* IN THE HIGH COURT OF DELHI AT NEW DELHI

% ***Reserved on: 03rd August, 2026***
Pronounced on: 04th August, 2026

\# **CNR No : DLHC010001662005**

\+ **W.P.(C) 21619/2005, CM APPL.49965/2026**

BIJENDER SINGH
S/o Sh. Megh Raj
R/o Village Kotla
Near Mayur Vihar Phase-I,
Pocket-2, Delhi.

.....Petitioner

Through: Mr. N.S.Dalal, Ms. Nidhi Dalal, Mr. Alok Kumar and Ms. Rachana Dalal, Advocates.

versus

1. **GOVT. OF N.C.T. OF DELHI**
Through Chief Secretary
Delhi Secretariat I.P. Estate,
New Delhi.

2. **BSES YAMUNA POWER LTD.**
Through Its C.E.O
BSES Bhawan, Nehru Place, New Delhi-110019.

.....Respondents

Through: Mr. Naushad Ahmed Khan, Ms. Riya Jain and Mr. Arpit Mishra, Advocates for Respondent No.1.
Mr. Sandeep Prabhakar, Sr. Advocate with Mr. Anupam Varma, Mr. Nikhil Sharma and Ms. S. Akshata, Advocates for R-2/ BSES.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. **Writ Petition** under Article 226 of Constitution of India has been filed for directing the *Respondents to release the arrears i.e. Terminal Benefits in terms of the retirement under Voluntary Retirement Scheme which was accepted by the Petitioner, and on the basis of which Petitioner stood retired from service, after rendering services for more than 2-3 decades.*

2. The Petitioner has stated that he was appointed in erstwhile Delhi Electric Supply Undertaking (DESU) on 07.12.1983, and his Employee Number was 29520. Thereafter, the Delhi Vidyut Board (DVB) got formed on 24.02.1997. Subsequently, on 01.07.2002, the Delhi Vidyut Board was bifurcated/privatized into various Companies, both government and private. The service of the Petitioner was transferred to BSES Yamuna Power Limited, under the Transfer Scheme, 2002.

3. On 18.12.2003, a *Special Voluntary Retirement Scheme* was announced by the Respondent, i.e., BSES Yamuna Power Limited, and the

Petitioner sought voluntary retirement under the Scheme. He was released on 31.12.2003, upon acceptance of his retirement under the Scheme. He started receiving his pension with effect from 01.11.2004, and his GPF was released on 10.11.2005. However, since February 2005, *the ad-hoc pension being received by other employees, along with other terminal benefits, has not been released to the Petitioner.* The workers who have been denied this benefit have been agitating the issue before the Court, though the matter is still pending.

4. The Petitioner, thus, filed the Writ Petition seeking directions to the Respondent to make payment of Terminal Benefits such as CCS(Pension) Rules and F.R.S.R i.e. Gratuity, Encashment of Leave, Pension including commutation, as per Rules along with interest @ 15% per annum and also the panel interest at the rate of 5%.

5. The similar matter has been decided by the Division Bench in the case of LPA 575/2023 titled *BSES Rajdhani Power Ltd. vs. Kewal Krishan &Ors*. whereby the Division Bench has allowed the relief claimed by the Petitioner. The relevant parts of the Judgment reads as under :

> *"30. A perusal of Clause 1 more particularly para 1.1 and 1.2 of the SVRS reveals that the scheme shall apply to the regular employees of the appellant-company, who have completed 10 years of service from the date of joining or have attained the age of 40 years on the date of said office order i.e. 18.12.2003.*
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> …
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> *32. On the other hand, Clause 4 of the SVRS ibid which provides for other benefits on voluntary retirement stipulates that the employees taking voluntary retirement under SVRS shall be entitled for the enumerated benefits, such as encashment of Earned Leave, payment of savings*

element with interest, TA/DA on retirement for self and family for hometown as per Travelling Allowance Rules, gratuity as per rules payable by DVB Pension Trust and pension as per rules payable by DVB Pension Trust, etc.35. A conjoint reading of Clause 1.1, 1.2, 4 of the SVRS vis-a-vis relevant provisions of the Pension Rules of 1972 particularly, Rule 3(q) and Rule 49 thereof reveals that an employee is entitled for pension on completing at least qualifying service of 10 years. The expression qualifying service has been defined in Rule 3(q) of the Pension Rules of 1972, which provides that service rendered while on duty shall be taken into account for the purpose of pensions and gratuities admissible under these Rules.

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36. A look at the definition of qualifying service shows that it simply indicates <u>10 years' service rendered while on duty and not 10 years' service after becoming member of the Trust Fund</u>. It is to be noted that Pension Rules of 1972 had been brought into force on 01.06.1972 while the SVRS was introduced on 18.12.2003.

Respondent nos. 1-7 (writ petitioners) had been allowed to voluntarily retire after completing 10 years of service from the date of joining the board, which period otherwise would have been 20 years. Therefore, there is no reason why the services rendered by them with the appellant, which is admittedly more than 10 years should not constitute qualifying service as defined in Rule 3(q) of the Rules of 1972.

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38. It is a settled position of law that the provisions having general applicability shall have to concede to the provisions of a special law. According to us, SVRS permitting voluntary retirement on completion of 10 years of service to the regular employees of erstwhile BYPL on completion of 10 years of service or attaining 40 years of age as on 18.12.2003 shall, therefore, prevail over Rule

48(a) and 49 of Pension Rules of 1972, which are applicable to all other employees not covered by SVRS 2003.

….

40. However, such pension shall be proportionate to the amount of pension applicable under Rule 49(2)(a). On close reading of the provisions of SVRS 2003 and Rule 49 in the backdrop of Rule 48(a) and Rule 48(b), we are of the firm view that the respondents who have completed between 10 to 20 years of service with the appellant are entitled to get proportionate pension as envisaged in Rule 49(2)(b) of the Pension Rules of 1972.55 Hence, we hereby modify para nos. 31 & 32 of the order of learned Single Judge in the manner that respondent nos. 1 to 7 are held entitled for payment of pension, however, the liability to pay the pension for the period up to the date when each of the employee has attained 60 years of age shall be on SVRS RTBF, 2004, which shall be reimbursed by DVB Pension Trust and the remaining part of the pension shall be paid by the appropriate authority under Pension Rules of 1972 or applicable law.

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57. However, para no. 32 of the order of the learned Single Judge, which awarded cost of Rs. 10,000/- to each of the respondent (writ petitioners) to be paid by the appellant herein, is modified and said cost is enhanced to Rs.50,000/- to be paid by the appellant to each of the respondent Nos. 1-7. Said enhanced cost would re-compensate them for the loss of interest, which they would have otherwise received, pursuant to the direction given in para no. 32 of the learned Single Judge's order."

6. The **Review Petition No.58/2026** was filed on behalf of the Petitioner, but the same has been dismissed vide Judgment dated 10.07.2026.

7. Considering that the issue involved is the same and as submitted by the learned counsel for the Petitioner as well as the Respondents, *the present Writ Petition is disposed of in terms of the decision of the Division Bench in **LPA 575/2023** vide Judgment dated 24.12.2025.*

8. The pending Applications are disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 04, 2026
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