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C.A.No. 7290 OF 1994

ITEM No.1

Court No. 6

SECTION XVII
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

I.A.Nos.9,14,17,18-22,23-24,25 in
Civil Appeal No.7290/1994

STATE OF BIHAR

Appellant (s)

VERSUS

SURAJ DEO SINGH & ORS

Respondent (s)

[For interim directions and directions and extension of time and exemption from filing O.T. and intervention and Office Report]

With

W.P.(C)No.337/2001; I.A.No.2 in SLP(C)No.4693/2001; Contempt Petition(C)No.342/2004; and Contempt Petition(C)No.541/2004.

Date : 11/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)Mr. B.B. Singh,Adv.
Mr. Kumar Rajesh Singh, Adv.

For Respondent (s)Mr. Rajesh Prasad Singh,Adv.

Union of IndiaMr. B. Dutta, ASG
Mr. Navin Prakash, Adv.

Mr. Shrish Kumar Misra,Adv.

Mr. Irshad Ahmad,Adv.

Mr. Himanshu Shekhar,Adv.

Mr. K.R. Nagaraja,Adv.

Mr. A.P. Jain, Adv.
Mr. E.R. Sumathy, Adv.
Ms. Savita Aggarwal, Adv.

State of Jharkhand Mr. Ashok Mathur,Adv.
Mr. Rajesh Pathak, Adv.

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Mr. Arvind Kumar Shukla, Adv.
Mr. Praveen Swarup, Adv.

Mr. P. Parmeswaran,Adv.

Mr. P.S. Mishra, Sr. Adv.
Mr. Amitesh Chandra Mishra, Adv.
Mr. T.H. Vardhan, Adv.

Mr. Upendra Mishra, Adv.
Mr. C.D. Singh, Adv.

Mr. R.K. Jain, Sr. Adv.
Mr. R.K. Khanna, Adv.
Mr. Akhilesh Kr. Pandey, Adv.
Mr. Rajeev Singh, Adv.
Mr. Rajesh Prasad Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

On 24th September 2004 this Court passed an order appointing a Committee to go into the disputes between the State of Bihar and Jharkhand concerning the Bihar State Road Transport Corporation. The Govt. of Bihar has suggested the names of Mr. N.K. Sinha, Addl. Finance Commissioner, Govt. of Bihar and Mr. G.S. Kang, Development Commissioner, Govt. of Bihar, to represent the State of Bihar and Govt. of Jharkhand has suggested the names of Mr. A.C. Ranjan, Commissioner and Secretary, Transport and Civil Aviation, Govt. of Jharkhand and Mr. Rajiv Arun Ekka, State Transport Commissioner, Govt. of Jharkhand, to represent State of Jharkhand, to be the members of the Committee. The Chairman of the Committee shall be a retired Judge of this Court and the counsel appearing on either side will suggest the name after taking consent of the proposed Chairman. The State of Bihar has submitted draft Terms of Reference and separate Terms of Reference have been submitted by the State of Jharkhand. We have heard counsel on both sides. We have also heard the counsel who represented some of the employees of the Corporation.

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The following Terms of Reference shall be considered by the Committee:

"1. The distribution of assets and liabilities of the Bihar State Road Transport Corporation between the States of Bihar and Jharkhand.

2. The requirement of continuation or otherwise of the Bihar State Road Transport Corporation in its united form as inter-State Corporation till the completion of its financial revival package approved by the this Court.

3. The determination of share of respective States in financial revival package for the entire cost of revival package.

4. The Committee shall also consider how the present employees of the Bihar State Road Transport Corporation shall be divided between the two States and their future employment with protection to their continuance."

In making its recommendations, the Committee should have regard, among other consideration, to :

"1. The set of criteria on a scientific and rational approach.

2. The transport potentialities of two States derived on the basis of passenger potentialities of passenger vehicles in two States.

3.The ratio of overall vehicle population in the two States.

4.The per capita State Domestic Product (SDP) of the two States.

5.The business potentialities available in the two States derived on the basis of nationalised route exclusively reserved for the buses of the Bihar State Road Transport Corporation.

6.The ratio of landed property of the Bihar State Road Transport Corporation situated in the two States.

7.Any other relevant/logical criterial for the equitable distribution of assets and liabilities with a view to ensure that economic revival package is not affected adversely."

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In case the employees are allotted to State of Jharkhand and it decides not to continue with the State Road Transport Corporation their continuance or otherwise in service shall be ensured and they shall be assured of the benefits enshrined in the Industrial Disputes Act, 1947.

The Committee shall also have regard to the Notification No.S.O.1437(E) dated 18th December 2003 and Notification No.S.O.61(E) dated 14th January 2004 issued by the Ministry of Road Transport and Highways. The Committee shall furnish its report within a period of four months from the date of its constitution.

List the matter after two weeks.

(Subhash Chander) (Veera Verma)
Court Master Court Master