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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Judgment: 23rd July, 2018*

+ LPA 560/2017

SOHAN LAL & ORS.

..... Appellants

Through: Mr.Sanjoy Ghose, Mr.Rishabh Jetley
and Ms.Urvi Mohan, Advts.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Arpit Shukla, G.P. for R-1/UOI.
Ms.Sonia A. Menon and
Mr.Himanshu Saini, Advts. for R-
2/HVOC

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. By the present Letters Patent Appeal, the appellants challenge the order dated 11.07.2017 passed in W.P.(C) 5704/2017 by the learned Single Judge.
2. The necessary facts to be noticed for disposal of the appeal are that the appellants herein retired on 31.07.2016, 30.09.2015 & 31.08.2014 after serving as regular employees of Breakfast Food Unit of Hindustan Vegetable Oil Corporation Ltd. (HVOC). The Improved Voluntary Retirement Scheme (IVRS) floated on 16.08.2016 for the benefit of employees on regular rolls being made applicable as on 01.08.2016, has led to filing of W.P.(C) 5704/2017 wherein the following prayers were made:

“In the present facts and circumstances and in the larger interests of justice, this Hon’ble Court may be pleased to:

- a) To allow the present petition; and
 - b) To issue a writ of mandamus, order, direction to the Respondents to compute the retirement dues of the petitioners and their terminal dues as per the 2007 pay scales of Government of India and as extended to employees under the Improved Voluntary Retirement Scheme (“IVRS”) of the Respondent No.2 dated 16.08.2016 and to pay the differential amount within such time period and along with interest at such rate of interest as this Hon’ble Court may deem just and fair in the facts of the case and in the interests of justice;
 - c) To Award the cost of the petition to the petitioners;
 - d) To Pass any such other order (s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”
3. Learned Single Judge dismissed the writ petition in *limine* on the ground that when the IVRS was floated on 16.08.2016 the appellants herein were not on the roll of HVOC and as such they would not be covered under the IVRS 2016. Another reason for dismissing the writ petition was that should such a claim be entertained, then there would be large number of similarly placed persons who had retired prior to 2017 and who may have similar benefit. The retirees would, of course, be regulated by the rules in place on the date of their retirement.
4. Mr.Sanjoy Ghose, counsel for the appellants, at this stage, submits that, in fact, an earlier writ petition was filed being W.P.(C) 10569/2016, which was dismissed as withdrawn on 30.01.2017 with liberty to

approach this court again highlighting the voluntary retiral benefits including gratuity etc. as also any additional facts regarding a particular pay scale in accordance with law. Mr. Ghose has drawn the attention of the Court to the note dated 18.05.2016 of the Cabinet Committee, Economic Affairs wherein they had approved the IVRS package but one thing which would be clear on the reading of this note was that a package was worked out to provide the employees an improved VRS package for the retirement rehabilitation. Counsel further submits that having advantage of this note and the objective of the package, he would re-agitate the question as per liberty granted in W.P.(C).10569/2016 but without directly seeking the same benefit as awarded under the VRS package, which was the prime ground taken in the writ petition and subject matter of the present LPA.

5. Without expressing any opinion on the merits of the issues sought to be raised, we find no infirmity in the reasoning of the Learned Single Judge. The appeal is dismissed. In view of the stand taken by the counsel for the appellant, the liberty, as prayed for, is granted. Keeping the rights of both the parties open, the appellant would be free to seek such remedy, if available, in accordance with law.

C.M.30215/2017

6. The application stands disposed of in view of the order passed in the appeal.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

JULY 23, 2018/rb