

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 (Civil) No(s).5 6 0 7 / 2 0 0 8

(From the judgement and order dated 03 / 0 9 / 2 0 0 7 in WA No. 7 8 0 5 / 2 0 0 3 of The HI  
GH  
COUR T OF KA R N A T A K A AT BAN G A L O R E )

M/S BHA R A T E L E C T R O N I C S & AN R.

Petitioner(s)

VER SUS

K.M. J A Y A P R A K A S H

Respondent(s)

(With prayer for interim relief and office report )

Date: 05 / 1 2 / 2 0 0 8 This Petition was called on for hearing today.

CORAM :

HON' B L E MR. J U S T I C E ALTA M A S KA B I R

HON' B L E MR. J U S T I C E MA R K A N D E Y KA T J U

For Petitioner(s)

Mr. Abhishek Mannu Singhvi, Sr. Adv.

Ms. Shubhr a Kapur, Adv.

Ms. Arti Singh, Adv.

Ms. Nseha S. Verm a, Adv.

Mr. Sanjay Kapur, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Leave granted. The appeal is disposed of in terms of the signed order.

(Ganga Tha ku r)  
P.S. to Registr a r

(Juginder Kau r)  
Court Master

Signed order is placed on the file.

IN TH E SU P R E M E C O U R T O F I N D I A  
CIVI L AP P E L L A T E J U R I S D I C T I O N

CIVI L AP P E A L NO.7 1 4 3 OF 20 0 8  
(Arising out of SL P(C) No. 5 6 0 7 / 0 8

M/S BHA R A T E L E C T R O N I C S LT D. & AN R.  
T ( S )

...A P P E L L A N

Versus

K.M. JA Y A P R A K A S H  
N T ( S )

..R E S P O N D E

O R D E R

Leave granted.

At the outset, we may refer to the Office Report dated 4<sup>th</sup> December, 2008, from which it appears that the respondent does not wish to fight the case. A copy of the letter has been annexed with the Office Report which, however, discloses a slightly different state of affairs. In the said letter the respondent while indicating that he would not fight the case, has instead set out certain submissions, which he has requested the court to look into while deciding the matter. The submissions made in the said letter may, therefore, be taken to be the case of the respondent. Briefly stated the facts are that the respondent was appointed as Additional General Manager (International Marketing) in M/s Bharat Electronics Ltd., Bangalore, the 1<sup>st</sup> appellant herein. With effect from 1<sup>st</sup> November, 1994, the Company introduced the 'Revised Voluntary Retirement Scheme' and in pursuance thereof the respondent

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submitted an application to allow him to retire voluntarily from service, which prayer was refused. Subsequently, several applications were made by the respondent for the same purpose and all such requests were refused. Ultimately, on 4<sup>th</sup> October, 1997, the respondent once again applied for permission to retire voluntarily and in the alternative to be allowed to resign from his duties. On this occasion also the appellant-Company refused his prayer for voluntary retirement but accepted his request to resign from service.

Subsequently, the respondent applied to the appellant-Company requesting that his resignation be treated as voluntarily retirement. Such request having been refused, the respondent applied to the appellant-Company requesting that his resignation be treated as voluntarily retirement. Inasmuch as, such request was also refused, the respondent filed a writ application before the High Court which was of the view that the request made by the respondent was reasonable and directed the appellant-Company to treat the respondent's resignation to be voluntary retirement under the VR S Scheme. The matter was taken in appeal, but the writ appeal was also dismissed on the same grounds.

This appeal has been preferred against the said judgment and order of the High Court in appeal.

Learned counsel appearing on behalf of the appellants has submitted that the appellants were ready to reconsider the respondent's representation, but dehors the observations made in the judgments of the learned Single Judge as well as the Division Bench of the High Court.

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Having regard to such submission and also having regard to the submissions contained in the letter written by the respondent on 7 th April, 2008, we dispose of the appeal with a direction upon the appellant-Company to reconsider the representation made by the respondent in terms of the directions given both by the learned Single Judge as well by the Division Bench, but being uninfluenced by the observations made in the judgments of both the courts.

.....J.  
( ALT A M A S KA B I R )

..... J.  
( MAR K A N D E Y KA T J U )

New Delhi,  
December 5, 2008 .