

ITEM NO.301

COURT NO.8

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(s). 25452/2009

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

RAJASTHAN STATE ROAD TRANSPORT CORP.

Petitioner(s)

VERSUS

BUTA BEGUM & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 25927/2009

(With appln.(s) for directions and appln.(s) for directions and Interim Relief and Office Report)

Date : 22/09/2014 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. Puneet Jain, Adv.
Ms. Pratibha Jain,Adv.

For Respondent(s) Ms. Shefali Shandilya, Adv.
Mr. P. Vinay Kumar,Adv.

Ms. Pragati Neekhara,Adv.

Mr. M.R. Calla, Sr.Adv.

Ms. Pratiksha Sharma, Adv.

Mr. Ankit Acharya, Adv.

Mr. Gaurav Dave, Adv.

Mr. Shashank, Adv.

Mr. G. Sharma, Adv.for

M/s. Parekh & Co.,Adv.

Mr. Ram Naresh Yadav, Adv.

Ms.Ruchi Kohli, Adv.

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

On 9th July, 2014, after due deliberation the following

order was passed:

"Delay condoned.

Substitution allowed.

Heard in part.

In the course of hearing two suggestions have been given to Mr. Ram Naresh Yadav learned counsel for the State and Mr. Sushil Kumar Jain learned senior counsel for the Rajasthan State Road Transport Corporation the petitioner herein (i) that regard being had to the number of employees, the Corporation and the State working in harmony may grant pension to the employees who are alive from the date of decision of the learned Single Judge dated 26.07.2002 without interest and (ii) similar benefit may be extended to the employees who were alive after that date and died in the meantime for the period of their life and thereafter extend the benefit of family pension to the legal representatives as entitled under the prevalent pension scheme.

We hope and trust that the State shall come forward with some kind of an affirmative response so that the respondents out of which most have left for their heavenly abode and the widows are living in misery and the number of people who are living without any kind of subsistence would get some benefit. Be it stated, that these are the suggestions by this Court to the model employer who is expected not to bring in technical fetters. We say so without expressing any opinion on the merits of the case.

Let the matters be listed on 22.09.2014 for further hearing."

Mr. Sushil Kumar Jain, learned senior counsel appearing for the Rajasthan State Road Transport Corporation has submitted that he has filed an application stating that the Corporation is not in a position to accept the suggestion because of the financial constraints. The said submission leaves us unimpressed because our direction was that the State and the Corporation should work in harmony so that the suggestion given in the order may have the

room for implementation. On a query being made from Mr. Ram Naresh Yadav, learned standing counsel for the State of Rajasthan, he only apprised us that he has written to the authorities and not got any response. We must put on record that we do not appreciate the attitude shown by the State. In our view, the State should have taken the suggestion absolutely seriously regard being had to the concept of welfare of State, the financial plight of the Corporation and penury of the families of the beneficiaries who have served the Corporation. It is quite perplexing that the authorities have shown no response to the suggestions.

In view of the obtaining situation, we would like our present order in entirety shall be placed before the Chief Secretary of the State who in turn shall put it before the highest Executive by following the due procedure so that a solution can be arrived at. We repeat at the cost of repetition, the suggestions were given by this Court so that the families are not driven to the streets.

At this juncture, we are obligated to state that out of 77 persons who are beneficiaries, 75 of them have already left for their heavenly abode and the other two surviving persons are octogenarians. We may hasten to clarify, our suggestions given hereinabove would only relate to 77 employees and the said position is conceded to by Mr. Calla learned senior counsel appearing for the respondents. We may further clarify that when the State

Government accepts a suggestion it is in respect of the singular case and it will not have any impact on the broader spectrum. We may also note that Mr. Calla learned senior counsel submitted that the total financial burden on the State would not exceed Rs.60 lakhs.

The Registry is directed to send the copy of this order by fax to the Chief Secretary of the State of Rajasthan.

Let the matters be listed on 13th November, 2014 at 2.00 p.m. for further hearing.

(USHA BHARDWAJ)
AR-CUM-PS

(RENUKA SADANA)
(COURT MASTER)