

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM –
LABOUR COURT NO. II, NEW DELHI**

ID No.49/2012

Sh. Anil Kumar, (LR of Late Sh. Arvind Kumar) vs. I.I.T. Roorkee

Sh. Anil Kumar,
S/o Late Arvind Kumar
R/o:- 663, Ganeshpur
PO:- Ganeshpur
Roorkee

...Applicant/Claimant

Versus

The Registrar,
IIT Roorkee,
Roorkee (UK)

... Management/respondent

Counsels:

For Applicant/ Claimant:

Nitin Rana and Sh. Harvindar Singh, Ld. ARs.

For Management/ Respondent:

Sh. Ravi Mishra, Ld. AR.

Award

04.06.2025

Appropriate government vide its letter dated 24.01.2012 sent a reference to this tribunal for adjudication in the following words:

‘Whether action of management of IIT Roorkee of not accepting the withdrawl application of Shri Arvind Kumar S/o Late Mahender Singh, Refrigeration Supervisor after acceptance of VRS is justified? What relief the workman is entitled to?’

Upon receiving the reference, notices were issued to both parties. Subsequently, the claimant, Sh. Arvind Kumar, appeared and filed his claim statement, wherein he made the following submissions:

- He was appointed as an A.C. Operator by the management on **06.06.1984** and was promoted to the post of Refrigeration Supervisor on **22.05.2000**.
- He did his duty honestly and diligently. However, due to the mention tension, economic and institutional non-cooperation, he submitted an application for his Voluntary Retirement from Service (V.R.S.) on **07.10.2010** without any consultation from his family and colleagues.
- His V.R.S. was accepted by the management on **19.10.2010**.
- Subsequently, he moved an application seeking withdrawal of his V.R.S. application on **10.11.2010**, but the management didn't take any action on his application.
- Being aggrieved, he lodged a complaint before Assistant Labour Commissioner (Central), Dehradun, but the management neither participated in the proceedings before the A.L.C. nor provided any valid justification for rejecting his withdrawal request.
- Upon failure of the conciliation proceedings, the matter was referred to this tribunal for adjudication.

In response, the management appeared and filed its written statement. It is the stand of the management that the claimant's V.R.S. request was accepted by the management, considering the fact that the claimant was suffering from psychosis for a long period and he was admitted in a hospital at the Himalayan Institute Hospital Trust, Jolly Grant, Dehradun (Uttarakhand) for his treatment. Nearly after one month of acceptance of his V.R.S. application, the claimant wrote a letter dated 10.11.2010 to the management wherein he called upon the management to cancel his V.R.S.'s order. The management had considered the claimant's request and the reasons given therein. However, the management didn't find any merit in his request and therefore, vide letter dated 22.11.2010, informed the claimant that his request to cancel his VRS was not acceptable to the management as per rules. Thereafter, the management issued a pension Payment Order (PPO) in favor of the claimant vide letter dated 06.12.2010. The claimant also availed substantial pension benefits, and he was paid the payment and gratuity commutation, General Provident Fund and Group Insurance

Scheme (GIS) through cheques after the claimant submitted the required 'No Dues Certificate'. Lastly, the management prayed for dismissal of the claim.

The claimant didn't file any rejoinder to the management's written statement.

From pleadings of the parties, this tribunal didn't find any requirement of framing additional issues other than the reference itself.

The claimant in his affidavit of evidence reiterated the facts as mentioned in the claim statement regarding acceptance of his V.R.S. application and subsequent withdrawal of the application. He also added one more ground in his affidavit that he was harassed mentally by the administration and for this he wrote a letter seeking V.R.S. He admitted all these facts in his cross-examination. He admitted that Ex. WW1/M1 is a letter written to him by the management requesting V.R.S. He also admitted that on 19.10.2010, he received a communication related to his voluntary retirement from the Assistant Registrar, IIT Roorkee, accepting his resignation w.e.f. 19.10.2010 (Ex. WW1/M2). Voluntarily, he made a statement that he took his letter dated 07.10.2010 to Deputy Director personally who told him that his request for voluntary retirement could not be entertained. No dues certificate was submitted by him on 03.11.2010, after he was paid the payment of Gratuity and commutation, General Provident Fund and Group Insurance Scheme (GIS) and all the other benefits. Merely after one month of his acceptance of V.R.S. application, he wrote a letter to the management calling him to cancel his V.R.S. order (Ex. WW1/M3). (Ex. WW1/M4) is a letter issued to the claimant declining his request for cancellation of his voluntary retirement.

