

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

S.B. Civil Writ Petition No. 14440/2023

Virendra Singh S/o Late Shri Dhanbahadur, Aged About 31 Years,
R/o Plot No. 1, Hahyawala, Sanganer, District Jaipur (Raj.)

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, through its Managing Director Chomu House, Jaipur Rajasthan.
2. Appellate Authority Cum Executive Director (Traffic), Rajasthan State Road Transport Corporation, Headquarters Jaipur.
3. The Chief Manager, Rajasthan State Road Transport Corporation, Kotputali Depot, District Kotputali Rajasthan.

----Respondents

Connected With

S.B. Civil Writ Petition No. 7822/2023

1. Rajasthan State Road Transport Corporation, through its Chairman Cum Managing Director, Head Office, Parivahan Marg, Jaipur (Raj.).
2. The Executive Director (Admn), RSRTC, Headquarters, Jaipur.
3. Authorised Appellate Authority, RSRTC, Headquarters, Jaipur.
4. The Chief Manager, RSRTC, Karauli, Depot.

----Petitioners

Versus

Rajendra Prasad Sharma Son of Late Sh. Ratibhan Sharma, aged about 38 Years, R/o Village and Post Bajna, Tehsil- Sapotra, District- Karauli (Raj.).

----Respondent

S.B. Civil Writ Petition No. 8018/2023

1. Rajasthan State Road Transport Corporation, through its Managing Director, Chomu House, Jaipur (Raj.).
2. Appellate Authority Cum Executive Director (Traffic), Rajasthan State Road Transport Corporation Headquarters, Jaipur.
3. The Chief Manager, Rajasthan State Road Transport



Corporation Kotputli Depot, Kotputli, Rajasthan.

----Petitioners

Versus

Virendra Singh Son of Late Sh. Dhanbahadur, aged about 31 Years, R/o Plot No.1 Hahyawala, Sanganer, District Jaipur (Raj.)

----Respondent

S.B. Civil Writ Petition No. 8090/2023

1. Managing Director, Rajasthan State Road Transport Corporation, Jaipur.
2. Zone Manager, Rajasthan State Road Transport Corporation, Ajmer Zone, Ajmer.
3. Chief Manager, Rajasthan State Road Transport Corporation, Ajmer Depot, Ajmer.

----Petitioners

Versus

Shri Mohandas Bairagi Son of Late Shri Bajrangdas, Aged About 50 Years, Through Shi Bhola Nath Acharya Vice President of State Rajasthan Transport Corporation, Joint Employees Federation, Ajmer.

----Respondent

S.B. Civil Writ Petition No. 709/2024

Rajendra Prasad Sharma Son of Late Shri Ratibhan Sharma, Aged About 38 Years, Resident of Village And Post Bajna, Tehsil Sapotra, District Karauli (Rajasthan).

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, through its Chairman Cum Managing Director, Head Office, Parivahan Marg, Jaipur.
2. The Executive Director (Admn.), RSRTC, Head Quarters, Jaipur.
3. Authorized Appellate Authority, RSRTC, Head Quarters, Jaipur.
4. The Chief Manager, RSRTC, Karauli Depot.

----Respondents



For Petitioner(s) : Mr. Sumit Kumar Jain
Mr. G. L. Sharma
Mr. Ankul Gupta
For Respondent(s) : Mr. R. N. Mathur (Sr. Adv.) with
Mr. Anubodh Jain

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND
Order

Reserved on : 18/07/2024
Pronounced on : 31/08/2024
Reportable

1. Since common question of law and facts are involved in this batch of writ petitions, hence, with the consent of learned counsel for the parties, all these matters are being taken up together for final disposal and are being decided by this common order.

2. S.B. Civil Writ Petitions No.7822/2023, 8018/2023, 8090/2023 have been filed by the Managing Director, Rajasthan State Road Transport Corporation (for short, "the RSRTC") against the awards dated 12.11.2022 passed by the National Lok Adalat and the other two writ petitions including S.B. Civil Writ Petition No.14440/2023 and 709/2024 have been filed by the petitioner for implementation of the said awards passed by the National Lok Adalat.

