HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Writ Contempt No. 1027/2018

in

S.B. Civil Writ Petition No.16013/2017

Dungav Ram S/o Shri Kesar Dev, Aged About 66 Years, R/o Village Ladhsar, Tehsil Ratangarh, District Churu

----Petitioner

Versus

1. Shri Raj Hans Upadhyay, The Managing Director, Rajasthan State Road Transport Corporation, Jaipur.

2. Miss. Anupama Saraswat, The Chief Manager, Rajasthan State Road Transport Corporation, Sardarshahar Depot, District Churu.

---Respondents

Rajasthan State Road Transport Corporation, Retired Employees Association (Regd.) through its General Secretary Hargovind Sharma S/o Late Roopnarayan, aged about 75 years, R/o 10/35 Swarn Path, Mansarovar, Jaipur.

---Intervenor

For Petitioner(s) : Mr. G.R. Punia, Senior Advocate
assisted by Dr. Shanti Choudhary
Mr. Sushil Solanki
Mr. Narendra Thanvi
Mr. Hanuman Singh
Mr. Pradeep Singh
Mr. D.K. Soni
Mr. Shardul Singh
Mr. V.R. Choudhary
Mr. Dharmpal Singh Dhaka
Mr. SG Ojha
Mr. VK Aggarwal
Mr. Rishabh Tayal
Mr. Jitendra Choudhary
Ms. Muskan Jangid
Mr. Sukesh Bhati
Mr. Vivek Sharma
Mr. Shreyansh Mehta
Mr. Mohan Singh Shekhawat
Mr. HS Rajpurohit
Mr. Tanwar Singh
Mr. Ashwini Purohit
Mr. Prakash R Devasi
Mr. Usman Ghani

Mr. S.K.Verma
Mr. Dev Anand Sharma
Mr. Kailash Jangid
Mr. KK Vyas
Mr. Gourav Thanvi
Mr. Yuvraj Sonel
Mr. DS Gour
Mr. S.K.Poonia
Mr. PD Bohra
Mr. Hapu Ram
Mr. Hamir Singh Sidhu
Mr. Anirudh Purohit
Mr. Ankit Bhaskar for
Mr. S.S. Paliwal
Mr. Pabu Ram
Mr. Lokesh Mathur
Mr. Mahaveer Bhanwariha
Mr. Sameer Pareek
Ms. Ayushi Solanki
Mr. Kailash Trivedi
Mr. Vikram Singh
Mr. Deepak Saraswat
Mr. Manish Kumar Pareek for
Mr. D.S. Thind

For Respondent(s) : Mr. Harish Kumar Purohit
Mr. Mahaveer Bishnoi, AAG
Mr. Manish Shukhla, Financial Advisor, RSRTC Head Office, Jaipur

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JUSTICE DINESH MEHTA

Order

10/12/2024

I.A.No.01/2024 in S.B. Writ Contempt No. 1027/2018:-

1. The present application has been filed by the applicant – Rajasthan State Road Transport Corporation Retired Employees Association seeking their impleadment in the present contempt petition.

2. Having heard learned Senior Counsel and considering that the Association is representing all the retired employees of the Rajasthan State Road Transport Corporation (hereinafter referred

to as 'Corporation'), the application is allowed so that a common order, which can be made applicable to all the retired employees with common consensus can be passed. The applicant is allowed to intervene in the present contempt proceedings.

3. The amended cause title is taken on record.

4. Present contempt petition so also other petitions enlisted in the Schedule appended herewith which involve identical allegation and facts are being disposed of conjointly by this Common order. The Schedule shall be treated as part and parcel of the order instant.

5. The petitioners herein have raised a grievance that though the respondent – Corporation was under the order of this Court to clear their retiral dues in accordance with law in time bound manner, but the amount which the respondent – Corporation has calculated is not in accordance with law and contrary to record.

6. It is contended by learned counsel for the petitioners that the entire record and details which are necessary for calculation of the due payment is with the respondent – Corporation and despite claiming the copies under Right to Information Act, the same have not been provided. It was argued that the petitioners have unverified input/information about their claim and therefore, they cannot even properly challenge legality of such adjudication made by the Corporation even if they wish so to do.

7. While informing that pursuant to the order dated 07.05.2024 passed by this Court, the Corporation has determined and sent copy of such determination to each of the employees, who had lodged their claim, learned counsel argued that the petitioners and

other retired employee are dissatisfied with such unilateral determination.

8. An attempt was made to point out the discrepancies, but the Court expressed its inability to enter into such arena having regard to its limitations in contempt jurisdiction. The petitioners were asked to take their remedies before Civil Court or Labour Court etc.

9. Mr. Punia, learned Senior Counsel submitted that the Labour Court/competent Court are neither having expertise to calculate the overtime amount and other dues of the employees nor will they be able to judiciously undertake such exercise, on account of the workload they are already burdened with.

