

Central Administrative Tribunal  
Principal Bench, New Delhi.

CP-549/2013  
in  
OA-507/2011

New Delhi this the 17<sup>th</sup> day of February, 2016.

**Hon'ble Mr. A.K. Bhardwaj, Member (J)**  
**Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Jai Bhagwan Sharma (Through LRs),  
S/o Late Shri Nanu Ram Sharma,  
R/o C-2, Sharma Lane, Fateh Nagar,  
New Delhi.
2. Smt. Kanta Sharma,  
W/o Late Shri Nanu Ram Sharma,  
R/o C-2, Sharma Lane, Fateh Nagar,  
New Delhi.
3. Deepak Sharma,  
S/o Late Shri Nanu Ram Sharma,  
R/o C-2, Sharma Lane, Fateh Nagar,  
New Delhi. .... Petitioners

Versus  
SH. VIJAY KUMAR (CHAIRMAN),  
Delhi Transport Corporation,'  
The Chairman-Cum-Managing Director,  
I.P.Estate,  
New Delhi. .... Respondent  
(By Advocate: Mr. N.K. Singh for Ms. Avnish Ahlawat)

**Order (Oral)**

**Mr. A.K. Bhardwaj, Member (J)**

The OA 507/2011 was disposed of in terms of the order passed on 20.10.2011. Paragraph 12 of the order reads thus:

“12. We are, therefore, of the considered view that the respondent Depot Manager failed to appreciate the facts of this case while re-examining the case pursuant to the directions of this Tribunal dated 19.07.2010 in OA 1626/2010 . We therefore, quash and set aside the orders dated 29.07.2005 and 20.10.2010 removing the applicant from the services of the respondents-

Corporation. Resultantly, the applicant shall deem to have been superannuated from service on 31.07.2005 with all consequential benefits including all the terminal dues as admissible under the rules. As the applicant is no more, the legal heirs of the applicant shall be entitled to receive those benefits as per law/rules. The aforesaid directions shall be complied with within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs."

2. In implementation of the directions, the respondents have calculated and paid the consequential benefits to the applicant. The photocopies of the cheques are enclosed as annexures with the compliance report. Further, in supplementary affidavit filed by them, the respondents have averred thus:

"5. That Sh Jai Bhagwan retired from the service on 31.7.2005 total period of qualified service was 30 years 1 month and 05 days. On the basis of last drawn pay he was paid gratuity in 2005 itself as has been submitted in earlier reply is contributory provident fund employer and employees share was paid vide cheque No 019253 dated 9.11.2005 for a sum of Rs 2,16,240/- Unpaid salary for the month of July 2005 to the tune of Rs 8447/- was also paid on 6.3.2006.

6. That retirement gratuity to the tune of Rs 1,53,483/- was paid on 14.2.2014.

7. In the DTC ACP scheme was made applicable with effect from Aug 2002 and accordingly he was given the benefit of 1st ACP in the scale of Rs 4000-100-6000. With effect from 12.8.2002 and 2<sup>nd</sup> ACP also in the scale of Rs 4500-125-7000. Since he has retired in 2005 he was not entitled to 3<sup>rd</sup> MACP which became operational from 1.9.2008 and DTC also accepted the same from the same date.

8. That difference of the wages to the tune of Rs 1,76, 642/- after fixation of pay under the 1st ACP and 2<sup>nd</sup> ACP was paid vide cheque dated 13.2.2014.

9. That CPF deduction both shares to the tune of Rs 1,18,346/- was paid on 26.2.2014. As such total sum of Rs 6,73,902/- was paid whose calculation chart was also annexed with the earlier reply. Neither in the contempt petition nor thereafter these calculations have been disputed. Since whatever retiral dues are have been fully paid the present MA is liable to be dismissed."

3. In view of the aforementioned, we do not find any wilful disobedience of the order passed in the OA No. 507/2011. The CP is accordingly disposed of. Notices are discharged. No costs.

**(Shekhar Agarwal)**  
**Member (A)**

**(A.K. Bhardwaj)**  
**Member (J)**

/ns/