

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5047/1998

U O I .. Appellant (s)

Vs.

Paschim Rly. Karamchari Parishad Union .. Respondent(s)

(With prayer for interim relief)

DATE : 7.12.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Ajay Sharma, Adv.
M/s Anil Katiyar, Sushma Suri,
Advs.

For Respondent (s) : Mr. A.K. Goel, Sr. Adv.
M/s K.C. Gupta, Sheela Goel, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

The appeal is dismissed in terms of the signed order.

.SP1 Charanjit [Meena Trikha]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5047/1998@@
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Union of India .. Appellant

Vs.

Paschim Rly. Karamchari Parishad Union .. Respondent

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.....L.....I.....J
.SP2

An industrial dispute was raised and a question was referred for adjudication in the following terms :

.....L.....I.....J.....
.SP1

"Whether the action of the Railway Administration in not granting special leave and other privilege to the members of PRKP for attending conciliation proceedings/Industrial Tribunal at par with the members of recognised Trade Union is justified ?

If not, what relief the Parishad members are entitled to"

.....L.....I.....J.....
.SP2

The Industrial Tribunal after examining the matter found that the distinction sought to be made between office bearers of the recognised unions and non recognised unions so far as representation in conciliation and other proceedings was not justified. As long as such latter unions could espouse the causes of the workmen there is no reason as to why such privileges or benefits could not be extended to the office bearers who represented such unions is not clear. On that basis the Tribunal had granted the relief to the respondent-union. This award was challenged in a writ petition before the High Court and that writ petition was dismissed by the High Court on 11.2.1998. Hence this appeal.

We have gone through the award made by the Industrial Tribunal and the order made by the High Court. We are satisfied that the Industrial Tribunal has given cogent reasons for its decision. We cannot find that there can be any distinction between office bearers representing unrecognised unions and recognised unions when they espouse the cause of the workmen in proceedings before the Tribunals, Courts or authorities for the purpose of adjudication of industrial dispute. Hence we think the limited relief granted by the Tribunal as affirmed by the High Court does not call for any interference. The appeal is therefore dismissed.

.SP1

.....J@@
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[S. RAJENDRA BABU]@@
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[S.N. VARIAVA] @@
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New Delhi,@@
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Decemaber 7, 2000@@
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