

(103) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1226 of 2017 (O&M)
in CWP No.9019 of 2002
Date of decision: 08.02.2018

R.R. Birok

..... Appellant

Versus

Chairman-cum-Managing Director, National
Fertilizers Limited and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Sanjeev Kumar, Advocate for the appellant(s).

Rajesh Bindal, J.

This order will dispose of a bunch of appeals bearing LPA Nos.1226 to 1228, 1230 and 1234 of 2017. Along with the said appeals, applications seeking condonation of 15 days' delay in filing thereof, have also been filed.

The order impugned in the said appeals is common passed in twelve writ petitions decided by the learned Single Judge.

The issue in brief sought to be raised is that there was a Voluntary Retirement Scheme floated by the Management on 17.10.2001 which was amended on 22.11.2001. The applicants/appellants in the respective appeals were not informed about the amendment carried out. They sought voluntary retirement in terms of the policy dated 17.10.2001. Their request was accepted, however, the emoluments were paid in terms of

the amendment carried out on 22.11.2001 as the request was made thereafter. The amount was received by the applicants/appellants, however, challenge was made claiming that the amendment carried out having not been brought to the notice of the applicants/appellants, they should be paid emoluments in terms of the policy circulated on 17.10.2001. The claim has been rejected by the learned Single Judge.

It is not in dispute that when the request of the applicants/appellants for voluntary retirement was accepted and the emoluments were paid in terms of the amended policy, they still had more years to serve before attaining the age of superannuation but none of the applicants/appellants chose to opt out of their voluntary retirement request on the ground that the amended terms were not brought to their notice, rather they accepted emoluments paid in terms thereof and filed writ petitions in this Court for relief in terms of the unamended Voluntary Retirement Scheme.

Once the applicants/appellants accepted the emoluments in terms of the amended Voluntary Retirement Scheme, nothing lies in their mouth to contend that they should be paid emoluments in terms of the unamended scheme. A specific question was put to the applicants/appellants as to whether they are ready and willing to forego benefits of Voluntary Retirement Scheme altogether. In response, affidavit has been filed. In that it has been stated by the applicants/appellants that they cannot forego the benefits, since they had already attained the age of superannuation.

For the reasons mentioned above, we do not find any error in the order passed by the learned Single Judge.

Accordingly, the appeals are dismissed and the applications seeking condonation of delay are also dismissed.

(Rajesh Bindal)
Judge

08.02.2018
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(B.S. Walia)
Judge

- 1. Whether speaking/reasoned : Yes/No.
- 2. Whether reportable : Yes/No.