

Supreme Court of India

Mahanagar Railway Vendors Union vs Union Of India on 12 April, 1993

PETITIONER:

MAHANAGAR RAILWAY VENDORS UNION

Vs.

RESPONDENT:

UNION OF INDIA

DATE OF JUDGMENT 12/04/1993

BENCH:

ACT:

HEADNOTE:

JUDGMENT:

ORDER This Court in *M.M.R. Khan v. Union of India*¹ held that the employees appointed in the statutory canteens as well as those engaged in non-statutory recognised canteens in the railway establishments are the railway employees and they are entitled to be treated as such. In other respects, this Court had not granted relief to other non-statutory employees while the writ petitions were pending. The petitioners' association representing the persons appointed by the commission vendors on the railway platforms on the various places also claimed parity to be treated as railway catering service. This writ petition came to be dismissed and for review of that order the petitioners have filed this petition. It is contended by the learned counsel for the petitioners that in another case *Writ Petition No. 575 of 1987 etc., etc.* the petitioners therein claimed that there will be an order in same terms as in *T.1. Madhavan v. Union of India*². That judgment was rendered on September 8, 1987. That was not brought to the notice of the three Judges' Bench when *Khan case*¹ was decided. After *Khan case*¹ was decided the non-statutory non-recognised cases were directed for disposal. It would appear when *W.P. No. 575 of 1987 etc.* were posted, instead of bringing to the notice of the Court of *Khan case*¹, *Madhavan case*² was referred as having being covered. Accordingly, it was ordered thus : "There will be an order as in *Madhavan v. Union of India*²." Thus this Court was led to believe that the law holding the field is *Madhavan's ratio* (a two-Judge Bench) instead of *Khan's ratio* (three Judge-Bench) a binding precedent. Therefore what is prevailing law is the one laid down by this Court in *M.M.R. Khan v. Union of India*¹ and the direction given by this Court in the above writ petition referred to on September 22, 1992 would also fall in line with *Khan's ratio*. 1 1990 Supp SCC 191: 1990 SCC (L & S) 632: (1991) 16 ATC 2 1988 Supp SCC 437: 1988 SCC (L & S) 872 Accordingly, the petitioners are not entitled to the parity of treatment. The question of review does not arise. The civil miscellaneous petition is dismissed accordingly.