10. Mr. G.R. Punia, learned Senior Counsel for the Association therefore, suggested that the calculation of the amount payable to each of the employees under various heads such as overtime allowances; night allowances; double duty allowances; weekly raised allowances; etc. be got done through a retired accountant at the depot level so as to ensure fair assessment of the amount. He contended that the same would ward-off unnecessary burden on the Courts and statutory or departmental authorities given that the number of claims will be in hundreds.

11. The Financial Advisor of the respondent - Corporation however submitted that the respondent - Corporation is ready to earmark one of its accountant at each depot to consider the claim of the retired employees.

12. Having heard learned counsel for the parties and considering the fact that there are large number of claims and the Labour

Court are already swamped in pending dockets, this Court feels that it would be expedient to get the claims of the employees settled by way of arbitration so as to eliminate the element of bias or prolonged decision. Everyone present in the Court agreed and gave their suggestions in this regard.

13. It was suggested that arbitration be done through retired accountant of the Corporation who shall be nominated (by the Managing Director of the respondent – Corporation) for each of the depot. Neither Mr. Punia nor Mr. Purohit, learned counsel for the respondent – Corporation showed any objection(s).

14. Hence, all these petitions are disposed of with following directions:-

(i) All the retired employees [who had filed their claims pursuant to order dated 07.05.2024 passed in the case of Dungav Ram (S.B. Writ Contempt No. 1027/2018) or the order passed in the case of Tara Chand Panchal (S.B. Writ Contempt No. 1099/2019)] shall file their objection(s)/claim(s) for determination of their retiral dues and other benefits within a period of two months.

(ii) The claims be filed in the office of the Chief Manager of their respective depot (from which depot the concerned employee has retired) in two sets. It will be required of the Chief Manager to give receipt of the claims so filed with seal and date.

(iii) The Managing Director of the respondent – Corporation shall within two months from today nominate one retired accountant or higher official (Retd.) at each depot, to adjudicate the claims so filed.

(iv) Such nominated retired employee shall work as an 'Arbitrator'.

(v) It will be required of the Chief Manager of each Depot to provide a befitting place where the Arbitrator can have his sitting/ hearing.

(vi) All the claims filed by the employees shall be sent to the Arbitrator, who shall fix the date of hearing as per his convenience under intimation to both the parties.

(vii) It will be required of the respondent – Corporation to make entire service record of each of the employees, whichever is necessary for the purpose of determination of claim, available to the Arbitrator.

(viii) An honorarium of Rs.500/- shall be paid by each of the employees/claimants to the Arbitrator**,** while the Corporation shall also pay equal amount to him.

(ix) Out of the amount mentioned in clause (viii) above, half of the amount (Rs.250/-) shall be paid by both the parties to the Arbitrator at the time of first hearing. The remaining amount of (Rs.250/- each) shall be paid by the parties immediately before the final award is passed by the Arbitrator.

(x) The respondent – Corporation shall also be free to file its objections regarding the claim so lodged by the employees.

(xi) The Arbitrator shall take summary proceedings and pass award indicating therein the claim wise details of the amount payable.

(xii) With the consent of all the parties, it is hereby ordered that the determination so made by the said Arbitrator shall be final and

binding on all the parties. No legal remedy against such order shall be permissible to any party.

(xiii) Once the amount is determined by the Arbitrator, it will be required of the respondent – Corporation to pay the same on the basis of the priority as given in the circular dated 03.11.2021 issued by the Corporation.

(xiv) Needless to mention that in case of a deceased employee his wife or legal representative shall be free to pursue the claim.

