

**Central Administrative Tribunal  
Principal Bench, New Delhi**

C.P. No.139/2019 in O.A. No.1788/2010

Monday, this the 29<sup>th</sup> day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Ajay Kumar Gupta  
Presently working as Executive Director  
In Delhi Metro Rail Corporation  
Flat No.L-183, 18<sup>th</sup> Floor, Tower-L  
Gulshan Vivante  
Plot No.GH-07,  
Sec 137, NOIDA

..Applicant

(Mr. M K Bhardwaj, Advocate)

Versus

1. Sushant Kumar Mishra  
Secretary, Railway Board  
Rail Bhawan,  
New Delhi

2. Ajay Vijay Bargies  
General Manager  
W C Railway,  
Jabalpur

..Respondents

(Mr. Shailendra Tiwary, Advocate)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant was an employee of Railways. Even while he was in the service of Railways, he opted to become an employee of Delhi Metro Rail Corporation (DMRC) and he was absorbed

therein. The relevant Rules provide for payment of pension for the service rendered in the Railways to the employees so absorbed, subject, of course, to certain conditions. The applicant filed O.A. No.1788/2010 claiming the relief in the form of a direction to the respondents to release the terminal benefits with interest @ 18%, or in the alternative, to permit the applicant to re-join the Railways with continuity.

2. The O.A. was allowed through order dated 10.11.2016 to the extent of setting aside the order dated 29.04.2009 through which his request for continuity in service was rejected, and directing the respondents to release the terminal benefits of the applicant forthwith. However, it was mentioned that the entitlement of the applicant to get the pension would be only from the date of his actual retirement from DMRC. The contempt is said to of that order.

3. We heard Mr. M K Bhardwaj, learned counsel for applicant and Mr. Shailendra Tiwary, learned counsel for respondents.

4. It is not in dispute that the applicant has not yet retired from the service of DMRC. Therefore, the question of his getting pension either from the Railways or from the DMRC does not arise. When the same was pointed out to the learned counsel for

applicant, he submits that the applicant would file an appropriate Application to seek modification in the order passed in O.A.

5. In that view of the matter, we close the contempt case, leaving it open to the applicant to take necessary steps in accordance with law.

There shall be no order as to costs.

**( Aradhana Johri )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**April 29, 2019**  
/sunil/