

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

S.B. Civil Writ Petition No. 14600/2024

Shyam Singh S/o Kare Singh, R/o Bah Soniga, Tehsil Kirawali,  
District Agra

----Petitioner

Versus

Managing Director, The Central Co-Operative Bank Limited, Bijli  
Ghar Chauraha, Bharatpur

----Respondent

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For Petitioner(s) : Mr. Brijendra Singh Kachhawa  
For Respondent(s) : Mr. Ram Kumar Sharma

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**HON'BLE MR. JUSTICE MUNNURI LAXMAN**

**Order**

**06/04/2026**

1. The present writ petition has been filed challenging the award dated 26.07.2024 passed by the Labour Court, whereby the request of the petitioner for grant of benefits arising out of implementation of 13<sup>th</sup> Pay Settlement between the Employer and Employee. The implementation of Pay Settlement for the year 2009 to 2013 which was implemented in 2011 giving with effect from 2017 was not intended to the petitioner.

2. The petitioner's case before the Labour Court was that the Pay Settlement was entered between the Employer and Employee for the year 2009 to 2013 and the said settlement was implemented by the Employer in the year 2021. However, the arrears arising out of implementation of such a pay-hike as a result of bipartite settlement was not extended to the petitioner as

the petitioner was retired in the year 2011. It is his case that he is entitled for pay fixation benefits, therefore, the Labour Court has committed error in not granting the benefits arising out of implementation of Pay Settlement for the year 2009 to 2013. Therefore, he seeks to allow the present writ petition.

3. Learned counsel appearing on behalf of the respondent submitted that though the settlement was entered in between the parties in the year 2019 for the period 2009 to 2013 and the same was implemented in the year 2021, however, the benefits arising out of the pay-hike, i.e., relating to 14<sup>th</sup> Pay Settlement, i.e., arrears are confined with effect from 01.04.2017. It is also his contention that in the said Pay Settlement, the decision was taken not to grant any benefit arising out of pay increase like leave encashments were also denied and made applicable from 01.04.2017. Therefore, according to the respondent, the present writ petition is devoid of merit and seeks dismissal of the writ petition.

4. Having gone through the contention and case set up by both the parties, it is undisputed that there was a Pay Settlement in between Employer and the Employee in the year 2019 for the pay-hike for the year 2009 to 2013. The decision to implement the Pay Settlement was taken in the year 2021 and the arrears arising out of such a pay-hike as a result of Pay Settlement were confined to with effect from 01.04.2017. These facts were not in dispute. It is also not in dispute that even the leave encashments of any retired employee were denied and made applicable with effect from 01.04.2017.

5. The petitioner admittedly retired in the year 2011 and he is not entitled for any arrears arising out of pay fixation as per the 14<sup>th</sup> Pay Settlement. However, the petitioner was entitled for pay fixation in accordance with the 14<sup>th</sup> Pay Settlement, though he is not entitled for the benefit arising out of such a Pay Settlement particularly arrears, however, any benefits which are incidental to such a pay fixation under the various settlements cannot be denied. What is deprived with effect from 01.04.2017 was only with reference to arrears arising out of implementation of Pay Settlement and the pay fixation cannot be denied. The respondent required to fix the pay fixation in terms of the Pay Settlement even though the petitioner is retired in the year 2011. However, on account of such pay fixation, the arrears whatever to be drawn shall not be required to be paid and in the same manner, the petitioner also not entitled for leave encashments in view of the special settlement between the parties which were made applicable only after 01.04.2017, however, upon pay fixation, the petitioner is entitled for any ancillary benefits on account of conferment of any such right under the special enactment like a gratuity etc; therefore, the Labour Court failed to consider this aspect of the matter and to that extent, the award of the Labour Court required to be modified.

6. In the result, the present writ petition is partly allowed. The respondent is directed to fix the pay fixation in terms of Pay Settlement for the year 2009 to 2013 till the date of retirement. However, the respondent are not obligated to pay any arrears out of pay fixation in terms of the Pay Settlement and also leave

encashments in view of the specific confinement of entitlement. However the petitioner is entitled for any ancillary benefits under any special enactment on the basis of pay fixation. Accordingly, the award of Labour Court is modified.

7. Misc. application(s), if any, stand disposed of.

(MUNNURI LAXMAN),J

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