15. Notices of contempt are hereby discharged.

16. All the captioned contempt petitions stand disposed of in terms of the above directions.

(DINESH MEHTA),J

143-260, 288 and 525, 530-akansha/-

Schedule

S.Nos.	Item Nos.	S.B. Writ Contempt Petition Nos.	Party Names
1.	144	813/2017	Avanti Lal Vs. Kuldeep Ranka & Ors.
2.	146	369/2018	Janardan Pareek Vs. Kuldeep Ranka And Ors.
3.	147	835/2018	Abdul Gani Vs. Rajhans Upadhyaya And Anr.
4.	148	910/2018	Surjeet Singh Vs. Kuldeep Ranka And Anr
5.	149	932/2018	Vijay Kumar Vs. Kuldeep Ranka And Anr.
6.	150	933/2018	Surajprakash Parihar Vs. Kuldeep Ranka, Managing Director
7.	151	940/2018	Ratan Lal Vs. Kuldeep Ranka And Anr.
8.	152	979/2018	Badri Prasad Vs. Raj Hans Upadhyay
9.	153	980/2018	Ummed Singh Vs. Rajhans Upadhyay
10.	154	991/2018	Onkar Singh Vs. Raj Hans Upadhyay
11.	155	992/2018	Kallu Singh Rathore Vs. Shailendra Agarwal
12.	156	1011/2018	Sohan Lal Pareekh Vs. Sh. Raj Hans Upadhyay
13.	157	1041/2018	Bhanwar Singh Bhati Vs. Sanwar Mal Verma, Managing Director
14.	158	1076/2018	Harbhajan Singh Vs. Sawar Lal Verma
15.	159	1092/2018	Kiriti Kumar Vs. Sawar Lal Verma, The Managing Director,
16.	160	1154/2018	Ranjeet Singh Vs. Rajhans Uppadhyay
17.	161	1176/2018	Banshi Lal Deora Vs. Sh. Sawar Lal Verma
18.	162	1205/2018	Satya Narayan Vs. Sanwar Mal Varma
19.	163	1236/2018	Suresh Kumar Vs. Naresh Pal Gangwar
20.	164	1279/2018	Nabbu Khan Vs. Sawar Lal Verma
21.	165	1418/2018	Gokul Singh Jhala Vs.

			Sanwar Mal Verma
22.	166	1430/2018	Smt. Bhanwari Devi Vs. Sawar Lal Verma
23.	167	1448/2018	Gokul Singh Jhala Vs. Sanwar Mal Verma
24.	168	1709/2018	Ajmer Singh Vs. Raj Hans Uppadhyay
25.	169	1710/2018	Dwarka Prasad Vs. Raj Hans Uppadhyay
26.	170	1711/2018	Dwarka Prasad Vs. Raj Hans Uppadhyay
27.	171	1712/2018	Shiv Kumar Vs. Raj Hans Uppadhyay
28.	172	1716/2018	Harbhajan Singh Vs. Raj Hans Uppadhyay
29.	173	1717/2018	Nanak Ram Vs. Raj Hans Uppadhyay
30.	174	1767/2018	Babu Lal Vs. Sawar Lal Verma
31.	175	1778/2018	Brij Lal Vs. Raj Hans Upadhyay
32.	176	190/2019	Durga Shankar Pandiya Vs. Shri Sawar Mal Verma
33.	177	301/2019	Ram Narayan Sharma Vs. Umesh Kumar
34.	178	320/2019	Virendra Bhandri Vs. Sanwar Lal Verma
35.	179	339/2019	Govind Singh Vs. Suchi Sharma
36.	180	370/2019	Chintaman Das Vs. Suchi Sharma
37.	181	499/2019	Jaswant Singh Deora Vs. Suchi Sharma
38.	182	510/2019	Samandra Singh Vs. Suchi Sharma
39.	183	511/2019	Kumbha Ram Vs. Sanwarmal Verma
40.	184	587/2019	Shishupal Singh Vs. Mrs. Suchi Sharma
41.	185	590/2019	Devdutt Swami Vs. Suchi Sharma
42.	186	597/2019	Nirmal Mahatma Vs. Suchi Sharma
43.	187	623/2019	Nemi Chand Sharma Vs. Sanwar Lal Verma
44.	188	631/2019	Hanuman Prasad Sharma Vs. Smt. Shuchi Sharma

45.	189	633/2019	Smt. Shiva Devi Vs. Suchi Sharma
46.	190	683/2019	Bhagirath Singh Solanki Vs. Smt. Suchi Sharma
47.	191	734/2019	Mangesh Kumar Mehta Vs. Sawarmal Verma
48.	192	773/2019	Hari Singh Gurjar Vs. Suchi Sharma
49.	193	820/2019	Bhawani Singh Vs. Suchi Sharma
50.	194	892/2019	Hansraj Gurjar Vs. Umesh Kumar
51.	195	1044/2019	Bhajan Singh Vs. Kuldeep Ranka
52.	196	1046/2019	Balchand Vs. Smt. Suchi Sharma
53.	197	1099/2019	Tara Chand Panchal Vs. Shri Sawar Mal Verma
54.	198	1109/2019	Ashfaque Mohammed Vs. Sawar Mal Verma
55.	199	1114/2019	Roop Lal Vijayvargiya Vs. Shri Sawar Mal Verma
56.	200	1119/2019	Brij Lal Panchal Vs. Sanwar Mal Verma
57.	201	1197/2019	Nahar Singh Vs. Shri Alok Meena
58.	202	1200/2019	Purushottam Lal Paliwal Vs. Shrimati Suchi Sharma,
59.	203	1202/2019	Uday Lal Parashar Vs. Shri Sawar Mal Verma
60.	204	1237/2019	Basant Lal Tailor Vs. Shri Sawar Mal Verma
61.	205	1247/2019	Bhagwan Lal Sharma Vs. Shri Sawar Mal Verma
62.	206	1289/2019	Harish Kumar Shah Vs. Suchi Sharma
63.	207	1296/2019	Satya Narayan Tailor Vs. Mr. Rajhans Upadhyay
64.	208	1310/2019	Binder Singh Vs. Alok
65.	209	1335/2019	Shanti Lal Choudhary Vs. Smt. Suchi Sharma
66.	210	1339/2019	Bhanwar Singh Chundawat Vs. Suchi Sharma
67.	211	1341/2019	Udai Singh Vs. Suchi Sharma
68.	212	15/2020	Ghanshyam Das Sharma Vs. Shri Sawar Mal Verma

