

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6539 OF 2004

RAJASTHAN STATE ROAD
TRANSPORT CORPORATION

Appellant

VERSUS

E.S.I. CORPORATION

Respondent

O R D E R

This appeal is directed against judgment and order dated 12/11/2003 passed in SBSCA No. 634/2002 by the High Court of Rajasthan at Jodhpur, wherein the High Court has dismissed the appeal of the Appellant and upheld the order passed by the learned Single Judge.

Heard counsel for the parties and examined the impugned judgment and order wherein we notice that the only question that was considered was whether the payment in respect of "night shift allowance" and "incentive allowance" is covered by the definition of 'wages' under Section 2(22) of the Employees State Insurance Act, 1948.

Learned Single Judge as also the Division Bench of the High Court have consistently held that "night shift allowance" and "incentive allowance" would be covered within the definition of 'wages' and for this purpose reliance has been placed on the decision of this Court in the matter of Accountant General, Bihar and Another Vs. N. Bakshi reported in AIR 1962 S.C. 505 which finds mention in the impugned judgment.

Having heard counsel for the respondent as also in view of the ratio of the judgment and order relied upon, we see no reason to take a different view from what has been held earlier.

The appeal, therefore, has no merit and substance and is accordingly dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
FEBRUARY 12, 2014

ITEM NO.102

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 6539 OF 2004

RAJASTHAN STATE RD. TRANSPORT CORP.

Appellant (s)

VERSUS

E.S.I. CORPORATION

Respondent(s)

(With prayer for interim relief)

Date: 12/02/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. S.K. Bhattacharya, Adv.

For Respondent(s) Mr. V.J. Francis, Adv.
Mr. Anupam Mishra, Adv.

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

Civil Appeal is dismissed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER

(Signed order is placed on the file)