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C.A.No. 12643 OF 1996  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
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~ ITEM NO.106 COURT NO. 7 SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 12643/1996

Govt. TPT. Service .. Appellant (s)

Vs.

S.L. Mishra & Ors. .. Respondent(s)

( With appln. for stay and office report )

DATE : 21.3.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. S.V. Deshpande, Adv.  
Mr. S.S. Shinde, Adv.

For Respondent (s) : Mr. Bhimrao N Naik, Sr. Adv.  
Mr. C.L. Solshe, Adv.

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

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.SP2

The appeal is dismissed in terms of the signed order.

.SP1  
Charanjit [ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 12643/1996@@  
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Govt. TPT Service .. Appellant

Vs.

S.L. Mishra & Ors. .. Respondents

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The short question that arises for consideration in this case is the applicability of Motors Transport Workers Act to the workmen who are respondents before us.

The Government set up a separate Department known as Government Transport Service which had to maintain vehicles and provide transport with the help of its staff. The material placed before the High court in the shape of the Government Resolutions, Department Circulars, the affidavits filed thereto indicated that the vehicles of the Government Transport Service are given out against payment, that regular bills are raised in respect of charges which are even described hire charges. In certain cases when such vehicles are given for the use of V.V.I.Ps., V.I.Ps. and State Guests such charges are paid by the concerned department of the State Government. In other cases where charges are not borne by the State Government the charges are paid by the person using the vehicle. In these circumstances there cannot be any doubt that the Department G.T.S. is an undertaking engaged in

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carrying passengers, as defined in Section 2 (g) of the Motor Transport Vehicles Act and is covered by sub Section (4) of Section 1. Therefore, we find that the view taken by the High Court is perfectly in order and calls for no interference. The appeal is dismissed.

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[ S. RAJENDRA BABU ]@@  
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[ S.N. VARIAVA ] @@  
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New Delhi,@@  
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March 21, 2001 @@  
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