(2019) 10 CAT CK 0009

In the Central Administrative Tribunal

Case No : Original Application No. 3840 Of 2018

Vinod Kumar APPELLANT

Vs

Delhi Transport Corporation And Ors RESPONDENT

Date of Decision : 03-10-2019

Acts Referred:

Citation : (2019) 10 CAT CK 0009

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : K.K. Patel, Sushant Sharma, Manish Garg

Final Decision : Disposed Of

Judgement

1. By filing this OA, the applicant is seeking the following reliefs:-

"(a) Call for the records of the case.

(b) Direct the Respondent-Corporation to pay monthly pension under the pension scheme along with Family Planning Pension allowances from the date the same is due to the applicant till the date of retirement and as directed by the Hon'ble High Court of Delhi vide its judgment and order dated 08/12/2016 in W.P. (C) No.4975/2011.

(c) Direct the Respondent-Corporation to pay interest on the delayed payment of pension and other benefits.

(e) Award exemplary costs of the proceedings.

(f) Pass such further order or orders which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

2. The applicant of this OA has earlier challenged the award of the Labour Court before the Hon'ble Delhi High Court by filing Writ Petition (Civil) No.4975/2011 which was disposed of vide Order dated 6.12.2016 with the following observations:-

"4. This case is squarely covered by DTC v. Ran Singh (Supra). Following the Division Bench Judgment, the writ petition is allowed and the petitioner is granted reinstatement without back wages. The petitioner shall be entitled to regular wages w.e.f. joining back the services. The intervening period be counted for the purpose of retiral/pensionary benefits. The pay of the petitioner shall be fixed as if there was no termination i.e. by granting him the benefits of increments/pay revision. The DTC shall award all benefits which were granted to the workmen in DTC v. Ran Singh (Supra)."

The applicant retired from the services of the respondent - DTC but when he has not been granted pension, he has filed this OA seeking the reliefs as quoted above.

3. Pursuant to notice issued to the respondents, they have filed their counter affidavit in which they have themselves stated that competent authority has not yet taken a final decision in the matter. They have also stated that DTC has no policy of pension to all employees till date. The applicant has not opted for pension in the year 1992, therefore, he is not entitled for pension under DTC Pension Scheme. Accordingly, his all retiral dues have been released as per procedure laid down.

4. Counsel for the respondents drew our attention to para 4. 11 of the CA in which they have given the details of retiral benefits paid to the applicant.

5. After hearing both the parties, it is observed that neither of the two parties are clear on the present status of the matter, as the applicant on the one hand stated that he is now receiving monthly pension and on the other hand, respondent's counsel stated that the applicant is not entitled to pension and all admissible amounts of his retiral dues were made to him. However, on a specific query raised to the learned counsel for the respondent that what order or decision has been taken on grant of pension to the applicant, he is unable to give a satisfactory reply. However, on the other hand, learned counsel for the applicant submitted and drew our attention to the rejoinder affidavit wherein it is stated that during the pendency of present OA, the respondent - DTC have deposited Rs.4,00,000/- in the account of the applicant but no details have been provided to the applicant and the applicant is in receipt of monthly pension and the applicant is entitled for payment of interest on the delayed payment of pension and other allowances.

6. In view of the above facts and circumstances of this case, this Court is unable to adjudicate this matter in the absence of clear cut knowledge on the part of the applicant and the respondents about the receipt of pension, if any, by the applicant as no order or documents in this regard is/are placed on record. Hence, the respondents are directed to pass a detailed speaking and reasoned order about the payments made to the applicant so far with proper details of the same. Further in case, if the applicant is not given/entitled to pension, they shall also pass a speaking order explaining the reasons as to why the same has not been

given to him. The above exercise shall be completed within a period of two months from the date of receipt of a certified copy of this Order. The applicant is also permitted to appeal against the speaking order when passed by the respondents, if so advised, in accordance with law.

7. The present OA is disposed of in above terms. There shall be no order as to costs.

