

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4637/2005

Raj.state Roadways Empl.union,phalodi

----Petitioner

Versus

Raj.state Road Trans.corpn. And Ors.

----Respondent

For Petitioner(s)	:	Mr. G.R. Punia, Sr. Adv. assisted by Mr. Mahaveer Bhanwariya.
For Respondent(s)	:	Ms. Darshita Pungaliya, for Mr. Suniel Purohit.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

29/06/2026

1. The matter pertains to the year 2005 and has remained pending in the hearing category for a considerable length of time.

2. This writ petition under Article 226 of the Constitution of India has been preferred claiming the following reliefs:

“a) by an appropriate writ, order or direction the time table Annex.4 dated 12.01.2005 be declared unjust, arbitrary, and against the provisions of law and be quashed and set aside.

b) by an appropriate writ, order or direction, the respondent authorities may kindly be directed to award the overtime payment to the members of the vehicle performing continuous duty beyond 8 hours and award 9 hours rest on reaching headquarter.

c) any other appropriate order which is deemed just and proper in the facts and circumstances of the case may kindly be also passed; and

d) the petitioner may kindly be allowed the cost of writ petition.”

3. At the outset it is clarified that the petitioner is a registered employees' union of the Rajasthan State Roadways Employees, Branch Phalodi. The dispute pertains to the time table prepared by the respondent-Corporation for the Phalodi Depot in October, 2004/January, 2005 governing the duties of drivers and conductors employed in the Corporation. The duties of such employees are governed by the provisions of the Motor Transport Workers Act, 1961 and the present writ petition challenges the revised time table and claims consequential relief regarding overtime and rest period.

4. Learned senior counsel appearing for the petitioner submits that the impugned time table has illegally curtailed and virtually denied the overtime benefits payable to the drivers and conductors of the respondent-Corporation. It is submitted that under the Motor Transport Workers Act, 1961, the crew members are entitled to overtime wages for duties performed beyond eight hours and to a minimum rest period of nine consecutive hours on reaching the headquarters.

4.1. It is further submitted that the actual duty of the crew commences thirty minutes before the scheduled departure of the bus and continues till thirty minutes after the bus reaches its destination and, therefore, the entire period is liable to be counted for computing duty hours and overtime. Learned counsel further submits that by excluding stationary duty and waiting period from the computation of duty hours, the respondents have acted contrary to the provisions of the Act of 1961.

4.2. It is also submitted that on several routes, including Phalodi-Ahmedabad, Phalodi-Delhi and Phalodi-Bikaner-Jaisalmer, the crew members are required to perform continuous duty beyond eight hours and, in some cases, beyond fourteen hours, thereby entitling them to overtime and statutory rest. The impugned time table is, therefore, arbitrary, contrary to the provisions of the Act of 1961 and deserves to be quashed and set aside.

5. Learned counsel for the respondents submits that the impugned time table has been prepared after due consideration of the operational requirements of the Corporation and the provisions of the Motor Transport Workers Act, 1961. It is submitted that the earlier time tables of 1989 and 1995 could not be continued indefinitely in view of the changed circumstances, improvement in road conditions, better vehicles and consequent reduction in travelling time on several routes.

5.1. It is further submitted that the overtime payable to the drivers and conductors has been determined on the basis of actual steering duty and that the revised time table provides overtime wherever the same is admissible under the applicable provisions. The allegation that the respondents have completely denied overtime to the crew members is specifically denied.

5.2. Learned counsel further submits that the preparation of routes, schedules, duty charts and determination of overtime are matters falling within the administrative domain of the Corporation and the same have been undertaken by the competent authority keeping in view the operational exigencies and public transport requirements. It is submitted that the revised time table has

neither curtailed any statutory right of the employees nor violated any provision of the Act of 1961.

5.3. It is also submitted that no material has been placed on record by the petitioner to demonstrate that the impugned time table is arbitrary, discriminatory or contrary to any statutory provision. The respondents, therefore, pray that no interference be made by this Court in exercise of its extraordinary writ jurisdiction and the writ petition deserves to be dismissed.

6. This Court has considered the submissions made by learned counsel for the parties and perused the material available on record.

6.1. This Court notes that the grievance of the petitioner pertains to the reduction of overtime and the claim for grant of rest period in terms of the provisions of the Motor Transport Workers Act, 1961. The respondents have, however, demonstrated that the impugned time table was prepared keeping in view the prevailing operational requirements and the changed circumstances, including improvement in road conditions and reduction in travelling time on various routes.

6.2. This Court observes that the preparation of time tables, schedules and determination of operational requirements are matters which essentially fall within the administrative domain of the respondent-Corporation. No material has been placed on record to establish that the impugned time table is ex facie arbitrary or in direct contravention of any statutory provision warranting interference by this Court.

6.3. This Court is convinced that due to the change in circumstances, a new rule regarding the time table has been worked out by the respondents, which has been sufficiently demonstrated before this Court.

7. In view of the above, no interference in the instant writ petition is called for and the same is accordingly ***dismissed***. All pending applications, if any, stand disposed of.

(DR.PUSHPENDRA SINGH BHATI),J

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