
(2011) 02 DEL CK 0444

In the Delhi High Court

Case No : Writ Petition (C) No. 957 of 2011

Naresh Kumar

APPELLANT

Vs

BSES Rajdhani Power Ltd.

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Citation : (2011) 02 DEL CK 0444

Hon'ble Judges : Rekha Sharma, J

Bench : Single Bench

Advocate : V.K. Goel, for the Appellant;

Final Decision : Dismissed

Judgement

Rekha Sharma, J.—The Petitioner joined the service of Delhi Vidyut Board on October 18, 1984. However, on July 01, 2002, Delhi Vidyut Board ceased to exist and in its place, Respondent came into existence. Hence, the service of the Petitioner was transferred to the Respondent. On December 18, 2003, the Respondent came out with a Scheme known as "Special Voluntary Retirement Scheme - 2003". It was applicable to all regular employees who had completed 10 years of service from the date of joining Delhi Vidyut Board or had attained the age of 40 years. The Scheme provided for certain special benefits and early bird incentive, but in so far as the pension is concerned, it provided that the pension shall be admissible as per Rules payable by DVB Pension Trust.

2. It is not disputed by the Petitioner that under the DVB Pension Rules, an employee became admissible for pension only after rendering 20 years of regular service. It is also not disputed by the Petitioner that on the date he applied for retirement under the Scheme, he had completed 19 years but not 20 years of service. Despite this admitted position, the Petitioner is praying for pensionary benefits as are admissible to those employees who have completed 20 years of service. Alternatively, he says that his voluntary retirement be cancelled.

3. Having heard the learned Counsel for the Petitioner, I feel that there is no

basis on which the Petitioner can be allowed pensionary benefits. He applied for the Scheme with his eyes wide open. It was clearly laid down therein that so far as the pensionary benefits are concerned, they shall be paid as were applicable to the employees of Delhi Vidyut Board. The Petitioner cannot lay any claim to those benefits having applied for the Scheme voluntarily and consciously.

4. There is no merit in the writ-petition. The same is dismissed.