

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.100/12/2017

New Delhi this the 9th day of January, 2017

HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Shri Jagpal Singh
Ex-Traffic Supervisor, Group 'C',
Delhi Transport Corporation,
GNCTD
S/o Shri Narpat Singh, Aged 63 years
R/o D-133, Gali No.8, Rajiv Nagar,
Bhopura (DLF), Ghaziabad. .. Applicant

(By Advocates: Ms. Swati Gautam with Dr. N. Gautam)

Versus

1. Chairman-cum-MD,
Delhi Transport Corporation,
Government of NCT of Delhi,
DTC Headquarters, I.P. Estate,
New Delhi-110002.

2. Appellate Authority-cum-
Regional Manager (South),
(Through its Chairman-cum-MD,
Delhi Transport Corporation,
Government of NCT of Delhi,
I.P. Estate, New Delhi-110002).

3. Depot Manager-cum-DA,
Srinivas Puri Depot,
(Through its Chairman-cum-MD,
Delhi Transport Corporation,
Government of NCT of Delhi,
I.P. Estate, New Delhi-110002).

4. Senior Manager, I/C Pension Cell
(Through its Chairman-cum-MD,
Delhi Transport Corporation,
Government of NCT of Delhi,
I.P. Estate, New Delhi-110002). Respondents

ORDER (ORAL)

The applicant has filed this OA seeking the following reliefs:-

"(i) Direct the respondents to implement the pensionary benefits to the applicant after the date of his superannuation w.e.f. 1.2.2014.

(ii) To quash or set aside the speaking order/appeal dated 27.10.2016, the Appellate Authority-cum-Regional Manager, rejecting the bonafide rights of the applicant for getting pensionary benefits as per rules/Office Order No.16 dated 27.11.1992.

(iii) Direct the respondents to pay 18% interest on the pensionary benefits from the date of retirement of the applicant till the date of disposal of this OA".

2. The applicant has previously filed OA No.526/2015 in this Tribunal. The said OA was disposed of vide order dated 13.07.2016 permitting the applicant to submit a detailed representation to the respondents within 15 days. The respondents shall decide the same within a period of 6 weeks. Thereafter, the Depot Manager, Sriniwas Puri, New Delhi, has passed an order dated 27.10.2016, which cannot be called a speaking order because it has neither dealt with all the issues raised by the applicant nor have they given logical, cogent and reasoned reply to his representation. In fact, the order passed by the Depot Manager on 27.10.2016 has not addressed the key issues.

3. The applicant, in the present OA, has pointed out that all the points have not been dealt with by the respondents in their order dated 27.10.2016 and there is difference between the orders passed and the replies given to him in the RTI application by the respondents' themselves which has been annexed along with his OA. Hence, he specially emphasised that this order passed by the Sri Niwas Puri, Depot Manager on 27.10.2016 be set aside.

4. After hearing the learned counsel for the applicant and going through the order passed by the respondents, it becomes clear that the respondents have not at all referred to the report given by Shahdara Depot-I dated 02.08.2013 with regard to pension option of the employee, which as per Annexure A-7F, reads as under:-

- “1. The employee had not filled in any option form for getting the pension as per record.
2. As per record of the employee, the deduction of EPS under Rule 1995, has not been made.
3. At the time of submission of Pension Option, the employee was posted in Shahdara Depot-I. The Stamps of “Opted Pension”/“Pension Not Opted” were also stamped by Shahdara Depot-I.
4. The list of pension opted employees was sent by the Shahdara Depot-I to the Pension Cell in 1993 and only Badge number of the employee was mentioned with the remarks that “Service Record Not Received”.
5. The clarification on cutting in stamp, “Pension Opted/Pension Not Opted” in service record of the employee was sought from Shahdara Depot-I, whereupon they had intimated that the Senior Clerk who made the tampering over the stamps, had retired from the services of the Corporation from Yamuna Vihar Depot.
6. On the issue of converting the word “N” from “S”, it is conveyed that the same had been done by the depot authorities of the Sarojini Nagar Dept. Hence, the word “S” (meant for pension opted) was shown till February, 2000 which was converted into word “N” (meant for not opted pension) in the pay slip of March, 2000 till his retirement on superannuation”.
5. In view of the above, it appears that the respondents have neither controverted the points raised by the applicant nor passed any speaking orders on the same, as previously directed by this Tribunal in OA No.526/2015 (supra).
6. Without admitting this OA, at this stage itself, the respondents are given 6 weeks time to pass a detailed speaking order on each of the points raised by the applicant and specially on the issue of overwriting of his service record in view of the fact that the service records are maintained by the respondents and they have never accused him of tampering the same.
7. Accordingly, the OA is disposed of with the above directions to the respondents to pass speaking order on the pleas raised by the respondents at the admission stage itself, under intimation to the applicant. If the applicant is not satisfied by the order passed by the

respondents, he will be at liberty to re-agitate the same by filing a fresh OA, in accordance with law. There shall be no order as to costs.

(NITA CHOWDHURY)
MEMBER (A)

Rakesh