

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.1515/2013

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 Ramesh Kumar Sharma,
Driver in East Vinod Nagar Depot,
Delhi Transport Corporation,
Delhi-110091

2. Sh. Ram Lal,
Driver in East Vinod Nagar Depot,
Delhi Transport Corporation,
Delhi-110091

- 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 Advocate: Mr. Ajesh Luthra)

ORDER (Oral)

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

Heard.

2. Apparently, in violation of the Indian Trade Unions Act, 1926 and 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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