



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of June Two Thousand Twenty One

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PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MS JUSTICE R.N.MANJULA

CMP.No.2668 of 2020

in A.S.No.174 of 2020

and S.A.No.1041 of 2007

M/S.G.E.T.AND D INDIA LIMITED,
REP BY ITS GENERAL MANAGER, HR,19/1,
GST ROAD, PALLAVARAM, CHENNAI-600 043.

[PETITIONER IN
CMP.No.2668 of 2020]

GE T AND D INDIA LTD.,
(M/S.ALSTOM D INDIA LTD) .,
REP. BY ITS MANAGER HR
AT NO.19/1 GST RD., PALLAVARAM,
CH-43.

[PETITIONERS IN
S.A.No.1041 of 2007]

**CAUSE TITLE ACCEPTED VIDE ORDER
OF COURT DT.24.9.07 MADE IN MP 1/07
IN SA SR NO.71932/07**

**To AMENDED THE CAUESE TITLE
THE SOLE APPELLANT VIDE ORDER
OF COURT DATED 5/2/20 MADE IN
CMP 26030/19 IN SA.NO.1041/2007 (VPNJ)**

Vs

M/S.ALSTOM VOULNTARY RETIREMENT
SCHEME VRS, EMPLOYEES WELFARE
ASSOCIATION (REGD416/99), REP BY ITS
SECRETARY, 2/44, VETERAN LINES, CONTONMENT,
PALLAVARAM, CHENNAI-600 043.

[RESPONDENT IN
CMP.No.2668 of 2020]

P.SURYALINGESWARA RAO (DIED)

[RESPONDENTS IN
CMP.No.2668 of 2020]

1 S.INDIRA

2 S.RATHNA DEEPAK



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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant of execution of the Judgment and decree dated 30/09/2019 passed in OS.No.334/2008 on the file of the Additional District Judge, Kancheepuram District (in CMP.No.2668 of 2020) and

(ii) amended the cause title sole appellant vide order of court dated 05/02/2020 made in cmp.no.26030/2019 in sa.no.1041/2007 (vpnj)rr 2 and 3 brought on record as lrs of the deceased sole respondent vide order of court dated 05/02/2020 made in cmp.no.26032 and 26034/2019 in sa.no.1041/2007(vpnj) (in S.A.No.1041 of 2007).

Order : These petitions coming on this day for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.GUPTA AND RAVI, Advocate for the petitioner in CMP.No.2668 of 2020 and of MR.K.M.RAMESH FOR CAVEATOR, Advocate for the respondent in CMP.No.2668 of 2020 and of M/S.T.S.GOPALAN & COMPANY for the petitioner in S.A.No.1041 of 2007, the court made the following order:-

[Order of the Court was made by *M.M.SUNDRESH, J.*]

The defendant is the appellant in the suit filed for declaration that the plaintiff's members are entitled for the benefit of Voluntary Retirement Scheme introduced in the year 1999 and for a consequential prayer of mandatory injunction. The suit having been decreed, the present appeal has been filed. There is also a second appeal in S.A.No.1041 of 2007 directed to be posted along with the present appeal.

2. The case of the petitioner is that the members of the respondent/plaintiff's association having accepted the earlier Voluntary Retirement Scheme cannot seek the benefit under the subsequent one.

3. Learned counsel submitted that some of the members are no more and it will be impossible to recover the amount. The conditional order imposed by this Court has been complied with.

4. Learned counsel appearing for the respondent/plaintiff submitted that inasmuch as the suit having been decreed on contest coupled with the conditional order being complied with, the said amount will be permitted to be withdrawn by the plaintiff, who in turn will disburse the same among the beneficiaries.

5. There are larger issues involved to be decided in this appeal and the second appeal. The second appeal also stands on a different footing as it is filed by an individual, who is the erstwhile employee. We do find the submission made by the learned counsel for the petitioner as acceptable since the payment, if any made, is impossible for recovery. The suit is filed by the respondent in the representative capacity. Some of the members are



said to have died. They also got the benefit under the earlier Scheme. Thus, considering the above, particularly taking note of the fact that the conditional order has been complied with, the interim order already granted is made absolute.

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Post the appeal along with the second appeal which is directed to posted already for final hearing on 25.08.2021.

-sd/-
24/06/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK COURT),
KANCHEEPURAM.

2 THE PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU

3 THE PRINCIPAL SUBORDINATE JUDGE,
CHENGALPATTU

Order
in

CMP.No.2668 of 2020
in A.S.No.174 of 2020
and S.A.No.1041 of 2007

Date : 24/06/2021

From 26.2.2001 the Registry is issuing certified
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UM(26/07/2021)