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Court : Supreme Court of India

Decided On : Oct-30-1996

Reported in : (1997)11SCC118

Judge : S.C. Agrawal and; G.T. Nanavati, JJ.

Appeal No. : Civil Appeal No. 9377 of 1995

Appellant : Bilas Sarkar and ors.

Respondent : Union of India (Uoi) and ors.

Judgement :

S.C. Agrawal and; G.T. Nanavati, JJ.

1. This appeal is directed against the judgment of the Central Administrative Tribunal, Calcutta Bench (hereinafter referred to as “the Tribunal”) dated 6-9-1993 in OA No. 815 of 1989 whereby the Tribunal has dismissed the said application which was submitted by the appellants, who are licensed porters at Bankura Railway Station, to seek regularisation as Group D employees in the Railways.

2. We have heard Shri Raj Kumar Gupta, the learned counsel for the appellants and Shri P.P. Malhotra, learned Senior Counsel appearing for the respondents. By the impugned judgment, the Tribunal has held that the appellants work sometimes as independent persons for the Railway administration for which they are paid remuneration at a rate mutually agreed upon as per the terms of the contract and

that they could not be regarded as casual employees engaged by the Railway administration. Since there was no relationship of master and servant between them and the Railway administration, they could not be regularised as railway employees or as casual labourers or substitutes. Having considered the record, we do not find any infirmity in the said judgment of the Tribunal. The appeal, therefore, fails and is accordingly dismissed. No costs.

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