

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5628 of 2017
(Arising out of SLP(C)No.24093 of 2014)

G.L. SHARMA

Appellant(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of judgment and order dated 27th September, 2013 passed by the High Court of Himachal Pradesh at Shimla in L.P.A. NO.400 of 2012.

The appellant-G.L. Sharma was working with the National Thermal Power Corporation Ltd.-respondent no.2 herein. The Corporation floated a Voluntary Retirement Scheme which was operative between 1.12.2004 and 31.1.2005. On 5th January, 2005, the appellant sought voluntary retirement under the said scheme. The said scheme required 50 years of age and 6 years of service in the grade in which the incumbent was working at the relevant time. The appellant had not completed 6 years of service in the grade. He sought relaxation of the said requirement which was not allowed. Therefore, his prayer was rejected. The High Court held that since no relaxation was given to anyone else, the case of the appellant for such relaxation could not be accepted.

During hearing, Ms. Meenakshi Arora, learned senior counsel appearing for the appellant, submitted that relaxation was given to one Mrs. O. Savithri which relates to 2003 Scheme.

Dr. Rajeev Dhavan, learned senior counsel appearing for respondent No.2-National Thermal Power Corporation, fairly states that the C.M.D. of the Corporation will reconsider the matter of relaxation afresh after giving an opportunity of being heard to the appellant within a period of two months from today.

In view of above, the appellant is at liberty to put forward his viewpoint before the concerned C.M.D., within a period of four weeks from today, who may consider the matter afresh as above and pass an appropriate order in accordance with law.

The appeal stands disposed of accordingly.

Pending applications, if any, shall also stand disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(ROHINTON FALI NARIMAN)

New Delhi,
APRIL 25, 2017.

ITEM NO.9

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24093/2014

(Arising out of impugned final judgment and order dated 27/09/2013 in L.P.A. No. 400/2012 passed by the High Court Of Himachal Pradesh At Shimla)

G.L. SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

(With appln. (s) for permission to file additional documents and office report)

Date : 25/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shashank Manish, Adv.
Mr. E. C. Agrawala, Adv.

For Respondent(s) Dr. Rajeev Dhavan, Sr. Adv.
(R-2) Mr. Kabir S. Ghosh, Adv.
Mr. Mohit Kumar Shah, Adv.
Ms. Shilpi Shah, Adv.
Mr. Manjesh Kumar Jha, Adv.

(R-1) Mr. A.K. Panda, Sr. Adv.
Mr. Rabin Majumdar, Adv.
Mr. Abha R. Sharma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

In terms of the signed order, the appeal is disposed of.

(MAHABIR SINGH)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)