courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 06/11/2025

(2005) 10 DEL CK 0072

Delhi High Court

Case No: WP (C) No. 2513 of 2004 and CM 2360 and 2556 of 2004

S.B. Singhal	APPELLANT
Vs	
Union of India (UOI) and Others	RESPONDENT

Date of Decision: Oct. 26, 2005

Citation: (2005) 125 DLT 83 : (2005) 85 DRJ 155 : (2006) 3 SLJ 105

Hon'ble Judges: S. Ravindra Bhat, J

Bench: Single Bench

Advocate: N.S. Dalal, Amarjeet Rai and R.K. Gupta, for the Appellant; Acharya, for R-1, Shweta Bharti, for R-2 and Suresh Kait, for the Respondent

Final Decision: Allowed

Judgement

S. Ravindra Bhat, J.
The petitioners in these cases were employees working with the Fertilizer Corporation of India. The Corporation had formulated a scheme known as voluntary Separation Scheme (VSS). As per the Scheme, two options were given to the employees, including the option to seek reparation on the basis of what is called DHI (Department of Heavy Industries) model or formula that enabled grant of appropriate ex-gratia compensation.

2. The petitioners'' offer for voluntary retirement were accepted; amounts were calculated and disbursed to them. All this happened in the year 2002.

3. Subsequently, after the cessation of employment of the petitioners, (on account of what is alleged to be certain inter departmental correspondence between the Corporation and the Central Government), a view was taken that excess amounts had been paid to the petitioners and other employees. This was disputed by the petitioners.

4. The petitioners are aggrieved by the impugned orders which are certificates issued by the Deputy Commissioner under the Delhi Land Reforms Act for recovery of various amounts indicated, as arrears of land revenue. It has been alleged that the certificates

were issued without notice to the petitioners or any opportunity of hearing. It is also contended on behalf of the petitioner that the impugned orders are without authority of law since the petitioners had ceased to be in employment and the offers of voluntary separation made by them were duly accepted by the respondent employer.

5. During the course of hearing, the learned counsel also submitted that the respondent Corporation has instituted suits for recovery of amounts alleged to be due from the petitioners. The particulars of those suits have also been produced. The same are as under :-

Sr. No.	Writ Petition No.	Suit No.	Amount (Rs.)
1	2513/04	250/03	188343/-
2	3611/04	232/03	50280.96/-
3	3616/04	235/03	149894/-
4	3617/04	238/03	205371.46/-
5	3742/04	245/03	205371.46/-
6	3793/04	234/03	137408.62/-
7	3794/04	244/03	211963/-
8	3795/04	236/03	180235.28/-
9	4090/04	253/03	29410/-

6. These facts have not been disputed. After hearing counsel for parties, I am of the opinion that the respondents cannot simultaneously maintain two remedies. The Corporation''s action by way of suits pursuant to legal notices) for recovery of dues payable to it on account of excess payments, was in my opinion, was the correct procedure adopted since it afforded the petitioners suitable opportunity to rebut the allegations and put forth their point of view in defense. However, even while doing so, it was not open for the respondents, particularly, respondent No. 1 to initiate coercive methods and cause the impugned notices to be issued for recovery of the amounts as arrears of other revenue. Therefore, the impugned notices / orders are without authority of law and arbitrary.

7. The writ petition is Therefore allowed; the impugned certificates/orders of recovery are quashed. The respondent Corporation is at liberty to pursue its remedies in the suits insisted by it, mentioned in the course of these proceedings. No observation made in the course of this order shall be construed as an expression on the merits of the claims or defenses raised in the pending suits. No costs.