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

+ **WRIT PETITION(CIVIL) No. 8173/2016**

Date of decision: 21st March, 2017

DELHI TRANSPORT CORPORATION Petitioner

Through: Ms. Avnish Ahlawat with Ms.
Latika Chaudhary, Advocates.

versus

SHRI JAGDISH CHANDRA AND ORS. Respondents

Through: Ms.Asha Jain Madan, Advocate.
Mr.Keshav Mohan & Mr.Deepak
Pathak, Adv. for R-3

WRIT PETITION (CIVIL) No. 9949/2016

JAGDISH CHANDRA Petitioner

Through: Ms. Avnish Ahlawat with Ms. Asha
Jain Madan, Advocates.

versus

DELHI TRANSPORT CORPORATION AND ORS..... Respondents

Through: Ms.Latika Chaudhary, Advocate.
Mr. Anupam Srivastava ASC for
GNCTD & Ms. Sharmistha Ghosh,
Advocate for respondent No. 2.
Mr. Keshav Mohan & Mr.Deepak
Pathak, Advocates for respondent
No. 3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL):

This common order would dispose of the afore-stated cross writ petitions, filed by Jagdish Chandra and others; and the Delhi Transport Corporation (DTC, for short) impugning the order dated 1st April, 2015 passed by the Principal Bench of the Central Administrative Tribunal (hereinafter referred to as the Tribunal) partly allowing OA No. 3423/2010.

2. DTC has also challenged the order dated 11th January, 2016 whereby the review application filed by the said Corporation has been dismissed.

3. Jagdish Chandra and others are retired employees of the DTC.

4. The DTC was established in 1978 under the Delhi Road Transport Act, 1950 read with the Delhi Municipal Corporation Act, 1957 and the Delhi Road Transport (Amendment) Act, 1957, which are Central legislations.

5. All employees of the DTC were covered and governed by the Contributory Provident Fund Scheme (CPF Scheme, for short), under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (EPF Act, for short). In 1971 the Employees' Family Pension Scheme was introduced to provide for Family Pension in case of death.

6. Subsequently, the Delhi Transport Corporation (Employees' Provident Fund Trust) Regulations, 1978 were enacted with the approval of

the Regional Provident Fund Commissioner (RPFC). The Trust operates and disperses the CPF and Family Pension.

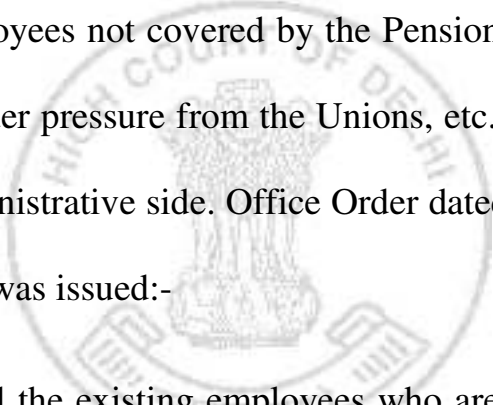
7. By Office Order dated 27th November, 1992, DTC introduced a Pension Scheme ('Pension Scheme of 1992') which was applicable to existing/in-service employees by default. Existing employees had the option to remain covered under the CPF Scheme, in which case the Pension Scheme was not applicable. This Pension Scheme could only be implemented with effect from 31st October, 1995 as the Life Insurance Corporation of India (LIC, for short) who were to implement the Pension Scheme had expressed reservations. The matter was taken up with the Central Government which thereupon had sanctioned the said Scheme. Thereafter, the DTC Pension Trust started dispersing pension to those covered by the Pension Scheme dated 27th November, 1992.

8. With effect from November, 1995 employees covered under the CPF Scheme also became entitled to the Employees' Pension Scheme. This Pension Scheme was different and distinct from the Pension Scheme introduced vide Office Order dated 27th November, 1992.

9. Two-thirds of the employees, by default or otherwise, are covered under the Pension Scheme dated 27th November, 1992.

10. Jagdish Chand and others, who were existing employees when the Pension Scheme of 1992 was introduced and then operationalised, it is an accepted and admitted case, had opted to remain out of the Pension Scheme of 1992 for they wanted to remain covered and be governed by the CPF Scheme. This option to remain covered under the CPF Scheme was exercised in writing.

