

(2022) 07 RAJ CK 0026

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 10368, 10469, 11930 Of 2019

Rajasthan Marudhara Gramin Bank And Others

APPELLANT

Vs

Appellate Authority And Others

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Citation : (2022) 07 RAJ CK 0026

Hon'ble Judges : Rekha Borana, J

Bench : Single Bench

Advocate : Himanshu Sharma, Bhavit Sharma, Jetha Ram Lohia

Final Decision : Allowed

Judgement

Rekha Borana, J

Learned counsel for the petitioner submits that the issues raised in the present writ petitions are squarely covered by Division Bench judgment in Rajasthan Marudhara Gramin Bank Vs.

The Appellate Authority under the Payment of Gratuity Act & Ors.: D.B. Spl. Appl. Writ No.561/2020, decided on 05.01.2022, wherein, the Division Bench while allowing the special appeal has set aside the orders passed by the learned Single Judge and that of the Controlling Authority & the Appellate Authority and it was directed that the amount deposited by the Bank before the Court or Authorities, shall be returned back to the Bank.

Learned counsel for the respondents does not dispute that the issue, as raised, is covered by the order passed by the Division Bench. However, submissions have been made that the judgment on the issue delivered by Madhya Pradesh High Court has not been taken into consideration and that against the Division Bench judgment, similarly placed respondents have approached the Hon'ble Supreme Court.

In the case of Rajasthan Marudhara Gramin Bank (supra), the Division Bench

inter-alia directed as under:-

"34. Since we have held the central issue in favour of the Bank, it is not necessary to go into the question of delay at the hands of the officers in approaching the competent authority, which was ignored without filing the applications for condonation. We may, however, briefly observe that the Appellate Authority and the learned Single Judge were correct in reversing the decision of the Competent Authority in relation to its interpretation on additional benefit payable to a retiring officer having more than 30 years of service. Such benefit as per the correct interpretation of the regulation would be additional amount calculated at the rate of one half month's pay for every completed year of service beyond 30 years. This is quite besides the question whether the officers without filing independent writ petitions challenging the order of the Appellate Authority, could have agitated this issue before the learned Single Judge by raising it in a reply. 35. In the result, all the appeals are allowed. Resultantly, the judgment of the learned Single Judge and the orders passed by the Controlling Authority as well as the Appellate Authority are set aside. If the bank has deposited any amount before this court or the Authorities under the Act of 1972 pursuant to the impugned orders and judgment, the same shall be returned to the bank."

The issue as raised in the present petition is squarely covered by the Division Bench judgment. Insofar as, the plea raised about non-consideration of judgment of Madhya Pradesh High Court and the fact that against the said Division Bench judgment, the respondents therein, have approached the Hon'ble Supreme Court, cannot be a reason enough not to follow the Division Bench judgment of this Court.

Consequently, following the judgment in the case of Rajasthan Marudhara Gramin Bank (supra), the writ petitions filed by the petitioner-Bank are allowed. The orders passed by the controlling authority as well as the Appellate Authority are set- aside. The amount deposited by the Bank, if any, before the Court or Authorities, shall be refunded back to the petitioner – Bank.

No order as to costs.

All the pending applications also stand disposed of.