3. Learned Senior Counsel Mr. R. N. Mathur assisted by Mr. Anubodh Jain submits that the National Lok Adalat has passed the impugned awards against the RSRTC without there being any consent given by the Corporation. Counsel submits that the matters were referred to the Lok Adalat by this Court to explore the possibility of settlement between the parties. Counsel submits that Mr. R. A. Katta and Mr. R. N. Bairwa were authorized counsels to appear on behalf of the Corporation to whom

Vakalatnama/power was given. Counsel submits that when the matters were taken up by the National Lok Adalat, none of these counsels were present though, the presence of Mr. R. A. Katta was mentioned in the awards. The settlement was signed by one Mr. Om Prakash Sheoran, though, he was a panel counsel for the Corporation, but he was not authorized to sign the settlement on behalf of the Corporation. Counsel submits that the National Lok Adalat has passed the order, contrary to the policy formulated by the Corporation with regard to settlement of disputes arising between the Corporation and its employees. Counsel submits that under these circumstances, the impugned awards passed by the National Lok Adalat are legally not sustainable in the eye of law.

4. *Per contra*, learned counsel for the respondents opposed the arguments, raised by the learned counsel for the petitioner and submitted that a panel of Advocates has been prepared by the RSRTC wherein Mr. Om Prakash Sheoran is one of the standing counsel, who usually appears for the Corporation. Counsel submits that in the capacity of a standing panel counsel, he has signed the settlement on behalf of the Corporation. Hence, under these circumstances, the Corporation is bound by the settlement, arrived at between the parties and the awards passed by the National Lok Adalat is valid and the same are sustainable in the eye of law, and thus, under these circumstances, interference of this Court is not warranted. Counsel submits that the awards were duly signed by the authorized panel counsel of the RSRTC and the RSRTC is legally bound to implement the same, hence, appropriate directions be issued to the RSRTC to implement the awards in their letter and spirit.

5. Heard and considered the submissions made at Bar and perused the material available on the record.

6. Looking to the controversy involved in all these writ petitions, this Court deems it just and proper to take into consideration the facts incorporated in S.B. Civil Writ Petition No.8018/2023 filed by the RSRTC against the respondent-workman Virendra Singh, challenging the award dated 12.11.2022 passed by the National Lok Adalat whereby order of reinstatement of the workman has been passed with continuity in service without backwages.

7. The facts of the case of the workman-Virendra Singh are that he was appointed on the post of Conductor on 21.08.2013 on compassionate ground on probation, for a period of two years, but his services were terminated vide order dated 26.12.2014 on the ground that certain passengers were found travelling without tickets at the time of inspection of his bus, despite the fact that though, the requisite amount for tickets was collected by the workman from the passengers. Aggrieved by his termination order dated 26.12.2014, he approached this Court by way of filing S.B. Civil Writ Petition No.10405/2016, but the same was dismissed by this Court vide order dated 19.09.2018 on the ground of availability of alternative remedy of raising a dispute under the Industrial Disputes Act, 1947 (for short, "the Act of 1947") before the concerned Labour Court.

8. Challenging the order dated 19.09.2018, the petitioner filed D.B. Civil Special Appeal (Writ) No.1021/2019, before the Division Bench and the same was allowed on 09.09.2020 with the following observations and directions:-

“Learned counsel for the appellant has submitted that the learned Single Judge has erred in dismissing the writ petition filed by the appellant. In-fact, the termination order was stigmatic in nature as it has been stated that the integrity of the appellant was questionable. In similar circumstances, writ petition filed by a similarly situated employee-Sunita was dismissed by the learned Single Judge. In an appeal (D.B. Special Appeal Writ No.812/2017) filed by Sunita, Division Bench of this Court allowed the appeal vide order dated 24.10.2017. The said order was upheld by the Hon’ble Supreme Court vide order dated 27.09.2019.