11. Nearly 6 years after the Pension Scheme of 1992 was operationalised, W.P.(C) No. 48/2001 was filed by the Workers' Union and Others to allow employees not covered by the Pension Scheme of 1992 to opt for the same. Under pressure from the Unions, etc. the matter was also taken up on the Administrative side. Office Order dated 28th October, 2002 which read as under, was issued:-

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- “i) All the existing employees who are not covered under the existing DTC Pension Scheme may exercise their option in writing in case desire to opt DTC Pension Scheme.
 - ii) The employees who have drawn the employer's share, under the EPF Act, partly or wholly shall have to refund the same with interest in the event of their opting for the DTC Pension Scheme. The total amount to be refunded by the employees would be the amount that would have accrued, had they not withdrawn the employer's share.
 - iii) Inviting/exercising option shall be provisional and subject to exemption from the RPFC and refund of the amount held with them. In case, no exemption is received from RPFC, this option shall become redundant, and the status of an employee shall be the same as is before the issue of these orders.

iv) The Unit Officers/Depot Manager, after receiving, the options, shall send the list of existing employees who exercised their option in favour of DTC Pension Scheme to the Pension Cell within a week of closing the date of option.

v) All employees who are on the rolls of this Corporation on the date of issue of this office order shall be eligible to opt DTC Pension Scheme and to exercise their option within 30 days from the date of issue of this Circular.”

12. Jagdish Chandra and others now exercised their option to be covered by the Pension Scheme of 1992. Later on, the DTC after examination, decided not to extend and cover the CPF optees, under the Pension Scheme of 1992. This was for several reasons, the primary being that the DTC lacked resources and funds to implement the Pension Scheme of 1992, in view of the number of applications.

13. Jagdish Chandra and others had challenged this decision of the DTC in OA No. 3423/2010, which has been disposed of by the impugned order dated 1st April, 2015. The impugned order records the prior history and refers to Section 17(1C) of the EPF Act and has thereafter held as under:-

“11. Section 17(1C) of the Act of 1952 stipulates that the appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme, if the employees of such establishment or class of establishments are either members of any other pension scheme or propose to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under the Act of 1952. Thus, it is clear that the appropriate Government has only been

invested with the power to exempt any establishment from the operation of the Pension Scheme framed under the Act of 1952 if the employees of such establishments propose to be members of any other pension scheme where the pensionary benefits are at par or more favourable than the Pension Scheme framed under the Act of 1952. It is also clear that the Central Provident Fund Commissioner, or for that matter, the Regional Provident Fund Commissioner, has no role to play in the matter of exemption in question.

12. In the instant case, the respondent-DTC, vide office order dated 28.10.2002 (Annexure A/6), invited option from the existing employees, including those covered under the EPS 1995, who were not already covered under the DTC Pension Scheme, as to whether they desired to opt for DTC Pension Scheme. One of the conditions stipulated in the said office order dated 28.10.2002 was that inviting/exercising option shall be provisional and subject to exemption from the Regional Provident Fund Commissioner and refund of the amount held with them, and that in case no exemption was received from the Regional Provident Fund Commissioner, their option shall become redundant and the status of the employee shall be the same as was before the issue of the said order. It transpires from the records that the respondent-DTC had moved the Central Provident Fund Commissioner for granting exemption. The Regional Provident Fund Commissioner, Delhi (respondent no.3), vide his letter dated 2.8.2007 (Annexure A/7), conveyed the decision of the Central Provident Fund Commissioner rejecting the request of the respondent-DTC for exemption purportedly sought under Section 17(1C) of the Act of 1952.

13. In the above conspectus, the irresistible conclusion that only could be drawn is that both the respondent-DTC and the Central Provident Fund Commissioner/Regional Provident Commissioner proceeded on a wrong assumption. The respondent-DTC, by misconstruing or misinterpreting the provisions of Section 17(1C) of the Act of 1952, not only issued the office order dated 28.10.2002 subject to exemption being granted by the Regional Provident Fund Commissioner, but, at the same time, also moved the Central Provident Fund Commissioner/Regional Provident Fund Commissioner, for granting exemption under Section

17(1C) of the Act of 1952. Conversely, the Central Provident Commissioner, without appreciating the whole point in issue and without examining the same in its proper perspective, turned down the proposal of the respondent-DTC, as if it were the appropriate Government, i.e., the Central Government. Therefore, the action taken on this score by the Central Provident Fund Commissioner or the Regional Provident Fund Commissioner, as the case may be, was far fetched. In the circumstances, we do observe that in case exemption under Section 17(1C) of the Act of 1952 is granted by the appropriate Government, i.e., the Central Government, then nothing would prevent the respondent-DTC from considering the options exercised by the applicants in order to switch over to the DTC Pension Scheme and taking further consequential action in that behalf.

