

ITEM NO.30

Court 16 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).3377/2020

CHARUDATT PANDURANG KOLI & ORS.

Appellant(s)

VERSUS

M/S SEA LORD CONTAINERS LIMITED & ORS.

Respondent(s)

(IA No. 38864/2021 - ADDITION / DELETION / MODIFICATION PARTIES)

Date : 12-04-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE S. RAVINDRA BHAT
 [IN CHAMBERS]

For Appellant(s) Mr. Sangramsingh R. Bhonsle, Adv.
 Ms. Samridhi S. Jain, Adv.
 Mr. Nrupal Dingankar, Adv.
 Ms. Pushkara Bhonsle, Adv.
 Mr. Sameer Abhyankar, AOR

For Respondent(s) Ms. Liz Mathew, AOR
 Mr. Asadulla Thangal, Adv.
 Mr. Navneet R., Adv.

Mr. Manish K. Bishnoi, AOR

Mr. Ashish Wad, Adv.
 Ms. Sukriti Jaggi, Adv.
 Mr. Sidharth Mahajan, Adv.
 Mr. Ajeyo Sharma, Adv.
 M/S. J S Wad And Co, AOR

Mr. Sanjay Kapur, AOR
 Ms. Megha Karnwal, Adv.
 Mr. Arjun Bhatia, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Appellant No.1 seeks liberty to withdraw this appeal.

It is apparent from reading of the application that
 the appellant applied for voluntary retirement in terms of

the seventh respondent employer's extant policy, because he was suffering from Plasmoblastic Lymphoma which was detected way back in October 2018. Respondent No.7 viz. *Bharat Petroleum Corporation Ltd.* appears to have dragged its feet and not even cared to reply to the application and, thereafter, by letter dated 15.12.2020 (at page 32-33 of the paper-book) rejected the request on the ground that an employee, who has filed the case against the Corporation, would not be entitled to seek Voluntary Retirement Scheme (VRS).

It is urged by the learned counsel for respondent No.7 that the VRS is not in operation from November, 2020. The letter rejecting the application is dated 15.12.2020. However, it does not cite this reason for rejecting the request of the appellant but rather states that since the appellant No.1 has chosen to approach the Court against the Corporation, his employer, the application would not be processed.

Prima facie, the stand of the respondent appears to be unreasonably extremely high-handed, if not downright cruel and callous. After receiving the application for VRS- apparently with knowledge that the appellant was suffering from cancer -deliberately or otherwise, no action was taken for nearly four months after which it was rejected. Clause 11(a)(v), which is cited, prima facie seems to relate to litigation in connection with service conditions etc. It

cannot be said that an employee ceases to exercise her or his fundamental rights, after joining public employment, in respect of claim against the government or public corporation, who might be her or his employer. The seventh respondent seems to be under that impression in the present case, since the appellant had approached the National Green Tribunal for relief which is unconnected with any conditions of service relating to his employment with the respondent No.7.

In these circumstances, the concerned Chief General Manager, who rejected the application, is directed to be present in Court on the next date of hearing. Such presence is, however, dispensed with if respondent No.7, in the meanwhile, processes and considers the application for grant of VRS preferred by appellant favourably.

List the matter on 10th May, 2021.

(RASHMI DHYANI)
COURT MASTER

(R.S.NARAYANAN)
COURT MASTER