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

% *Date of Decision: 08th February, 2023*

+ W.P.(C) 1624/2023

SMT. DULARI DEVI AND OTHERS Petitioners

Through: Ms. Rachana Gupta, Advocate.

versus

UNION OF INDIA AND OTHERS Respondents

Through: Mr. Rishabh Sahu and
Mr. Akhil Anand, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition has been preferred on behalf of the Petitioners *inter alia* seeking quashing of the notice dated 28.04.2003 and office Memorandum dated 11.07.2003 issued by Respondent No. 2 as well as a direction for reinstatement with back wages.

2. The brief facts to the extent necessary for disposal of the writ petition are that Petitioners were appointed with Fertilizer Corporation of India Limited ('FCIL')/Respondents No. 2 to 4 on different dates between 1981 to 1987 on various posts. On 06.11.1992, FCIL was declared as a sick industrial company by BIFR. Subsequently, AAIFR confirmed the winding up of the FCIL on 29.01.2002, consequent to which several writ petitions were filed in this Court against the order of AAIFR, which were allowed and the matter was remanded to BIFR. On 06.09.2002, FCIL issued a Circular, inviting applications under Voluntary Separation Scheme ('VSS'). Petitioners did not opt under the Scheme on the basis of an assurance that workmen who do not opt will be retrenched but absorbed in appropriate departments. Petitioners

were retrenched on 11.07.2003, which was challenged in Allahabad High Court in 2003. The writ petition bearing No. 21944/2003 was dismissed on 14.11.2019, primarily on the ground that the Units, in which the Petitioners were deployed, were closed down and most of the employees working in Gorakhpur Unit had accepted VSS except the Petitioners and there was no obligation on FCIL to absorb the Petitioners in different establishments.

3. Learned counsel for the Petitioners submits that as per the information of the Petitioners, FCIL was revived pursuant to an order passed in Co. Pet. No. 183/2004 and in the changed circumstances, Petitioners may be permitted to make a representation to the Management of FCIL for reconsideration of their cases.

4. In view of the fact that at this stage, Petitioners seek only a limited relief, without prejudice to the rights and contentions of the parties, writ petition is disposed of permitting the Petitioners to make a comprehensive representation to Respondents No. 2 to 4 within four weeks from today. Upon receipt of the representation, the concerned Respondents shall decide the same in accordance with law and pass a speaking and reasoned order within eight weeks from the date of receipt of the representation. Upon communication of the speaking order, if the Petitioners are still aggrieved, they would be at liberty to take recourse to remedies available in law.

5. It is made clear that this Court has not expressed any opinion on the merits of the issues raised and/or delay, if any, in approaching this Court.

6. Writ petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 08, 2023/rk/shivam