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

+ W.P.(C) 6187/2024 and CM APPL. 25724/2024

DELHI TRANSPORT CORPORATIONPetitioner

Through: Ms. Manisha Singh, Mr.
George Pothan Poothicote, Mr.
Kanav Khatana, Ms. Ojeswita
Singh, Ms. Jyoti Singh, Ms.
Swati Yadav, Advs. with Mr
Anil Gautam (DTC
representative)

versus

HARISH BABURespondent

Through: Ms. Rashmi B. Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.03.2026**

1. Through the present Writ Petition, the Petitioner prays for the quashing of order dated 19.12.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal'), wherein the O.A. No. 2088/2016 filed by the Respondent was allowed.

2. The Tribunal had directed the Petitioner to grant benefits of MACP/ACP Scheme to the Respondent on his completion of regular service for the prescribed period.

3. The Respondent was removed from service *vide* order dated 16.09.1994, however, the same was set aside by the learned Labour Court *vide* order dated 02.02.2010 [hereinafter referred to as 'Award']. Furthermore, the learned Labour Court *vide* the Award



directed that the Respondent be reinstated to the same post with continuity of service and also directed that, in lieu of back wages, he would be entitled to Rs.50,000/-. Subsequently, he was reinstated w.e.f 25.07.2012.

4. Keeping in view the directions of the learned Labour Court, the pay of the Respondent was re-fixed, while granting him increments and the benefits of MACP/ACP Scheme. Subsequently, the benefits of MACP/ACP Scheme were withdrawn on the ground that the Petitioner had never worked during that period.

5. The Tribunal, while relying upon the judgment passed by this Court in W.P.(C) 2216/2014 captioned ***Mahabir Prasad vs. Delhi Transport Corporation.***, allowed the O.A.

6. Learned counsel representing the Petitioner submits that the benefits under the MACP/ACP Scheme are available only if the employee actually undertakes work and his performance has been up to the mark. She further submits that the Respondent never worked and he was reinstated only in lieu of the award passed by the learned Labour Court.

7. This Court has considered the submissions advanced by the parties and is of the view that the Respondent was deprived of the opportunity to work on account of an order passed against him removing him from service, which was *non-est* and illegal. It was subsequently set aside by the learned Labour Court. *Vide* the Award, directions were issued to reinstate him in service along with continuity, hence, all consequential benefits are required to flow from the aforesaid order.

8. The reinstatement of the Respondent in the year 2012 pursuant to the directions of the learned Labour Court is not in dispute. Hence,



the impugned order passed by the Tribunal does not warrant any interference.

9. Accordingly, the present Petition, along with pending application, stands dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MARCH 27, 2026

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