

ITEM NO.106

COURT NO.10

SECTION XIV

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S
C I V I L A P P E A L N O (s) . 7 2 5 8 O F 2 0 0 2**

DELHI TRANSPORT CORPORATION

Appellant (s)

VERSUS

MOOL CHAND

Respondent(s)

WITH Civil Appeal NO. 2301 of 2007

(With office report)

Civil Appeal NO. 2302 of 2007

(With office report)

Civil Appeal NO. 4434 of 2003

(With prayer for interim relief and office report)

Date: 02/12/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE AFTAB ALAM

For Appellant(s)

Ms. A.Subhashini,Adv.

Ms. A.Subhashini

For Respondent(s)

Mr. Subramonium Prasad,Adv.

Mr. B.D. Sharma

Mr. L.N. Gupta

Mrs Lalita Kaushik

UPON hearing counsel the Court made the following

O R D E R

**(Parveen Kr. Chawla)
Court Master**

**(Indu Satija)
Court Master**

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7258 OF 2002

Delhi Transport Corporation

..Appellant

versus

Mool Chand

..Respondent

ORDER

This Appeal has been filed against the impugned judgment of the High Court dated 06th November, 2001. It appears that there was a Voluntary Retirement Scheme (for short 'VRS') in the Delhi Transport Corporation, hereinafter referred to as the 'Corporation', in 1993 which contained a provision for pension. The respondent herein did not apply under that VRS Scheme.

Subsequently, the Corporation framed a new Scheme dated 13.12.1995 in which it was specifically stated that those employees who opt for VRS under the new Scheme will not get pension. Respondent, admittedly, applied under this scheme.

Since, there was a specific provision in the VRS Scheme dated 13.12.1995, we fail to see how the High Court has held that the respondent will get pension in addition to VRS benefits.

In view of above, we find that the impugned judgment of the High Court is

erroneous and it is hereby set aside.

The Appeal is allowed accordingly. No Order as to costs.

Civil Appeal Nos.2301/2007 and 2302/2007

Learned counsel appearing for the appellant in these appeals has stated that in view of the earlier order of this Court dated 12th March, 2007 passed in Special Leave Petition(C)No.4135 of 2007, these appeals may be dismissed. We order accordingly.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
DECEMBER 02, 2008.

.....J.
[AFTAB ALAM]