Learned counsel for the respondents has fairly conceded that the present case is covered by the decision given by this Court in D.B. Special Appeal Writ No.812/2017 and as upheld by the Hon’ble Supreme Court.

Order dated 24.10.2017 passed in D.B. Special Appeal Writ No.812/2017 reads as under:-

- “1. Heard learned counsel for the parties.
2. Vide impugned order dated 03/04/2017 the writ petition filed by the appellant has been dismissed on the reasoning that the appellant has an efficacious alternative remedy to raise an industrial dispute under Section 10 of the I.D. Act, 1947.
3. The order terminating services of the appellant, while the appellant was on probation, is clearly stigmatic inasmuch as it uses the expression that the integrity of the appellant was questionable. In the decision reported as 2008 WLC (Rajasthan) 485, Ram Gurjar versus RSRTC, a Division Bench of this Court noted that in view of the law declared by the Supreme Court where termination was stigmatic and principles of natural justice were violated merely because there was an alternative remedy, was no ground to refuse to exercise writ jurisdiction.
4. In our opinion, directions which were required to be issued by the learned Single Judge, were the same as was directed by the Division Bench of this Court in aforementioned decision.
5. We dispose of the appeal setting aside the order dated 29/06/2015 terminating the appellant’s service. The appellant shall be reinstated within 30 days from today. She will not be entitled to any

back wages. The respondents are permitted to hold a proper disciplinary inquiry against the appellant."

Order dated 27.09.2019 passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.4894/2018 (I.A. No. 137225/2018) reads as under:-

"Heard learned counsel for the parties.

We have perused the original office order in Hindi which uses the double negative to suggest that the integrity is questionable.

Thus, the impugned order being stigmatic in character, it cannot be treated as a simple case of non-continuation of service during probation. The Special Leave Petition is dismissed.

Pending application stands disposed of."

In view of the above orders, this appeal is allowed. Impugned order dated 26.12.2014 terminating the services of the appellant is set aside. The appellant shall be reinstated in service within 30 days from today. Appellant will not be entitled to any back wages. The respondents are permitted to hold a proper disciplinary inquiry against the appellant, if so advised"

9. The aforesaid order was passed by the Division Bench on the basis of fair concession made by counsel for the RSRTC that the controversy involved in the case of the respondent-workman was covered by the decision vide order dated 24.10.2017 passed in D.B. Civil Special Appeal (Writ) No.812/2017 and the same was upheld by the Hon'ble Apex Court. The view of the Division Bench was that termination order of the workman was stigmatic and the principles of natural justice were violated. On the basis of the concession given by the petitioner-RSRTC, the special appeal filed by the workman was allowed and his termination order dated 26.12.2014 was quashed and set aside. The direction was issued to the RSRTC to reinstate the workman in service without backwages. However, the petitioner-RSRTC was granted liberty to

hold a proper disciplinary inquiry against the workman, if so advised.

10. Since, the petitioner-RSRTC was not satisfied with the order dated 09.09.2020, passed by the Division Bench, hence the petitioner-RSRTC filed D.B. Civil Review Petition No.154/2020 before the Division Bench and on the basis of the consent given by both the parties, the matter was referred to the National Lok Adalat to explore the possibility of settlement between them.

11. The matter was listed before the National Lok Adalat on 12.11.2022 and the following impugned award was passed on the basis of the RSRTC Office Order/Policy dated 27.10.2022:-

“Present petition has been preferred against the order dated 09.09.2020 passed by the Hon’ble High Court, Jaipur whereby an award was passed in favour. The petitioner challenged the order on certain grounds. However, today after counselling, they have agreed on the following terms relying upon the Policy dated 27.10.2022 framed by the RSRTC:-

(1) Petitioner Virendra Singh shall be reinstated immediately. However, he will not get the arrears of any kind for the period he remained terminated. Petitioner Virendra Singh agrees that he will not claim any kind of arrear till the date of his reinstatement.

