

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO.3148 OF 2014

SACHINKUMAR S/O JAGDISH BHAVSAR AND ANOTHER
VERSUS
UNION OF INDIA AND OTHERS

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Advocate for Petitioners : Mr. Girish Nagori.

Advocate for Respondent Nos.1, 3 to 5 : Mr. Manish N. Navandar.

AGP for Respondent No.2 : Mr. A. V. Deshmukh.

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CORAM : **T. V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATE : 15th January, 2019.

ORDER: (Per T. V. Nalawade, J.)

. The petition is filed for relief of declaration that the
Petitioner is railway servant and he is entitled to railway pass, which is
issued by the railway department to its employees.

2 Both the sides are heard.

3 The submissions made and record show that the
Petitioner is working as Railway Police Constable and at the relevant
time, he was working at Bhusawal Railway Police Station, Bhusawal.
He made representation on 20th December, 2011 to give him facility of

privilege pass for travelling in railway by contending that he needs to be treated as railway employee. It is informed to him that he cannot be treated as railway employee.

4 The submissions made by the learned counsel for Railway and the Rules quoted in reply affidavit for Railway show that the Government Railway Police forms a part of the State Police and is responsible for the maintenance of law and order and policing on the railways including running trains. Thus, he is under the control of the State Government. On the other hand, "Railway Servant" means a person who is a member of a service or who holds a post under the administrative control of Railway Board and includes a person who holds a post in the Railway Board. Even the persons lent form a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control do not come within the scope of definition of "Railway Servant". In view of these Rules, this Court holds that the Petitioner / police constable cannot be treated as a railway servant. As per the service conditions, he is expected to remain on duty on uniform at the place posted and when he is discharging the duty nobody will ask him for platform ticket and for railway ticket, when he is in railway for

discharging the duty. As a civilian, he cannot travel in railway without purchasing railway ticket. Thus, considering the purpose behind the relief, this Court holds that no relief can be granted to the Petitioner. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]

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