

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1591 OF 2024

VAIBHAV
RAMESH
JADHAV
Advocate
S.No. 1591 of 2024
Dated: 03.03.24

Indo Count Industries Ltd. ... Petitioner
V/s.
Janaba Kallappa Patil & Ors. ... Respondents

Mr. A. K. Jalisatgi with Ms. Divya Wadekar and Mr.
Triveninath Ramprasad Yadav for the petitioner.

Mr. Umesh D. Desai for respondent Nos.1 to 6.

CORAM : AMIT BORKAR, J.

DATED : MARCH 7, 2024

PC.:

1. Arguable questions are raised.
2. Prima facie it appears that the petitioner opting for Voluntary Retirement Scheme (hereafter, "VRS", for short) accepted amount under VRS. However, subsequently raised a dispute in relation to quantum of amount provided under VRS on the ground that the age of retirement while deciding the quantum of amount was wrongly calculated based on age of retirement at 58 years which ought to have been 60 years. However, in view of law laid down by the Apex Court in the case of **A. K. Bindal and Anr. vs. Union of India and Ors.** reported in (2003) 5 SCC 163 in paragraph 34, the petitioner is entitled to interim relief.

3. Hence, **Rule.**
4. There shall be interim relief in terms of prayer clause (b).
5. *Respondent's Advocate waives the service.*

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 12th March 2024 to insert paragraph No.5. Paragraph No.5 is shown in italicize.