

Supreme Court of India

Union Of India (Uoi) And Ors. vs Ratan Kansa Banik And Ors. on 6 March, 1997

Equivalent citations: JT 1998 (9) SC 455, (1997) 11 SCC 257

Bench: S Agrawal, G Pattanaik

ORDER

1. Delay condoned.

2. Special leave granted.

3. The question that falls for consideration in this appeal is whether the employees working in the Railway Employees' Consumers Cooperative Societies/Railwaymen's Consumers Cooperative Stores are to be treated as railway employees and are entitled to the salaries which are being paid to the employees in the Railway Establishment. The Guwahati Bench of the Central Administrative Tribunal (hereinafter referred to as "the Tribunal"), by the impugned judgment dated 11-9-1995, has allowed OAs Nos. 112-114 of 1991 filed by the respondents and has decided the said question in favour of the respondents. The Tribunal has placed reliance on an earlier judgment of the Madras Bench of the Tribunal dated 29-6-1990 in OA No. 305 of 1988 which was affirmed in appeal by a two-Judge Bench of this Court in Union of India v. Southern Rly. Employees' Coop. Stores Workers' Union (1996) 2 SCC 269. The said judgment of this Court in S. Rly. Employees' has been considered by a three-Judge Bench in Union of India (Rly. Board) v. J.V. Subhaiah JT 1995(9) SC 488 wherein this Court has not agreed with the earlier judgment of the two-Judge Bench in S. Rly. Employees' (Supra) and has decided the said question against the employees. The learned Counsel for the respondents has submitted that the judgment in Union of India v. J.V. Subhaiah (Supra) does not give full effect to the provisions contained in Chapter XXIX of the Indian Railway Establishment Manual. We have carefully considered the said judgment in Union of India v. J.V. Subhaiah (Supra) and we find that this Court has considered Chapter XXIX of the Indian Railway Establishment Manual. The matter is, therefore, fully covered by the judgment in Union of India v. J.V. Subhaiah (Supra). For the reasons given in the said judgment, the appeals are allowed, the impugned judgment of the Tribunal is set aside and OAs Nos. 112-114 of 1991 Ratan Kansa Banik v. Union of India (Supra) filed by the respondents are dismissed. No costs.