(2) The period from the date of termination i.e. dated 26.12.2014 till the date of reinstatement shall be treated as continuous in service and that shall be calculated for the purposes of pension & gratuity.

(3) Petitioner Virendra Singh shall be reinstated on the same stage on which he was continuing on 26.12.2014 i.e. the stage at which he was terminated.

In view of the above, Petitioner Virendra Singh does not want to pursue this review petition. Accordingly, this review petition stands withdrawn.

The review petition is decided as aforesaid. Record, if received, be sent back to the Tribunal/Court below.”

12. The petitioner RSRTC has assailed the impugned award dated 12.11.2022 on the technical count that the said award had been passed in the absence of counsels for the RSRTC Mr. R. A. Katta and Mr. R. N. Bairwa and the settlement award has been signed by the other counsel Mr. O.P. Sheoran, hence, the said award is not binding upon RSRTC. Only on this technical count, the RSRTC has assailed the awards in question by way of filing these petitions.

13. Perusal of the impugned award in question indicates that the same was passed in terms of the RSRTC Office Order/Policy decision dated 27.10.2022 which clearly indicates that a workman can be reinstated back in service, if he forgoes the backwages. The impugned award was passed in the presence of Officer-in-Charge of the RSRTC and the same was signed by the standing counsel for RSRTC, i.e., Mr.O.P. Sheoran. This Court has taken judicial notice of the fact that Mr.O.P. Sheoran is one of the standing counsels for the RSRTC and he appears on regular basis in several matters of the RSRTC before this Court. The petitioner-RSRTC has not placed on record any document revealing as to whether the RSRTC has taken any explanation from the said counsel as to why he had signed the settlement awards without any instructions from the RSRTC, rather he has been entrusted with further briefs of the RSRTC. This fact itself shows that the RSRTC has tried to wriggle out of a valid compromise by taking such spurious plea which cannot be countenanced.

14. Here is a case, where the awards were given in favour of the workmen way back in November, 2022. However, the workmen are yet to reap the benefits of the award, since the RSRTC has



challenged the awards on the above technical reason. The awards have been passed on the basis of the Office Order dated 27.10.2022 and on the basis of the consent given by the RSRTC's standing counsel. Such consent awards act as estoppel against the RSRTC and the same are binding on the parties, from which the RSRTC cannot wriggle out by taking an afterthought plea that its lawyer was not authorized to enter into such settlement.

15. Hence, under such circumstances, the petitioner-RSRTC cannot be allowed to assail the validity of the awards passed by the National Lok Adalat, only on this technical count, unless it is established on record that any fraud or mischief has been played with the petitioner-RSRTC.

16. Amicable resolution of disputes is a *sine qua non* for social peace and harmony. Peace is *sine qua non* for development. Disputes and conflicts dissipate evaluable time, effort and money of the society. Any conflict which raises its head, should be nipped in the bud.

17. In order to settle the dispute amicably, the concept of Lok Adalat was brought into picture. The 'Lok Adalat' is an ancient old form of adjudicating system that was prevalent in ancient India, and was part of the traditional Indian Culture and social life. The 'Lok Adalat' means "People's Court". 'Lok' stands for "people" and the term 'Adalat' means "Court". Lok Adalat is one of the alternative dispute redressal mechanisms established under the Legal Services Authorities Act, 1987 (for short, "the Act of 1987"). It is a forum where disputes/ cases pending before the Court of Law are settled/ compromised amicably. Lok Adalat aims to provide a cost-effective, timely and amicable resolutions of the

disputes, reducing the case load of the Courts and promoting social harmony. The Lok Adalat is a way where both parties win and no one loses.

18. As per Section 21 of the Act of 1987, every award passed by the Lok Adalat shall be deemed to be a decree of a Civil Court and the same shall be final and binding on all the parties to the dispute and no appeal shall lie to any Court against the award.

