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

+ W.P.(C) 3031/2019

DELHI TRANSPORT CORPORATION Petitioner
Through: Mr. T.S. Nanda, Adv.

versus

MADAN GOPAL SHARMA Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **27.03.2019**

CAV No. 319/2019

Despite the Caveat being listed, none appears for the Caveator. The Caveat stands discharged.

C.M. No. 13994/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 3031/2019 & C.M. No. 13993/2019

The submission of learned counsel for the petitioner is that the Tribunal has invoked the judgment in ***B.R. Khokha v. D.T.C.***, W.P. (C.) No. 6630/2016, decided on 14.09.2016 without appreciating the fact that the facts of that case were different from the facts of the present case. He points out that, in the present case, the respondent had expressly opted out of the Pension Scheme introduced vide office order No.16, dated 27.11.1992. He

has drawn the attention of this Court to the option form filled by the respondent which is placed at page 57 of the record.

Issue notice to the respondent returnable on 30.10.2019.

In the meantime, the operation of the impugned order shall be stayed.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 27, 2019

N.Khanna