



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 12751/2020

Mohan Singh S/o Sh. Bhanwar Singh, Aged About 65 Years,
Resident Of Village Kanwlai, Anand Nagar, Via Kadel, District
Ajmer.

-----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Through Its
Chairman And Managing Director, Parivahan Bhawan,
Sahakar Marg, Jaipur.
2. Chief Manager, Rajasthan State Road Transport
Corporation, Ajmer Depot, Ajmer.

-----Respondents

For Petitioner(s) : Mr. Sunil Samdaria
For Respondent(s) : Mr. Anubodh Subodh Jain

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/02/2026

1. Instant writ petition is preferred by petitioner with following
prayer:
To issue a writ of mandamus or any other
appropriate writ, order or direction directing
the Respondent Corporation to implement the
order dated 12.12.2015 passed by National
Lok Adalat in Pre-Litigation Case No.27/2015
and make the payment of retirement
benefits, night allowance, overtime allowance
and all other terminal benefits admissible to
the petitioner, forthwith.
2. Learned counsel for the petitioner submits that the petitioner
has been paid all dues except payment against weekly rest



from 1998 to 2011 (details in Annexure-1). He further submits that the petitioner is entitled to payment for the said weekly rests. He further referred to Annexure-1, a certificate issued by the Manager (Operation), Ajmer Depot, and the award dated 12.12.2015 passed by the National Lok Adalat organized by the Rajasthan High Court Legal Services Committee, Bench at Jaipur, and submitted that respondents are under an obligation to make payment.

3. Learned counsel for the respondent, while referring to the circular dated 03.11.2021, submitted that in **Writ Petition No. 115/2024 (Babulal vs. RSRTC and another) and CWP No. 371/2020 (Ramesh Singh Gahlot vs. RSRTC and others)**, a Co-ordinate Bench of this Court has placed reliance and disposed of in light of the circular dated 03.11.2021.
4. Heard learned counsel for the parties and perused the material placed on record.
5. The circular dated 03.11.2021 is reproduced as under:
 1. निगम की वित्तीय स्थिति एवं उपलब्ध रोकड तरलता के आधार पर निगम में किये जाने वाले भुगतान की वरीयता निम्नानुसार निर्धारित की जाती है:—
 - i. निगम में कार्यरत कर्मियों के वेतन एवं सेवानिवृत्त कर्मियों की पेंशन।
 - ii. डीजल
 - iii. स्पेयर पार्ट्स/ Essential Maintenance Of Buses/Depot ।
 - iv. सेवानिवृत्त कर्मियों के बकाया सेवानिवृत्त परिलाभों की मूल राशि (उपादन बकाया उपार्जित अवकाश, पांचवें एवं छठे वेतनमान की बकाया राशि एवं चयनित वेतनमान की बकाया राशि)।
 - v. बकाया महंगाई भत्ते की राशि।





vi. अधिश्रम भत्ते की अंकेक्षण पश्चात् जारी होने वाली स्वीकृत राशि (सभी मुख्य प्रबन्धकों को निर्देशित किया जाता है अंकेक्षण से पूर्व अधिश्रम भत्ते की स्वीकृति जारी नहीं करें अन्यथा मुख्य प्रबन्धक, प्रबन्धक (वित्त) एवं संबंधित व्यक्तिगत रूप से उत्तरदायी होंगे।

vii. बकाया रात्रि/दिन बहिर्गमन भत्ते की राशि।

viii. उपादान राशि पर देय ब्याज।

2. निगम के कार्यालय आदेशांक एफ (4) /मु./लेखा/बजट/06 /1999 दिनांक 07.04.1999 एफ-4/लेखा/बजट/2002/1077 दिनांक 14.11.2002 एवं एफ-4/वित्त/बजट/2010/90 दिनांक 20.05.2010 के द्वारा साप्ताहिक विश्राम बकाया रखने की व्यवस्था को तुरन्त प्रभाव से समाप्त कर दिया गया था, साथ ही निर्देशित किया गया था कि निगम में किसी कर्मी से साप्ताहिक विश्राम के दिन, किसी विशेष परिस्थिति में कार्य लिया जाता है तो उस कर्मी को बकाया साप्ताहिक विश्राम का आगामी 3 दिवस में उपभोग करा दिया जावे। यह भी निर्देशित किया गया था कि उक्त निर्देशों के विपरीत कतिपय प्रकरणों में भुगतान का दायित्व उत्पन्न होने पर संबंधित अधिकारी व्यक्तिशः वसूली के लिये उत्तरदायी होंगे। उपरोक्त जारी आदेशों के क्रम में पुनः निर्देशित किया जाता है कि साप्ताहिक विश्राम बकाया नहीं रखा जाना सुनिश्चित किया जावे।

3. निगम के कार्यालय आदेशांक एफ(106)श्रम/सामा.ii/11/775 दिनांक 22.06.2011 में निर्देशित किया गया था कि विशेषकर चालक, परिचालक एवं अन्य की ड्यूटी इस प्रकार से लगाई जावे कि कू का पूर्ण उपयोग हो सके। विशेष परिस्थिति में यदि संचालन से संबंधित अन्य कर्मचारियों को राजपत्रित अवकाश के दिन बुलवाया जाता है तो उसे बकाया राजपत्रित अवकाश को आगामी 3 दिवस में उपभोग करा दिया जावे ताकि निगम पर भुगतान का अतिरिक्त वित्तीयभार उत्पन्न ना हो। उपरोक्त जारी आदेशों के क्रम में पुनः निर्देशित किया जाता है कि राजपत्रित अवकाश बकाया नहीं रखा जाना सुनिश्चित किया जावे।





4. उक्त निर्देशों की सख्ती से पालना की जावे। इनकी पालना नहीं होने पर संबंधित मुख्य प्रबन्धक, प्रबन्धक (यातायात/संचालन/वित्त) व्यक्तिगत रूप से उत्तरदायी होंगे।

6. The material on record indicates that the present petitioner took VRS on 07.04.2014 and thereafter a dispute between the parties was referred and ultimately settled on 12.12.2015 in the National Lok Adalat, wherein the respondents undertook to reimburse to the petitioner all dues as per rules after examination of all heads within a period of nine months along with interest at the rate of 6% per annum.

7. It may be due to mismanagement, poor management, or absence of professional management that the RSRTC is forced to face financial difficulties, but same has nothing to do with the right and claim of any workman who has already served in the Corporation, and superannuated before issuance of circular. If the Government is vigilant about the mismanagement of RSRTC, then it should have first acted to curtail the wings of administrative officers of RSRTC. The drivers, conductors, support and mechanical staff are the backbone of RSRTC, responsible for maintaining public transport system, therefore, merely because roadways is facing a financial difficulty, it may avoid to comply settlement award arrived in present case. Any rightful claim of workman cannot be denied on the ground that RSRTC does not have sufficient funds to make payments.

8. Having considered the aforesaid, there is no defence as regards to liability of payment against weekly rest from 1998





to 2011 (annexure-1), thus the writ petition is liable to be allowed.

9. In view of the discussion made hereinabove, since there is no defence available with the respondents, therefore writ petition is allowed and the respondents are directed to make payment against weekly rest from 1998 to 2011, as certified on 23.04.2014 (Annexure-1) by the Manager (Operation), Ajmer Depot. The payment shall be made with interest as agreed during the National Lok Adalat on 12.12.2015 within a period of two months from the date of receipt of a copy of this order.
10. Accordingly, the writ petition along with miscellaneous application(s), if any, stands disposed of.

(ASHOK KUMAR JAIN),J

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