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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 4574/2015 & CM Appln. No.8281/2015

NAROTTAM SINGH ..... Petitioner

Through Mr. Bhupesh Saini and Mr. Nawal Kishore, Advocates.

versus

TATA POWER DELHI DISTRIBUTION LTD. & ANR ...Respondents

Through Mr. Parinay D. Shah and Mr. Saransh Shaw, Advocates for R1.
Mr. Sumeet Pushkarna, Advocate for R2/Pension Trust.

CORAM:
HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

O R D E R

% 13.01.2016

Mr. Sumeet Pushkarna, Advocate, who appears for respondent No.2, has brought to the notice of this Court the decision in ***Kampuri v. BSES Rajdhani Power Ltd. & Anr.*** in Writ Petition (C) No.6390/2012, decided on 06.05.2014, which has considered the issue of liability to pay pension of erstwhile employee of Delhi Vidyut Board who had retired from service before the unbundling, which ultimately concluded that the liability in such a case would be that of the successor / transferee entity of the erstwhile Delhi Vidyut Board. While examining the question of liability to pay pension, all relevant arguments raised on behalf of the successor entity, which in that matter happens to be BSES Rajdhani Power Ltd., were duly considered by the Single Bench which went on to consider the decision of the Supreme Court in ***North Delhi Power Ltd. v. Govt. of National Capital Territory of Delhi & Ors***., **(2010) (6) SCC 278**, as well as other decisions, both of this Court and of the Supreme Court of India, on the point. The relevant provisions of the Delhi Electricity Reforms (Transfer Scheme) Rules, 2001 were also duly considered. Ultimately, whilst allowing the writ petition, the Single Judge held as follows;

> "12. Having regard to the aforesaid observations, the writ petition is allowed. Respondent no.1 shall pay the pensionary benefits and other retirement benefits, if any, to the petitioner. Respondent no.1, however, shall be free to agitate the issue with respondent no.2 by appropriate action in court; albeit in accordance with law. The pensionary dues and other retirement benefits would be paid within a period of three weeks from today, failing which the simple interest will run at the rate of 12% per annum. Respondent no.1 will also pay costs in the sum of Rs.5000/- to the petitioner."

To my mind, the same ratio and reasoning is squarely applicable to the facts and circumstances of the instant case, and therefore, this case deserves to be disposed off on the same terms.

Consequently, this petition also stands allowed and the respondent No.1 / TATA Power Distribution Delhi Ltd. shall pay all pensionary and other retirement benefits / dues, if any, to the petitioner within three weeks from today, failing which, respondent No.1 shall also pay interest to the petitioner at the rate of 12% per annum with effect from 07.01.2014, when the show cause notice issued to the petitioner is stated to have been withdrawn. The respondent No.1 shall also pay costs to the petitioner in the sum of Rs.25,000/- within the same time.

It is, however, made clear that the respondent No.1 shall be free to raise any claim against respondent No.2 in accordance with law in case it is so advised.

The petition is disposed off along with pending applications.

SUDERSHAN KUMAR MISRA, J

JANUARY 13, 2016

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