

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 16609/2019

1. Sanjay Nimbawat S/o Girdhar Gopal Nimbawat, Aged About 40 Years, R/o 11 District Centre, Kamla Nehru Nagar, Jodhpur.
2. Giriraj Singh S/o Shivraj Singh, Aged About 42 Years, R/o House No. 607/2 Karai Kala, Bhilwara.
3. Bhawana Sharma D/o Babu Lal Sharma, Aged About 41 Years, R/o 33, Bhagirath Nagar, Near Arjun Nagar Underpass, Tonk Phatak, Lal Kothi, Jaipur, Rajasthan.
4. Manish Gupta S/o Hajari Lal Gupta, Aged About 33 Years, R/o 21 Roop Nagar, 1St, Mahesh Nagar, Tonk Phatak, Jaipur.
5. Amar Chand Meena S/o Lallu Lal Meena, Aged About 41 Years, R/o A-69, Sikar House, Cloth Market, Outside Chand Pole, Shastri Nagar, Jaipur.
6. Amit Kumar Sharma S/o Basudev Sharma, Aged About 33 Years, R/o House No. 74, Sadabahr Mohalla, Mukundgarh, Jhunjhunu.
7. Pramod Kumar Naug S/o P.c. Mathur, Aged About 51 Years, R/o House No. 225, Sector No. 61 Sanganer.
8. Mahesh Kumar Verma S/o Chagan Lal Verma, Aged About 44 Years, R/o C-107, 80 Feet Road, Mahesh Nagar, Lal Kothi, Jaipur.
9. Namita Gupta W/o Pavan Kumar Gupta, Aged About 43 Years, R/o 25 Pravasi Nagar, Near Kedia Palace, Circle, Murlipura, Jaipur.
10. Prithvi Raj Singh S/o Jeev Raj Singh, Aged About 37 Years, R/o Behind Gramin Bank, Harmada Bus Stand, Jaipur.
11. Gayatree Bariwa W/o Hemant Kumar, Aged About 36 Years, R/o House No. 37, Shanti Nagar, Kartarpura, Lal Kothi, Jaipur.
12. Rajendra Kumar Sharma S/o Ram Dayal Sharma, Aged About 35 Years, R/o Amer, Moorija, Daulatpura, Jaipur.
13. Ruchi Sharma D/o Mahendra Kumar, Aged About 35 Years, R/o B-231, Kirti Nagar, Tonk Road, Jaipur.
14. Mohneesh Rajora S/o Dharam Singh Rajora, Aged About 30 Years, R/o Krishna Vihar, Exetension, Gopalpura Bye Pass, Triveni, Circle, Jaipur.
15. Krishan Kant Mandhaia S/o Jagdish Prasad, Aged About 49 Years, R/o 17 Prem Nagar, Extension, Gopalpura Bye Pass Mangal Vihar, Jaipur.
16. Vijay Shrivastava S/o Kailash Narayan, Aged About 35 Years, R/o Villa No. 130, Mahima Kopal, Goner Road, Sanganer, Jaipur.

-----Petitioners

1. The Reg., Coop. Societies, Jaipur, Nehru Sahkar Bhawan, Jaipur
2. The Regional Manager, The Rajasthan State Co-Operative Bank Ltd., Jodhpur Regional Branch, Jodhpur
3. The Administrator, The Rajasthan State Co-Operative Bank Ltd., Dc-1, Lal Kothi, Opp. Nehru Bal Udhyan, Tonk Road, Jaipur
4. The Managing Director, The Rajasthan State Co-Operative Bank Ltd., Dc-1, Lal Kothi, Opp. Nehru Udhyan, Tonk Road, Jaipur.

-----Respondents

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| For Petitioner(s) | : | Mr. Shridhar Mehta                                               |
| For Respondent(s) | : | Dr. Abhinav Sharma with<br>Ms. Puja Sharma<br>Mr. Samir Shrimali |

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**HON'BLE MS. JUSTICE REKHA BORANA**

**Order**

**07/05/2026**

1. An application (IA No.2/2022) for vacation/modification of order dated 03.01.2022 passed by this Court, has been filed on behalf of respondent No.4.
2. It is an admitted fact that order dated 03.01.2022 was first assailed before the Division Bench vide a Special Appeal (64/2022) which stood dismissed vide order dated 24.03.2022. The said order was assailed before Hon'ble the Apex Court in Special Leave Petition No.9510/2022 which although stood dismissed but then, a liberty was granted to the petitioners therein to move an application seeking vacation/modification of order dated 03.01.2022.
3. Vide the said order Hon'ble the Apex Court directed this Court to consider the application, if filed, on its own merit.

4. It is in pursuance to the above liberty that the present application has been filed.

5. Counsel for respondent No.4 Society, at the very inception, fairly admits that the respondent Society has no objection regarding the implementation of the 15<sup>th</sup> Wage Settlement qua the petitioners. The only objection is regarding the calculation of the arrears as directed vide order dated 03.01.2022. Counsel submits that the dispute pertaining to 1/2 grade increment/s granted to the petitioners qua their educational qualifications, still remains pending and the interim order has been granted only qua the recovery of the said amount. The said interim order would not entitle the petitioners to claim the arrears of the benefit arising out of the said 1/2 grade increment/s.

6. Counsel submits that order dated 03.01.2022 has erroneously been interpreted by the petitioners in the manner that they are entitled to the arrears after calculating the benefit granted to them vide the 1/2 impugned grade increment/s, which in fact was not the intention of order dated 03.01.2022. Counsel therefore submits that order dated 03.01.2022 be modified/clarified to the said extent.

7. Counsel for the petitioners submits that the prayer as made before this Court today, has not been made in the application and hence cannot be permitted to be raised. He submits that vide order dated 03.01.2022, the respondents had already been granted the liberty to adjust the amount of grade increments paid to the petitioners and hence the objection raised on behalf of the respondents stands taken care of.

8. Heard the Counsels. Perused the orders.

9. When it is an admitted case of the respondent Society itself that it has no objection in implementing the 15<sup>th</sup> Wage Settlement, no clarification to the said extent is required to be made. So far as the benefit of the 1/2 grade increment/s already granted to the petitioners is/are concerned, the same is/are impugned in the present writ petition and it is the recovery of the said amount which has been stayed.

10. Keeping into consideration the said fact only, while passing order dated 03.01.2022, the Court had granted the liberty to the respondent Bank to adjust amount of the said 1/2 grade increment/s. However, to give a quietus to the dispute, it is hereby clarified that the respondents shall be under an obligation to release the arrears to the petitioners in terms of the 15<sup>th</sup> Wage Settlement but then, the said arrears shall be calculated without taking into consideration the impugned 1/2 grade increment/s. Meaning thereby, the effect/impact of the impugned 1/2 grade increment/s shall not be taken into consideration while computing the arrears to be granted in compliance of order dated 03.01.2022.

11. With the above clarification, the application stands **disposed of**.

**(REKHA BORANA),J**