14. It is pertinent to indicate herein that as the applicants have not challenged the legality and validity of the office order dated 28.10.2002, they are bound by the same, subject, however, to exemption being granted by the Central Government under Section 17(1C) of the Act of 1952. It is made clear that if exemption under Section 17(1C) of the Act of 1952 is not granted by the Central Government, the applicants are not entitled for switching over to the DTC Pension Scheme inasmuch as their entitlement to switch over to DTC Pension Scheme solely depends on the exemption being granted under Section 17(1C) of the Act of 1952. Having arrived at this conclusion, we do not feel it necessary to consider the rest of the submissions made by the learned counsel for the parties.

15. In the circumstances, the respondent-DTC is directed to move the appropriate Government, i.e., Central Government for according approval of exemption under Section 17(1C) of the Act of 1952 and to decide the claim of the applicants after the decision of the appropriate Government is received by them. The respondent-DTC is also directed to take appropriate steps for completing the entire exercise, including decision on the applicants claim, within a period of three months from today. As the Central Government is not a party-respondent in the present O.A., we refrain ourselves from issuing any direction to the Central Government. However, we would like to observe

that the respondent-DTC is at liberty to bring this order to the notice of the Central Government, while putting up the proposal seeking exemption under Section 17(1C) of the Act of 1952. Ordered accordingly.”

14. In our opinion, the matter is covered by the Division Bench decision of this Court in Writ Petition (C) No. 7477/2011, ***Rati Bhan versus Delhi Transport Corporation***, decided on 14th October, 2011. Referring to the notification dated 28th October, 2002 inviting options from employees who had not earlier opted for Pension Scheme of 1992 to opt for the same, it was observed that the office order dated 28th October, 2002 had showed only an intendment of the DTC. Use of the expression “provisional” was highlighted, to indicate that receipt or exercise of option would not create a vested right. Thereafter, on the basis of the number of applications received, DTC did not find it feasible/possible to implement the Pension Scheme of 1992 on account of financial implications and constraints. In other words, Office Order dated 28th October, 2002 had been issued to examine and ascertain the financial implication and feasibility of extending benefit of Pension Scheme of 1992 to non-optees. The Office Order dated 28th October, 2002 and subsequent Press Note dated 23rd September, 2003 did not give a crystallized right to the employees to claim pension under the Scheme dated 27th November, 1992. Refund of payments as per paragraph 2 of the Office Order dated 28th October, 2002 were not made or received.

15. The Press Note dated 23rd September, 2003 referred to above, it is submitted by the counsel appearing for Jagdish Chandra and others, was issued with the intendment to give option to the retired employees. This would not be correct, for the option exercised was only provisional and no binding rights were created. We are bound by the judgment of the Division Bench in the case of **Rati Bhan** (supra).

16. The decision in **Rati Bhan** (supra) had interpreted clause (iii) of the Office Order dated 28th October, 2002 in two parts. First, exercise of inviting options was provisional, i.e. subject to examination of feasibility of implementing the DTC Pension Scheme dated 27th November, 1992 to those who had expressed their desire to be covered by the said Scheme. Secondly, this was subject to exemption from the Regional Provident Fund Commissioner and refund of the amount held with them. It was clarified that if no exemption was received from the Regional Provident Fund Commissioner, the option expressed shall become redundant. The 2 stipulations were independent of one another, as has been held and decided in **Rati Bhan's** case (supra).

17. The impugned order of the Tribunal quoted above refers to Section 17(1C) of the EPF Act and that the Regional Provident Fund Commissioner had refused grant of exemption to the DTC from operation of the EPF Act vide letter dated 2nd August, 2007. It is in this context that

directions have been issued to the DTC to move the appropriate Government for according approval for exemption. This, according to us, is of no concern and not required for the DTC has decided not to implement the Pension Scheme dated 27th November, 1992 for non-optees.

