

In the High Court of Punjab and Haryana at
Chandigarh.

CWP-4995-2005

Date of decision : 23.12.2015

O.P. RAHEJA

Petitioner

Vs.

FCI AND OTHERS.

Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL.

Present:- Mr. Gaurav Mohunta, Advocate, with
Ms. Komal Abrol, Advocate,
for the petitioner.

Mr. Maninder Arora, Advocate,
for the respondents.

LISA GILL, J. (Oral)

Prayer in this writ petition is for quashing of order dated 10.09.2004 (Annexure P-9) whereby petitioner's request for voluntary retirement has been accepted despite petitioner having withdrawn the said request on 10.08.2004. It is further prayed that respondents reinstate the petitioner in service w.e.f. 30.09.2004 alongwith all consequential benefit and continuity of service.

Learned counsel for the petitioner relies on judgment of Division Bench of this Court in *Gurcharan Singh Vs. Food Corporation and others 2005(4) S.C.T. 635*. Gurcharan Singh, Santokh Singh and Ramesh Kumar were

co-employees of the petitioner. They had also applied for voluntary retirement under the same scheme and thereafter withdrawn their request. Writ petition by Gurcharan Singh was allowed holding that an employee has an indefeasible right to withdraw his request for voluntary retirement before its acceptance. C.W.P.No. 6590 of 2005 and C.W.P. No. 638 of 2005 by Ramesh Kumar and Santokh Singh were also allowed in the same terms with a direction to reinstate the said employees with continuity of service, arrears of salary etc. Respondent Food Corporation of India (FCI) preferred appeals against the said decision. Present writ petition was adjourned sine die to await the decision of the Special Leave Petition.

All the three appeals filed by Food Corporation of India were dismissed by a common order dated 08.08.2007 by the Hon'ble Supreme Court.

Learned counsel for the respondents is unable to deny that the petitioner is identically situated as petitioners in the abovesaid cases and there is no line of distinction which can be drawn. It is undisputed that said employees had also withdrawn the benefits under the scheme which were duly adjusted against the arrears, retiral benefits released to them after dismissal of the appeals filed by FCI.

In view of the categorical pronouncement by

Division Bench of this Court duly upheld by the Hon'ble Supreme Court, present writ petition is allowed in the same terms. As petitioner attained the age of superannuation in the month of April, 2010, necessary benefits/arrears due towards the petitioner shall be worked out within two months from the date of receipt of certified copy of this order and released within a period of six weeks thereafter. Needless to say, amount, if any, released to the petitioner under the scheme shall be adjusted accordingly.

(LISA GILL)
JUDGE

December 23, 2015.
Anoop