

* **HIGH COURT OF DELHI : NEW DELHI**

+ **CM No.7172/2010 in CCP No.145 of 2010**

K. N. Bhardwaj Petitioner

Through: Mr. Jai Bansal, Adv.

Versus

Ms. D. Vijayalakshmi & Others Respondents

Through: Mr. Ravinder Sethi, Sr. Adv. with
Mr. Kaushal Mehta and
Mr. Puneet Sharma, Advs.

Judgment reserved on : 09.09.2010

Judgment pronounced on: 03.12.2010

Coram:

HON'BLE MR. JUSTICE MANMOHAN SINGH

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

MANMOHAN SINGH, J.

1. The present application has been filed under Section 151 CPC seeking directions in Civil Contempt Petition No.145/2010 filed by the petitioner under section 11 and 12 of the Contempt of Court Act, 1971 against the respondents alleging that the respondents in the Writ Petition (C) No. 4442 of 2008 have violated the fundamental rights of the petitioner and denied his legitimate dues. The Civil Contempt Petition No.145/2010 has already been disposed of vide order dated 8th March, 2010.

2. This Court by an order dated 04.06.2008 allowed the

petitioner to apply to the respondents to grant him voluntary retirement from service on prescribed Performa. On 05.06.2008 the petitioner went to Delhi divisional Office – 2 of LIC of India under which he was working and there he was informed by the official dealing with the Voluntary Retirement etc. that there is no Performa for Voluntary Retirement and only a simple application addressed to the appointing authority along with the reasons for the same is required to be submitted. In compliance of order dated 04.06.2008 the petitioner again applied for Voluntary Retirement.

3. According to the petitioner he joined his duties at Metro Sales Training Centre on 07.06.2008 and when he was submitting his leave application, some bills along with his notice for Voluntary Retirement, he was humiliated by the Principal Shri Vinod Kureel. He was told that his entry in the office is banned and neither any of his bills would be paid nor anything from him would be accepted.

4. According to the petitioner in continuation to notice of Voluntary Retirement the petitioner submitted copy of his LLB result and attendance certificate-cum-character certificate to the ED (P&IR) through proper channel and the same were duly received at LIC of India, NZO on 05.07.2008 for proof of past occupation. There is a presumption of acceptance of application for Voluntary Retirement if it is not rejected within 90 days.

5. As per the petitioner, even on Completion of 90 days of period the petitioner was neither served any refusal to Voluntary Retirement nor

was he allowed to join. On 18.05.2009 the petitioner moved an application to refer the matter before the mediation cell of this court which was allowed by the Court. On 11.11.2008 this Court asked the respondents to decide the Voluntary Retirement of the petitioner within a week. On 07.07.2009 the Court directed that any authorized representative of the respondent shall be an officer duly empowered and authorized to take a decision on behalf of the respondent. But the matter could not be settled at the mediation cell.

6. The contempt application filed by the petitioner was disposed of on 08.03.2010 by the Court with the following observation:

“Since the petitioner has not yet completed the age of 55 years which as per the petitioner he would be completing the same on 30th March, 2010, therefore, on completion of the required age, let the respondent take a decision on the fresh application to be moved by the petitioner as per the rules and regulations of the LIC. As and when the said application is moved by the petitioner the same will be decided by the LIC within a period of one month from the date of submission of the said application.”

7. The contention of the respondent is that in view of the order passed by the Court, the representation was made by the petitioner on the same date itself and after considering the same by letter dated 30.04.2010 the representation of the petitioner was rejected on the ground that the petitioner under the rule was not eligible for the same.

8. The petitioner thereafter has filed CM No.7172/2010 in the disposed of contempt petition for direction. No notice of this application was issued. However, the learned counsel for the respondents have orally made the statement that since the petitioner made the representation prior

to the date of completion of his age of 55 years, therefore, his application was considered. However, now the respondents have already taken the decision on the fresh application made by the petitioner, hence the case for contempt is made out.

9. During the course of hearing a letter dated 21.9.2010 has been produced by the learned counsel for the respondents showing that the respondents have accepted the request of the petitioner for voluntary retirement with the said date and relieved him from service of the respondents. It was also mentioned in the letter that unauthorized absence from 23.05.2008 till date is treated as Dies-Non. Since the representation of the petitioner has already been accepted by the respondents, no further direction is required to be passed in the application. In view of the facts and circumstances mentioned, the same is disposed of. The pending applications also stand disposed of.

MANMOHAN SINGH, J.

December 03, 2010
jk/dp