



W.P. No. 28885 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 28885 of 2018

and

W.M.P. No. 33744 of 2018

A.Sunthirasekar

... Petitioner

-VS-

1. The Chairman and Managing Director
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
2. The Director
HR Department
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
3. The Executive Director
HR Department
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
4. The Chief Executive Officer
NLC Tamil Nadu Power Limited
Tuticoring.
5. The General Manager
HR Department
NLC Tamil Nadu Power Limited
Tuticorin.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records pertaining to



W.P. No. 28885 of 2018

the issue of the order in proceedings bearing No. LR.No.CORP/HR/EB/NE/VRS/0648/2018 dated 12.10.2018 by the Executive Director, HR Department, Neyveli Lignite Corporation of India Limited, Neyveli, Cuddalore District the third respondent herein and quash the same.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.N.Nithianadam (RR1 to 3)
R4 & R5 - No appearance

ORDER

This petition is filed seeking to call for the records pertaining to the order dated 12.10.2018 in proceedings No. LR.No.CORP/HR/EB/NE/VRS/0648/2018 by the Executive Director, HR Department, Neyveli Lignite Corporation of India Limited, Neyveli, Cuddalore District and quash the same

2. Heard Mr.D.Ashok Kumar, learned counsel for the petitioner and Mr.N.Nithianandam, learned counsel for the first to third respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner was working as employee in the respondent Corporation. After planning to go on voluntary retirement, he had submitted an application in that regard on 23.08.2018. According to the petitioner, his proposal has not



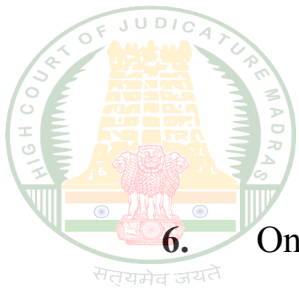
W.P. No. 28885 of 2018

been considered by the respondent till 28.09.2018 and he sent a letter dated

WEB 29.09.2018 by seeking permission to withdraw his application sent for voluntary retirement, but the respondent Corporation refused to grant permission to the petitioner to withdraw his retirement.

4. The learned counsel for the first to third respondents submitted that the petitioner had opted for withdrawal of voluntary retirement within the reasonable time of three months before acceptance and the respondent Corporation ought not to have denied to permit the petitioner to withdraw his application seeking voluntary retirement.

5. The learned counsel for the first to third respondents submitted that the petitioner has submitted the application on 23.08.2018 and that has been accepted on 18.09.2018 and published in the respondent Corporation website on 21.09.2018. As the regulations of the voluntary retirement scheme will not allow withdrawal after it is accepted by the respondent Corporation, the petitioner was not given with the permission to withdraw the voluntary retirement.



W.P. No. 28885 of 2018

6. On perusal of the regulations of the scheme of the voluntary retirement of

the respondent Corporation, it appears that an employee seeking voluntary retirement should submit an application in writing seeking permission before two months. On receipt of the same, the competent authorities of the respondent Corporation has to take a decision within a period of two months. The Regulation would further state that if the application is accepted by the respondents, it cannot be withdrawn.

7. The learned counsel for the petitioner submitted that the communication accepting the voluntary retirement has not been communicated to him and before he has received the communication, he submitted an application to withdraw the voluntary retirement and hence, it ought to have been admitted by the respondent Corporation.

8. Firstly, as per the scheme of the voluntary retirement of the respondent Corporation, there is no three months time limit and only two months. The above scheme would clearly state that once the voluntary retirement is accepted by the competent authority of the respondent Corporation, the person who gave voluntary retirement is not entitled to withdraw the same. The petitioner's application for voluntary retirement said to have been accepted on 18.09.2018



W.P. No. 28885 of 2018

itself and the same has been uploaded in the respondent Corporation website on 21.09.2018. The list of persons whose voluntary retirement has been accepted and published in the website of the respondent Corporation and in which the petitioner's name also appears as against the Serial No. 23. The said communication was exhibited on 21.09.2018.

9. It is brought to notice by the respondent Corporation that the petitioner himself has applied for post-retirement medical benefits on 12.09.2018. The learned counsel for the petitioner submitted that when the petitioner was intended to withdraw his application seeking for withdrawal of the voluntary retirement, the order of acceptance was issued by putting an anti-dated. Had it been a mere physical letter handed over to the petitioner, it would have been possible to correct it at any later point of time. What is shown by the respondent Corporation is the list of candidates, who have been accepted to go on voluntary retirement and it is published in the Corporation website. Hence, there cannot be any alteration in the date on which it is published, as alleged by the petitioner. As the petitioner was also aware of the fact that once the voluntary retirement is accepted by the competent authority of the respondent Corporation, he cannot withdraw the same subsequently. In view of the same, he has submitted the application seeking medical benefits.



W.P. No. 28885 of 2018

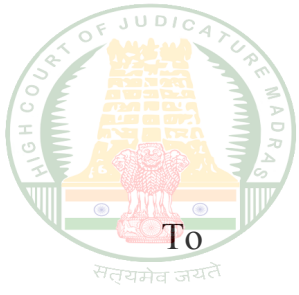
WEB 10. As per the rules the petitioner has lost the liberty to withdraw his own voluntary retirement after the same has been accepted by the competent authority of the respondent Corporation. As the petitioner has sent the withdrawal application after the competent authority has arrived at a conclusion to accept his resignation, the respondent Corporation had rejected the same. It is learnt that the petitioner had also accepted all the retiral benefits attached to the voluntary retirement.

11. In view of the above stated reasons, this writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

28.02.2025

Internet: Yes/No
Speaking /Non-speaking order

Maya



W.P. No. 28885 of 2018

To

WEB COPY

1. The Chairman and Managing Director
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
2. The Director
HR Department
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
3. The Executive Director
HR Department
Neyveli Lignite Corporation of India Limited
Neyveli, Cuddalore District.
4. The Chief Executive Officer
NLC Tamil Nadu Power Limited
Tuticoring.
5. The General Manager
HR Department
NLC Tamil Nadu Power Limited
Tuticorin.



WEB COPY



W.P. No. 28885 of 2018

R.N.MANJULA, J.

Maya

W.P. No. 28885 of 2018

Dated : 28.02.2025