

ITEM NO.53

COURT NO.11

SECTION XI-A

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). 11034/2019

(Arising out of impugned final judgment and order dated 08-04-2019 in WA No. 1011/2019 passed by the High Court Of Kerala at Ernakulam)

KERALA STATE ROAD TRANSPORT CORPORATION
REP. BY ITS CHAIRMAN AND MANAGING
DIRECTOR & ANR.

Petitioner(s)

VERSUS

VENUGOPAL R & ORS.
(FOR ADMISSION and I.R.)

Respondent(s)

Date : 08-05-2019 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Krishnan Venugopal, Sr. Adv.
Mr. Deepak Prakash, AOR
Mr. Subhash Choudhary, Adv.
Mr. Raneev Dahiya, Adv.
Mr. Shashank Menon, Adv.
Mr. Dawneesh Shaktivats, Adv.
Mr. Sidharth Sen, Adv.
Mr. Nachiketa Vajpayee, Adv.
Ms. Divyangna Malik, Adv.

Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

For Respondent(s) Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR
Mr. Judhajit Roy, Adv.

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

The Division Bench of the High Court of Kerala by its impugned judgment and order dated 8 April 2019 has directed the appellant, KSRTC to relieve 1565 empanelled drivers on or before 30 April 2019. These drivers, as the High Court observed, had completed a

period of 180 days.

Even according to the petitioner, as opposed to a requirement of 13,750 drivers, KSRTC has 13,798 drivers on its permanent establishment. However, it has been stated that the requirement of engaging additional staff on daily wages arises where, on a given date, the available strength falls short of the required strength necessary to man the buses. In such an eventuality, it has been urged, it is necessary for KSRTC to engage additional hands.

The modalities of engaging empanelled drivers cannot be continued indefinitely once it is an admitted position that the required strength of drivers on the permanent role is in excess of the required strength. While KSRTC may make suitable arrangements to meet exigencies of a given day, this cannot be a ruse to continue empanelled drivers indefinitely.

Hence, we decline to interfere with the impugned judgment and order of the High Court under Article 136 of the Constitution of India. We clarify that it would be open to the KSRTC in the event that it faces a shortage on any given day to take steps so that the supply of services is not disrupted.

Time for compliance which was granted by the High Court until 30 April 2019 shall stand extended until 30 June 2019.

The Special Leave Petition is, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER