

ABID HUSSAIN AND OTHERS ETC.

v.

UNION OF INDIA & ORS.

JANUARY 22, 1987

[E.S VENKATARAMIAH AND M.P. THAKKAR, JJ.]

Constitution of India, Articles 14 and 32: Air-Conditioned Coach Incharges—Attendants, Northern Railway—Discriminated against in payment of overtime allowance—Held not justified.

The petitioners, Air-Conditioned Coach Incharges—Attendants in Northern Railway, contended in their writ petitions that their counterparts in Western, Central and Eastern Railways were being paid overtime allowance for extra duty hours exceeding 96 hours in two weeks, and sought a direction to the Union of India and Railway Administration to pay them the same allowance.

Allowing the writ petition, the Court,

HELD: There was no justification for denying overtime allowance to the petitioners working in the Northern Railway. The Union of India and the Railway Administration to pay with effect from June 1, 1984 overtime allowance to the petitioners on the same basis on which their counterparts in the other three Railways are paid. [48B-C]

The benefit of the order to be extended to all such employees including those who have retired and those who have not joined as petitioners. [48D]

All arrears of such allowances upto date to be paid within four months. [48D]

ORIGINAL JURISDICTION: Writ Petition (C) Nos.13748-84 of 1984.

With

Writ Petition (c) Nos. 15806-26 of 1984.

(Under Article 32 of the Constitution of India.)

A

N.N. Keshwani and R.N. Keshwani for the Petitioners.

O.P. Sharma, Girish Chandra, C.V. Subba Rao and Miss S. Relan for the Respondents.

The following Order of Court was delivered:

B

It is not disputed that the Air-conditioned Coach Incharges-Attendants are being paid overtime allowances for extra duty hours exceeding 96 hours in two weeks in the Western Railway, Central Railway and Eastern Railway. There is no justification for denying overtime allowances on the same basis to the Air-conditioned Coach Incharges-Attendants in the Northern Railway. We accordingly direct the Union of India and the Railway Administration to pay with effect from July 1, 1984 the overtime allowance to the Air-conditioned Coach Incharges-Attendants working in the Northern Railway on the same basis on which the Air-conditioned Coach Incharges-Attendants in the other three Railways, referred to above, are paid. All arrears of such allowances upto date shall be paid as early as possible and in any event not later than four months from today. The benefit of this order shall be extended to all such employees including those who have retired and those who have not joined as petitioners herein.

C

D

The Writ Petitions are allowed. No costs.

E

P.S.S.

Petitions allowed.