It is also a matter of fact that the claimant expired in between, and his son Sh. Anil was substituted. Later, his application seeking liberty to cross-examine the management's witness was dismissed by this tribunal considering that all the material facts were admitted by the claimant, and therefore, no useful purpose would be served in calling the management's witness again whose cross-examination was marked as NIL.

I have heard the arguments presented by both parties. The entire case of the claimant rests on the premise that the management acted

with undue haste in accepting his request for voluntary retirement, while the usual period is three months. It is argued by the claimant that within three months, he reconsidered his decision and submitted an application for withdrawal of his V.R.S. application which was rejected. In support of his claim, he relied upon the judgment of the Hon'ble Supreme Court of India in **Director General ESIC & Anr. Vs. Puroshottam Malani (Civil Appeal no. 4611 of 2008)**.

Ex. WW1/M1 is the application submitted by the claimant to the management, seeking voluntary retirement. The said application was written in Hindi, and is pasted below for reference:

Ex. WW1/M1

ANNEXURE - 1 (ES)

दिनांक - 07.10.2012

महोदय,
रूप-निदेशक महोदय,
भारतीय प्रौद्योगिकी संस्थान, रुड़की

विषय-वी0आर0एस0 लेने के सम्बन्ध में।

महोदय,
निवेदन है कि प्रार्थी काफी समय से साईकोटिस्ट की समस्या से जूझ रहा है जिसके उपचार हेतु जौलीग्रान्ट में भी भर्ती रहा। प्रार्थी को इसके अतिरिक्त भी कई बीमारियाँ हैं जैसे ब्लड प्रेशर, सुगर, आदि इनका इलाज संस्थान चिकित्सालय में चल रहा है। प्रार्थी को उपरोक्त बीमारियों के इलाज हेतु जो दवाईयाँ लेनी पड़ती हैं उनमें एल्कोहल की मात्रा काफी होती है जिसके फलस्वरूप प्रार्थी जिस भी विभाग में ट्रांसफर होकर जाता है वहाँ प्रार्थी को सभी शराबी होने का सन्देह व्यक्त करते हैं। इसके फलस्वरूप पिछले माह प्रार्थी के दो मेडिकल टेस्ट हुए हैं जिसमें एल्कोहल निगेटिव पाया गया। इस सबके चलते प्रार्थी का मान सम्मान में भी कमी आ रही है प्रार्थी ने दुरदृष्टता व अन्य सभी बातों का ध्यान रखते हुए स्वेच्छा से वी0आर0एस0 लेने का मन बना लिया है।

अतः आपसे अनुरोध है कि प्रार्थी को तत्काल वी0आर0एस0 देने की अनुकम्पा करने की कृपा करें प्रार्थी आपका आभारी रहेगा।

धन्यवाद

प्रार्थी
Hemant
अरविन्द कुमार पुत्र स्व0 श्री महेन्द्र सिंह
रेफरीजेशन सुपरवाइजर,
कर्मचारी सं0 200656
मकान सं0 663 गुणशपुर
रुड़की

PO, CAIT-II
Delhi
26-08-12

Ex WW1/M1

In the application, the claimant stated that he was suffering from psychosis, and he had to take the medicines which contained a large amount of alcohol. Consequent thereto, his colleagues used to doubt him as an alcoholic, wherever he was transferred. As such, he made up his mind for taking his V.R.S. He also mentioned that he would be obliged if he was relieved forthwith.

