

CORRECTED

ITEM NO.301

COURT NO.5

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

Petition(s) for Special Leave to Appeal (C) No.25452/2009

(Arising out of impugned final judgment and order dated 19/05/2009 in CSA No.724/2002,19/05/2009 in CWP No. 4885/1991 passed by the High Court of Rajasthan at Jaipur)

RAJASTHAN STATE ROAD TRANSPORT CORP.

Petitioner(s)

VERSUS

BUTA BEGUM (D) THR. LR. & ORS.

Respondent(s)

(With interim relief and office report)

WITH S.L.P. (C) No.25927/2009

(With appln.(s) for directions and appln.(s) for directions and interim relief and office report)

Date : 24/11/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv.  
Mr. Puneet Jain, Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Tushar Mehta, ASG  
Mr. Ram Naresh Yadav, Adv.  
Ms. Ruchi Kohli, AOR

Mr. M.R. Calla, Sr. Adv.  
Ms. Pratiksha Sharma, Adv.  
Mr. Kumar Shashank, Adv.  
Mr. Galav Sharma, Adv.  
Mr. Ankit Acharya, Adv.  
Mr. Gaurav Dave, Adv.  
for M/s. Parekh & Co.

Mr. P. Vinay Kumar, AOR

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

This Court on 13<sup>th</sup> November, 2014, had passed the following order:

"It is submitted by Mr. Tushar Mehta, learned Additional Solicitor General appearing for the State of Rajasthan, that in pursuance of earlier order dated 22<sup>nd</sup> September, 2014, the State Government had convened a meeting and was in a fix to take a decision as thousands of employees are there. At this juncture, Mr. M.R. Calla, learned senior counsel appearing for the respondent No.1, Rajasthan Parivahan Nigam Karamchari and Adhikari Kalyan Samiti, Jaipur, in S.L.P.(C) No.25927 of 2009, submitted that there are only seventy-seven employees. On a query being made, Mr. Sushil Kumar Jain, learned senior counsel appearing for the Rajasthan State Road Transport Corporation, submitted that there are 60 to 65 writ petitions pending in the High Court of Rajasthan. Mr. Satish Kumar Parashar, Executive Director (Legal), Rajasthan State Road Transport Corporation, Jaipur, who is looking after these cases, has submitted that each case before the High Court has been filed by an individual petitioner. Whether the cases are same or not, Mr. Jain and Mr. Calla shall obtain instructions.

Mr. Calla has filed a chart which

contains the amount payable to fourteen persons. It comes to Rs.86,67,324/-. On being asked, whether the respondents would be satisfied by one time grant of the benefit, Mr. Calla fairly conceded to the same. Similar concession has been given to by Mr. P. Vinay Kumar, learned counsel appearing for the respondent in S.L.P.(C) No.25452 of 2009. It is hereby made clear that when we say one time benefit, it means that the legal representatives would not be entitled to any kind of benefit after the death of the employee.

The Rajasthan Road Transport Corporation and the State Government shall compute the amount on that score and come with the figure, as *prima facie* we find that if the computation of Mr. Calla is going to be accepted, the liability of the State Government in respect of eighty persons would approximately come to Rs.3.5 crores and we are sure that the State shall share this burden as a one time measure where the employees who have suffered and are suffering can find some solace. We say no more on this score. Yet, at the cost of repetition, we reiterate that the State Government as a virtuous employer, as submitted by Mr. Calla, would have a larger canvass of open mindedness and live up to the concept of modern employer. Needless to emphasize, as a settlement would be arrived at, as perceived at present, the judgment of the High Court would be modified accordingly and the

settlement, which has been recorded, would not be a precedent. To elaborate, the question of law that has emanated in this case shall be kept open.

As prayed for by Mr. Tushar Mehta and Mr. Sushil Kumar Jain, let the matters be listed on 24<sup>th</sup> November, 2014, at 2.00 p.m."

It is submitted by Mr. Tushar Mehta, learned Additional Solicitor General appearing for the State of Rajasthan and Mr. Sushil Kumar Jain, learned senior counsel appearing for the Rajasthan State Road Transport Corporation that at present the State and the Corporation is in a position to settle the dispute with regard to the fourteen persons, whose names are given at Enclosure-3 filed by Mr. M.R. Calla, learned senior counsel appearing for the respondent. The said fourteen names are:

1. Jayantilal Dave
2. C.M. Banerjee
3. Soorajmal Sharma
4. Poonam Chand
5. Rijjumul
6. Tej Sing
7. Udai Ram
8. Nazir Ahmed
9. Chittar Singh
10. Chajju Ram
11. Madhoram
12. Amar Lal Mathur
13. L.S. Rathore
14. P.N. Vyas

In pursuance of the aforesaid order, Mr. Mehta and Mr. Jain have filed a chart of calculation on the arrears.

The total amount payable to the fourteen persons, as per the calculation, comes to Rs.80,46,151/-. At this juncture, it is submitted by Mr. Sushil Kumar Jain, learned senior counsel appearing for the Corporation that the father of Chittar Singh (at Sl.No.9), who was the employee of the Corporation, was extended benefit of pension by the Corporation and after his death, family pension was given to his wife and, in the meantime, the wife has also expired. Mr. Calla shall obtain instructions in this regard.

As far as the other members of the list are concerned, the Corporation shall disburse the amount as per the calculation mentioned in column No.5 of the chart, produced by Mr. Mehta, within a period of four weeks.

The amount that has been mentioned against the name of late Shafique Ahmad (mentioned in the Chart), shall also be paid to his legal heirs within the same time. Be it stated, the amount that will be paid to the legal representatives of late Shafiq Ahmad, shall be in full and final settlement and the Corporation would not be liable to pay anything more. Recording it as a settlement, S.L.P.(C) No.25452 of 2009, stands disposed of.

As far as other employees are concerned, Mr. Calla has given their names. Mr. Tushar Mehta and Mr. Sushil Kumar Jain, learned Additional Solicitor General and learned senior counsel appearing for the State of Rajasthan and the

State Road Transport Corporation, respectively, shall obtain instructions and also give us a chart like the one they have given today, so that controversy can be put to rest.

For the aforesaid purpose, we grant the State and the Corporation six weeks' time.

At this juncture, we have been apprised that one S.L.P.(C) No.28124 of 2009, titled *Rajasthan State Road Transport Corporation vs. Madan Lal Sharma and Another*, is pending before this Court. Let the said special leave petition along with the present special leave petition [S.L.P.(C) No.25927 of 2009] be listed on 9<sup>th</sup> February, 2015, at 2.00 p.m. for further hearing.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master