

In the Court of Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone: 011-23216001-002, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]

Case No. 4(607)/2014-Wel./CD/ **2099-2101**

Dated: **18.12.17**

In the matter of :

Sh.Jai Kumar

S/o Lt. Sh.Ram Rattan
23/40, Trilokpuri
Delhi

..... **Petitioner**

Versus

Md.Abhik Siddiqui

Manager (HR)
BSES Yamuna Power Limited
Regd. Office Shakti Kiuran Building
Karkardooma, Delhi-92

Sh.P.Narayanan

Manager (Pension)

DVB Employees Terminal Benefit Fund 2002
Rajghat Power House
New Delhi-02

..... **Respondents**

ORDER

1. Sh.Jai Kumar a disabled person filed an application stating that his father Sh.Ram Rattan S/o Sh.Chaitu Ram E.No.596 working in zone No.2102 (D) KRN opted for Special Voluntary Retirement Scheme (SVRS) in December 2003. He expired on 8.2.10 and the pension which was being paid to him since his retirement was discontinued. Applicant claimed that he is the only child of his parents as his mother had also passed away on 3.12.2009. The applicant is dependent on his parents and he has enclosed the medical prescription card issued from Delhi Vidyut Board Employees Terminal Benefit Fund (DVB ETBF) 2002 showing the dependency and requested for intervention to get the pension from DVB ETBF 2002.
2. Hearing was fixed and the respondents filed their replies stating that **Quote** "Sh.Ram Ratan was employee of erstwhile Delhi Vidyut Board (DVB). After unbundling of DVB in the year 2002 he became the employee of the BYPL. Sh.Ram Ratan having Employee No.596

was last working with BYPL in zone 2012 (D) KRN. He opted for SVRS on 31.12.2003. His case was forwarded to DVB ETBF 2002 for the purposes of releasing his pension. The same was allowed to him w.e.f 1.10.2004 and pension was being paid to him vide PPO No.40260 by DVB ETBF-2002. He expired on 8.10.2010. His wife had pre-deceased him and Sh.Jai Kumar suffering from Post Polio Residual Paralysis of both lower limbs made an application for the grant of Family Pension as per Pension/Family Pension Scheme of 1964. BYPL is the successor entity of DVB which was unbundled pursuant to the enactment of Delhi Electricity Reforms Act (DERA). In view of the Tripartite Agreement the employees of erstwhile DVB continue to be governed by the rules in the Pension/Family Pension Scheme of 1964. A pension trust in the name of DVB ETBF-2002 was created by the Government of NCT of Delhi making it responsible for the payment of pension, retiral benefits including superannuation pension as available to the employees who have retired and who are going to retire from the services of the Board on or after 30.6.2002. The father of the claimant was getting the benefit of the pension from DVB ETBF-2002. Therefore the claimant if entitled to the disability pension has to claim it from DVB ETBF-2002 Trust which is administrating all the terminal benefits including pension pursuant to provisions of DERA Transfer Scheme and Tri Partite Agreement. Therefore, the liability of the payment of the pension is of the DVB ETBF-2002 Trust and not of the answering management."

Unquote. The respondent no.2 Manager (Pension Trust) of DVB ETBF 2002 informed that **Quote** "Delhi Vidyut Board Employees Terminal Benefit Fund 2002 (Pension Trust) was established by the government of NVT of Delhi as a part of Power Reforms mechanism envisaged in the Delhi electricity Reform Act 2000 and Delhi Electricity Reform (Transfer Scheme) Rules, 2001 framed under the said Act. As per the scheme of the Act the DVB was unbundled and all of its assets and liabilities actual and contingent existing on the date of unbundling (Transfer) vested in the Successor (Transferee) Utilities incorporated separately for Generation, Transmission and distribution of Electricity namely IPGCL, PPCL, Delhi Transco Limited, NDPL, BSES Rajdhani and BSES YPL in terms of the opening balance sheets for each of the aforesaid Utilities annexed as Schedules read with the relevant provisions of the aforesaid transfer Scheme Rules. As the primary liability of employee is that of the employer/the Successor Utilities the Pension Trust forwarded the case to BYPL being the employer and appointing authority of Late Sh.Ram Rattan for sanction/approval. The case was referred back by BYPL to Pension Trust without approval. the same was intimated to the applicant vide letter no.DM(P)/2011/56 dated 29.5.2012. The issue was again taken up with BYPL authorities with clarification regarding eligibility of disabled dependent for family pension. The HR (Division) of BYPL conveyed their no

objection to release family pension to Sh.Jai Kumar in case if Sh.Jai Kumar satisfy the provision of the Rule 54 (6) of CCS Pension Rules. However BYPL/employer stated that BYPL shall in no way be responsible for realising additional fund in such conditions. In view of the approval accorded by the employer BYPL and Sh.Jai Kumar fulfil the eligibility criteria for family pension, the pension case of Sh.Jai Kumar is being processed for family pension and shall be released on acceptance of the liability of by the employer for continued disbursement of pension.” **Unquote.**

3. During the course of hearings both the Respondents were however requested to expedite the matter and finally on 16.12.14 the Manager (Pension Trust) filed a report indicating that in view of the approval accorded by the employer BYPL vide their letter no.Manager HR/2014-15/111 dated 11.7.2014 and on completion of all required formalities like submission of duly filled application forms, proof for residence and age etc and submission of income certificate by Sh. Jai Kumar the pension case of Sh.Jai Kumar has been processed and monthly family pension released w.e.f the date of the approval. A copy of the Pension Payment Order has also been enclosed with the report.
4. In view of the action taken by both the respondents namely BSES Yamuna Power Limited and DVB Employees Terminal Benefit Fund 2002 the applicant has been able to get the family pension and therefore there is no need to pursue the matter further which is disposed off accordingly.
5. ~~Ordered~~ **Ordered** accordingly.



Given under my hand and the seal of the Court this 18th day of December, 2014.

K.S. Mehra
18/12/14

(K.S. Mehra)

Commissioner

**Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02**