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

+ W.P.(C) 906/2026, CM APPL. 4437/2026, CM APPL. 4438/2026 and CM APPL. 4439/2026

DELHI TRANSPORT CORPORATIONPetitioner

Through: Mr. Anurag Abhishek, Standing Counsel.

versus

JAI PARKASH

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

22.01.2026

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1. Through the present Petition, the Petitioner assails the correctness of the order dated 29.05.2025 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby the Petitioner was directed to provide a correct due and drawn statement by computing the total length of service for the purposes of fixation of pension and gratuity payable to the Respondent.

2. In order to comprehend the issues involved in the present case, the relevant facts in brief are required to be noticed.

3. The Respondent was appointed as a Conductor on 18.05.1979, however, he was removed from service in the year 1987, which was the subject matter of challenge before the Labour Court. Thereafter on 02.09.1997, the Labour Court ordered the reinstatement of the Respondent with full back wages. The said order was set aside by the High Court of Delhi in September, 2005, while remitting the matter



back to the Labour Court for fresh adjudication. Ultimately on 26.03.2009, the Labour Court, once again, ordered the reinstatement of the Respondent with respect to seniority, gratuity and pension but without back wages. Pursuant thereto, the Respondent was reinstated in service on 03.08.2009 and was retired after attaining the age of superannuation on 31.10.2015.

4. However, while computing the qualifying service of the Respondent for the purpose of gratuity and pension, the Petitioner restricted the period of the Respondent's service to 10 years, 1 month and 23 days after excluding the period when the Respondent remained out of service due to his illegal removal. Initially, the Respondent was paid the pensionary benefits after calculating his entire service, which was subsequently refused and recovery was sought to be made by the Petitioner.

5. By way of the Impugned Order, CAT has held that the period of service of the Respondent from 03.07.1987 till his reinstatement in the year 2009 could not be excluded from computation, while determining the amount of pension.

6. Learned counsel representing the Petitioner submits that the Respondent is being awarded for his delinquency as he is not entitled to any amount for the period during which he did not discharge service.

7. This Court has considered the submission made by the learned counsel representing the Petitioner.

8. It is evident that the Labour Court, *vide* Award dated 26.03.2009, has ordered that the Respondent is entitled to continuity of service with respect to seniority, gratuity and pension and only back wages were denied to the Respondent. Hence, the entire period of



service of the Respondent, including the period during which he remained out of service due to his illegal removal, is required to be taken into consideration for computation of gratuity and pensionary benefits.

9. In view of the foregoing discussion, this Court finds no merit in the present Petition.

10. The present Petition, along with the pending applications, is accordingly dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 22, 2026

jai/kb/ad