



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1171/2022**

KAUSHALYA DEVI

.....Petitioner

Through Mr U. Srivastava, Adv.

versus

DELHI TRANSPORT CORPORATION AND ANOTHER

.....Respondents

Through Mrs Avnish Ahlawat and Ms Aditi
Gupta for DTC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

% **19.01.2022**

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. The record shows that the petitioner before us had approached the Central Administrative Tribunal [in short “the Tribunal”] for applying the pension scheme to her.

1.1. To be noted, the subject pension scheme was communicated by the respondent/Delhi Transport Corporation (DTC) to its employees, *vide* circular dated 27.11.1992.

1.2. The petitioner's husband, who was an employee of the respondent/DTC, died on 17.02.1990 i.e., before the pension scheme was framed.

1.3. Although the pension scheme applied to those who retired with effect from 03.08.1981, in this case, as is obvious, since the petitioner's husband had already died before the pension scheme was framed, there was no question of the option being exercised within the stipulated period i.e., 30 days.

W.P.(C) 1171/2022

1/2



2. However, *prima facie*, the point in issue is: whether the pension scheme is applicable to dependants? The Tribunal, *via* the impugned order dated 04.02.2020, has ruled against the petitioner.

3. Mr U Srivastava, who appears on behalf of the petitioner, seeks accommodation on the ground that he is unwell.

4. Ms Avnish Ahlawat, counsel who appears on behalf of the respondents, on the other hand, says that the issue raised is covered against the petitioner by the judgment of the Supreme Court rendered in ***DTC Retired Employees' Association and Others vs. Delhi Transport Corporation*** 2001 (6) SCC 61.

5. Since Mr Srivastava says that he is not well, list the matter on 23.02.2022.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JANUARY 19, 2022

rb

[Click here to check corrigendum, if any](#)