



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA/100/2035/2020

This the 15th day of December, 2020

(Through Video Conferencing)

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

Sh. Virpal Singh,
Post Ex. Forman, P.T. No.9309, Group-B,
S/o Late Sh. Murari Lal,
Aged about 70 years,
R/o A-305, Sector-II,
Dr. Ambedkar Nagar, Khanpur,
New Delhi-110080.

... Applicant

(By Advocate: Ms. Urvi Mohan)

Versus

Delhi Transport Corporation,
Through its Chairman,
I.P. Estate,
New Delhi-110002.

... Respondent

(By Advocate: Ms. Ankita S.)

ORDER (ORAL)

The applicant herein was working as Assistant Fitter in respondent-DTC. In due course of time, he superannuated in the year 2009. DTC had the CPF scheme.

Sometime in the year 1992, the DTC floated anew GPF cum Pension scheme on 27.11.1992. It was specified that such of the employees who are already working, will automatically be shifted the new pension scheme. However,



the said DTC pension scheme of 1992, also gave an option to the existing employees that if they so wish to continue with their earlier CPF Scheme, they have to give an option. Those who did not give any option, will automatically be switched over to new pension scheme. The time granted to exercise this option was one month.

2. The case of the applicant is that he did not give any such option and it is only some time in 2016, that he came to know that whatever pension he was receiving was much less as compared to those who had switched over to the new pension scheme.

Thereafter, the applicant made certain representations for claiming to be covered under the pension benefits of the pension scheme of 1992. Such representations were replied on 28.10.2019 and rejected by the respondents DTC that is the grievance being raised in the instant O.A.

3. The applicant pleads that the averment by the DTC in the reply to his representation that he had opted to be continued in the earlier CPF scheme, is not correct as he has not signed any such document.

4. During the course of his interactions with the DTC, he has been given a copy of the document signed by the applicant on 21.12.1992 which indicates that the applicant did not opt



for the pension scheme. The said document also contains the signature of the applicant and also of Unit Incharge. However, the applicant pleaded that the signature does not pertain to him and neither did he ever sign any such document.

5. Per contra, Ms. Ankita who represented the respondents-DTC on advance information, pleaded that this is a case wherein the applicant had chosen at the relevant point of time to continue with the earlier CPF scheme as is shown by the document signed by the applicant on 21.12.1992 which incidentally also contains the signature of the Unit Incharge.

The instant case is therefore, one wherein an employee having chosen a course of option on his own volition in the year 1992, was satisfied with his retirement settlement in 2009 but is now desirous of nullifying that choice around 7 years subsequent to his superannuation. Such a change of course cannot be allowed and specially so, when the relevant document signed by the applicant at relevant point of time is also available.

6. The matter has been heard. Ms. Urvi Mohan, learned counsel represented the applicant and Ms. Ankita S, learned counsel represented the respondents.



7. What has come out is that there is a document wherein the applicant chose at the relevant point of time, to continue with the earlier CPF Scheme. This document is signed on 21.12.1992 and it contains signature of the applicant as well as his Unit Incharge. The applicant herein was superannuated in the year 2009 and no such claim, to cover him in GPF cum Pension scheme of 1992, was raised at that time.

Thereafter it was only in the year 2016 that he started making comparison who had opted for Pension scheme, and made representations that he ought to have been covered under the new pension scheme of 1992.

8. In view of the reply already submitted by the respondents to the applicant's representation and the signed copy of the option form to continue with CPF scheme as brought out above, the Tribunal does not find any merit in the case being set up by the applicant. Such belated change of course is not permissible.

9. There is no merit in the O.A. The same is dismissed at the admission stage itself. No costs.

(Pradeep Kumar)
Member (A)

sd/Mbt/