69.	213	41/2020	Pratap Singh Rathore Vs. Shri Sawar Mal Verma
70.	214	44/2020	Rehmat Khan Vs. Shri Sawar Mal Verma
71.	215	54/2020	Radheshyam Soni Vs. Sh. Alok
72.	216	141/2020	Balwan Singh Vs. Kuldeep Ranka
73.	217	196/2020	Narpat Singh Jaitawat Vs. Alok
74.	218	207/2020	Chhattra Singh Chouhan Vs. Shri Alok Meena
75.	219	218/2020	Balkrishna Bairagi Vs. Sawar Mal Verma
76.	220	238/2020	Girdhari Lal Vs. Alok
77.	221	262/2020	Jagdish Vyas Vs. Navin Jain
78.	222	330/2020	Than Singh Vs. Shri Naveen Jain
79.	223	333/2020	Amar Singh Gehlot Vs. Shri Naveen Jain
80.	224	342/2020	Nand Lal Kaler Vs. Mr. Alok
81.	225	375/2020	Rajkumar Sharma Vs. Suchi Sharma
82.	226	382/2020	Ummed Khan Vs. Sawar Mal Verma
83.	227	452/2020	Harbhajan Singh Vs. Shri Naveen Jain
84.	228	503/2020	Kalu Lal Paliwal Vs. Naveen Jain
85.	229	511/2020	Bhagwan Singh Vs. State Of Rajasthan
86.	230	627/2020	Ashok Kumar Mehta Vs. Shri Dr. Naveen Chandra Jain
87.	231	647/2020	Ramavtar Sharma Vs. Mr. Ravi Shankar Srivastav
88.	232	684/2020	Mota Ram Vs. Naveen Jain
89.	233	729/2020	Suresh Shrimali Vs. Dr. Naveen Chand Jain
90.	234	51/2021	Gurdeep Kaur Vs. Shri Rajeshwar Singh
91.	235	58/2021	Shivlal Nagar Vs. Naveen Jain
92.	236	153/2021	Ramnivas Vs. Shri Rajeshwar Singh

93.	237	239/2021	Trilok Singh Rajpurohit Vs. Mr. Rajeshwar Singh
94.	238	336/2021	Dev Kishan Sahu Vs. Rajeshwar Singh
95.	239	362/2021	Ratan Lal Vs. Shri Mahaveer Prasad Meena
96.	240	401/2021	Pukhraj Soni Vs. Shri Naveen Jain
97.	241	409/2021	Loon Dan Vs. Shri Rajeshwar Singh
98.	242	441/2021	Govind Prasad Sharma Vs. Mr. Rajeshwar Singh
99.	243	464/2021	Laxmi Narain Sharma Vs. Rajeshwar Singh
100.	244	517/2021	Lalu Ram Paliwal Vs. Rajeshwar Singh
101.	246	671/2021	Roop Singh Bhati Vs. Mr. Sandeep Verma
102.	247	679/2021	Ram Narayan Gena Vs. Mr. Sandeep Verma
103.	248	685/2021	Surendra Kumar Sharma Vs. Mr. Sandeep Verma
104.	249	720/2021	Ramjivan Jat Vs. Mr. Sandeep Verma
105.	250	796/2021	Bhanwar Lal Goyal Vs. Mr. Sandeep Verma
106.	251	74/2022	Rakesh Bishnoi Vs. Mr. Rajeshwar Singh
107.	252	150/2022	Rajendra Trivedi Vs. Shri Sandeep Verma
108.	254	810/2022	Babu Devi Vs. Mr. Sandeep Verma
109.	255	893/2022	Ganpat Lal Vs. Sandeep Verma
110.	256	980/2022	Narendra Kumar Vs. State Of Rajasthan
111.	257	1206/2022	Sewa Singh Vs. Shri Sandeep Verma
112.	258	49/2023	Vijay Ram Vs. Nathmal Dindel
113.	259	175/2023	Ghanshyam Singh Vs. Mr. Nathmal Didelm
114.	260	683/2023	Vinod Kumar Keral Vs. Nathmal Didel
115.	288	517/2023	Ratan Lal Aacharya Vs. State Of Rajasthan
116.	525	706/2020	Ram Swaroop Vs. Naveen Jain

117.	530	544/2024	Madhav Ram Jangid Vs. Smt. Shreya Guha