

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 337 OF 2001

B.S.R.T.C. RET./DECEASED EMP.S.
MORCHA & ORS.

.....PETITIONER(S)

VERSUS

STATE OF BIHAR & ANR.

.....RESPONDENT(S)

W I T H

CIVIL APPEAL NO. 7290 OF 1994

CIVIL APPEAL NO. 7487 OF 2011
(arising out of SLP (C) No. 4693 of 2001)

CONTEMPT PETITION (C) NO. 342 OF 2004 AND
CONTEMPT PETITION (C) NO. 541 OF 2004
IN
CIVIL APPEAL NO. 7290 OF 1994

CIVIL APPEAL NO. 7486 OF 2011
(arising out of SLP (C) No. 24378 of 2004)

O R D E R

Leave granted in Special Leave Petition (C) Nos.
4693 of 2001 and 24378 of 2004.

As directed by the order dated August 10, 2011,
the counsel for the Bihar State Road Transport Corporation
(BSRTC) has filed a Schedule of Payment stating the manner
in which and the time within which it proposes to clear off
all the dues of the Corporation's workmen, who are
currently in employment and who might have retired from
service or passed away.

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Mr. Sunil Kumar, senior advocate appearing for the
Corporation, stated that the State of Bihar had already
paid to the Corporation a sum of `458.77 crores, which was
in full discharge of its liability under the award made by
Justice (Retd.) Saghir Ahmad. The Corporation was further
to receive a sum of `35,19,57,949 from the State of
Jharkhand. As per the assurance given by the counsel for
the State of Jharkhand, the aforesaid sum would be paid to
the Corporation by September 03, 2011. Mr. Sunil Kumar

stated that the aforesaid sums (all the money received from the State of Bihar and the State of Jharkhand under the award) would be more than sufficient to pay off the entire arrears of all the employees of the Corporation, who are presently working and who might have retired from service or passed away. Mr. Sunil Kumar further stated that the arrears of the Corporation's employees were broadly under the following heads:

- i) gratuity and unutilized leave salary encashment to retired/expired staff upto December 31, 2011;
- ii) CPF of retired and expired staff upto December 31, 2011;
- iii) arrears of salary to working staff upto September 2011;
- iv) balance amount of CPF to retired/expired staff upto March 31, 2012;

.....3/-

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- v) DA arrears and arrear I.R. to retired/expired and working staff within 3 months after receipt of clarification from Government; and
- vi) current salary to working staff upto March 2012.

Mr. Sunil Kumar gave an undertaking to the Court on behalf of the Corporation that all the arrears of the Corporation's employees, who are currently in service or who might have retired or passed away, shall be paid off to them from the funds received by the Corporation from the State of Bihar and the State of Jharkhand by the end of this year, excepting 5% of CPF dues of retired/expired employees. As regards 5% CPF dues of retired/expired employees, that too would be fully cleared off by March 31, 2012.

Counsel appearing for the workmen made the grievance that the transport employees in the State of Jharkhand have not been paid their current salary for the past six months. Counsel appearing for the State of Jharkhand stated that by now all the transport employees in the State must have been paid their up-to-date salary in

full, but in case payments have not been made so far, full payments would be made within ten (10) days from today.

Mr. Rakesh Khanna, senior advocate appearing for the employees, made the further grievance that the
: 4 :4/-

transport employees in the State of Jharkhand have so far not been absorbed, as directed in the award of Justice (Retd.) Saghir Ahmad. Counsel for the State of Jharkhand referred to paragraph 6 of the Compliance Report dated August 09, 2011, filed on August 23, 2011 on behalf of the State of Jharkhand. In paragraph 7 of the Report, it is stated as follows:

"7. It is also stated and submitted that, all the employees allotted to Jharkhand have been working with the Transport Department, Jharkhand and they are operating the Bus Services and maintaining the Bus Depots which are still functional..."

In paragraph 9 of the Report, it is averred as under:

"9. It is stated and submitted that all the employees have been getting regular salaries and up (sic) February 2011, there is not (sic) dues..."

We read the aforesaid paragraphs to mean that all the employees of the Corporation, who were allocated to the State of Jharkhand, have been duly absorbed in the service of the State Government there.

In light of the order passed above, Mr. Rakesh Khanna, senior advocate seeks permission to withdraw IA No.____ of 2011 in Civil Appeal No. 7290/1994 (an application for direction for payment of salary/arrears to
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the workmen as per the 6th Pay Commission). It is ordered accordingly.

In view of the aforesaid statements made by the respective counsel, the writ petition, civil appeals and the contempt petitions are disposed of. The contempt notices stand discharged. All pending applications also stand disposed of.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
AUGUST 24, 2011.
ITEM NO.2

COURT NO.10

SECTION X

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

WRIT PETITION (CIVIL) NO(s). 337 OF 2001

B.S.R.T.C.RET./DECEASED EMP.S.MORCHA&ORS

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for interim directions, directions and office report)

WITH
Civil Appeal No. 7290/1994
(With appln. for impleading party, recalling the court's order, implementation of court's order, impleadment, exemption from filing O.T. and office report)
SLP (C) No. 4693/2001
(With appln. for stay)
Cont. Pet. (C) No. 342/2004 in CA No. 7290/1994
Cont. Pet. (C) No. 541/2004 in CA No. 7290/1994
SLP (C) No. 24378/2004

Date: 24/08/2011 These Petitions/Appeal were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

Counsel for the parties

Mr. Rakesh K. Khanna, Sr. Adv.
Mr. A.K. Pandey, Adv.
Ms. Seema Rao, Adv.
Ms. Shefali Jain, Adv.
Mr. R.P. Singh, Adv. (NP)

Corporation

Mr. Sunil Kumar, Sr. Adv.
Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv

Mr. M.P. Sahay, Adv.
Mr. Vikram Patralekh, Adv.

Bihar Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

.....2/-

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UOI Mrs. Rekha Pandey, Adv.
Mr. R.K. Rathore, Adv.
Mr. A. Deb Kumar, Adv.
Mr. D.S. Mahra, Adv.

Mr. Arvind Kumar Shukla, Adv.
Mr. Nihal Ahmad, Adv.
Mr. Praveen Swaroop, Adv.

Jharkhand Mr. Krishnanand Pandey, Adv.
Mr. Amrendra Kr. Choubey, Adv.

Mr. Anis Ahmed Khan, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Naresh Kumar, Adv.

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

The writ petition, civil appeals and the contempt
petitions are disposed of. The contempt notices stand
discharged. All pending applications also stand disposed
of.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

(signed order is placed on the file)