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 noncooperation, 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.

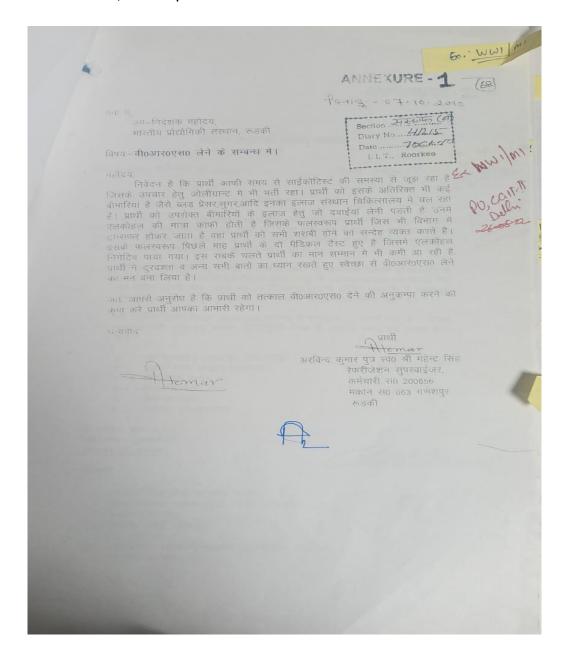
The claimant in his affidavit of evidence reiterated the facts as mentioned in the claim statement regarding acceptance of his V.R.S. application and subsequent withdrawal of the application. He also added one more ground in his affidavit that he was harassed mentally by the administration and for this 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

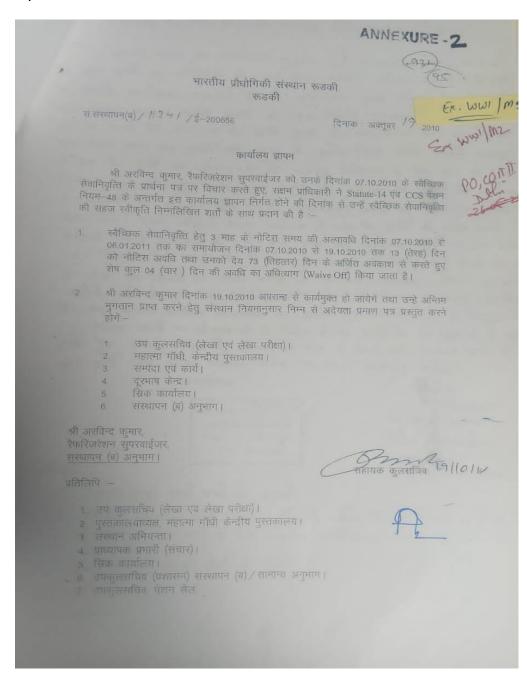
with undue haste in accepting his request for voluntary retirement, while the usual period is three months. It is argued by the claimant that within three months, he reconsidered his decision and submitted an application for withdrawal of his V.R.S. application which was rejected. In support of his claim, 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:



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:



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