18. Counsel for Jagdish Chandra and Others have drawn our attention to Section 17(1C) which reads as under:-

“17.(1C) The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme, if the employees of such establishment or class of establishments are either members of any other pension scheme or propose to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act.”

Reference was made to the letter dated 2nd August, 2007 of the Regional Provident Fund Commissioner declining to grant exemption under Section 17 (1C) of the EPF Act, as exemption was not sought for the establishment as a whole, i.e. all employees.

19. The contention raised by Jagdish Chandra and others has to be rejected on account of contradiction. In OA No. 3423/2010 and W.P.(C) No. 9949/2016, the clear and categorical stand is that the EPF Act is not applicable to the DTC. Jagdish Chandra and others have pleaded and submitted that Section 17(1C) empowers the appropriate State Government

to grant exemption to any establishment or class of establishment from operation of the Pension Scheme by issuance of notification in the Official Gazette. Exemption under the said section is to be granted to an establishment which is covered and is required to comply with the EPF Act. As per Sub-section (3) to Section 1 of the EPF Act, this Act is not applicable to establishments covered by Section 16. Sub-section 3 to Section 1 reads as under:-

“ (3) Subject to the provisions contained in section 16, it applies-

(a) to every establishment which is a factory engaged in any industry specified in Schedule I and in which twenty or more persons are employed.

(b) to any other establishment employing twenty or more persons or class of such establishments which the Central Government may, by notification in the Official Gazette, specify in this behalf: ”

Section 16 reads as under:-

“16. Act not to apply to certain establishments - (1) This Act shall not apply –

(a) to any establishment registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force in any State relating to co-operative societies employing less than fifty persons and working without the aid of power; or

(b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any Scheme or rule framed by the Central Government or the State Government governing such benefits; or

(c) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits;

(2) If the Central Government is of opinion that having regard to the financial position of any class of establishments or other circumstances of the case, it is necessary or expedient to do so, it may, by notification in the Official Gazette, and subject to such conditions, as may be specified in the notification, exempt whether prospectively or retrospectively that class of establishments from the operation of this Act for such period as may be specified in the notification.”

DTC, it is accepted and admitted was/is a Corporation established by Central enactment. It is undisputed that the employees of DTC are entitled to benefit of the old age pension scheme or the CPF. In the aforesaid situation, the stipulations of clause (c) in Section 16 (1) of the EPF Act would be satisfied. The requirements of the said clause are; (i) that the establishment should be established under the Central, Provincial or State Act and (ii) employees of the said establishment are entitled to benefits of CPF or old-age pension in accordance with a scheme or rule framed under the Act governing the benefits. DTC as an establishment meets and satisfies the said requirements and stipulations. They have the CPF scheme and also old-age pension scheme governing such benefits. Once an organization or establishment is excluded from the operation of the EPF Act by virtue of clause (c) to Section 16 (1), then there is no need or requirement to apply for and seek grant of exemption under Section

17(1C). Section 17(1C) of EPF Act would apply only when an Act is applicable to an establishment. Under Section 17 (1C), the Appropriate Government can by notification in the Official Gazette, subject to conditions on the pattern of investment and other conditions, exempt any establishment or class of establishments.

20. Counsel appearing for Jagdish Chandra and others have submitted that the CPF Scheme is under the EPF Act. This is incorrect. Initially, the CPF Scheme was implemented and was being enforced as per EPF Act. However, in 1979, exemption was granted under the EPF Act and the Trust is thereafter operating and implementing the CPF Scheme.

21. Jagdish Chandra and others have retired and thereafter have been paid their share as well as employees' share of the CPF. This is an accepted position. DTC has also relied upon documents placed by them in this regard.

