

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).47186/2025

[Arising out of impugned final judgment and order dated 18-03-2025
in WPCT No.39/2025 passed by the High Court at Calcutta]

UNION OF INDIA & ORS.

PETITIONER(S)

VERSUS

ARUN MUKHERJEE & ORS.

RESPONDENT(S)

FOR ADMISSION and I.R.

IA No. 217809/2025 - CONDONATION OF DELAY IN FILING

IA No. 217807/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 04-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. S.D.Sanjay, A.S.G.

Ms. Astha Singh, Adv.

Ms. Akanksha Raj, Adv.

Ms. Medha Trivedi, Adv.

Ms. Mili Baxi, Adv.

Mr. Merusagar Samantray, Adv.

Mr. Amrish Kumar, AOR

For Respondent(s) :

Upon hearing the counsel the Court made the following

O R D E R

1. Petitioners challenge the judgment and order dated 18.03.2025 in W.P.C.T. No.39/2025 passed by the High Court at Calcutta, titled "*Union of India & Ors. vs. Arun Mukherjee & Ors.*".
2. Delay condoned.
3. Having heard learned Additional Advocate General

appearing for the petitioners, we note the following:

a) Mr. S.D. Sanjay, learned Additional Advocate General, submits that there is a distinction between the running staff and the static staff. Only those employees, namely locomotive pilots/drivers or guards who are involved in the movement of trains, are entitled to the running allowance;

b) The comparison between the two, i.e., running and static staff, is unfair and inequitable, as also a violation of Article 14 of the Constitution of India;

c) Reliance is placed on the decisions of this Court in *Union of India & Ors. vs. B.Banerjee*¹ and *Union of India and Others v. O.P. Saxena and Others*²;

d) Without expressing any opinion on the relevance or applicability of the said decisions, considering the averments in the special leave petition and specifically the anomaly which the implementation of the impugned judgment may cause, as indicated in the tabulated chart at page no.224, we are inclined to issue notice.

4. Issue notice, returnable on 17.10.2025.

5. Dasti service, in addition, is permitted. Let steps for service be taken within two weeks.

6. In the notice itself, let it be mentioned that the respondents are required to file the counter affidavit and

1 (2013) 10 SCC 265

2 (1997) 6 SCC 360

reply to the interlocutory application(s), if any, before the next date of listing.

7. The effect and operation of the impugned judgment/order shall remain stayed.

(D. NAVEEN)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)