

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.17410 OF 2017  
(Arising out of S.L.P.(C) No.24638 of 2017)

Rajasthan State Road Transport  
Corporation and Another

Appellant(s)

Versus

Smt. Kesar and Others

Respondent(s)

O R D E R

Leave granted.

Heard Mr. S.K. Bhattacharya, learned counsel for the appellants and Ms. Archana Pathak Dave, learned counsel for the respondents.

The present appeal, by special leave, calls in question the legal propriety of the order dated 17<sup>th</sup> May, 2017, whereby the learned Single Judge of the High Court of Judicature for Rajasthan, Bench at Jaipur, has remanded the matter to the tribunal after setting aside its order in S.B. Civil Misc. Appeal No.2506 of 2017.

Having perused the order passed by the High Court, we find that no reasons have been ascribed for remand and, in our considered opinion, in this kind of matters remand should

be avoided as far as possible. Once the tribunal has appreciated the evidence and passed an award, it should be the duty of the High Court to decide the matter on the basis of evidence brought on record.

In view of the aforesaid analysis, we allow the appeal, set aside the order passed by the High Court and remand the matter to the High Court with a request that it shall dispose of the appeal within three months hence. There shall be no order as to costs.

.....CJI.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Dr. D.Y. Chandrachud]

New Delhi  
October 30, 2017.

ITEM NO.55

COURT NO.1

SECTION XV

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.24638/2017

(Arising out of impugned final judgment and order dated 17-05-2017 in SBCMA No. 2506/2017 passed by the High Court of Judicature for Rajasthan at Jaipur)

RAJASTHAN STATE ROAD TRANSPORT CORPORATION & ANR. Petitioner(s)

VERSUS

KESAR & ORS. Respondent(s)

(With appln.(s) for exemption from filing O.T. and prayer for interim relief)

Date : 30-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. S. K. Bhattacharya, AOR  
Mr. L.K. Paonam, Adv.  
Mr. Niraj Bobby Paonam, Adv.  
Mrs. Tomthinnganbi Koijam, Adv.  
Mr. Himanshu Gambhir, Adv.

For Respondent(s) Ms. Archana Pathak Dave, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(Chetan Kumar)  
Court Master

(Signed order is placed on the file)

(H.S. Parasher)  
Assistant Registrar