

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4937 of 2020

1. Sikander Ushar Varsha S/o Late Ram Pal Aged About 39 Years R/o Permanent Address House No. 34, Ward No. 26, Mudapaar Safai Kaamgar Mohalla, District Korba Chhattisgarh, Presently Residing At House No. Md 688 Dipka Colony S.E.C.L. Gevra Area P.O Gevra Project District Korba Chhattisgarh.
2. Smt. Chandra Bai Wd/o Late Ram Pal Aged About 57 Years Occupation Safai Karmi, Nehru Hospital , Gevra Area, SECL , District Korba, R/o House No. 34, Ward No. 26, Mudapaar, Safai Kaamgar Mohalla, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. South Eastern Coalfields Limited Through Its Chairman Cum Managing Director, SECL , Seepat Road, Bilaspur Chhattisgarh.
2. The General Manager SECL Gevra Area, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Shri Salvik Tiwari, Advocate.
For Respondents	:	Shri KK Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.01.2021

1. The grievance of the petitioner in the present writ petition is non consideration of the application of petitioner No.1 for grant of employment against Special Female Voluntary Retirement Scheme (in short, the Scheme) floated by the department.
2. According to counsel for the petitioners, the petitioner No.2 had applied for the voluntary retirement scheme floated by the department. As per the scheme, the petitioner No.1, the son of the petitioner No.2, would have got employment which the respondents deliberately did not take any decision and dragged on the matter for a considerable period of time and till date the application has not been rejected and therefore they have approached this court by way of this writ petition to consider the claim of the petitioner

for grant of employment to the petitioner No.1 by accepting the application of the petitioner No.2 under Special Female VRS scheme.

3. Learned counsel appearing for the respondents submits that the respondents had floated the said scheme on 31.03.2014 where an employee should be less than 50 years of age for availing the benefit under the said scheme. The petitioner No.2 in the instant case had applied for the benefit under the said scheme on 03.12.2014, however, on the said date since the petitioner No.2 had already crossed 50 years of age, the claim of the petitioner No.2 was rejected at the first instance.
4. However, the said scheme was again revised w.e.f. 06.11.2014 to 25.05.2015 and where the upper age limit for availing the said benefit was raised from 50 to 55 years. The petitioner No.2 again applied for the same, however, during the said period there was a disciplinary enquiry pending against the petitioner No.2 and the scheme had a specific clause that any female employee who was facing disciplinary proceeding, their application would not be considered. The petitioner No.2 was at that point of time again ineligible in terms of Clause-9 of the said scheme on account of disciplinary proceedings pending against her. The petitioner No.2 finally was exonerated from the charges only on 04.09.2015, however, by that time the operation of that revised scheme also came to an end on 25.05.2015 and therefore her application could not be processed and considered.
5. It is further submitted by the counsel for the respondents that the petitioner No.2 is still in employment under the respondents and she has a couple of years of service left and for all the aforesaid reasons the petitioner No.2 could not be granted the benefit under the said Special Female VRS scheme.

6. The aforesaid facts are not disputed by the counsel for the petitioners, however, he only contends that the respondents firstly have not rejected their application during the said scheme being in operation and secondly the respondents prolonged the disciplinary proceedings deliberately with an intention for disallowing the claim of the petitioner No.2 under the said V R Scheme.
7. Both the aforesaid grounds raised by the petitioners would not be permissible to be agitated at this juncture. It ought to have been agitated during the relevant time and now that the scheme itself stands withdrawn from 25.05.2015, there cannot be a specific direction now which could be issued by the writ court for considering the claim of the petitioner in respect of scheme which is not in operation.
8. The writ petition therefore being devoid of merit deserves to be and is hereby rejected.

Sd/-
(P. Sam Koshy)
Judge