

F.C.I. Ltd. Sindri Unit Employees Association and Others Vs Union of India (UOI) and Others

Court: Jharkhand High Court

Date of Decision: Feb. 10, 2003

Citation: (2003) 1 JCR 636

Hon'ble Judges: S.J. Mukhopadhaya, J

Bench: Single Bench

Advocate: Kalyan Rao and R.M. Singh, for the Appellant; S.K. Ughal and T. Kabiraj, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhaya, J.

The writ petition was preferred by the petitioners against Circular dated 25th November, 2002 and Circular dated

16th September, 2002, whereby the employees of the Fertiliser Corporation of India Ltd., Sindri (FCI for short) have been allowed to retain

quarters for a maximum period of fifteen days on normal rent who opted for superannuation and allowed the same w.e.f. 31st December, 2002, as

per Voluntary Separation Scheme (V.S. Scheme for short).

2. The counsel for the petitioners submitted that the employees of FCI have been forced to apply for superannuation as per V.S. Scheme as the

Respondents decided to close the FCI Sindri Unit.

Though the employees such as petitioners have been allowed to superannuate as per V.S. Scheme, but they have not been paid retiral benefits. On

the other hand, they have been asked to vacate the Quarters within fifteen days of retirement on normal rent.

It is also submitted that the Respondents have issued a separate Scheme for hire purchase of Quarters situated in the Campus of FCI Sindri. The

petitioners have applied for the same, but without determining it, the petitioners and others have been asked to vacate the Quarters within fifteen

days.

3. Earlier when the case was taken up, an interim order was passed with directions to the Respondents not to evict the petitioners. They were

allowed to file counter affidavit.

4. The counsel appearing for the Respondents submitted that the BIFR has declared the FCI Sindri Unit as Sick Industrial Company in terms of

Sick Industrial Company (Special Provisions) Act, 1985. The Company is no more workable. The rehabilitation being not possible, the V.S.

Scheme was introduced allowing three months to all the employees to exercise their options.

5. The counsel for the Respondents submitted that the Government of India, Department of Fertiliser conveyed the directions vide letter dated 11th

December, 2002 as per which the retiral benefits can be paid only when the employees vacate the Quarters.

6. Having heard the counsel for the parties, for the ends of justice, I feel that the following orders will suffice the purpose :

The FCI will pay 50% of the admitted retiral benefits as per Scheme within one month from the date of receipt/ product of a copy of this order.

The petitioners will vacate their respective Quarters by 31st March, 2003.

The Respondents will pay the rest of the 50% retiral benefits, as per Scheme, after adjustment of the dues, if any, such as normal rent of the

Quarters, electricity charge etc. within one month from the date the petitioners vacate their Quarters.

In case, one or other party fails to comply with this order, it will be open to the Respondents to charge penal rent and to move before this Court

for initiation of contempt proceedings. Similarly, if the retiral benefits are not paid in time, the petitioners may bring it to the notice of this Court.

So far as fresh settlement of Quarters on rent/lease/or ownership is concerned, if one or other petitioner applies/or has already applied in

pursuance of any Scheme, the Respondents will consider it as per the Scheme along with others but such decision will have no bearing with

payment of retiral benefits and the present case.

7. The writ petition stands disposed of with the aforesaid observations and directions.