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

+ W.P.(C) 2149/2017

DELHI TRANSPORT CORPORATION

..... Petitioner

Through Mr. L. K. Passi and Ms. Leela Sumer,
Advocates

Versus

YAD RAM

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

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08.03.2017

CM No. 9347/2017

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 2149/2017 and CM No. 9346/2017 (Stay)

The impugned order dated 22.09.2016 passed by the Principal Bench of the Central Administrative Tribunal has allowed OA No. 4081/2011 filed by the respondent - Yad Ram with directions that his pay would be fixed after adding stagnation increments.

2. Learned counsel for the Delhi Transport Corporation accepts that the respondent - Yad Ram was getting lower scale than his juniors. However, it is submitted that Yad Ram had failed to exercise option for inclusion of stagnation increments in terms of the office order dated 10.10.2002. Yad Ram had exercised this option after five years vide letter dated 12.11.2007.

3. Yad Ram had disputed and challenged that he had failed and had not furnished the option form. It is an accepted and admitted case that the salary, after including stagnation increments, was paid to Yad Ram from September, 2003 to December, 2003. It was reduced thereafter. It would be rather ludicrous to accept that Yad Ram had voluntarily not opted to get stagnation increments and therefore the reduced salary. It was also the obligation and duty of the petitioner Corporation, as a responsible employer, to have provided the full details of the option to enable the employees to make a considered choice and derive benefit of stagnation increments.

4. After considering the facts of the case and the nature of relief granted, we exercise our discretion under Article 226 and 227 of the Constitution of India and dismiss this writ petition.

5. Copy of the order be given *dasti*, under the signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 08, 2017/b