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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18688/2025**
DELHI TRANSPORT CORPORATIONPetitioner
Through: Ms.Aditi Gupta and
Ms.Lavanya Bhardwaj, Advs.
versus
SH. P. PERIYASAMYRespondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **09.12.2025**
CM APPL. 77674/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 18688/2025 & CM APPL. 77673/2025

2. This petition has been filed, challenging the Order dated 16.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No.3622/2016, titled **Sh. P. Periyasamy v. Delhi Transport Corporation**, whereby the said O.A. filed by the respondent herein was allowed with the following directions:

"12. In view of the same, while allowing the present O.A., the impugned orders dated 09.02.2016 and 28.06.2016 are quashed and set aside. The respondents are directed to restore the benefit of 2nd ACP already accorded to the applicant alongwith all consequential benefits. All retiral dues of the applicant be also released thereto. Accordingly, the appropriate orders regarding re-fixation of pay /pension of the applicant be issued by the respondents, within a period of three months from the date of receipt of a certified copy of this order. A copy of the order so passed by the respondents be given to the applicant."



3. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that not only was the respondent facing criminal charges, but also had adverse ACRs, because of which he could not have been granted the ACP benefits. However, the ACP benefits were later granted to him from erroneous dates. Once this anomaly was found, the same was sought to be corrected by the petitioner.

4. Issue notice to the respondent, to be served through all permissible modes, returnable on 27th April, 2026.

5. Let Counter Affidavit be filed within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

6. In the meantime, there shall be a stay on the operation of the Impugned Order, only to the extent that while the petitioner shall not make any recovery from the respondent pursuant to our Order, however, for the future, it shall release the retiral benefits to the respondent based on the determination of the last pay by re-fixing the same as claimed by the petitioner in the petition.

7. In case any recovery has been made from the respondent on the ground of the erroneous fixation of the pay, as claimed by the petitioner herein, the same shall be refunded to the respondent.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 9, 2025/ns/Yg