

ITEM NO.48

COURT NO.7

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 28876/2016

[Arising out of impugned final judgment and order dated 08-07-2015
in WPCT No. 70/2007 passed by the High Court at Calcutta]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

RAM CHANDRA (D) & ORS.

Respondent(s)

(IA No. 106997/2021 - APPLICATION FOR SUBSTITUTION IA No.
140715/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES

WITH

SLP(C) No. 5405/2023 (XIV)

(IA No. 192163/2024 - INTERVENTION/IMPLEADMENT IA No. 216421/2024 -
INTERVENTION/IMPLEADMENT

SLP(C) No. 2670/2025 (XI-A)

Date : 29-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. Ambhoj Kumar Sinha, AOR
Mr. Saurabh Bharadwaj, Adv.
Ms. Sushmita Barman, Adv.

Mr. Piyush Beriwal, Adv.
Mr. Sudarshan Lamba, AOR
Mr. Sarad Kumar Singhanian, Adv.
Mr. Amrish Kumar, Adv.

For Respondent(s) : Mr. Sudarshan Lamba, AOR

Mr. Randhir Kumar Ojha, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Suvidutt M.S., AOR

Ms. Deepika Singh, Adv.
Ms. Disha Puri, Adv.
Ms. Somlagna Biswas, Adv.
Mr. Shikhar Sharma, Adv.
Mr. Rishesh Sikarwar, Adv.
Mr. Aman Khullar, Adv.
Ms. Renu Yadav, Adv.
Mr. Moirangmayum Chhitranjan Singh, Adv.

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

SLP (C) No. 28876/2016 & SLP (C) No. 2670/2025

1. IA No. 106997/2021 is an application for substitution to bring the legal representatives of the deceased Respondent No. 5 on record is not opposed, hence is allowed.
2. Special Leave Petition (Civil) No. 28876 of 2016 has been preferred by the Union of India against the judgement dated 08.07.2015 in WPCT No. 70/2007 of the High Court of Calcutta. Special Leave Petition (Civil) No. 2760 of 2015 has been preferred by the Union of India against the judgement dated 18.06.2024 of the High Court of Orissa, Cuttack in WP(C) No. 14082 of 2024. In both cases, the High Court has granted benefit as sought by the Tower Wagon Drivers, while relying on the previous orders of the High Court and this Court.
3. It was brought to our notice on 11.12.2024 that special leave petitions filed against the cases relied upon in the impugned orders have been dismissed. However, on the prayer made

by the learned counsel for the petitioner, time was allowed to seek instructions in this behalf. Direction was also issued to the Registry to provide copy of the special leave petitions to verify whether the facts involved in the present case are similar or not.

4. Learned counsel for the petitioners, today, submits that while dismissing the Special Leave Petition (Civil) No. (CC) No. 12002/2015 **Union of India and Anr. v. Sukumar Dutta and Anr.** on 01.10.2015 this Court observed that such dismissal would not prevent the Union of India to fix the pay scale of the respondents in future in accordance with law. The other Special Leave Petition (Civil) No. 30559/2016 **Union of India and Ors. v. Amitava Pathak** was dismissed on the ground of delay. However, those cases may not be treated as precedent for the present case.

5. After hearing learned counsel for the parties and in view of our previous order, we have to look into the fact that if the issue involved in the present cases and the previous two cases is similar, then there cannot be any reason to take a different view while entertaining the present special leave petitions. Learned counsel for the petitioners is unable to dispute the fact that the issue involved in the present cases is similar to the other cases mentioned above.

6. In view of the foregoing, we are not inclined to entertain the present special leave petitions and they are accordingly, dismissed. As directed in Special Leave Petition (Civil) (CC) No. 12002/2015, we observe that the Union of India is at liberty to fix the pay-scales in future in accordance with law. In terms of the order, the benefit may be extended to the respondents as far as possible not later than six months from today.

7. Ordered accordingly.

8. Pending applications, if any, stand disposed of.

SLP (C) No. 5405/2023

9. Learned counsel for the applicant(s) in IA Nos. 192163 and 216421 of 2024 in SLP (C) No. 5405/2023 seeks permission to withdraw the applications with liberty to pursue the remedy as available under the law. As such, both IAs are dismissed as withdrawn with liberty.

10. The present Special Leave Petition has been filed against the judgement and order dated 13.12.2022 passed by the High Court of Delhi at New Delhi in Writ Petition No. 8581 of 2016 whereby the benefit as sought by the Tower Wagon Drivers, similar to other cases discussed above has been denied by the

High Court though in other similar cases the same benefits have been allowed.

11. The special leave petition preferred by the Union of India, i.e., SLP (C) No. 28876 of 2016 has been dismissed today on account of the dismissal of the special leave petitions against the orders which were relied upon in the impugned judgement of that case.

12. In view of the foregoing, this Court has accepted the view taken by the Calcutta High Court in the case of the other Tower Wagon Drivers i.e., WPCT No. 70 of 2007 ***Union of India v. Ram Chandra & Ors.*** and that of the High Court of Orissa, Cuttack in WP(C) No. 14082 of 2024 titled ***Union of India and ors. v. Sanjay Kumar and Ors.*** Therefore, there is no reason to take a different view in this case. Accordingly, the impugned order passed by the High Court is set aside. The petitioners would be entitled to get all benefits, as allowed by the High Court of Calcutta in the case of W.P.C.T. No. 70/2007 titled ***Union of India & Ors. v. Ram Chandra & Ors*** and High Court of Orissa, Cuttack in WP(C) No. 14082 of 2024 titled ***Union of India and ors. v. Sanjay Kumar and Ors.***

13. The benefits receivable to the petitioner under impugned order be extended to the petitioners as far as possible but not

later than six months from today. The Special Leave Petition is accordingly disposed of. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER