



2026:DHC:7590-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

# **CNR No. DLHC010455222024**

+ **W.P.(C) 10488/2024**

**SAT DEV SHARMA**

.....Petitioner

Through: Mr. Aman Mudagal and Mr.  
Sanyam Chaudhary, Advs.

versus

**DELHI TRANSPORT CORPORATION &ORS. ..Respondents**

Through: Mrs. Avnish Ahlawat SC DTC,  
Mr. Nitesh Kumar Singh, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE VINOD KUMAR**

**JUDGMENT (ORAL)**

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**03.09.2026**

**C. HARI SHANKAR, J.**

1. This writ petition assails order dated 12 March 2024 passed by the Central Administrative Tribunal<sup>1</sup> in OA 2943/2022, whereby the Tribunal dismissed the said OA, instituted by the petitioner.

2. The petitioner was working as a Mechanic with the respondent Delhi Transport Corporation<sup>2</sup>.

3. By order dated 27 November 1992, the DTC introduced a new pension scheme for employees in the DTC. Clause 3 of the office

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<sup>1</sup> "the Tribunal" hereinafter

<sup>2</sup> "DTC" hereinafter



order allowed existing employees to opt for shifting from the pre-existing CPF scheme to the new pension scheme within 30 days. Clause 9 of the Scheme stated that, in the event the employee did not so opt, he would automatically switch to the new pension scheme.

4. The petitioner, on 15 January 1993, wrote to the DTC stating that *he wanted to continue under the CPF Scheme and was not opting for the pension scheme.*

5. A little less than two months thereafter, on 3 March 1993, the DTC, *vide* an office order, introduced a Voluntary Retirement Scheme<sup>3</sup> for its employees. Clause 4 of the VRS allowed persons who opted out for VRS also to opt for pensionary benefits.

6. The petitioner wrote to the respondent on 7 December 1993 stating that he wished to avail the VRS subject to his being also permitted to avail the benefit of the new pension scheme. He further submitted that, if he was not being extended the benefit of the new pension scheme, he was not interested in availing VRS.

7. Nonetheless, by order dated 31 December 1993, the respondent granted VRS to the petitioner, but did not allow him to avail the benefit of the new pension scheme. Till the petitioner superannuated, the respondent continued to deposit its share of the CPF in the petitioner's PF account.

8. On 7 May 1993, the DTC issued a further Circular, allowing its



employees to change their option with VRS if they had not option for the pension scheme earlier.

9. *Three decades thereafter*, the petitioner addressed a legal notice to the DTC on 3 May 2022, claiming the benefit of pension scheme and seeking to point out that while opting for VRS, he had specifically stated that he also desired to the benefit of pension scheme failing which he was not interested in VRS.

10. By communication dated 27 June 2022, the respondents rejected the petitioner's application.

11. Aggrieved thereby, the petitioner approached the Tribunal by way of OA 2943/2022. By the impugned judgment dated 12 March 2024, the Tribunal has dismissed the OA.

12. We have heard Mr. Aman Mudagal, learned Counsel for the petitioner, and Mr. N. K Singh, learned Counsel for the respondent.

13. The Tribunal has, in passing the impugned judgment, held that, insofar as the petitioner's entitlement for pension along with VRS is concerned, the claim was highly belated as the order granting him VRS without pension was passed on 31 December 1993 and the petitioner approached the Tribunal for the first time in 2022.

14. So far as the petitioner's entitlement to the pension scheme was concerned, the Tribunal has observed that the petitioner had himself

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<sup>3</sup> "VRS" hereinafter



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opted out of the pension scheme on 15 January 1993 while opting to continue in the CPF scheme and that, therefore, the petitioner could not claim the benefit of the pension scheme.

15. Mr. Mudgal submits that the petitioner did not approach the Tribunal before 2022 as he was under the impression that, while granting VRS to the petitioner, he would, simultaneously, also be entitled to pension. He also submits that, in any event, as he approached the Tribunal within a year of rejection of his representation on 22 June 2022, the OA was not barred by time.

16. Having considered the submission of Mr. Mudgal, we find it difficult to disagree with the view adopted by the Tribunal.

17. There is really no explanation for the delay of three decades in the petitioner approaching the Tribunal after he had been granted VRS without pension on 31 December 1993.

18. A belated legal notice sent by the petitioner on 30 May 2022, even if it resulted in a rejection order on 22 June 2022, would not clothe the petitioner with cause of action to approach the Tribunal. Belated representations do not provide a fresh cause of action. The law in this regard is settled. One may refer in this regard to the judgment of the Supreme Court in *Bhoop Singh v. Union of India*<sup>4</sup>.

19. Equally, in *S.S. Rathore v. State of Madhya Pradesh*<sup>5</sup>, the

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<sup>4</sup> 1992 (3) SCC 136

<sup>5</sup> 1989 (4) SCC 582



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Constitution Bench of the Supreme Court has held that repeated representations do not extend limitation.

**20.** As such, the Tribunal cannot be faulted in holding that the claim of the petitioner for pensionary benefits along with VRS was highly belated and could not be examined on merits.

**21.** The Tribunal is also correct in its view that, on 15 January 1993, the petitioner had specifically opted out of the pension scheme while exercising his option to continue under the CPF Scheme. The petitioner continued to draw CPF benefits till the date of his superannuation.

**22.** In that view of the matter, we find no cause for us to interfere with the judgment of the Tribunal in exercise of the extraordinary jurisdiction vested in us by Article 226 of the Constitution.

**23.** The writ petition is accordingly dismissed, with no order as to costs.

**C. HARI SHANKAR, J.**

**VINOD KUMAR, J.**

**SEPTEMBER 3, 2026/dsn**