

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12496 of 1996

Kaushal Paswan, Secy. ,Railway Parcel Handling Contract Labour Union, Patna,
At + PO-Patna Junction, Eastern Railway, Patna PS-Kotwali, District-Patna.
..... Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Railway, Fairly Place, Calcutta.
2. The General Manager, Eastern Railway, Fairly Place, Calcutta.
3. The Divisional Railway Manager, Eastern Railway, Danapur, Patna
4. The Senior Divisional Commercial Manager, Eastern Railway, Danapur, Patna
5. The Assistant Labour Commissioner (Central) Govt. of India, Ministry of Labour, Block A, Room No. 6/16, 2nd Floor, Maurya Lok Complex, Patna-1.
6. The Secretary, Ashok Shramik Sahyog Samiti Ltd., Eastern Railway, Patna Junction, Patna. Respondent/s

Appearance :

For the Petitioner/s :
For the Respondent No. 5 : Mr. Ravindra Kumar Sharva, CGC

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-02-2015

No one appears on behalf of petitioner but the counsel for the Union of India is present.

This application has been filed for permanently absorption of 50 labourers working on contract basis for parcel handling at Patna Junction of Eastern Central Railway.

From the record it appears that the petitioner and others were engaged as Railway Porter at Patna Junction. They were basically doing the job of parcel handling with Ashok Shramik Sahyog Samiti Ltd., Eastern Railway, Patna Junction, Patna for last ten years continuously.

It appears that the Secretary of the aforesaid Samiti obtained the license bearing No. L-25/86 in the year 1986 under the Contract Labour (Regulation and Abolition) Act, 1970 working as Porter in the Parcel

Office. They were working for last ten years. It has been claimed that instead of taking work through Contractor, the Railway Administration should have taken work directly and claimed that the work of parcel handling is a perennial job and, as such, they should be departmentalize.

The Railways Administration has filed counter affidavit refuting the claim of the petitioner and holding that workmen are the contract labourers having been engaged as Porter for handling the parcel. Already the aforesaid Samiti has taken licence under the Contract Labour (Regulation and Abolition) Act which provides such nature of job to be performed through Contractor under the Act.

It appears that petitioners are no longer interested. This Court does not know whether the person on whose behalf this writ application has been filed, are still working as Porter or otherwise but so long the contract system is prevailing unless it is abolished, no direction can be given to departmentalize them. However, as the agency is still subsisting, the workers will have liberty to raise the issue of abolition of contract labour system and be substituted with departmentalization before the appropriate authority who will have a jurisdiction to consider the case of the petitioner in accordance with law.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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