22. Jagdish Chandra and others have submitted that the Pension Scheme circulated vide Office Order dated 27th November, 1992 was different and less beneficial than the Pension Scheme actually sanctioned by the Central Government and implemented with effect from 1st November, 1995. We would not accept the said contention as the difference between the two has not been highlighted and shown. No doubt, earlier, the Pension Scheme was to be operationalised and implemented by the LIC, but this would not

make any difference or confer any right on Jagdish Chandra and others that they must be offered and given an option to be covered under the Pension Scheme of 1992. Employees covered under the Pension Scheme of 1992 and those covered under the EPF-cum-Pension Scheme form two different classes. *V. Kasturi v. Managing Director, State Bank of India, Bombay and Another*, (1998) 8 SCC 30 held:-

“ Category I

22. If the person retiring is eligible for pension at the time of his retirement and if he survives till the time of subsequent amendment of the relevant pension scheme, he would become eligible to get enhanced pension or would become eligible to get more pension as per the new formula of computation of pension subsequently brought into force, he would be entitled to get the benefit of the amended pension provision from the date of such order as he would be a member of the very same class of pensioners when the additional benefit is being conferred on all of them. In such a situation, the additional benefit available to the same class of pensioners cannot be denied to him on the ground that he had retired prior to the date on which the aforesaid additional benefit was conferred on all the members of the same class of pensioners who had survived by the time the scheme granting additional benefit to these pensioners came into force. The line of decisions tracing their roots to the ratio of *Nakara case* [(1983) 1 SCC 305 : 1983 SCC (L&S) 145] would cover this category of cases.

Category II

23. However, if an employee at the time of his retirement is not eligible for earning pension and stands outside the class of pensioners, if subsequently by amendment of the relevant pension rules any beneficial umbrella of pension scheme is extended to cover a new class of pensioners and when such a subsequent scheme comes into force, the erstwhile non-pensioner might have survived, then only if such extension of pension scheme to

erstwhile non-pensioners is expressly made retrospective by the authorities promulgating such scheme; the erstwhile non-pensioner who has retired prior to the advent of such extended pension scheme can claim benefit of such a new extended pension scheme. If such new scheme is prospective only, old retirees non-pensioners cannot get the benefit of such a scheme even if they survive such new scheme. They will remain outside its sweep. The decisions of this Court covering such second category of cases are: *Commander, Head Quarter v. Capt. Biplabendra Chanda* [(1997) 1 SCC 208 : 1997 SCC (L&S) 444] and *Govt. of T.N. v. K. Jayaraman* [(1997) 9 SCC 606 : 1997 SCC (L&S) 1208] and others to which we have made a reference earlier. If the claimant for pension benefits satisfactorily brings his case within the first category of cases, he would be entitled to get the additional benefits of pension computation even if he might have retired prior to the enforcement of such additional beneficial provisions. But if on the other hand, the case of a retired employee falls in the second category, the fact that he retired prior to the relevant date of the coming into operation of the new scheme would disentitle him from getting such a new benefit.”

23. In *All India Reserve Bank Retired Officers' Association and Others v. Union of India and Another*, 1992 Supp (1) SCC 664 distinction was drawn between the Pension Scheme and the CPF Scheme. Those who had received benefits of Employer's contribution under the CPF Scheme, it was held did not have a vested right to claim coverage under the Pension Scheme.

24. In *PEPSU Road Transport Corporation v. Mangal Singh*, (2011) 11 SCC 702, again the distinction between the two retirement benefits in the form of CPF, i.e. Compulsory Contributory Provident Fund as per the

EPF Act, and the Pension Scheme was drawn and highlighted. Both provide social security by way of retiral benefits. CPF, it was observed, is in the nature of substitute for old-age pension.

25. In *Rajasthan Raya Vidyut Vitran Nigam Limited v. Dwarka Prasad Koolwal and Others*, (2015) 12 SCC 51 the Supreme Court dealing with a similar situation, held that employees could take benefit of either the CPF Scheme or the GPF-cum-Pension Scheme. Employees who had opted for CPF cannot compel or force the Government/authorities to cover them under the Pension Scheme as it had turned out to be more beneficial and advantageous on account of revised computation of pension. An employee who continues to be a member of the CPF Scheme, having opted for the same, cannot ask for Pension Scheme as per his convenience. No doubt in this case in spite of 8 option offers, the last one being on 4th February, 1997, the employees had not opted for switching to the Pension Scheme, but this would not be the sole factor which had compelled the Supreme Court to decide the issue. In the present case also, the Pension Scheme dated 27th November, 1992 was operational and made effective from 1st November, 1995. W.P.(C) No. 48/2001 by the Workers' Union and others was filed after 6 years. By then the earlier perception held by Jagdish Chandra and others that the Pension Scheme of 1992 might not work or be beneficial had proved to be wrong. Subsequently, all working and retired

