

ITEM NO.12

COURT NO.1

SECTION X

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

CONTEMPT PETITION (CIVIL) NO. 411 OF 2013
IN
WRIT PETITION (CIVIL) NO. 337 OF 2001

VIRENDRA SHARMA

Petitioner(s)

VERSUS

R.S SHARMA & ORS

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file additional documents and office report)

WITH

I.A. NOS. 33-34 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994
(for clarification of court's order and exemption from filing O.T. and Office Report)

CONTEMPT PETITION (CIVIL) NO. 203 of 2012
IN
CIVIL APPEAL NO. 7290 OF 1994
(With appln.(s) for exemption from filing O.T. and directions and Office Report)

CONTEMPT PETITION (CIVIL) NO. 229 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994
(With appln.(s) for directions)

CONTEMPT PETITION (CIVIL) NO. 359 OF 2013
IN
CIVIL APPEAL No. 7290 OF 1994
(With Office Report)

CONTEMPT PETITION (CIVIL) NO. 431 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994

Signature Not Verified
(With Office Report)

Digitally signed by
Rajesh Dham

Date: 2014.09.11

09:36:15 IST

Reason:

Date : 08/09/2014

These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. S.R. Sharma, Adv.
Mr. Ashok Kumar, Adv.
Mr. Shiv Ram Sharma, Adv.

CP 431/2013 Mr. Shiv Ram Sharma, Adv.

IA 33-34 Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

CP 203/2012 Mr. Arvind Kumar Shukla, Adv.
Mr. Alok Shukla, Adv.
Mr. Amit Shukla, Adv.
Mr. Nihal Ahamd, Adv.
Mr. Shivanshu Bajpai, Adv.

CP 229/2013 &
CP 359/2013 Mr. Rakesh K. Khanna, Sr. Adv.
Mr. Rajeev Singh, Adv.
Ms. Shefali Jain, Adv.
Mr. K.D. Prasad, Adv.
Mr. Prakash Kr. Singh, Adv.
Mr. Rajesh Prasad Singh, Adv.

For Respondent(s)

Mr. Sunil Kumar, Sr. Adv.
Mr. Tapeshe Kumar Singh, Adv.
Mr. Mohd. Waquas, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.

Mr. Anis Ahmed Khan, Adv.

Mr. Ashok Mathur, Adv.

Mr. C.D. Singh, Adv.

Mr. D.N. Goburdhan, Adv.

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Mr. S.S. Rawat, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. D.S. Mahra, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Krishnanand Pandeya, Adv.

Mr. Manish Kumar Saran, Adv.

Mr. P. Narasimhan, Adv.

Mr. Praveen Swarup, Adv.

Mr. Rajesh Prasad Singh, Adv.

Mr. Ranbir Singh Yadav, Adv.

Mr. S. Chandra Shekhar, Adv.

Mr. Shrish Kumar Misra, Adv.

CONTEMPT PETITION (CIVIL) NO. 229 OF 2013
AND
CONTEMPT PETITION (CIVIL) NO. 359 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994

On 03.07.2014 in these Contempt Petitions while issuing notice, the Court directed Bihar State Road Transport Corporation (BSRTC) to deposit a sum of Rs. 4,90,00,000/- (Rupees Four Crores Ninety Lakhs Only) with the Registry of this Court within two weeks.

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We are informed that in compliance of order dated 03.07.2014, BSRTC has deposited the said sum with the Registry of the Court.

The above direction was issued by the Court as the erstwhile employees of BSRTC are reported to have not been paid their salaries and retiral benefits. There appears to be dispute about the above liability between the State of Jharkhand and BSRTC. The said dispute can be taken care of at the time of passing the final order in the matter.

Suffice it to say that at this stage, the erstwhile employees of the BSRTC cannot be made to suffer because of inter-se dispute between the State of Jharkhand and BSRTC.

We, accordingly, direct as follows :-

(i) BSRTC is permitted to withdraw the sum of Rs. 4,90,00,000/- (Rupees Four Crores Ninety Lakhs Only) deposited with the Registry of the Court immediately for disbursement of the said amount to the

aggrieved employees (retired) or to the legal representatives of the deceased employees, as the case may be.

(ii) The due payment shall be made to the eligible erstwhile employees or their legal representatives without any delay and, in any case, the entire exercise as directed above shall be completed as far as possible within four months from today.

(iii) BSRTC is also directed to associate the Secretary, Department of Transport, Government of Jharkhand or his nominee at the time of disbursement of the payment to the eligible erstwhile employees or their legal representatives as indicated above.

It is clarified that at the time of final order, this Court will determine the liability of the State of Jharkhand and BSRTC and appropriate order for reimbursement shall be passed at that time, if required.

The interim order dispensing with the personal appearance of the contemnors shall

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continue until further orders.

List the matters after four months.

I.A. NOS. 33-34 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994
AND

I.A. NO. 2 OF 2014
IN
CONTEMPT PETITION (CIVIL) NO. 229 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994

Issue notice.

CONTEMPT PETITION (CIVIL) NO. 411 OF 2013

IN
WRIT PETITION (CIVIL) NO. 337 OF 2001

List the matter after four months.

The interim order dispensing with the personal appearance of Shri R.S. Sharma, Chief Secretary, State of Jharkhand shall continue until further orders.

CONTEMPT PETITION (CIVIL) NOS. 203 OF 2012
IN
CIVIL APPEAL NO. 7290 OF 1994

List the matter after four months.

The interim order dispensing with the
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personal appearance of the Chief Secretary, State of Jharkhand shall continue until further orders.

CONTEMPT PETITION (CIVIL) NO. 431 OF 2013
IN
CIVIL APPEAL NO. 7290 OF 1994

Issue notice.

Until further orders, personal appearance of the alleged contemnors is dispensed with.

List all these matters after four months.

(RAJESH DHAM)
COURT MASTER

(RENU DIWAN)
COURT MASTER