

**Central Administrative Tribunal  
Principal Bench**

O.A. No. 4221/2014

New Delhi, this the 30<sup>th</sup> day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)**

Kanta Devi, 48 years,  
W/o Late Shri Yashwant Singh,  
Ex.Driver, Badge No.20571,  
Token No.46832,  
R/o Vill. & P.O. Aggarwal Mandi,  
Tateeri, Patti Deshwal,  
Distt. Bhagpat (U.P.). .. Applicant

(By Advocate: Shri Gopi Chand)

Versus

1. Delhi Transport Corporation,  
Through its Chairman-cum-M.D.,  
I.P. Estate, New Delhi-110002.
2. Depot Manager,  
Delhi Transport Corporation,  
Govt. of NCT of Delhi,  
Seemapuri Depot, Delhi. ... Respondents

(By Advocate : Shri Atul Kumar Singh for Shri Karunesh Tandon  
with Shri Ashok Kumar, Dealing Asstt., DTC)

**ORDER** (Oral)

The applicant's husband was appointed in Delhi Transport Corporation (DTC) as Retainer Crew Driver w.e.f. 12.04.1984 and brought on monthly rates of pay w.e.f. 12.10.1984. He was removed from the service of the Corporation w.e.f. 19.04.1993. However, in accordance with a settlement between the workman and the DTC,

he was again appointed afresh w.e.f. 14.05.1999 as Retainer Crew Driver on a daily wage basis. This is clearly mentioned in the terms of fresh appointment issued in 1999, para (1) of which states as follows:

“He will be paid wages as per prescribed rates per day for the days he actually perform duties. The daily minimum rates of wages are including of wages for weekly off day for which no separate payment is necessary. The minimum amount payable shall be reduced for the days of absence to the extent he would have earned daily wages on his day.”

He was brought on monthly rates of pay w.e.f. 03.08.2007.

2. The DTC extended the benefit of RPFC Pension Scheme, i.e. EPS' 95, to the newly recruited drivers and to all employees recruited on or after 01.01.2004 vide DTC Circular dated 13.05.2008.
3. Learned counsel for the applicant states that appointment of applicant's husband on 14.04.1999 was on regular basis and, therefore, the Old Pension Rules should apply in his case.
4. Heard the learned counsel for both the sides and perused the pleadings.
5. From the perusal of the fresh appointment letter issued in 1999, it is clear that this is not a regular appointment but on a daily wage basis and, therefore, the applicant's appointment on a monthly rate basis will be counted from 03.08.2007. In between,

vide Circular dated 13.05.2008, the DTC has extended EPS' 95 to all employees recruited on or after 01.01.2004.

6. In view of this, the Old Pension Rules will not apply in the case of the applicant. The O.A. is, therefore, dismissed. No order as to costs.

**(P.K. Basu)**  
Member (A)

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