

ITEM NO.29

Court 4 (Video Conferencing)

SECTION XV

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

**Petition(s) for Special Leave to Appeal (C) No.10578/2020**

**(Arising out of impugned final judgment and order dated 04-11-2019 in DBWRW No.54/2019 passed by the High Court of Judicature for Rajasthan at Jaipur)**

**RSRTC**

**Petitioner(s)**

**VERSUS**

**SURESH AGGARWAL & ORS.**

**Respondent(s)**

**Date : 01-10-2021 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

**For Petitioner(s) Dr. Ritu Bhardwaj, Adv.**  
**Mr. Sachin Mittal, AOR**

**For Respondent(s) Mr. Anurag Pandey, AOR**  
**R-1 Ms. Reena Pandey, Adv.**

**Mr. Mohan Kumar, AOR**

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

- 1 By an order dated 23 March 2017, a Single Judge at the Jaipur bench of the High Court of Judicature for Rajasthan allowed a writ petition filed by the first respondent-workman by setting aside the order of punishment dated 10 May 2006 and the appellate order dated 20 June 2007. The punishment was

substituted with an order of compulsory retirement with continuity of service together with an order for payment of 50% back wages.

- 2 DB Civil Special Appeal (Writ) No 19 of 2018 was instituted by the Rajasthan State Road Transport Corporation (RSRTC) to challenge the order of the Single Judge. By a judgment dated 16 April 2018, the Division Bench allowed the appeal and modified the order of the Single Judge by directing the payment of 30% back wages. A review petition, being DB Special Review Petition (Writ) No 54 of 2019 was filed by the respondent. The review was allowed by the Division Bench on 19 August 2019 and the appeal was restored to its original number. By a judgment and order dated 4 November 2019, the appeal which had been restored for fresh hearing was dismissed by the Division Bench.
- 3 The primary submission which has been urged on behalf of the petitioner is that the Division Bench proceeded on an erroneous basis that it was hearing an appeal against the judgment of the Single Judge though, as a matter of fact, the Division Bench had by its order dated 16 April 2018 dealt with the appeal against the order of the Single Judge.
- 4 A counter affidavit has been filed on behalf of the first respondent to controvert the contents of the Special Leave Petition. Annexure R-2 of the counter affidavit is a copy of the order of the Division Bench dated 19 August 2019 by which DB Review Petition (Writ) No 54 of 2019 was allowed and the appeal was restored to the file. It was thereafter, after the writ appeal was restored to the file that the impugned order was passed by the Division Bench on 4 November 2019 dismissing the writ appeal. The entire basis of the challenge to the impugned order of the Division Bench is thus misconceived. The petitioners have suppressed from the Court a copy of the order of the Division Bench dated 19 August 2019 by which the review was allowed and the appeal was restored to its original number for final disposal. The fact that the review was allowed was a matter evidently within the

knowledge of the respondents who were represented before the High Court at the hearing of the review petition. We accordingly find no merit in the Special Leave Petition.

- 5 The Petition is dismissed.
- 6 Pending applications, if any, stand dismissed.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(PARVEEN KUMARI PASRICHA)**  
**ASSISTANT REGISTRAR**