

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No. 400 of 2012

Decided on: 27.09.2013

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G.L. Sharma

Versus

...Appellant.

Union of India & another

...Respondents.

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*Coram*

**The Hon'ble Mr. Justice A.M. Khanwilkar, Chief Justice.**

**The Hon'ble Mr. Justice V.K. Sharma, Judge.**

*Whether approved for reporting?*

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For the appellant: Mr. Vikram, Advocate, for the appellant.

For the respondents: Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Neeraj Gupta, Advocate, for respondent No. 2.

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**A.M. Khanwilkar, Chief Justice** (*Oral*)

Mr. Tarlok Chauhan, Advocate on record for the appellant, submits that since the appellant intends to engage another counsel, he would withdraw from the proceedings. Since Mr. Vikram, Advocate, is appearing for the appellant, request of Mr. Tarlok Chauhan, Advocate, to discharge, is accepted. Mr. Vikram, Advocate, undertakes to file power of attorney on behalf of the appellant in the course of the day. That assurance is accepted.

2. Heard counsel for the parties.

3. The first contention raised before us is that the representation made by the appellant for VRS was considered only at the project level. This grievance has been noticed by the learned Single Judge and negatived after perusing the original record, as can be discerned from observation in paragraph 4 of the impugned decision. In addition, to re-assure ourselves, we called upon

respondent No. 2 to state on affidavit as to whether the original record was produced before the learned Single Judge. That affidavit has already been filed in the present appeal by respondent No. 2. We find no reason to doubt the correctness of the finding of fact noted in paragraph 4 of the impugned judgment rejecting the appellant's contention and holding that the appellant's representation was considered at the corporate level by the Head Office.

4. The second contention urged before us is that the respondents have relaxed the grade service in respect of the employees, who are similarly placed; no reason is forthcoming as to why the appellant has been treated differently. Even this grievance has been considered by the learned Single Judge in paragraph 3 of the impugned judgment and it has been found, as of fact, after perusal of the original record that all other persons, who were granted voluntary retirement during the relevant year, either complied with the criteria or the relaxation was up to a maximum period of one year or six months, as the case may be. The appellant did not comply with the said requirement and for which reason, the question of granting relaxation in the case of appellant did not arise. Even this opinion reached by the learned Single Judge is unexceptionable.

5. The last contention raised by the learned counsel for the appellant is that the appellant has put in 24 years of service and, therefore, ought to have been favoured with the request for VRS. The scheme predicates that the official should have completed the age of 50 years and should have put in six years' service in the grade entitling him to be considered for voluntary retirement. The

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appellant did not qualify this requirement. Efficacy of the policy or its validity was not put in issue before the learned Single Judge. In the circumstances, even this contention does not commend to us.

6. As no other contention is raised before us, this appeal fails. The same is rejected.

**(A.M. Khanwilkar)**  
**Chief Justice**

**(V.K. Sharma)**  
**Judge**

**September 27, 2013**  
*(rajni / vt)*