

ITEM NO.301

COURT NO.6

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)  
(For final disposal)

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

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

Date: 13/11/2014 These petitions were 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. Abhinav Gupta, Adv.  
Ms. Khushbu Jain, Adv.  
Ms. Ankita Gupta, Adv.  
Ms. Pratibha Jain, AOR

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

Mr. M.R. Calla, Sr. Adv.  
Mr. Kumar Shashank, Adv.  
Mr. Salav Sharma, Adv.  
Mr. Ankit Acharya, Adv.  
for M/s. Parekh & Co.

SLP 25452/09

Mr. P. Vinay Kumar, AOR

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

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.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master