RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 4209/2016

CNR: RJHC010706642016 | URN: CW / 9114U / 2016

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Saang Singh S/o Sh. Udai Singh Bhati Aged about 57 years, R/o Gram Post Gothdara, Via Kuchera, District Nagaur.

----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Parivahan Marg, Jaipur through its Chairman cum Managing Director.

2. The Executive Director (Administration), State Road Transport Corporation, Parivahan Marg, Jaipur.

3. The Assistant Accountant, Rajasthan State Road Transport Corporation, Jaipur.

4. The Chief/Aagar Manager, Rajasthan State Road Transport Corporation, Nagaur.

----Respondents

For Petitioner(s) : Mr. Mohan Singh Shekhawat

For Respondent(s) : Mr. Harish Purohit

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

03/11/2026

1. This writ petition has been filed by the petitioner with the following prayer:-

> *"(i) by an appropriate writ, order or direction, the impugned order dated 18-09-2014 (Annexure-5) may kindly be quashed and set aside and reinstate the petitioner on the post conductor in respondent department w.e.f 30-11-2014.*
> *(ii) by an appropriate writ, order or direction, the respondents consider the service of the petitioner as qualifying service thereafter issue the pension, gratuity and other retiral benefits as per the comulation chart (Annexure-6).*
> *(iii) by an appropriate writ, order or direction, the Hon'ble Court imposed the heavy cost and penalty upon the respondent for not calculating the qualifying service before retirement of the*

(Uploaded on 04/11/2026 at 01:35:52 PM)
(Downloaded on 04/11/2026 at 10:49:50 PM)

petitioner.
(iv) any other appropriate writ, order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner;"

Rajasthan High Court Web Copy - Not Official

2. During course of the arguments, learned counsel for the petitioner confined his prayer to the extent that the petitioner's voluntarily retirement, which was made with effect from 30.11.2014 vide order dated 18.09.2014, be treated as with effect from 31.03.2015 so that the petitioner completes the qualifying service required for pensionary benefits.

3. Learned counsel for the petitioner submits that petitioner, while working on the post of Conductor, submitted an application on 01.09.2014 seeking voluntary retirement in view of Clause 18(D)(2) of the Standing Order, 1965. The petitioner's application for voluntary retirement was accepted vide order dated 18.09.2014, to be effected from 30.11.2014. Learned counsel for the petitioner further submits that, as per the circular dated 20.03.2008, the respondents were under an obligation to ensure that, before accepting the voluntary retirement of an employee, he must have completed 20 years of qualifying service for the purpose of pension. In the petitioner's case, his voluntary retirement was accepted without ensuring compliance with this requirement and he fell short of the requisite qualifying service by four months for the purpose of availing pensionary benefits. He further submits that the action of the respondents in retiring the petitioner with effect from 30.11.2014 and depriving petitioner from pensionary benefits is contrary to the circular dated 20.03.2008.

(Uploaded on 04/11/2026 at 01:35:52 PM)
(Downloaded on 04/11/2026 at 10:49:50 PM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

4. Learned counsel appearing for the respondent-Corporation submits that the petitioner had submitted an application for voluntary retirement, which was accepted, and voluntary retirement was allowed with effect from 30.11.2014. The petitioner had also accepted the same. However, the petitioner has approached this Court after a lapse of two years from the date of the order allowing voluntary retirement. Therefore, the writ petition deserves to be dismissed.

Rajasthan High Court
Web Copy - Not Official
सत्यमेव जयते

5. Considered the submissions made by learned counsel for the respective parties.

6. As per the facts on record, the petitioner, while working on the post of Conductor, moved an application to the respondent for voluntary retirement from services under Clause 18(D)(2) of the Standing Order, 1965. The application for voluntary retirement was accepted vide order dated 18.09.2014, and the petitioner was allowed to retire voluntarily from services with effect from 30.11.2014.

7. On 30.11.2014, the petitioner had completed 19 years and 08 months of qualifying service, though he had served the respondent-Corporation for about 29 years in total.

8. The circular dated 20.03.2008 issued by the respondent-Corporation clearly provides that Clause 18(D)(2) of the Standing Order, 1965, has to be implemented with great caution and that, before accepting an application for voluntary retirement, it should be ensured that the employee seeking voluntary retirement has completed 20 years of qualifying service for the purpose of pension. In the present case, the petitioner was short of only 04 months of qualifying service, though he had served the

(Uploaded on 04/11/2026 at 01:35:52 PM)
(Downloaded on 04/11/2026 at 10:49:50 PM)

RAJASTHAN HIGH COURT

Corporation for about 29 years in total and had completed 19 years and 08 months of qualifying service. The petitioner is suffering the loss of pensionary benefits due to the respondents overlooking their own circular dated 20.03.2008. If the respondents authority have taken care of their own circular, they would have accepted the voluntary retirement of the petitioner with effect from the date on which he completes 20 years of qualifying service, i.e., 31.03.2015. An employee working on the post of Conductor, who may not have detailed knowledge of the applicable rules and regulations, cannot be expected to foresee the adverse consequences of making an application for voluntary retirement at a time when he is short of a few months of qualifying service. It was the obligatory duty of the Corporation to look after the welfare of its employee and they should have made retired the petitioner from services on voluntary basis with effect from the date on which he completed 20 years of qualifying service for the purpose of pensionary benefits. Since the Rajasthan State Road Transport Corporation is an undertaking of the Government of Rajasthan, which is a welfare State, it is the obligatory duty of the Corporation to ensure the welfare of its employees by implementing the applicable rules and regulations in their favour.

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

9. Having regard to the welfare provisions contained in the Regulations framed by the Corporation, as well as the fact that the petitioner, who is working on the post of Conductor, may not be conversant with the legal implications and consequences of seeking voluntary retirement four months prior to completing the qualifying service. This Court is of the considered view that the

(Uploaded on 04/11/2026 at 01:35:52 PM)
(Downloaded on 04/11/2026 at 10:49:50 PM)

ends of justice would be met if the petitioner's voluntary retirement is treated as effective from 31.03.2015, i.e., the date on which he completed the qualifying service of 20 years required for entitlement to pensionary benefits.

Rajasthan High Court Web Copy - Not Official

10. Accordingly, the present writ petition is **partly allowed**. The voluntary retirement of the petitioner, as ordered vide order dated 18.09.2014, shall be treated as effective from date 31.03.2015. However, in view of the fact that the petitioner has approached this Court after a period of two years from the date of accepting voluntary retirement, he shall not be entitled to any consequential benefits for the intervening period from 30.11.2014 to 31.03.2015.

11. The petitioner would be entitled to pensionary benefits on the basis of the salary that he was drawing as on 30.11.2014. The petitioner would also be entitled to other consequential benefits, including gratuity and leave encashment, etc., if not already paid.

12. In case, the pensionary benefits are not released to the petitioner, along with the arrears, within a period of four months from today, the petitioner shall be entitled to interest at the rate of 9% per annum on the arrears from the date of passing of this order.

13. Pending applications, if any, stand disposed of.

(GANESH RAM MEENA),J

Crt_19 (1843)
D-A/34
Harish Goyal

(Uploaded on 04/11/2026 at 01:35:52 PM)
(Downloaded on 04/11/2026 at 10:49:50 PM)