

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Sri Justice G.Shyam Prasad

Writ Appeal No.586 of 2016

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Date: 22.07.2016

Between:

T.Lakshmana Rao

..Appellant

and

Dredging Corporation of India Ltd.,
rep. by its Chairman & Managing Director
Visakhapatnam and 2 others.

..Respondents

Counsel for the Appellant: Dr.P.B.Vijaya Kumar

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Appeal arises out of Order, dated
03-09-2015, in WP.No.8848 of 2002.

We have heard the learned Counsel for the
appellant as well as the learned Standing Counsel
for the Dredging Corporation of India Limited
appearing for the respondents.

While the appellant was working as the Deputy Manager (Personnel) of respondent No.1- Corporation at Visakhapatnam, on 23.11.2000, he has exercised his option for voluntary retirement under Circular No.18/2000, dated 24-08-2000, issued by respondent No.1. On the same day, his request was accepted through fax by the respondents wherein it was intimated that he is likely to be relieved by 27-11-2000. Having received the communication, the appellant has not approached the respondents not to relieve him. On the contrary, he has received all the admissible amounts such as *ex gratia*, leave encashment, gratuity, provident fund *etc.*, to the tune of Rs.13,26,092/- without any demur. However, later on, he has filed WP.No.8848 of 2002 with the allegation that he was being harassed by the Department by way of frequent transfers from one place to other from the year 1997; that he had no intention to opt for voluntary retirement as he was still left with ten years of service; that the Project Manager of respondent No.1- Corporation has threatened him that if he does not opt for voluntary retirement, he might face another transfer; and that,

accordingly, under pressure and force, he has signed the application for voluntary retirement. He has further alleged that even though some other employees have also submitted their applications for voluntary retirement on 23.11.2000, the CMD has taken seven to ten days time to accept the same and another seven to ten days time to relieve them and that he made a representation on 27-11-2000 requesting respondent No.1- Corporation to reconsider the decision taken by it on his application made under coercion.

Having considered the respective pleadings of the parties, the learned Single Judge has rendered a finding that the impugned proceeding itself shows that all the applications received for voluntary retirement on or before 23-11-2000 were processed; that the acceptance or otherwise of those applications was communicated to all the applicants either through fax or by letter on 23-11-2000 itself; and that all the fourteen employees including the appellant were relieved on 27-11-2000.

The facts referred to by the learned Single

Judge have not been disputed by the appellant in this Writ Appeal. Though the appellant is stated to have addressed a letter to respondent No.1-Corporation on 27-11-2000 not to accept his application for voluntary retirement, he has nevertheless received all the amounts receivable consequent on his voluntary retirement such as *ex gratia*, leave encashment, gratuity, provident fund *etc.*, to the tune of Rs.13,26,092/-. The appellant has also not disputed the fact that in his application for voluntary retirement, he has given an undertaking that he will not claim for reinstatement into service of the Corporation. In the aforementioned facts, the learned Single Judge was justified in rendering the finding that having accepted the voluntary retirement, the petitioner cannot turn around and question the same. In the above facts of the case, we do not find any reason to interfere with the order of the learned Single Judge.

The Writ Appeal is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

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(G. Shyam Prasad, J)

Dt: 22nd July, 2016
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