

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.26135 of 2015
and M.P.No.1 of 2015

S.B.Mohan Kumar

... Petitioner

Vs.

1. Govt. of India, Rep. By its Secretary,
Department of Heavy Industries and Public
Enterprises, New Delhi

2. Hindustan Photo Films Limited,
Rep. By its Managing Director,
Indu Nagar, Udhagamandalam,
The Nilgiris

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to accept the petitioner's voluntary retirement scheme Application No.0001106, dated 26.03.2014, in the light of the circular issued by the second respondent, vide his proceedings Ref No.P1/14/39/VRS, dated 21.03.2014, HRD Division.

For Petitioner : Mr. B.Mutharasu

For Respondents : Mr. S.Arokiam, CGSC, for R-1

O R D E R

Admit. Mr. S.Arokiam, learned Central Government Standing Counsel, takes notice for the first respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, he was originally joined the services of the second respondent, in the year 1994, as an Apprentice, and subsequently, he worked as Helper (Fluids). The petitioner would further state that the second respondent / Company was declared as a sick company by the Board for Industrial and Financial Reconstruction (BIFR) during the year 2006 and at present, it is not functioning. The first respondent has also published a Notification, dated 21.03.2014, through its web-portal, about the

Voluntary Retirement Scheme, in respect of the employees of the second respondent / company and accordingly, the petitioner has submitted his Application / Representation, dated 26.03.2014, seeking voluntary retirement.

3. The grievance expressed by the petitioner is that without passing any order, the said Application was kept pending and vide proceedings, dated 30.10.2014, the petitioner was permitted to retire, on attaining the age of super-annuation, on 31.10.2014.

4. The learned counsel for the petitioner would submit that, the Application, dated 23.10.2014, submitted by the petitioner, seeking voluntary retirement ought to have been considered by the respondents on time and since it has not been done so, the petitioner has been deprived of certain financial benefits and therefore, the learned counsel prays for appropriate orders.

5. Per contra, the learned Central Government Standing Counsel, appearing on behalf of the first respondent would submit that since the petitioner has attained the age of super-annuation and permitted to be retired on 30.10.2014, nothing survives for adjudication in this matter.

6. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation, dated 23.10.2014, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

7. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

Sd/-

Asst.Registrar(CSII)

/true copy/

Sub Asst. Registrar

srk

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To

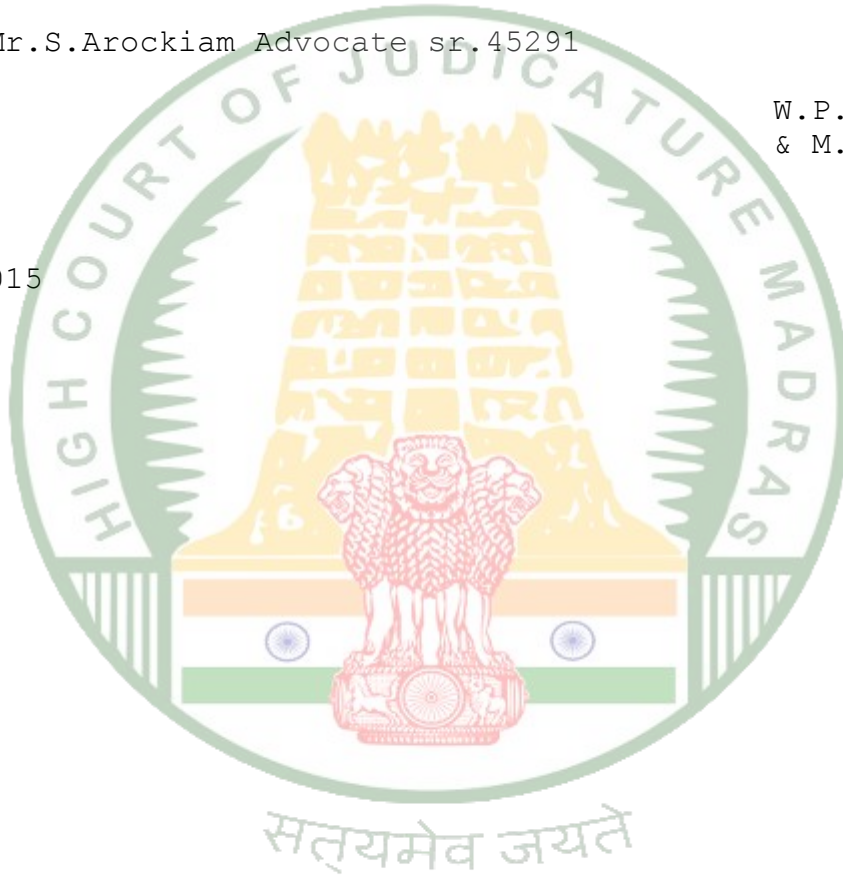
1. The Secretary, Govt. of India,
Department of Heavy Industries and Public
Enterprises, New Delhi

2. The Managing Director,
Hindustan Photo Films Limited,
Indu Nagar, Udhagamandalam,
The Nilgiris

+1 cc to Mr.S.Arockiam Advocate sr.45291

W.P.No.26135 of 2015
& M.P.No.1 of 2015

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