19. Taking note of the mandatory provision of Section 21 of the Act of 1987, with regard to the finality of the award passed by the Lok Adalat, the Hon'ble Apex Court in the case of **K. Srinivasappa & Ors. Vs. M. Mallamma & Ors. (Civil Appeal No.3486-3488 of 2022)** reported in **2022 SCC Online SC 636**

has held in para 32 to 34 as under:-

"32. At the outset, we observe that we do not find any reason forthcoming from the judgment of the High court while setting aside the order of the Lok Adalat dated 07th July, 2012 whereby the terms of the compromise were recorded. To recall a compromise that has been recorded would call for strong reasons. This is because a compromise would result ultimately into a decree of a Court which can be enforced just as a decree passed on an adjudication of a case. This is also true in the case of a compromise recorded before a Lok Adalat. In this regard, it may be apposite to refer to Section 21 of the Legal Services Authorities Act, 1987, which is extracted as under:-

"21. Award of Lok Adalat.-- (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it Under Sub-section (1) of Section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.”

33. Section 21 of the Legal Services Authorities Act, 1987 equates an award of the Lok Adalat, to a decree of a Civil Court and imputes an element of finality to an award of compromise passed by the Lok Adalat. When the Lok Adalat disposes cases in terms of a compromise arrived at between the parties to a suit, after following principles of equity and natural justice, every such award of the Lok Adalat shall be deemed to be a decree of a Civil Court and such decree shall be final and binding upon the parties. Given the element of finality attached to an award of the Lok Adalat, it also follows that no appeal would lie, Under Section 96 of the Code of Civil Procedure against such award, vide **P.T. Thomas v. Thomas Job [(2005) 6 SCC 478]**.

34. While we recognise that a Writ Petition would be maintainable against an award of the Lok Adalat, especially when such writ petition has been filed alleging fraud in the manner of obtaining the award of compromise, a writ court cannot, in a casual manner, de hors any reasoning, set aside the order of the Lok Adalat. The award of a Lok Adalat cannot be reversed or set aside without setting aside the facts recorded in such award as being fraudulent arrived at.”

20. Hence, it is clear that the award passed by the Lok Adalat shall be final and the same cannot be assailed in a routine manner, before the Writ Court unless allegation of fraud are there against a party. An award can be assailed only if the same is passed without jurisdiction or is obtained through impersonation or playing fraud with the Court.

21. Herein this case, no such allegations are present that the awards passed by the Lok Adalat are without jurisdiction or the same have been obtained by the respondent-workman by impersonation or by playing fraud with the Court. The awards have been passed on the basis of the Office Order/ Policy of the



RSRTC dated 27.10.2022. The parties to the litigation agreed before the Lok Adalat to settle the dispute in the light of the above Policy of RSRTC and it was decided that the workmen would be taken back in service without backwages. No fraud has been played with RSRTC by the workmen, while passing the awards dated 12.11.2022. Hence, the RSRTC is estopped from taking any contrary action and is bound by the impugned awards and is under legal obligation to implement the same.

22. In the case of **P.T. Thomas v. Thomas Job** reported in **(2005) 6 SCC 478**, the Hon'ble Apex Court has held that the Court's attempt should be to give enforceability to the award passed by the Lok Adalat and not to defeat the same on technical grounds.

23. In view of the above discussion, the Court finds no merit and substance in the writ petitions filed by the RSRTC against the awards passed by the National Lok Adalat, hence, the same are liable to be dismissed and the same are dismissed accordingly.

24. The writ petitions, filed by the workmen for implementation of the awards, passed by the National Lok Adalat, stand allowed. The respondent-RSRTC is directed to implement the awards passed in favour of the workmen forthwith, without any further delay and within a period of three months from the date of receipt of certified copy of this order.

25. If the order is not complied with by the RSRTC within the above stipulated time, then the workmen would be entitled to get compensation of Rs.50,000/- each from RSRTC.

26. With the above observations and directions, all writ petitions stand disposed of.



27. Stay application(s) and all application(s), pending if any, also stand disposed of.

28. No order as to costs.

(ANOOP KUMAR DHAND),J

Aayush Sharma/490-494