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

\+ W.P.(C) 1323/2019

SHRI ATMA RAM ..... Petitioner

Through: Mr. R.S. Nirwal, Advocate.

versus

GOVT. OF NCT OF DELHI AND ANR. ..... Respondents

Through: Ms. Avnish Ahlawat, Mr.N.K. Singh & Ms. Palak Rohmetra, Advocates for respondents No.1 & 2.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **08.02.2019**

C.M. No. 6021/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1323/2019

The petitioner assails the order dated 08.10.2013 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No. 1437/2012. The Tribunal rejected the said Original Application of the petitioner, wherein he had sought a direction to the respondent DTC to grant him pension.

At the outset, we may observe that the writ petition itself is highly belated since it has been filed over 5 years after the passing of the impugned order. Apart from that, we also do not find any merit in the writ petition.

The Tribunal has found that when the pension scheme was introduced in the respondent vide Office Order No.16 dated 27.11.1992, the petitioner gave his option by expressly opting out of the pension scheme. The original record was produced before the Tribunal and it perused the record which showed that the petitioner had opted out of the pension scheme. Moreover, from his salary regularly deductions towards CPF contribution by the petitioner were made on monthly basis and the petitioner did not ever claim that such deduction ought not to be made towards the PF contribution. The No Demand Certificate issued by the Deputy Manager of the DTC has been extracted in the impugned order which also shows the extent of contribution made by the petitioner in the CPF account of Rs.1,49,509.65/-.

The submission of learned counsel for the petitioner is that the petitioner was not well and, therefore, he could not prefer the writ petition earlier.

We do not find any substantiation of this averment in the writ petition. He also seeks to dispute the fact that he gave the option opting out of the pension scheme. He claims that his form has been tampered with. Firstly, it is not explained as to why anybody would tamper with his form and the said disputed question cannot be gone into in a writ petition. Secondly, the deduction of CPF contribution from his salary on a regular basis would have been known to him and his conduct in not protesting against it ever only shows that he had opted out of the pension scheme.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 08, 2019

B.S. Rohella