


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10282/2021

Ramjas Gurjar S/o Sh. Amba Lal Gurjar, Aged About 61 Years,
R/o Jhalra, Kakod, Tehsil Uniyara, District Tonk (Raj.) Retired
Vyavasthapak, Roopwas Gram Seva Sahkari Samiti Ltd.
Panchayat Samiti Uniyara, District Tonk.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Department Of Sahkarita, Govt. Secretariat, Jaipur.
2. The Registrar, Co-Operative Societies, Sahkar Marg, 22
Godam, Jaipur.
3. Managing Director, The Central Co-Operative Bank Ltd.
Head Office, Civil Line, Tonk, Sahkar Bhawan, Tonk (Raj.)
4. Roopwas Gram Seva Sahkari Samiti Ltd., Through Its
Chairman, Panchayat Samiti Uniyara, District Tonk (Raj.)

----Respondents

Connected With

S.B. Civil Writ Petition No. 10009/2021

Chhitar Lal Verma S/o Sh. Mohan Lal, Aged About 61 Years,
R/o Badri Dham, Nimdar, Harmada, District Jaipur (Raj.). Retired
Vyavasthapak, Gothda Gram Seva Sahkari Samiti Ltd. Panchayat
Samiti Uniyara, District Tonk.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Department Of Sahkarita, Govt. Secretariat, Jaipur.
2. The Registrar, Co-Operative Societies, Sahkar Marg, 22
Godam, Jaipur.
3. Managing Director, The Central Co-Operative Bank Ltd.
Head Office, Civil Line, Tonk, Sahkar Bhawan, Tonk (Raj.)
4. Gothda Gram Seva Sahkari Samiti Ltd., Through Its
Chairman, Panchayat Samiti Uniyara, District Tonk (Raj.)

----Respondents

For Petitioner(s)	:	Mr. R.M. Jain
For Respondent(s)	:	Mr. Tushar Sharma for Mr. Bhuvnesh Sharma, AAG Mr. B.S. Chabba, AAG Mr. Hardik Singh Ms. Mahi Choudhary

HON'BLE MR. JUSTICE MUNNURI LAXMAN

08/04/2026

1. On the request and with the consent of learned counsel appearing on behalf of both the parties, the present writ petitions have been taken up and heard for final disposal at this stage.
2. The present writ petitions have been filed challenging the action of the respondents in not granting the retiral benefits, particularly the benefit of gratuity amount and the amount of encashment of privilege leave.
3. Learned counsel appearing on behalf of the petitioners submits that the petitioners were working with respondent No.3 – Managing Director, The Central Co-Operative Bank Ltd., and they retired on 30.07.2020 (Annex.14) and 30.06.2020 (Annex.16), respectively, and the retirement orders have been passed by respondent No.3 – Bank. However, after retirement, they were not paid the gratuity amount and the amount of encashment of privilege leave by the respondent No.3-Bank on the ground that the petitioners were not the employees of respondent No.3 but were employees of respondent No.4 in spite of being statutorily entitled; therefore, they filed the present writ petitions.
4. Learned counsel appearing on behalf of respondent No.3 submits that as per the Rules, the retired employee is entitled to claim the amount from the concerned Seva Sahkari Samiti, which is respondent No.4 herein, from whom they are entitled to receive payment; therefore, the respondent No.3-Bank has no objection if any direction is given to the respondent No. 4, but the direction to pay the due amount cannot be given to respondent No. 3.
5. Arguments advanced by learned counsel appearing on behalf of respondent No.3 must be rejected at the threshold.

6. The respondent No.3 was the employer of the petitioners at the time of retirement, which is reflected from the orders of retirement as referred above. When it is the employer, it is under obligation to pay retiral benefits to the petitioners. If the Rules impose liability on respondent No.4, it is for the respondent No.3 to seek reimbursement of whatever amount is paid to the petitioners.

7. This Court finds that it is an internal arrangement between respondent Nos.3 and 4, and on that basis the petitioners' benefits cannot be deprived of; therefore, the present writ petitions are liable to be allowed.

8. In view of the aforesaid, the present writ petitions are **allowed**; and respondent No.3-Bank is directed to settle the claim of gratuity amount and the amount of encashment of privilege leave within a period of one month from the date of receipt of a copy of this order.

9. Liberty is given to respondent No. 3 to seek reimbursement of whatever amount is paid to the petitioners from respondent No.4, subject to the liability under the Rules.

10. The amount due, as determined by respondent No.3, shall be paid with interest at the rate of 6% per annum from the date it became due till the date of payment.

11. All pending application(s), if any, shall also stand dispose of.

(MUNNURI LAXMAN),J