

è\*IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.321 OF 2013

M.D.,M.P.Road Transport Corporation & Anr. ..Appellants  
VS.

Prantiya Rajya Parivahan Karamchari Sangh & Ors ..Respondents

O R D E R

The present appeal arises out of judgment and order dated 1 st

July, 2011 passed by the High Court of Judicature of Madhya Pradesh, Bench at Indore. The High Court in paragraph 8, after taking into consideration the settlement dated 3 rd

February, 1988 arrived at between the Managing Director, M.P.State Road Transport Corporation and the M.P.Transport Workers Federation, has held that all the employees of the Corporation are entitled to the same rate of dearness allowance as is being payable to the employees of the M.P. State Government prior to the Fifth Central Pay Commission's report having been accepted by the State Government for its employees but this report has not been implemented so far as the employees of the State Road Transport Corporation is concerned.

We have heard learned counsel for the parties.

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We do not find any good ground to interfere with the impugned judgment for the simple reason that in terms of the agreement it was agreed between the M.P. State Road Transport Corporation, the appellant No.1 herein and the Prantiya Rajya Parivahan Karmachari Sangh-respondent No.1 that the same amount of dearness allowance which is payable to the State Government employees would be payable to the employees of the M.P.State Road Transport Corporation. It is not in dispute that even those employees of the State Government who have not opted for the revised pay scale recommended by the Fifth Central Pay Commission, are being paid the old pay scale but the amount of dearness allowance is higher than what is being paid to the employees who have opted for the pay scale given by the Fifth Central Pay Commission. As the employees of the M.P.State Road Corporation having not been given the benefit of the revised pay scale recommended by the Fifth Central Pay Commission, they are being paid the old Fourth Central Pay Commission pay scale, however they are entitled for the dearness allowance which is payable to the employees of the State Government who are getting the old pay scales.

It is pertinent to mention here that the Division Bench of the Madhya Pradesh High Court has clarified regarding the payment of the increased dearness allowance to the employees who have opted for Voluntary Retirement

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Scheme during their service period before having retired voluntarily.

Payment of arrears of dearness allowance be made to the existing employees as well as those who have retired voluntarily, till the time they were in service, by making an advertisement in the newspaper inviting applications from the employees and the employees who have already retired voluntarily. Appellant No.1 shall get the details from the employees and shall verify from the records and make necessary payments within two months.

The amount deposited before the Industrial Tribunal shall be returned to the M.P.State Road Transport Corporation-appellant No.1 for disbursement.

