

\$~5

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

+ W.P.(C) No.5535/2017 & CM Nos.23301-23303/2017

DELHI TRANSPORT CORPORATION ..... Petitioner  
Through Ms.Manisha Tyagi, Adv.

versus

VINAY KUMAR BEDI ..... Respondent  
Through Nemo.

**CORAM:**  
**HON'BLE MR. JUSTICE VIPIN SANGHI**  
**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**  
% **21.07.2017**

**W.P.(C) No.5535/2017**

1. The petitioner has preferred the present writ petition to assail the order dated 23<sup>rd</sup> December, 2016 passed by the Central Administrative Tribunal, Principal Bench, in OA No.167/2015. The Tribunal has, by the impugned order, allowed the said Original Application preferred by the respondent and directed the petitioner herein, to grant pension with associated retiral benefits to the respondent within a period of three months, from the date of receipt of a certified copy of the order.

2. The admitted position is that the respondent had joined the petitioner-Delhi Transport Corporation, on 9<sup>th</sup> February, 1985 and had resigned from service on 31<sup>st</sup> March, 2012. It is an admitted fact that the respondent had opted for the pension scheme, which request was allowed by the Petitioner vide its order dated 27<sup>th</sup> November, 1992. On the date of his resignation, the respondent had rendered more than twenty seven years of service.

3. The petitioner, however, sought to invoke Rule 26 of the CCS (Pension) Rules to submit that the resignation entails forfeiture of past services and, therefore, the respondent was not entitled to pension. The Tribunal, however, allowed the Original Application by placing reliance on its earlier order passed in ***Ram Kishan Vs. Delhi Transport Corporation*** in OA No.858/2013 on 29<sup>th</sup> October, 2014. This Court has also dealt with a similar issue in the case of ***Sudarshan Kumar Vs. Delhi Transport Corporation & Anr. (1994) 56 DLT 538***, wherein it was held that under Rule 48A of the C.C.S. (Pension) Rules, upon completion of 20 years of qualifying service, an employee becomes entitled to pension since he is entitled to seek voluntary retirement. This Court specifically held in ***Sudershan***

***Kumar (Supra)*** case that after an employee has rendered qualifying service, his resignation tantamounts to an application seeking voluntary retirement. That being the position, the distinction sought to be drawn by the petitioner by placing reliance on the language used in the resignation letter, is of no avail.

4. In view of the above observations, the writ petition has no merit and is dismissed.

**CM Nos.23301-23303/2017**

5. In view of the writ petition having been dismissed, these applications do not survive for adjudication and are dismissed as such.

**VIPIN SANGHI, J**

**REKHA PALLI, J**

**JULY 21, 2017/aa**