employees wanted to be governed and covered by the Pension Scheme dated 27th November, 1992. Noticeably, nearly two-thirds of employees had, by default or otherwise, opted for this Pension Scheme. Thus the contention of Jagdish Chandra and others that they were not aware of the terms or the conditions or that new and beneficial terms were incorporated by the Central Government is make belief and farfetched. We would like to reproduce some of the findings and observations of the Supreme Court in ***Rajasthan Raya Vidyut Vitran Nigam Limited*** (supra). The relevant paragraphs read:-

“36. In their writ petition filed in the High Court the respondents stated that by virtue of this order dated 23-8-1997, the calculation of pension, family pension and commutation of pension under the Pension and GPF Scheme, became more beneficial to the employees as against the provisions in the CPF Scheme. It is perhaps this computation benefit made available to the employees of RSEB with the adoption of the Rajasthan Civil Services (Pension) Rules, 1996 that prompted the respondents to switch over from the CPF Scheme to the Pension and GPF Scheme. Unfortunately, by that time the period for making the switch-over had expired in terms of the 8th notice dated 4-2-1997. Therefore, since the respondents were unable to take advantage of the beneficial computation under the Pension and GPF Scheme read with the Rajasthan Civil Services (Pension) Rules, 1996 they seem to have set up a case of being unaware of the various notices issued by RSEB from time to time over a period of 8 years.

37. All that we can infer from the conduct of the respondents is that they went along with the CPF Scheme so long as it was beneficial to them, but when the calculation of pension, family pension and commutation of pension underwent an alteration pursuant to the order dated 23-8-1997 the respondents had a change of heart and sought

to take advantage of the revised manner of computation provided for in the Rajasthan Civil Services (Pension) Rules, 1996. We can only say that the argument of a lack of awareness of the switch-over option appears to be nothing but a self-serving argument.

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58. When the Pension Regulations and the GPF Scheme are read together, the necessary conclusion is that an employee must give his option for either continuing to be a member of the CPF Scheme or to switch over to the Pension and GPF Scheme. This option had to be exercised within a period of 90 days from the cut-off date, that is, 28-11-1988. But RSEB, in its wisdom, chose to extend the time for exercising the switch-over option over a period of 8 years by giving several opportunities to the employees through its notices. The right of an employee to switch over was, therefore, limited in time by the Pension and GPF Scheme. However, administrative orders issued by RSEB from time to time extended the period for exercising the option. No employee had any inherent right to either demand an extension of the period for exercising the switch-over option or claim a right to exercise the switch-over option at any time prior to his retirement, and no such right has been shown to us.

59. But, the learned counsel for the respondents finally submitted that pension is not a charity or a bounty and an employee is entitled to earn his pension. There can be no doubt about this proposition but when two schemes are available to an employee, one being the CPF Scheme and the other being the Pension Scheme, it is for the employee to choose the scheme that he feels more comfortable with and appropriate for his purposes. No employee can switch over back and forth from one scheme to another as per his convenience. Once an employee has chosen to be a part of a particular scheme, he continues to remain a member of that scheme unless an option to switch over to another scheme is given to him.

60. Insofar as the present appeals are concerned, the respondents who are members of the CPF Scheme were given several opportunities of switching over to the Pension

Scheme and the GPF Scheme under the Pension Regulations and the GPF Scheme respectively but they chose not to do so. The question whether under these circumstances pension is a bounty or a charity becomes completely irrelevant. The entitlement to pension was available to the respondents but they chose not to avail the entitlement for reasons personal to them. Having taken a decision in this regard the respondents cannot now raise an argument of pension not being a bounty and therefore requiring RSEB to give them another option to switch over to the Pension and GPF Scheme.”

26. In view of the aforesaid discussion, Writ Petition (C) No. 9949/2016 filed by Jagdish Chandra and others is dismissed. Writ Petition (C) No. 8173/2016 filed by the DTC is allowed. OA No. 3423/2010 filed by Jagdish Chandra and others will be treated as dismissed and the directions given in the impugned order dated 1st April, 2015 passed by the Tribunal are set aside and quashed. In the facts of the case, there would be no order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 21, 2017
VKR