HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Writ Contempt No. 771/2020

Radheshyam Vaishnav S/o Late Shri Devidas Vaishnav, Aged About 61 Years, Resident Of House No. 212, Ward No. 04, Azad Chowk, Barmer.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Transport, Government Of Rajasthan, Jaipur.
2. Shri Naveen Jain, Managing Director, R.s.r.t.c., Chomu House, Jaipur.
3. Shri Umesh Nagar, Chief Manager, Rsrtc Depot, Barmer.

----Respondents

For Petitioner(s) : Mr. Kailash Choudhary
For Respondent(s) : Mr. Shankar Singh

JUSTICE DINESH MEHTA

Order

23/01/2025

1. Learned counsel for the respondents submits that the case be disposed of in terms of the order dated 10.12.2024 which this Court has passed in **S.B. Writ Contempt Petition No.1027/2018** : **Dungav Ram Vs. Shri Raj Hans Upadhyay & Ors**.

2. The directions given in the case of Dungav Ram (supra) are reproduced hereinbelow for the sake of convenience and clarity:-

> *"(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.

3. The present contempt petition stands disposed of with same directions as has been given in the case of Dungav Ram (supra).

(DINESH MEHTA),J

37-Arun/-