

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1467 OF 2017

RAJASTHAN STATE ROADWAYS TRANSPORT  
CORPORATION & ORS.

APPELLANTS

VERSUS

NEMI CHAND GUPTA

RESPONDENT

ORDER

1. The appellant-Rajasthan State Roadways Transport Corporation<sup>1</sup> is aggrieved by the judgment and order dated 14<sup>th</sup> October, 2014 passed by the Division Bench of the High Court of Judicature for Rajasthan at Jaipur Bench, Jaipur in a writ appeal<sup>2</sup> whereby, the judgment dated 08<sup>th</sup> August, 2012 passed by the learned Single Judge allowing the writ petition<sup>3</sup> filed by the respondent challenging the order of compulsory retirement passed against him on 24<sup>th</sup> April, 2002, was upheld.

2. *Vide* order dated 08<sup>th</sup> August, 2012, the learned Single Judge directed that the respondent would be deemed to be in service throughout but would be paid only 75% of the back wages. The Division Bench has quoted the observations made by the learned Single Judge in paras 10 and 11 of the judgment and concluded that the findings returned in the judgment dated 08<sup>th</sup> August, 2012,

<sup>1</sup> For short 'the Management'

<sup>2</sup> D.B. Special Appeal (Writ) No.1314 of 2012

<sup>3</sup> S.B. Civil Writ Petition No.3963 of 2002

do not suffer from any error of law.

3. In the course of arguments, it transpires that the Screening Committee had in its meeting conducted on 04<sup>th</sup> December, 2001, considered the case of 24 employees including the respondent herein and subsequently shortlisted 7 of the employees recommending that they be compulsorily retired. The recommendations of the Screening Committee were placed before the Review Committee that deliberated over the matter on 23<sup>rd</sup> April, 2002 and affirmed the report of the Screening Committee thereby upholding the recommendations made for compulsorily retiring the respondent and 6 others.

4. Two of the aforesaid 7 employees, namely, Shri Hari Dutt Purohit and Shri Narain Singh Chauhan challenged the orders of compulsory retirement passed against them. Shri Narain Singh Chauhan filed a writ petition<sup>4</sup> before the High Court which was decided in his favour by the learned Single Judge *vide* order dated 13<sup>th</sup> March, 2007. Shri Narain Singh Chauhan was directed to be reinstated in service with full back wages. The said order was challenged by the appellants before the Division Bench which dismissed the intra-court appeal *vide* order dated 16<sup>th</sup> July, 2015. Dissatisfied by the said order, the appellants preferred a Petition for Special Leave to Appeal<sup>5</sup> before this Court that was dismissed at the stage of admission itself on 08<sup>th</sup> February, 2016. As a result, the relief of reinstatement with full back wages granted to Shri Narain Singh

<sup>4</sup> S.B. Civil W.P. No.1337 of 2003

<sup>5</sup> SLP (Civil) No.4248 of 2016

Chauhan was implemented by the appellants.

5. Another employee in the same list, i.e. Shri Hari Dutt Purohit also challenged the order of his compulsory retirement by filing a writ petition<sup>6</sup> which order was set aside by the learned Single Judge *vide* order dated 16<sup>th</sup> October, 2002 and it was directed that the respondent therein shall be deemed to be in service as if the order passed on 24<sup>th</sup> April, 2002, had never been passed.

6. The aforesaid order was carried in an appeal<sup>7</sup> filed by the appellant which was disposed of on 02<sup>nd</sup> January, 2003 with a positive direction issued to the appellants herein to reinstate the respondent therein in service and grant him all the financial benefits from the date of passing of the order of compulsory retirement till 16<sup>th</sup> October, 2002, the date on which the order of the learned Single Judge had been stayed. Subsequently, the appellant-Management passed an order on 18<sup>th</sup> January, 2003 accepting the aforesaid orders and directing implementation thereof in respect of the respondent herein.

7. In the above circumstances, we are of the opinion that the appellant cannot take a different stand when it came to the respondent herein. For reasons best known to the appellants, it had accepted the order dated 02<sup>nd</sup> January, 2003 passed by the Division Bench in the case of Shri Hari Dutt Purohit. However, in the instant case, though the Petition for Special Leave to Appeal was filed by the appellants in February, 2015, and the same was listed for the first time

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S.B. Civil Writ Petition No.3352 of 2002

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D.B. Civil Special Appeal No.1104/2002

before this Court on 14<sup>th</sup> September, 2015, no information regarding the status of the aforesaid cases relating to Shri Hari Dutt Purohit and Shri Narain Singh Chauhan was furnished to this Court.

8. In view of the aforesaid facts and circumstances, we decline to entertain the present appeal or accede to the submission made by learned counsel for the appellants that the case of the respondent ought to be treated on a different footing. This is particularly so when the orders passed by the Preliminary Screening Committee as also the Review Committee has dealt with the case of the 7 employees identified by them from out of 24 employees for compulsory retirement with generic comments and having taken an overall view in the matter without specifically dealing with the case of each of the 7 employees separately for this Court to draw a distinction in respect of the respondent.

9. Accordingly, the present appeal fails and is dismissed while upholding the impugned order. Pending application(s), if any, are disposed of. The appellant-Management is directed to implement the impugned judgment on or before 31<sup>st</sup> December, 2024.

.....J.  
( HIMA KOHLI )

.....J.  
( SANDEEP MEHTA )

**NEW DELHI**  
**25<sup>th</sup> JULY, 2024**

ITEM NO.101

COURT NO.9

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

CIVIL APPEAL NO(S). 1467 OF 2017

RAJASTHAN STATE ROADWAYS TRANSPORT CORPORATION & ORS. APPELLANT(S)

VERSUS

NEMI CHAND GUPTA

RESPONDENT(S)

( IA No. 49672/2022 - EXEMPTION FROM FILING O.T.  
IA No. 49670/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 25-07-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) Dr. Ritu Bhardwaj, Adv.  
Mr. Anil Kumar Gautam, AOR

For Respondent(s) Ms. Shobha Gupta, Sr. Adv.  
Mr. Aditya Ranjan, AOR  
Mr. K Charenamei, Adv.  
Ms. Tarjana Rai, Adv.  
Ms. Jessy Kurian, Adv.

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

The appeal is dismissed in terms of the signed order. Pending  
application(s), if any, are disposed of.

(Nand Kishor)  
Court Master (NSH)

(Signed Order is placed on the file)

(Geeta Ahuja)  
Assistant Registrar-cum-PS