



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9279 OF 2014

BASTIRAM

...APPELLANT(s)

VERSUS

**RAJASTHAN STATE ROAD
TRANSPORT CORPORATION & ANR.**

...RESPONDENT(s)

J U D G M E N T

Rajesh Bindal, J.

1. The workman has filed the present appeal impugning the judgment of the High Court¹ whereby second appeal² filed by the respondents was allowed setting aside the concurrent judgment and decree of the courts below.

2. Briefly, the facts available on record are that the appellant was appointed as a conductor with the respondent no.1-Corporation³

¹ High Court of Rajasthan at Jaipur

² S.B. Civil Second Appeal No. 414 of 2007

³ Rajasthan State Road Transport Corporation

on 14.12.1979. He was dismissed from service on 03.11.1982 on account of incorrect punching of tickets on one occasion and on three occasions, passengers were found travelling without tickets when the appellant was on duty. In appeal⁴, the order of dismissal was upheld *vide* order dated 19.10.1983. Challenging the order of dismissal, the appellant filed a civil suit in the Court of Additional Munsiff Magistrate–II, Jaipur City on 26.04.1986. The suit was decreed on 31.03.2006. The Trial Court⁵ held that the dismissal of the appellant was illegal as he was not granted fair opportunity of hearing. The judgment⁶ and the decree of the Trial Court were challenged by the respondents by filing an appeal⁷. The same was upheld by the First Appellate Court⁸ *vide* judgment and decree dated 29.03.2007. Aggrieved, against the same, the respondents preferred second appeal before the High Court. The same was allowed *vide* impugned judgment⁹ passed by the High Court on the ground that the Civil Court did not have jurisdiction to entertain the dispute as appellant should have invoked the jurisdiction under the Industrial Disputes Act, 1947. It is the aforesaid judgment of the High Court which is impugned in the present appeal by the appellant-

⁴ Order No. 2830

⁵ Court of Additional Civil Judge (Junior Division) – III, Jaipur City, Jaipur

⁶ Civil Case No. 628 of 1988

⁷ Civil Regular Appeal No. 27 of 2006

⁸ Court of Additional District Judge – VI, Jaipur City, Jaipur (Rajasthan)

⁹ Dated 13.07.2012

workman.

3. Both the learned counsels sought to raise arguments in support and against the judgment of the High Court. The appellant claimed that Civil Court had the jurisdiction to entertain the *lis* as there was complete violation of the principles of natural justice while awarding punishment. On the other hand, the stand of the respondents was that Civil Court lacked jurisdiction to entertain the *lis* as the proper remedy for the appellant was under the Industrial Disputes Act, 1947.

4. Both the learned counsels for the parties have been heard. Considering the fact that the appellant was appointed as conductor with the respondent no.1-Corporation on 14.12.1979 and he was dismissed on 03.11.1982, it is apparent that the appellant served the respondent no.1-Corporation for about 03 years. At present, considering the time gap ever since he was appointed, he must have attained the age of superannuation. In our opinion, the ends of justice will be met if the appellant is awarded a lump sum amount of compensation of ₹2,00,000/- instead of going into the merits of controversy either deciding jurisdiction of the Civil Court to entertain the *lis* or relegating the appellant to seek relief under the Industrial Disputes Act, 1947.

5. For the reasons mentioned above, the impugned order

passed by the High Court is modified to the extent that the appellant is held entitled to a compensation of ₹2,00,000/- to resolve the entire controversy in hand.

6. Accordingly, the Civil Appeal is disposed of with no order as to costs.

.....J.
(J.K. MAHESHWARI)

.....J.
(RAJESH BINDAL)

New Delhi
December 02, 2024.