work of cleaning catering establishments and pantry cars in the Western Railway. This must be done within six months from today. Without waiting for the decision of the Central Government the administration of the Western Railway will be free, of its own motion to abolish the contract labour system and to regularise the services of those employed in the work of cleaning catering establishments and pantry cars in the Western Railway. In any case, the administration of the Western Railway will refrain, until the decision of the Central Government under Section 10, from employing contract labour. The work of cleaning catering establishments and pantry cars will be done departmentally by employing these workmen who were previously employed by the contractor on the same wages and conditions of work as are applicable to those engaged in similar work by the Western Railway. If there is any dispute whether an individual workman was or was not employed by the contractor such dispute shall be decided by the Deputy Labour Commissioner, Bombay. Any further directions may be sought, if necessary, from the Bombay High Court. If the Central Government does not finalising decide the question within six months from today, the Western Railway administration within three months thereafter absorb the workmen into their service and regularise their services. It is further directed that the Central Government before taking any action under Section 10 of the Act will hear the parties concerned. Writ petition is disposed of accordingly.

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