

# SUPREME COURT OF INDIA

A. Srinath

Vs.

A.P. State Road Transport Corporation

(G.B. Pattanaik and B.N. Agrawal JJ.)

06.12.2000

## ORDER

**G.B. PATTANAİK, J.**

1. This civil appeal is directed against the judgment of the Division Bench of the Andhra Pradesh High Court which has affirmed the judgment of the learned Single Judge of the High Court. The appellants who were the writ petitioners before the High Court had been recruited as officers under training, having been selected pursuant to an advertisement issued by the Corporation. It was clearly stipulated in the offer that was given to each one of them that they will be entitled to stipend @ Rs. 2,000/- per month for the first year Rs. 2,500/- per month for the second year and Rs. 2,700/- per month for the third year. They were further required to execute a bond agreeing to undergo the training for a period of three years and received the stipend as referred to earlier. They filed writ petition in Andhra Pradesh High Court challenging the quantum of stipend that was fixed by the Corporation and it was contended that the GOMs 128 dated 20.03.76 issued by the Andhra Pradesh Government should also equally apply to their case and they should be entitled to the initial pay for the post for which they are continuing as trainee. The further contention of these appellants was that they should be entitled to Travelling Allowance (TA) and Daily Allowance (DA) when they are required to go outside the stations in accordance with the regulations and circulars of the Corporation which is meant for the regular employees. The learned Single Judge on considering the relevant materials and the contention of the Counsel appearing for the petitioner before him allowed the prayer regarding claim of TA and DA when these trainees are required to go outside for any official work. But so far as the prayer relating to the application of the Government Memorandum dated 26.3.1976 to the employees of the Corporation was concerned, the same was rejected on the ground that the Corporation itself is an entity created under a statute, the Road Transport Corporation Act, 1950 and the service conditions of its employees are governed by the Rules and Regulations required to be framed by the Corporation and the Government Order for the Government employees will not be made applicable. The writ petitions having been thus partly allowed, as stated above an appeal was carried to the Division Bench. The Division Bench re-examined the matter and affirmed the decision of the learned Single Judge on a finding that the so called GO dated 26.03.1976 which was meant for the Government employees cannot be made applicable to the Corporation employees pro tanto until and unless the Corporation adopts the same for its own employees or there is any provision in the Act which makes the Corporation bound to apply all the terms and conditions of the Government employees to the Corporation employees. The appeal having been dismissed, the recent civil appeal has been filed in this Court on special leave having been granted.

2. Mr. Sita Rama Rao, the learned Counsel appearing for the appellants vehemently contended that the so called stipend fixed for different years, on the face of it, arbitrary more particularly when the said stipend was fixed in the year 1989 and there had been no enhancement of the same in the year 1992 on which year these appellants were recruited as officers under training. It was further contended that the Corporation should have done well in applying the Government Order issued by the State Government in exercise of its power under Article 162 of the Constitution inasmuch as all employees of the Andhra Pradesh Government should have been equally treated and there should be no reason as to why the Corporation should not be compelled to apply the aforesaid Government Order.

3. On examining the relevant provisions of the Act, Rules and the Regulations framed and the materials on record, we do not find any substance in the aforesaid contentions raised by the learned Counsel appearing for the appellants. The very advertisement that was issued nowhere indicated that the officer under training during the period of training should be given any particular scale of pay. Notwithstanding the provisions contained in the Act conferring powers on the Corporation to frame regulations governing the service conditions of its own employees and such regulations having been framed there is no provision shown to us which says that such trainees would be given a specific scale of pay. The Corporation being the employer and having conferred the power to determine the service conditions of its own employees and no such stipulation being there in any of the Rules and Regulations framed by the Corporation, the stipend that was being given to these appellants cannot be said to be arbitrary or unreasonable so as to be interfered with by this Court in exercise of its power under Article 136 of the Constitution of India, It is no doubt true that the Government in exercise of its powers under Article 162 of the Constitution of India has issued a GOMs which would be applicable to the employees of the Government. Until and unless the Corporation itself adopts the same or by a general order accepts that all conditions of service issued by the Government for its own employees would also be applicable to the employees of the Corporation, it is difficult for us to accept the condition of Mr. Sita Rama appearing for the appellants that the Corporation employees like the appellants should have been governed by the aforesaid GOMs issued by the State Government.

4. In the aforesaid premises, we do not find any merit in this appeal which accordingly stands dismissed.