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SLP(C)No. 5340 OF 2003
ITEM No.45

Court No.11

SECTION XV
A/N MATTER

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 (Civil) No.5340/2003

(From the judgement and order dated 03/09/2002 in SBCSA 188/97
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

R.S.R.T.C. & ANR.

Petitioner (s)

VERSUS

DINESH KUMAR

Respondent (s)

(With Appln(s). for exemption from filing O.T. and
with prayer for interim relief and Office Report)

Date : 13/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

Mr. Sushil Kumar Jain,Adv.

Mr. A.P. Dhamija,Adv.

Ms. Ruchi Kohli,Adv.

Mr. Puneet Jain,Adv.

Mr. H.D. Thanvi,Adv.

For Respondent (s)Mr. Arun K. Sinha,Adv.

Mr. Rakesh Singh,Adv.

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

Leave granted.

The appeal is dismissed in terms of the signed order.

(A.S. BISHT)(KANWAL SINGH)

COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8272 OF 2003
[Arising out of SLP(C) No.5340/2003]

RAJASTHAN STATE ROAD TRANSPORT CORPN. & ANR.

.....
APPELLANT(S)

:VERSUS:

DINESH KUMAR
.....
RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The suit filed by the respondent against the termination of his services was decreed by the trial court on 13.8.1986. The first appeal and the second appeal preferred by the appellant have been dismissed. The respondent No.1 was reinstated in service on 23.5.1988. From a reading of the Judgment of the High Court it appears that some claim for back-wages was also tried to be raised. However, the court has clarified that the respondent shall not be entitled for any back-wages prior to passing of the decree. Learned counsel for the appellant submits that such a clarification should not have been made. We fail to appreciate the argument. The back-wages, namely, the wages for the period
.....2/-

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prior to the date of the decree of the suit have not been awarded by any court, including the High Court. But there seems to be no force in the submission that the respondent would not be entitled for his salary even from the date of the decree passed by the trial court in his favour.

We find no merit in this appeal. It is accordingly dismissed.

.....J
(BRIJESH KUMAR)

.....J
(ARUN KUMAR)
NEW DELHI;
OCTOBER 13, 2003.