

T.I. Madhavan, Gen. Secy., All India ... vs Union Of India (Uoi) And Ors. on 8 September, 1987

Equivalent citations: 1987(35)BLJR842, JT1987(3)SC650, 1988SUPP(1)SCC437, AIRONLINE 1987 SC 206, (1987) 2 LAB LN 915, (1987) 3 JT 650 (SC), 1988 SCC (L&S) 872, 1988 SCC (SUPP) 437

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Bench: A.P. Sen, B.C. Ray

ORDER

A.P. Sen, J.

1. Mr. G. Ramaswamy, learned Additional Solicitor General appearing for the respondents draws our attention to the order passed by this Court in Saital Singh and Anr. v. Union of India and Ors. (W.P. Nos. 6804-05/82 dated December 13, 1983) and states that the Union of India is prepared to abide by the terms of the order. He also submits that the direction contained in the order of this Court dated March 10, 1986 in this case while issuing a rule nisi for payment of salary to the employees covered by the writ petition at the same rate as salaried bearers of the Railway Catering Establishment w.e.f. December 1, 1983 needs modification with regard to the date from which the salary and other emoluments are payable to them upon absorption.

2. We accordingly direct that all persons working as commission bearers and vendors on various railway platforms belonging to the Central Railway and the South Central Railway would be absorbed progressively as members of the permanent Railway Catering Service as per the terms of paragraph 3 of the Memorandum No. 76 TG III/639/11 dated December 13, 1976 issued by the Joint Director, Traffic Commercial (C) II, Railway Board, New Delhi, as and when vacancies to the posts of bearers in the Railway Catering Service occur. As directed by this Court in SAITAL SINGH'S case, the concerned Railway Administrations would first absorb all the bearers who are registered in accordance with the aforesaid memorandum, thereafter the vendors who are so registered and until all the bearers and vendors are accordingly absorbed, the Railway Administrations shall not recruit or appoint any person either as a bearer or vendor on permanent basis in Railway Catering Service from any other sources.

3. In view of this, we must necessarily modify the direction contained in this Court's order dated March 10, 1986 as to payment of salary. In modification of the earlier direction, we direct that the vendors and bearers so absorbed in the Railway Catering Service shall be entitled to salary as from the date of their absorption and not from December 1, 1983.

4. The writ petition and the connected civil miscellaneous petitions are disposed of accordingly.