
(2002) 10 KAR CK 0063
In the Karnataka High Court
Case No : Writ Petition No. 4808 of 2001

C.M. Mahantkumar

APPELLANT

Vs

NGEF Limited and Another

RESPONDENT

Date of Decision : 22-10-2002

Acts Referred:

Citation : (2003) 4 KarLJ 554 : (2003) 1 KCCR 40 SN

Hon'ble Judges : R. Gururajan, J

Bench : Single Bench

Advocate : R.B. Guttal and Asha Bellunka, for the Appellant; B.C. Prabhakar, for Respondent-1 and M. Narayanappa, High Court Government Advocate for Respondent-2, for the Respondent

Final Decision : Dismissed

Judgement

R. Gururajan, J.—Petitioner in this petition is seeking to quash the order dated 12-10-2000 vide Annexure-J. He is also seeking for a direction to the respondent-company to consider his case for availing the benefit of voluntary retirement as per scheme at Annexure-E.

2. Petitioner is an Engineer and he completed his post-graduation from the Indian Institute of Science. He joined Bharath Electronics Limited, Bangalore and thereafter he joined the respondent-company as Deputy Manager in Research and Development Division. He was promoted as Manager and thereafter as Senior Manager, He was transferred to the Sales Department. According to him this transfer is wholly unwarranted. He refers to the correspondence between the parties. Petitioner submitted a letter of resignation at Annexure-B. The same was accepted. According to him, when he resigned the Voluntary Retirement Scheme was not available and subsequently, the same was made available. He submitted several letters, and the same were not considered. Finally he approached the Industries Minister as he forwarded his letter to the company and the company expressed its inability in terms of Annexure-J. Annexure-J is challenged in this petition.

3. Respondents have entered appearance. They say that the petitioner was transferred, to Bombay and in those circumstances he tendered his resignation. The same was accepted and he was relieved from his duties on 2-1-1999. Thereafter he made a representation seeking for consideration of his resignation as Voluntary Retirement. The same has been rejected. They justify their action.

4. Heard the learned Counsels for the parties. Learned Counsel for the petitioner states that the respondents cannot be permitted to play hide and seek in the matter of Voluntary Retirement Scheme. He further refers to me that he was compelled to submit his resignation. He wants the matter to be reconsidered by this Court. Per contra, learned Counsel for the management would say that the petitioner having resigned from the services cannot be permitted to seek alteration of the same as voluntary retirement. The same is impermissible.

5. After hearing the learned Counsels on either side, I have carefully perused the material on record.

5-A. Annexure-B is a letter dated 1-1-1999 submitted by the petitioner to the Managing Director. It is no doubt true that in the said letter there is a request to consider his case for Voluntary Retirement Scheme. It is seen from the said letter that the same has been struck off and thereafter he has written stating that he is tendering resignation to the post of the Senior Manager. The said letter is followed by another letter dated 2-1-1999, in which he has sought that he may be relieved from his services immediately. The management has accepted his resignation in terms of Annexure-D. The same has become final as on date. The petitioner got settled his accounts with the management. Thereafter, on 19-1-1999 after acceptance of settlement benefit he sought conversion of his resignation to an application for Voluntary Retirement. It appears that he also approached the Industries Minister and the Minister has recommended his case. The management in terms of Annexure-J says that the petitioner having tendered resignation cannot be permitted to change his stand subsequently. The management also says that it is not possible for them to consider his case. This endorsement does not suffer from any error of law.

6. Admittedly, petitioner is a Master Degree holder. He having tendered resignation cannot seek for conversion at a subsequent stage that too after acceptance of final settlement. No such right is available to the petitioner. In these circumstances, the respondents are fully justified in rejecting his request. I do not find any arbitrariness in the case on hand. Introduction or withdrawal of the Voluntary Retirement Scheme is essentially a matter of discretion of the management. It is for the management to decide its policies. That cannot be questioned as arbitrary by the petitioner. No fact foundation is available in this case. In this connection it is also to be noticed that this Court in somewhat identical circumstances in W.P. No. 18615 of 1997 has ruled that such conversion is not possible.

7. In these circumstances, I do not find any justifiable grounds to interfere with

the impugned order. Writ petition stands rejected. Parties are to bear their respective costs.