

(2025) 10 GUJ CK 1505
In the Gujarat High Court

Case No : R/Letters Patent Appeal No. 1076 Of 2025 In R/Special Civil
Application No. 6927 Of 2025

Petrofils Ex-Employees Action Committee Through Acting
President Ramesh Jaicharan Sharma

APPELLANT

Vs

Liquidator , Petrofils Co-Operative Ltd. & Anr

RESPONDENT

Date of Decision : 15-10-2025

Acts Referred:

Constitution Of India, 1950 — Article 14
Multi-State Co-Operative Societies Rules, 2002 — Rule 31
Limitation Act, 1963 — Section 14
Multi-State Cooperative Societies Act, 2002 — Section 99

Citation : (2025) 10 GUJ CK 1505

Hon'ble Judges : A.S. Supehia, J;L. S. Pirzada, J

Bench : Division Bench

Advocate : Krishna G Rawal, Manisha Lavkumar, Aaditya Dave

Final Decision : Dismissed

Judgement

A.S. Supehia, J

1. The present Letters Patent Appeal filed by the party-in-person is directed against the order dated 24.06.2025 passed in the captioned writ petition, wherein and whereby the learned Single Judge has rejected the writ petition filed by the party-in-person seeking a declaration that the Voluntary Separation Scheme (VSS) introduced vide Office Memorandum dated 05.05.2000 is violative of Article 14 of the Constitution of India, and grant of compensation with 12% interest from the date of entitlement, etc.

2. The facts which are established on record are that the Voluntary Separation Scheme was promulgated on 18.12.2000. The party-in-person and others accepted the scheme. It appears that there was some issue with regard to the payment of arrears and hence, the party-in-person and other employees filed a writ petition being Special Civil Application No.3196 of 2000, and the same was

disposed of by the judgment and order dated 05.10.2012 by the learned Single Judge, granting the benefits of arrears. Thereafter, it appears that again a writ petition was filed being Special Civil Application No.2010 of 2004, which was simplistically withdrawn on 14.08.2014. Thereafter, a third writ petition was filed being Special Civil Application No.17547 of 2015 with the same prayers, which was disposed of by the learned Single Judge on 05.08.2016, directing the party-in-person to file a representation. Accordingly, the party-in-person filed a representation before the Official Liquidator, Vadodara. The Official Liquidator, vide its decision dated 03.07.2017, rejected the same, against which the party-in-person filed an appeal before the Joint Secretary, Government of India under Section 99 and Rule 31 of the Multi-State Cooperative Societies Act. However, no outcome has been informed by the party-in-person regarding the said appeal before us.

3. At the outset, the party-in-person has submitted that the learned Single Judge had erred in rejecting the writ petition on the ground of delay. He has further submitted that filing of the appeal against the decision of the Official Liquidator was erroneous, as he was not informed to file an appeal. Hence, under the provisions of the Limitation Act, 1963, the delay is required to be condoned. It is submitted that there is sufficient cause which has been explained by the party-in-person in the writ petition, further stating that the learned Single Judge has erred in rejecting the writ petition on the ground of delay. Thus, it is urged that the judgment and order passed by the learned Single Judge may be set aside and the writ petition be decided on merits.

4. Opposing the aforesaid submissions vehemently, learned Senior Advocate Ms.Manisha Lavkumar, with learned advocate Mr.Aaditya Dave for respondent no.1, has submitted that the writ petition itself was frivolous, since all the earlier writ petitions prior to filing of present writ petition being Special Civil Application No.2010 of 2004 and Special Civil Application No.17547 of 2015 containing the same prayers as made in the captioned writ petition has been disposed. It is submitted that the party-in-person is challenging the Voluntary Separation Scheme, which was floated in the year 2000, after claiming the amount arising therefrom. It is therefore, urged that the present appeal may not be entertained.

