

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 191 OF 2012
IN
WRIT PETITION (CIVIL) NO. 337 OF 2001

RAM PUKAR RAI & ORS.

Petitioner(s)

VERSUS

UDAI SINGH KUMAWAT

Respondent(s)

O R D E R

This Contempt Petition has been filed by the petitioners alleging therein that the order of this Court dated 24.08.2011 passed in Writ Petition (Civil) No. 337 of 2001 has not been complied with by the respondent.

2. This Court on 24.08.2011, while disposing of Writ Petition (Civil) No. 337 of 2001 and other connected Civil Appeals and Contempt Petitions, recorded the undertaking of the learned senior counsel appearing for the Bihar State Road Transport Corporation (for short 'Corporation') as follows :-

"Mr. Sunil Kumar, senior advocate appearing for the Corporation, stated that the State of Bihar had already paid to the Corporation a sum of Rs. 458.77 crores, which was in full discharge of its liability under the award made by Justice (Retd.) Saghir Ahmad. The Corporation was further to receive a sum of Rs. 35,19,57,949 from the State of Jharkhand. As per the assurance given by the counsel for the State of Jharkhand, the aforesaid sum would be paid to the Corporation by September 03, 2011. Mr. Sunil Kumar stated that the aforesaid sums (all the money received from the State of Bihar and the State of Jharkhand under the award) would be more than sufficient to pay off the entire arrears of all the employees of the Corporation, who are presently working and who might have retired from service or passed away. Mr. Sunil Kumar further stated that the arrears of the Corporation's employees were broadly under the following heads:

- i) gratuity and unutilized leave salary encashment to retired/expired staff upto December 31, 2011;
- ii) CPF of retired and expired staff upto December 31, 2011;
- iii) arrears of salary to working staff upto September 2011;
- iv) balance amount of CPF to retired/expired staff upto March 31, 2012;
- v) DA arrears and arrear I.R. to retired/expired and working staff within 3 months after receipt of clarification from Government; and
- vi) current salary to working staff upto March 2012."

3. The reply affidavit has been filed by the respondent

wherein it is stated that the payment of the dues in compliance of the order of this Court dated 24.08.2011 in respect of working as well as retired/deceased employees of the Corporation has been made in the following manner :-

(i)	Gratuity	100%
(ii)	Leave encashment	100%
(iii)	Arrear of salary to retired and working staff	100%
(iv)	C.P.F.	95%
(v)	D.A. & I.R. Arrear	90%
(vi)	Current salary to working staff	100%

4. In the reply affidavit, it is further stated as follows :-

"It is further respectfully submitted that the above payment been made to more than around 6400 retired/working employees through issuance of more than 37500 cheques. This has been done inspite of all constraints faced by the Corporation where 88% of the employees are above 50 years of age, where there has been no fresh regular recruitment since 1988 and where there is serious shortage of staff in the accounts section which deals with payment of dues. Thus, Rs. 476.55 crores has already been paid to retired/dead and working which is more than 96% of the total dues to the said employees. Details of payments made to working staff and retired/dead employees till 30.11.2009 is given at ANNEXURE R-2. It is further respectfully submitted that dues of only 26 retired/dead employees out of total of more than 4200 retired/dead have not been paid on account of legal dispute between heirs, FIR having been filed due to criminal misconduct and in one case the employee not having vacated the BSRTC quarter."

5. With respect to balance 5% of CPF and 10% of DA and IR which have not been paid, it is submitted that the Corporation maintains CPF ledger and when the Corporation started giving payments, it was realised that the CPF register entries were not certified by any staff since the very beginning.

6. We have carefully considered the above stand of the respondent. It transpires therefrom that more than 4200 retired/dead employees have been paid their dues to the extent of 96%. 26 retired/dead employees could not be paid their outstanding dues on the ground of legal dispute between heirs.

7. As regards balance towards CPF, DA and IR, we are satisfied that except with regard to those employees who have not vacated Corporation quarter or against whom FIRs have been filed, the rest of the employees and if the employees have died their legal

representatives, shall be paid the balance 5% of CPF and 10% of DA and IR at the earliest by the Corporation and in no case later than three months from today. The Court may have to take a very serious view of the matter if the above is not complied within time.
8. Contempt Petition is disposed of as above.

.....J.
(R.M. LODHA)

NEW DELHI;J.
DECEMBER 2, 2013 (SHIVA KIRTI SINGH)

ITEM NO.41 COURT NO.3 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 191 OF 2012 IN W.P(C) 337/2001

RAM PUKAR RAI & ORS. Petitioner(s)

VERSUS

UDAI SINGH KUMAWAT Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

WITH

CONMT.PET.(C) NO. 411 of 2013 in W.P(C) 337/2001
(FOR PREL. HEARING)

Date: 02/12/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

CP 191/2012 Mr. D.K. Thakur, Adv.
Dr. V.P. Appan,Adv.

CP 411/2013 Mr. Shiv Ram Sharma, Adv.
Ms. Renu Kumari, Adv.
Mr. Ashok Kumar, Adv.

For Respondent(s)

CP 191/2012 Mr. Aparna Jha, Adv.
Mr. Vijay Kumar, Adv. for
Mr. Braj Kishore Mishra,Adv.

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

Contempt Petition (Civil) No. 191 of 2012
in Writ Petition (Civil) No. 337 of 2001

Contempt Petition is disposed in terms of the signed order.

Contempt Petition (Civil) No. 411 of 2013
in Writ Petition (Civil) No. 337 of 2001

Issue notice returnable in ten weeks.
Dasti, in addition to the ordinary process, is permitted.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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(signed order in Contempt Petition (C) No. 191
of 2012 in Writ Petition (C) No. 337 of 2001
is placed on the file)