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

+ W.P.(C) 2586/2019

SHRI RAM NIWAS

..... Petitioner

Through Mr.N.S.Dalal with Mr.Aman Mudgal,
Advs.

versus

DELHI TRANSPORT CORPORATION AND ANR.

..... Respondent

Through Ms.Avnish Ahlawat, S.C. with
Mr.N.K.Singh and Ms.Sakshi Shairwal, Advs for
R-1.

Mr.Satpal Singh, S.C for R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.03.2019

C.M. No.12041/2019

Exemption allowed, subject to all just exceptions.

W.P.(C) 2586/2019

The petitioner assails the order dated 21.03.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A.No.127/2016. The Tribunal has disposed of the said original application preferred by the petitioner, wherein he sought coverage under the old pension scheme introduced vide the Office Order No.16 dated 27.11.1992. The petitioner joined the DTC/respondent Corporation on 10.09.1998 as Retainer Crew Driver(RCD), however,

he was brought on monthly rates of pay for the post of Driver only w.e.f. 01.06.2004. The petitioner remained with the DTC and retired on 31.08.2016 on attaining the age of superannuation. After he retired he started demanding pension from the respondent. He claim that the DTC had introduced the pension scheme by Office Order No.16 dated 27.11.1992 with the condition that it would be compulsory for all the new employees appointed w.e.f. 23.11.1992.

The original application was opposed by the respondent/DTC. The stand of the respondent was that for the employees appointed on or after 01.01.2004, the new Restructured Defined Contributory Pension Scheme was introduced by the Central Government was applicable. Since, the petitioner was brought on monthly rates only from 01.06.2004, he was not entitled to coverage under the old pension scheme dated 27.11.1992. The respondent also placed reliance on the decision of the Tribunal in O.A.No.3955/2011 dated 28.08.2015 **Nand Kishore and others Vs. DTC** as well as the order in O.A.No.414/2016 decided on 30.05.2017 **Chattar Pal v. DTC**.

The submission of Mr. N.S.Dalal, learned counsel for the petitioner is that the case of the petitioner is similarly placed as the case of **Nand Kishore** (*supra*) and **Chattar Pal** (*supra*). We do not find any merit in the said submission of the learned counsel for the petitioner. The employment of the petitioner as RCD on 10.09.1998 was purely on temporary basis, he was brought on monthly rates of pay as Driver only on 01.06.2004, therefore, he cannot claim to have served the respondent continuously, even on monthly rates from 10.09.1998.

Since, the new Contributory Pension Scheme had been introduced w.e.f. 01.01.2004, and the petitioner was brought on monthly rates only from 01.06.2004, he was obviously not covered by the old pension scheme.

In view of the above, we see no merit in the present petition and impugned order does not call for interference.

The petition is disposed of.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 18, 2019

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