



2026:DHC:8458-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
# **CNR No. DLHC011129062018**  
+ **W.P.(C) 3929/2018, CM APPL. 15542/2018**

**CHAIRMAN DELHI TRANSPORT  
CORPORATION & ORS**

.....Petitioners

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

versus

**RAGHU NANDAN SHARMA**

.....Respondent

Through: Mr. L.R. Khatana, Adv.

**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA****JUDGMENT (ORAL)**

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**28.09.2026****C. HARI SHANKAR, J.**

1. The respondent joined the services of the Delhi Transport Corporation<sup>1</sup> as Conductor on 7 October 1982.

2. On 29 October 1982, a charge sheet was issued to the respondent, alleging that he was selling tickets of lower denominations and collecting full fare from passengers. Following disciplinary proceedings, the chargesheet culminated in an order of termination of the respondent from service, passed by the DTC on 25 October 1984.

3. The respondent initiated an industrial dispute, challenging his



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termination from service. By order dated 1 May 2009, the learned Labour Court declared the termination of the respondent's services as illegal and directed the DTC to reinstate him in service.

4. That order was challenged by the DTC before this Court by means of WP (C) 13146/2009.

5. Rule DB has been issued in the said writ petition, which is presently pending before a learned Single Judge of this Court.

6. On 3 May 2010, the learned Single Judge passed an order directing the DTC to deposit, with the Registry of this Court, 40% of the back wages awarded by the learned Labour Court and, to that extent, stayed the award dated 1 May 2009 passed by the learned Labour Court.

7. A month later, on 3 June 2010, the DTC appeared before the learned Single Judge and stated that it was prepared to reinstate the respondent in service subject to the outcome of the writ petition. The respondent also agreed to the suggestion, and the learned Single Judge passed an order in the said terms.

8. During the pendency of the writ petition, the respondent superannuated from service.

9. As his retiral benefits were not released to him, the respondent



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approached the Central Administrative Tribunal<sup>2</sup> by way of OA 3859/2016.

10. By the impugned judgment dated 15 December 2017, the Tribunal has allowed the OA.

11. In allowing the OA, the Tribunal has observed that

- (i) there was no order by this Court, in WP (C) 13146/2009, permitting the DTC to withhold the pension and retiral dues of the respondent,
- (ii) no disciplinary proceedings were pending against the respondent, as would justify withholding of his retiral benefits,
- (iii) pension and retiral benefits of the respondent could have been withheld only in proceedings under Rule 9 of the Central Civil Services (Pension) Rules, 1972<sup>3</sup> and no such proceedings were in existence and
- (iv) the respondent was, in fact, in possession of the award dated 1 May 2009 passed by the learned Labour Court which was in his favour.

12. In such circumstances, the Tribunal has held that the failure, on the part of the DTC, to release full pension and gratuity to the respondent, to which he was entitled, was illegal.

13. In so holding, the Tribunal has relied on the following passages from the judgment of the Supreme Court in *State of Jharkhand v.*

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<sup>2</sup> “the Tribunal”, hereinafter

<sup>3</sup> “1972 Rules”, hereinafter



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***Jitendra Kumar Srivastava<sup>4</sup>:***

“It is an accepted position that gratuity and pension are not the bounties. An employee earns these benefits by dint of his long, continuous, faithful and un-blemished service. It is thus hard earned benefit which accrues to an employee and is in the nature of "property". This right to property cannot be taken away without the due process of law as per the provisions of Article 300 A of the Constitution of India.

A person cannot be deprived of this pension without the authority of law, which is the Constitutional mandate enshrined in Article 300 A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced.”

**14.** Mr. Singh, learned Counsel for the petitioners disputes the applicability of the said decision, stating that it was rendered in the context of the provision which applies in the State of Jharkhand.

**15.** Be that as it may, we are in complete agreement with the Tribunal in its finding that, absent any proceedings under Rule 9 of the 1972 Rules, or any other provision which would justify withholding the pensionary and retiral benefits of the respondent, such an action could not have been resorted to. The Tribunal is correct in its finding that there is no order passed in WP (C) 13146/2009 as would interdict the DTC from releasing the pensionary and retiral benefits of the respondent. The Tribunal is also correct in its observation that the respondent had in fact succeeded in the industrial dispute instituted by him, as was manifest by the order dated 1 May 2009 passed by the learned Labour Court.



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16. In such circumstances, we see no reasons to interfere with the impugned order passed by the Tribunal.

17. Accordingly, the writ petition is dismissed.

18. Let the balance payments due to the respondent in terms of the order passed by the Tribunal be released within a period of eight weeks from today.

19. If any part of the said amount stands deposited with the Registry of this Court, the said amount, along with any interest which have accrued thereon would be released to the respondent on the respondent approaching the Registry in that regard within four weeks.

20. As the amount deposited with the Registry of this Court would have in any case earned interest, the direction to separately pay interest at the rate of 8% issued by the Tribunal would not be applicable.

21. The writ petition is disposed of in the aforesaid terms.

**C. HARI SHANKAR, J.**

**NIVEDITA ANIL SHARMA, J.**

**SEPTEMBER 28, 2026/aky**