

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M. No.21402 of 2008 in/and
CWP No.16529 of 2003
Date of Decision: 19.05.2017**

Virender Singh Yadav & ors.

... Petitioners

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. KB Sharma, Advocate, for
Mr. DR Sharma, Advocate,
for the petitioners.

Mr. Vishal Garg, Addl.A.G., Haryana.

Mr. DS Patwalia Sr. Advocate, with
Mr. BS Patalia, Advocate, and
Mr. Harsh Aggarwal, Advocate,
for respondent No.2.

RAJIV NARAIN RAINA, J.(Oral)

When the matter came up for hearing on 3.4.2017, the Court
passed the following order:-

“Learned counsel to seek instructions
whether the petitioners are prepared to deposit
the entire amount of Voluntary Retirement
Scheme together with interest @ 7.5% in view of
the order passed by the Hon'ble Supreme Court in
CWP No.7389 of 2011 titled as “Man Singh Vs.
Maruti Suzuki India Limited & another”.

List on 21.4.2017.

To be shown in the urgent list.”

On 21.4.2017, the case was adjourned to 5.5.2017 but the
matter could not be taken up in view of the request for adjournment

made. On 12.5.2017, a request was made again for an adjournment which was accepted and the case was ordered to be listed on the adjourned date to be shown in the urgent list. Today, the case is taken up for hearing and final disposal by consent of parties.

Learned counsel for the petitioners pleads that he has not been able to contact his clients as their telephone/mobile numbers available with him have failed to respond.

Mr. DS Patwalia, learned Senior counsel appearing for Respondent-2 suggests that a conditional order be passed to the effect that in case the petitioners deposit the entire amount of money received by them under the Voluntary Retirement Scheme (VRS) together with interest @ 7.5%, then the respondent-Maruti Suzuki India Limited will not defend the impugned order declining the industrial reference and the matter can be remitted to the Labour Court for determination on the issue whether the workers once having accepted VRS can back out the deal and claim reinstatement to service.

I think the fair suggestion of the senior counsel is a good one which will not only save time, much of which stands lost, but will also serve the ends of justice as no useful purpose will be served to keep this matter pending any further, and accordingly the impugned order (Annex P-11) is quashed conditionally with the direction as issued by the Supreme Court in Civil Appeal No.7389 of 2011 arising out of SLP (Civil) No.9211 of 2010, titled "Man Singh Vs. Maruti Suzuki India Limited & another", decided on 26.8.2011 holding that to claim reference, the claimant/s would first have to deposit the entire amount of VRS with the company and then go to the Labour Court for adjudication

of the dispute. As far as interest @7.5% per annum is concerned, it shall be governed by the passage in para. 9 of the judgment in *Man Singh* case, even though the direction may have been issued by the Supreme Court in exercise of exclusive power under Article 142 of the Constitution of India but still I see no reason why the same principle should not be followed in letter and spirit in the case of similarly situated ex-employees in a proceeding under Article 226 of our Constitution to bring the former employees on par with their present counterparts and those directions of the Supreme Court applied to guard against unequal treatment of those who represent the same interest, as in this petition.

Needless to say that in case the petitioners deposit the entire amount received by them from the VRS benefit without interest [para.9 of *Man Singh*] on or before 31.12.2017, the State of Haryana would then refer the dispute to the Tribunal/Labour Court exercising jurisdiction over the subject matter dispute for an adjudication on the merits of the claim under Section 10 of the Industrial Disputes Act, 1947 before the end of January, 2018.

A priori, if no amount is deposited by then, the petitioners would lose their right to sue.

With the above observations and directions, the petition stands disposed of in terms of *Man Singh's case (supra)*.

19.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>

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