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

+ LPA 500/2014 & C.M. No.12481/2014, 12506-07/2016

NORTH DELHI POWER LIMITED NOW KNOWN AS TATA
POWER DELHI DISTRIBUTION LIMITED Appellant

Through: Mr. Abhay Kumar, Bial Khan,
Saurabh Mishra and Himanshu, Adv.

versus

RATTAN SINGH & ANR Respondent

Through: Mr. Anuj Aggarwal, ASC with Ms.
Deboshree Mukherjee for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

17.07.2017

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The respondent no.1 has been served through affixation. He has not appeared. In these circumstances, we are inclined to proceed with the matter.

The learned Single Judge allowed the writ petition preferred by respondent no.1 being W.P. (C) No.4971/2013 vide the impugned order dated 23.04.2015, wherein respondent no.1 sought terminal benefits along with appropriate rate of interest premised on the earlier judgment of the learned Single Judge of this Court in *Rosy Jain v. GNCTD*, 2012 (2013) DLT 639 and *Rajiv Lochan v. BSES Rajdhani Power Ltd.* decided on 22.07.2013 in W.P. (C) No.7979/2011.

The appellant has placed on record the judgment rendered by the Division Bench of this court, inter alia, in LPA 562/2013 arising from the

decision in the case of *Rosy Jain* along with other connected LPAs including one preferred in respect of the decision rendered in the case of *Rajiv Lochan* on 17.03.2016, whereby the said decisions have been reversed by the Division Bench. In fact, the Division Bench held that the respondents were not entitled to the relief of terminal benefits. The operative part of the said decision reads as follows:

“For the foregoing reasons, this Court is of opinion that the impugned judgment in Rosy Jain (supra) and the judgments in all other writ petitions that were allowed by the learned Single Judges cannot be sustained; they are set aside. The Pension Trust shall process and disburse the payments – if not already made; if made by the Appellants, they would be able to claim and recover the amounts paid out by them to the Pension Trust. The latter shall reimburse the amounts within 8 weeks. The appeals are allowed in the above terms; there shall be no order on costs”.

In the light of the aforesaid, the impugned judgment cannot be sustained. Accordingly, the impugned judgment is set aside and the Pension Trust shall process and disburse the payments – if not already made; if made by the Appellants, they would be able to claim and recover the amounts paid out by them from the Pension Trust. The latter shall reimburse the amounts within 8 weeks. The appeals are allowed in the above terms and there shall be no order on costs.

VIPIN SANGHI, J

REKHA PALLI, J

JULY 17, 2017

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