

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.10007 of 2013
Date of Decision.17.02.2017

Punjab Roadways Coolies Union, Amritsar and othersPetitioners

Vs

State of Punjab and othersRespondents

Present: Mr. G.S. Lalli, Advocate
for the petitioners.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioners branding themselves as Punjab Roadways Coolies Union, Amritsar, Batala and Ludhiana through their respective Presidents are before this Court for issuance of writ in the nature of certiorari quashing the impugned order dated 14.09.2012 (Annexure P-1) passed by the Director, State Transport, Punjab-respondent No.2, being illegal, arbitrary and against the legitimate expectation.

Mr. G.S. Lalli, learned counsel appearing on behalf of the petitioners submits that the petitioners are working as Porters by doing labour of loading and unloading of luggage of passengers at the bus stands and have formed their Unions and for vindication of their grievance, had approached this Court in CWP No.6819 of 2012 which was disposed of vide order dated 17.04.2012 with a direction to respondent No.2 to take a decision on the legal notice (Annexure P-8). In this regard, also relied upon letter dated 30.10.1980 (Annexure P-3) issued by Director, State Transport, Punjab to the Divisional Manager, Punjab Roadways and all the General Managers, Punjab Roadways and notification dated 12.09.1979 whereby the Governor of

the motor vehicles belonging to Punjab Roadways plying in the State of Punjab on routes exceeding 160 kms from the provisions of Section 3 of the Punjab Passengers and Goods Taxation Act, 1952, subject to the following conditions:-

- (i) he wears a Porter's uniform
- (ii) does not occupy any seat, if the bus is full and
- (iii) carries with him an identity card duly attested and issued by a General Manager of a depot of the Punjab Roadways.”

He further submits that the Coolies are allowed to be registered with the local bus stand and are issued identification number and for that purpose they also deposited certain securities, thus, they are entitled to the facility of uniform, medical allowance and also formulation of service conditions and rules to promote social order as per the Directive Principles of Constitution of India.

He submits that the order of the Director is not in consonance with the aforementioned instructions and notifications and therefore, liable to be set aside. In support of his contention, he relied upon the judgment rendered by Hon'ble Supreme Court in **Mangalore Ganesh Beedi Works etc. Vs. Union of India etc. AIR 1974 (SC) 1832** wherein it has been held that the beedi workers and the employees engaged by a contractor and the home workers are employees of the industry and therefore, entitled to all the benefits which the Government employees are entitled for.

I have heard learned counsel for the parties, appraised the paper book and of the view that the impugned order indicates that as per Rule 22B of the Accounting Rules and Forms for Government Transport Services in the Punjab, the Coolies are permitted to the work of loading and unloading of

the passenger's luggage, which system was replaced by the de-casualization

scheme of the Indian Railways and the Porters are required to pay ₹5/- per month to Punjab Roadways subject to revision and the recruitment shall be done after taking their addresses and antecedents verified. A register regarding the names and payments shall be maintained and the registered porter was required to deposit security of ₹100/- and furnish personal surety bond of ₹500/-, much less, execute a bond in the form given in Appendix 'H' binding him for regular attendance, good behaviour and responsibility for the passenger's luggage entrusted to him, thus, appointment of Coolie is not made as per the Government Employee Service Rules, in essence, they are accorded permission to work at bus stands.

The identification cards and uniform are given only for the purpose of identification of the porters and to prevent them from unscrupulous business/theft under the garb of Coolie or the porter whisk away with the luggage.

I am of the view that the aforementioned relief sought by the petitioners cannot be granted. There is no dispute with regard to the ratio decidendi culled out from the judgment referred to above in **Mangalore Ganesh Beedi Works's** case but the present case *viz-a-viz* the beedi workers case is totally different and does not have any relevance or at par with the conditions of service of the beedi workers.

No ground for interference is made out. The Writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 17, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No