Ex. WW1/M2 is an office memorandum issued by the management relieving the claimant from service w.e.f. 19.10.2010. The same is pasted below for reference:

ANNEXURE -2

भारतीय प्रौद्योगिकी संस्थान रुड़की
रुड़की

संस्थापन(ब)/ 11241 / ई-200656

दिनांक : अक्तूबर 19 2010

Ex. WW1/M2
Ex WW1/M2

कार्यालय ज्ञापन

श्री अरविन्द कुमार, रैफरिजेशन सुपरवाइजर को उनके दिनांक 07.10.2010 के स्वेच्छिक सेवानिवृत्ति के प्रार्थना पत्र पर विचार करते हुए, संक्षम प्राधिकारी ने Statute-14 एवं CCS पेंशन नियम-48 के अन्तर्गत इस कार्यालय ज्ञापन निर्गत होने की दिनांक से उन्हें स्वेच्छिक सेवानिवृत्ति की सहज स्वीकृति निम्नलिखित शर्तों के साथ प्रदान की है :-

- स्वेच्छिक सेवानिवृत्ति हेतु 3 माह के नोटिस समय की अल्पावधि दिनांक 07.10.2010 से 06.01.2011 तक का समायोजन दिनांक 07.10.2010 से 19.10.2010 तक 13 (तेरह) दिन को नोटिस अवधि तथा उनको देय 73 (तिहत्तर) दिन के अर्जित अवकाश से करते हुए शेष कुल 04 (चार) दिन की अवधि का अधित्याग (Waive Off) किया जाता है।
- श्री अरविन्द कुमार दिनांक 19.10.2010 अपरान्ह से कार्यमुक्त हो जायेंगे तथा उन्हें अन्तिम भुगतान प्राप्त करने हेतु संस्थान नियमानुसार निम्न से अदेयता प्रमाण पत्र प्रस्तुत करने होंगे:-
 - उप कुलसचिव (लेखा एवं लेखा परीक्षा)।
 - महात्मा गाँधी, केन्द्रीय पुस्तकालय।
 - सम्पदा एवं कार्य।
 - दूरभाष केन्द्र।
 - शिक कार्यालय।
 - संस्थापन (ब) अनुभाग।

श्री अरविन्द कुमार,
रैफरिजेशन सुपरवाइजर,
संस्थापन (ब) अनुभाग।

प्रतिलिपि :-

सहायक कुलसचिव 19/10/10

- उप कुलसचिव (लेखा एवं लेखा परीक्षा)।
- पुस्तकालयाध्यक्ष, महात्मा गाँधी केन्द्रीय पुस्तकालय।
- संस्थान अभियन्ता।
- प्राध्यापक प्रभारी (संचार)।
- शिक कार्यालय।
- उपकुलसचिव (प्रशासन) संस्थापन (ब)/ सामान्य अनुभाग।
- उपकुलसचिव पेंशन सेल।

The case of the claimant stands on the premise that, at least three months' time should have been granted before accepting his V.R.S. application, as per rules. However, his application was accepted within 12 to 13 days. Subsequently, his request for withdrawal of his V.R.S. application was also rejected.

The claimant's application seeking V.R.S. and the subsequent memorandum of accepting the same, clearly denotes that it was the claimant who had been suffering from various diseases and he himself stated that the medicines he was taking contained a large amount of alcohol. Considering his request, the management relieved him from service. Therefore, the claimant's assertion that the management accepted his request for V.R.S. promptly without assigning any reason is not tenable.

The claimant was relieved from duty from 19.10.2010, thus seizing the employee-employer relationship. The management rightly didn't consider his request for withdrawal of his V.R.S. application, because employee-employer relationship had already seized by then. It is also on record that the claimant accepted all the benefits accrued in his favor after taking the retirement and submitted a No Dues Certificate to the management before submitting his request for withdrawal of his V.R.S. application, which shows that he decided to file his application for withdrawal of his V.R.S. request possibly on someone's advice.

In view of the above discussion, the reference is answered against the claimant and in favor of the management. Accordingly, the claim of the claimant stands dismissed. A copy of this award be sent to the appropriate government for notification under section 17 of the I.D Act. The case file is consigned to record room.

Dated 04.06.2025

ATUL KUMAR GARG
Presiding Officer
CGIT – cum – Labour Court – II