

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.1393/2013

New Delhi this the 14th day of December, 2016

Hon'ble Dr. K.B. Suresh, Member (J)

Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Shri Ram Prasad,
S/o late Sh. Hari Chand,
Aged about 56 years,
Driver B.No.11889,
East Vinod Nagar Depot,
DTC, Delhi,
R/o A-24, New Seelam Pur,
Delhi-110053
2. Sh. Gurmail Singh,
S/o Late Sh. Bachan Singh, '
Aged 57 years,
Driver B.No. 14898,
East Vinod Nagar Depot,
R/o D-55, First Floor,
Pandav Nagar, Delhi-110092

- Applicants

(By Advocate: Mr. N. Gautam)

Versus

1. The Chairman-cum-MD,
Delhi Transport Corporation,
DTC Hqrs. IP Estate,
New Delhi-110002
2. The Regional Manager (East)
Through CMD-DTC,
Delhi Transport Corporation,
IP Estate, N. Delhi-110002
3. The Depot Manager,
East Vinod Nagar Depot,
DTC, Delhi-91

- Respondents

(By Advocates: Mr. Ashok Kumar Raj and Mr. Manish Garg)

ORDER (Oral)

Dr. K.B. Suresh, Member (J):

Heard.

2. Apparently, in violation of the Indian Trade Unions Act, 1926
and the Industrial Disputes Act, an agreement seems to be made out

to the effect that following an agitation, the employees were let off, and after mutually agreed settlement, they were taken back with the stipulation that their past services will be forfeited. **There is no law in force in India, which would permit any Government authority to do that.** Therefore, this memorandum of settlement/agreement placed at Annexure 'A' in relation to the applicants dated 31.03.2003 is declared to be invalid under law and inoperative.

3. That being so, the past service of the applicants will also be considered and then if it justify it, grant them the benefit of ACP/MACP and as the case may be, the same cannot be recovered from them in consonance with Hon'ble Apex Court judgment, which has become trite law by now. The OA is allowed to that extent. No costs.

(K.N. Shrivastava)
Member (A)

(Dr. K.B. Suresh)
Member (J)

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