

SUPREME COURT OF INDIA

National Federation of Railway Parcel Porters Union

Vs.

Union of India

Writ Petn.(Civil) Nos. 568 and 711 of 1995

(K.Ramaswamy and G.B.Pattanaik JJ.)

08.07.1996

ORDER

By Order dated February 5, 1996, the Court directed the respondents to appoint a high level officer to enquire whether the petitioners have been working as Casual Porters for a long time as perennial source of work and if so why they have not been regularised in the light of the law of this Court laid in National Federation of Railway Porters. Vendors and Bearers v. Union of India, (1995) 4 JT (SC) 568: (1995 AIR SCW 2541). Pursuant thereto, the respondents have appointed Mr. Vikram Chopra, Chief Marketing Manager to enquire and submit a report to this Court. The said officer conducted the enquiry and stated that out of 503 petitioners in Writ Petition Nos. 568 and 711 of 1995 the claim of 430 petitioners were verified. They were on the rolls of the registered Co-operative Societies of the Lucknow, Moradabad and Allahabad Divisions. Despite their working as porters for several years, since their names do not find place in the earlier petitions, they could not be regularised thinking that the relief in those writ petitions was confined to the persons whose names were expressly mentioned. Consequently, he recommended for regularisation of their services as mentioned thus:

"(i) In order to comply with the Hon'ble Supreme Court's Judgment that the Railway should absorb persons supplied by the societies to work as labourers for parcel handling, to the extent that posts

which are of perennial and permanent nature can be justified, and to absorb persons as per their length of working as such parcel handling labour, it is recommended that Lucknow, Allahabad, Bikaner and Jodhpur division should be asked to fall in line with the section taken at Moradabad Division i.e. to :

(a) Conduct a work study at all the stations where such parcel handling is still being done by such labour and arrive at the number of posts required on a permanent and perennial basis, and

(b) Screen all such eligible labourers as per the guidelines of Hon'ble Supreme Court and as per the Railway rules and absorb them to the extent that posts are justified.

(ii) The case (sic) one person who is working at Lucknow Jn. of N.E. Rly may be referred to General Manager/N.E.Rly., for necessary action."

2. He also found that he could not verify petitioners at Sl. Nos. 23 to 72 whose names have been mentioned in the list appended by him, as the contract of the society under which they claimed to be working was terminated w.e.f. November 7, 1991. As a result, he could not find any record to verify them. Shri M. N. Krishnamani, learned senior counsel undertakes to give all the details with correct facts regarding them to Mr. Vikram Chopra, C.M.M. who is directed to enquire into their claims and if they are found to be eligible, the benefit of the order passed by the Court in the above order would be made available to them. As regards petitioner No. 73, it was stated that he claims to be working in Lucknow Junction in Northern Eastern Railway and could not be verified. The General Manager, Northern Eastern Railway is directed to have the address of petitioner No. 73, namely, Mohd. Nafis, son of Aleem, verified and also whether he was working as a Casual Porter at Lucknow Junction Station and if so whether he is on par with those candidates whose services were directed to be regularised. In case he is found to be working then the benefit of the directions given in the aforesaid decision would be available to him also. The service of all those petitioners be dealt with as per the law laid in the aforementioned judgment.

3. The writ petitions are accordingly disposed of to the above extent.

Order accordingly.