

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

IA Nos. 8,10-13,15&16 IN CIVIL APPEAL NO(s). 7290 OF 1994

STATE OF BIHAR

Appellant (s)

VERSUS

SURAJ DEO SINGH & ORS

Respondent(s)

(for interim directions and extension of time and exem. from filing OT and intervention and for extension of time by UOI, for impleading party,directions,implementation of Court's Order and office report )  
(For final disposal)

WITH

WP(C)No.337/01

(With appln. for interim directions)

SLP(C)24378/04

Con.P.(C)342/04 in CA 7290/94

Con.P.(C)No. 541/04 In CA 7290/94

IA No.2 In SLP(C)No.4693/01

(for stay)

Date: 12/08/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE J.M. PANCHAL

For Appellant(s)

Mr. Gopal Singh,Adv.

Mr. Manish Kumar,Adv.

Mr. Anis Ahmad Khan,Adv.

Mr. M.Z.Chaudhary,Adv.

Mr. S.A.Khan,Adv.

Mr. Aftab Ali Khan,Adv.

Mr. Rashid Khan,Adv.

Mr. Naresh Kumar,Adv.

-2-

Mr. R.K.Khanna,Sr.Adv.

Mr. A.K.Pandey,Adv.

Ms. Sunita R.Singh,Adv.

Ms. Shefali Jain,Adv.

Ms. Ranjana Narayan,Adv.

Mr. Rajesh Pd. Singh,.Adv.

Mr. Irshad Ahmed,Adv.

For Respondent(s)

Mr. Rajesh Prasad Singh,Adv.

Mr. Ashok Mathur ,Adv

Mr. D.N. Goburdhan ,Adv

Mr. K.K.Tyagi,Adv.

Mr. P. Narasimhan,Adv.

Mr. Iftekhar Ahmad,Adv.

Mr. Naveen Prakash,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Shrish Kumar Misra, Adv.  
Mr. Ajit Kumar Sinha, Adv.  
Mr. Ranbir Singh Yadav, Adv.  
Mr. Irshad Ahmad, Adv.  
Mr. Himanshu Shekhar, Adv.

Mr. Arvind Kr. Shukla, Adv.  
Mr. Alok Shukla, Adv.  
Mr. G.D. Mishra, Adv.  
Mr. Praveen Swarup, Adv.

Mr. C.D. Singh, Adv.

Mr. B. Dutta, ASG.  
Ms. Rekha Pandey, Adv.  
Mr. Y.P. Mahajan, Adv.  
Mr. D.S. Mehra, Adv.

-3-

UPON hearing counsel the Court made the following  
ORDER

The disputes between the parties were referred to an Arbitration Committee headed by Hon'ble Mr. Justice S. Saghir Ahmad, former Judge of this Court. The Arbitration Committee has now filed its report.

Heard all the parties and all parties have agreed to the report. None of the parties have filed any objection. Report is accepted.

There were large number of employees working in the Bihar State Road Transport Corporation. By the bifurcation of the State of Bihar, the new State of Jharkhand was formed. There was no proper settlement of the rights of the employees working in the Transport corporation consequent on the bifurcation of the Bihar State Road Transport Corporation between the State of Bihar and the newly formed State of Jharkhand. In the report certain directions have been given as to how the disputes are to be settled. As the disputes are before this court neither the State nor the Corporation was

--4-

paying any salaries to the employees working in the Bihar State Road Transport Corporation. Pursuant to the directions passed by this court the employees are being paid 50% salary from 1/12/2000. In the Report of the Arbitration Committee in clause (V) of the recommendations it is stated:

"Bihar State Road Transport Corporation has been paying half of the salary to its employees every month in terms of the Hon'ble Supreme Court's Order dated 10.11.2000 with effect from 1.12.2000. The employees remaining with the Bihar State Road Transport Corporation shall continue to be paid their salary at the aforesaid rate till appropriate orders are passed by the Hon'ble Supreme court in that regard either modifying or vacating that Order to ensure either payment of full salary or salary at the present rate. This will also ensure continuity of service of the employees of the Bihar State Road Transport Corporation."

-5-

Similarly the employees working in the Jharkhand State Road Transport Corporation are also paid 50% of their salaries. We make it clear that the remaining 50% salary, which is in arrears, to be paid to the employees by the State of Bihar as well as by the State of Jharkhand within a period of six months. Since 1/12/2000, there must have been employees who must have been retired from service, those employees shall be similarly paid with the arrears of salary due to them within the period stipulated along with the retiral benefits. Some of the employees must have been died during the pendency of these matters. The legal heirs of those employees would also be entitled to get the arrears of salary as well as other retiral benefits or any benefits consequent upon the death of the employees. Same shall be paid to them within a period of six months. The legal heirs would be at liberty to file applications before the Transport commission of the State of Bihar and Jharkhand.

-6-

The counsel appearing for the State of Jharkhand is not present. If the State of Jharkhand decides not to have any State owned Transport Corporation or wants to terminate the services of the employees who are allotted to that State, those employees would be entitled to all the benefits in accordance with the provisions of the Industrial Disputes Act.

Both the Corporations shall pay the full salary to the employees. In all other respects the Report of the Arbitration Committee is accepted and they have to implement the report at the earliest.

Post these matters in the 2nd week of December, 2008.

[SUMAN WADHWA]  
COURT MASTER

[VEERA VERMA]  
COURT MASTER