

Rashtriya Chaturth Shreni Railway Majdoor Congress (INTUC)

Vs

Union of India

(A. S. Anand, K. Venkataswami JJ)

01.10.1997

JUDGEMENT

K.Venkataswami, J.

1. Leave granted.

2. Heard counsel for the parties.

3. Aggrieved by the order of the Central Administrative Tribunal (hereinafter called the "Tribunal"), Allahabad Bench, dated January 8, 1996 in O.A.No.1361/95, the present appeal is filed.

4. In the view we propose to take, it is not necessary to set out in detail the facts leading to the filing of the said O.A. before the Tribunal.

5. The appellant union moved the Tribunal for regularizing the services of its members, on the ground that they have been engaged as contract labourers for several years doing the job of parcel porters at Agra Fort (Railway Station) in the light of the judgment of this Court in National Federation of Railway Porters, Vendors and Bearers Vs. Union of India & Ors. (1995 (Supp) 3 SCC 152).

6. According to the appellant, the said judgment of this Court was rendered more or less in identical circumstances. The Tribunal, unfortunately, instead of going into the matter and deciding the issue raised before it, declined to entertain the : O.A. on the ground that the union has an alternative remedy available to it.

7. The question that was to be decided by the Tribunal in the light of the judgment of this Court in National Federation of Railway Porters' case (supra) was which is the 'appropriate Government' to decide the question of regularization of the workers to apply the principle laid down by this Court in National Federation of Railway Porters, Vendors and Bearers Vs. Union of India & Ors. 1995 (Supp) 3 SCC 152. In the facts and circumstances of this case and having regard to the fact that the interests of laborers are involved, we think it would have been appropriate for the Tribunal to decide the question itself instead of directing the union to avail the alternative remedy.

8. Accordingly, we set aside the order of the Tribunal in O.A.No.1361/95 and direct it to decide the issue itself on merits in the light of the principles laid down by this Court in the judgment in National Federation of Railway Porters, Vendors and Bearers Vs. Union of India & Ors. 1995 (Supp) 3 SCC 152.

9. The parties are at liberty to raise all the contentions available to them in law before the Tribunal.

The appeal is accordingly allowed. No costs.