

Supreme Court of India

Biswa Nath Saha And Ors. vs Union Of India (Uoi) And Ors. on 3 April, 1997

Equivalent citations: 1999 (82) FLR 601, (1998) 5 SCC 304

Bench: S V Manohar, V Khare

ORDER

1. The Central Administrative Tribunal has correctly held that it has no jurisdiction to entertain the application filed on behalf of a railway contractor's labour since the contractor's labour cannot be considered as employed by the Railways. The Eastern Railway, however, in the affidavit filed on its behalf by Shri B. Maji, Chief Mechanical Engineer (Planning), Eastern Railway, Calcutta dated 13-4-1993 has offered, on humanitarian grounds, that the contractor's labourers can form their cooperative societies and participate in handling and other contracts issued by the Railways from time to time and the cooperative societies thus formed may avail of the benefits as laid down in the Railway Board's letter No. 72/E/Coop./L/1/5 dated 21-9-1973 as modified from time to time. The appellants/petitioners state that they will accept the scheme. It is directed accordingly. The appellants/petitioners have also contended that whenever possible, the labourers employed by the contractors should be absorbed by the Railway concerned as and when any vacancy arises and the turn of such labourers comes. In some of the matters which are before us, the Railway authority concerned has, in fact, absorbed some of the contractors' labourers rendered surplus in the vacancies which were available with them. It will be for the Railway concerned to take such measures as they may consider appropriate in this regard.

2. The civil appeals, writ petitions and the special leave petition are disposed of accordingly.

SLPs (C) Nos. 3740-41 of 1997

3. Heard both sides. For the reasons stated above, leave is granted, the impugned order of the Tribunal is set aside and the appeal is allowed in the same terms.