

(1996) 10 SC CK 0206

In the Supreme Court Of India

Case No : Civil Appeal No. 9377 Of 1995

Bilas Sarkar and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 30-10-1996

Acts Referred:

Citation : AIR 1997 SC 2166 : (1996) 9 SCALE 293 : (1997) 1 SCC 552 : (1996) 9 SCR 421 Supp : (1997) AIRSCW 2021 : (1997) 1 Supreme 143

Hon'ble Judges : S. C. Agrawal, J;G. T. Nanavati, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

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