

AIRPORTS AUTHORITY OF INDIA
CORPORATE HEADQUARTERS

[DIRECTORATE OF HUMAN RESOURCE]

**Subject: Updated information on Pension Status as on
8th August, 2013**

In the case filed by Airports Authority Employees Union (AAEU) (W.P. No. 5991/2012), the Hon'ble High Court of Delhi in the hearing held on 26/07/2013 has inter-alia passed an order that *"there is, therefore, a clear cut prima facie case in favour of the petitioner (AAEU) and in whose favour also there is balance of convenience. The petitioners would be caused irreparable injury if interim orders, as prayed for, are not granted. Aspects as urged by respondents 3 to 5 (RPFC & CPFC) on merits will be considered at the time of disposal of the writ petition, today, however, the impugned order dated 13/08/2012 only granting pension at Rs. 6500/- per month is stayed till the disposal of the writ petition."*

Copy of the said Order is attached for information.


(Raju Dureha)
General Manager (HR)

Encl: As above (Two pages)

IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 5991/2012

AIRPORT AUTHORITY EMPLOYEES UNION Petitioner
Through: Ms. Rekha Palli and Ms. Punam Singh, Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Ruchir Mishra, Adv. for R-1 and 2.
Mr. Keshav Mohan, Adv. for R-3 to 5.
Mr. Lalit Bhasin, Ms. Ratna D. Dhingra and Ms. Bhavna Dhami, Advs. for R-6
and 7

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA
O R D E R

26.07.2013

CM No.12328/2012 (Stay)

1. The main writ petition makes averments that the members of the petitioner-Union throughout their service career made contribution towards payment of pension fund as per their actual salary. The Provident Fund Commissioner (for short 'the PF Commissioner') has also received the pension contribution on the actual salary. I am informed by the counsel for the petitioner that, in fact, the employer, Airports Authority of India, has subsequently also paid a huge amount of Rs.92.00 crore towards delay in making payment to pension fund and, therefore, an amount of Rs.92.00 crore has been paid towards interest. Thus, the fact of the matter is that the PF Commissioner is richer by amounts of Rs.92.00 crore on Pension fund contributions.

2. The PF Commissioner would obviously during the entire service/tenures of the members of the petitioner/employees of respondent No.6 received amounts on which it would have earned interest. Therefore, it would be totally against the principles of equity, justice and good conscience that the PF Commissioner having benefited from the actual higher amounts, should not pay the pension on the actual salary amounts, and which amounts the PF Commissioner has been paid, merely on the basis of circulars issued by it. Surely it was open to the PF Commissioner when excess amounts were being received to simply refund the same or refuse to receive the same by stating that they are in violation of the provisions of law and the circulars. However, it is not open to the PF Commissioner to receive amounts and take benefits on actual salary but refuse to make payments when the payments have to be made on the basis of the contributions made as per the actual salary.
3. ^{1/} There is, therefore, a clear cut prima facie case in favour of the petitioner and in whose favour also there is balance of convenience. The petitioners would be caused irreparable injury if interim orders, as prayed for, are not granted. Aspects as urged by respondents 3 to 5 on merits will be considered at the time of disposal of the writ petition, today, however, the impugned order dated 13.8.2012 only granting pension at Rs.6,500.00 per month is stayed till the disposal of the writ petition. ^{1/}

Application stands disposed of.

WP (C) No. 5991/2012.

Admit.

List in due course in the category of Regular Matters as per its year of seniority.

VALMIKI J. MEHTA, J

JULY 26, 2013.