5. We have heard the party-in-person and the learned Senior Advocate appearing for respondent No.1 at length.

6. The facts mentioned in the earlier writ petitions are not in dispute. We have perused the prayer clause of all the writ petitions. The first writ petition being Special Civil Application No.3196 of 2001, which was filed by the party-in-person for claiming the arrears on the Voluntary Separation Scheme, and the same was disposed of vide judgment and order dated 05.10.2012, directing the respondents to grant the arrears which were accrued and admissible. It appears that thereafter the party-in-person filed a writ petition being Special Civil Application No.2010 of 2004 seeking the very same prayers which are sought in the present writ petition i.e., "to declare that the Voluntary Separation Scheme

given by the respondent no.1 is discriminatory and not following the offer of respondent no.1, Government of India, by not giving the option of continuation of service to the petitioner." The same was withdrawn unconditionally vide order dated 14.08.2014. Again, after a period of one year, the party-in-person filed Special Civil Application No.17547 of 2015 with the same verbatim prayers. The learned Single Judge, vide order dated 05.08.2016, disposed of the writ petition by directing the petitioner to make a representation. Upon perusal of the order dated 05.08.2016, it is revealed that it was an ex-parte order. It appears that the attention of the learned Single Judge was not drawn to the order dated 14.08.2014 passed in Special Civil Application No.2010 of 2004, withdrawing the writ petition unconditionally.

7. Thus, once the Special Civil Application No.2010 of 2004 was withdrawn unconditionally, it was not open for the petitioner to file a writ petition again. Subsequently, in the years 2015 and 2025, the captioned writ petition with the same prayers has been filed. The learned Single Judge had precisely rejected the writ petition on the ground of delay by observing thus:

"6.5. In the instance case, the delay being substantial i.e. if challenge is treated as against order of liquidator dated 03.07.2017, then delay would be of 8 years and whereas, if one relates back to the prayers, then the delay is of around 25 years. Intermittent litigations and intermittent representations to dignitaries who may not be concerned directly with the nitty-gritty of the grievance of the petitioner, would not be enough material for the petitioner to claim that there is a sufficient cause for condonation of delay which has taken place. To this Court, it would appear that the delay being extraordinarily huge and not being sufficiently explained, the request of the petitioner for condoning such delay cannot be accepted. The decisions relied upon by the petitioner would not advance the cause of the present petitioner at all.

7. To this Court, it would appear that having accepted the scheme in the year 2000 and having objected to the scheme intermittently and having questioned the scheme vide earlier petition, now the present petition questioning the benefits conferred upon the employees 25 years ago, cannot be reopened. While it is true that a learned Coordinate Bench vide an order dated 05.08.2016 had directed the liquidator to consider the grievance of the petitioner therein i.e. present petitioner, yet, what would be more pertinent to note is the fact that the liquidator also had rejected the grievance of the petitioner in the year 2017 and whereas, while the present petition is preferred in the year 2025, the order of the liquidator is also not sought to be challenged in the present petition. As noticed, what sought to be challenged is the scheme itself i.e. promulgated in the year 2000.

7.1. Again, another important issue which has come to the notice of this Court is the fact that the present petitioner who claims to be an Acting President of one M/s.Petrofils Ex-Employees Action Committee and claiming right to file a petition based upon resolution dated 01.04.2025 of the Executive Committee of the

Action Committee, has very fairly stated that there is no list of members of the Action Committee either with the petitioner or with anybody. While it is true that the present petitioner or a group of petitioners could have approached the Court for resolving their individual grievance, when a petition is preferred under the head of Ex-Employees Action Committee, to this Court, the basic minimum requirement would be that a list of members of the action committee would have to be tendered so as to ascertain that whose cause the petitioner is espousing. The said requirement not being fulfilled, the locus of the petitioner also is in question.

7.2. Be that as it may, since this Court is of the opinion that the present petition is not required to be entertained on the ground of unexplained delay and laches, the issue of locus is not entered into at this stage."

8. The party-in-person is questioning the VSS introduced in the year 2000. While filing the first writ petition, in the year 2001, no such prayer was made, which has been made in the subsequent writ petitions including the captioned one. Therefore, we are in complete agreement with the observations recorded by the learned Single Judge, as the captioned writ petition is an absolute abuse of the process of law. It is pertinent to note that the party-in-person has invoked the provisions of Section 14 of the Limitation Act, 1963 against himself on the pretext that the filing of the appeal against the decision of the Official Liquidator on 03.07.2017 was erroneous. On a specific query raised by this Court about the status of the appeal which was filed on 30.08.2017, no response was given as to whether the same has been decided or not.

9. In view of the aforesaid circumstances, the writ petition and the Letters Patent Appeal is absolutely frivolous, therefore, fails and the same stands rejected. We find no infirmity or error in the order passed by the learned Single Judge.