



No.AAI/HR/Pension/RPFC/2012-13/509

13 August 2013

Shri J.K.Sangalay
Regional Provident Fund Commissioner-II
Employment Provident Fund Organisation
Regional Office - Delhi (North)
28, Community Centre
Wazirpur Industrial Area
Delhi 110 052

Sub : Disbursement of Pension on actual contribution
Ref : AAI Pension A/c No. DL/CPM/36478

Sir,

Reference is made to this office letter No.ED/HR/Pen.Cell/Pen.Claims/2012/03-04 dated 03.01.2013 and your letter No. DL/36478/CPM-23/6985 dated 11.02.2013 (copies enclosed).

2. As you are aware that the Hon'ble High Court of Delhi passed an absolute stay order on the operation of the impugned order dated 13.08.2012 vide their order dated 26th July 2013. A copy of the said order is enclosed for ready reference.

3. In this regard, it is pertinent to mention that processing of pension claims in respect of the following categories are yet to be started :

- (i) The claims settled between July, 2010 to August, 2011 on actual salary and the pension payment orders revised to ceiling pay after August 13, 2012.
- (ii) The claims settled after August 13, 2012 on ceiling pay irrespective of the employees' contribution (contribution on actual salary).

4. It is for your kind information that approximately 400 officials who fall in the above category are still suffering and their pension claims are not yet revised till date though they had made pension contribution on actual salary. The officials falling under this category has been persistently requesting both RPFC and AAI to settle their claims as per the option exercised, especially since the officials who superannuated after them are getting pension on actual contribution basis. You will appreciate that denying the same to these officials will be bad in law.

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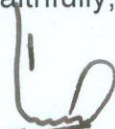
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5. It is, therefore, requested that in view of the Hon'ble High Court of Delhi order dated 26th July 2013, the cases of officials as mentioned in para 3 above may please be considered on priority and the pension may be revised on actual contribution basis in order to resolve the issues.

6. It may kindly be accorded priority.

Thanking you,

Yours faithfully,



(Raju Dureha)
General Manager (HR)

Encl. : As above (five pages)

\$~12

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5991/2012

AIRPORT AUTHORITY EMPLOYEES UNION Petitioner

Through: Ms. Rekha Palli & Ms. Punam Singh, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Ruchir Mishra, Adv. for R-1 & 2.

Mr. Keshav Mohan, Adv. for R-3 to 5.

Mr. Lalit Bhasin, Ms. Ratna D. Dhingra &

Ms. Bhavna Dhami, Adv. for R-6 & 7

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

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

WP (C) No.5991/2012

Page 1 of 3



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Examiner, Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act,

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. There is, therefore, a clear cut *prima facie* case in favour of the



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Examiner, Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act,

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.

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/b'nesh

WP (C) No.5991/2012

Page 3 of 3



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Examiner, Judicial Department
High Court of Delhi
Authorized Under Section 70 of
Indian Evidence Act,



No. ED/HR/Pen. Cell/Pen. Claims/2012 / 03-54

January 3, 2013

To

Regional PF Commissioner-I
Delhi North
Bhavishya Nidhi Bhawan,
28, Community Centre
Wazirpur Industrial Area
Delhi-110052

KIND ATTN:- T.S. NARANS, ASSTT. P.F. COMMISSIONER

Sub: Disbursement of Pension on actual contribution-Airports Authority of India (DL/36478)

Sir,

Reference is made to your letter No.5863 dated 3.12.2012 wherein it was mentioned that your office has started processing of due monthly pension cases in respect of the employees of M/s AAI on the basis of their actual contributory salary. Accordingly, your office has issued pension payment orders/sanction orders for approximately 80 officials who have opted pension on actual salary.

2. In this context, it is informed that the pension claim forms which were available at your end are now being cleared as per the option exercised by the officials whereas the processing of the following cases are yet to be started :

- I. The claims settled between July, 2010 to August, 2011 on actual salary and the pension payment orders revised to ceiling pay after August 13, 2012.
- II. The claims settled after August 13, 2012 on ceiling pay irrespective of the employees' contribution. (contribution on actual salary)

3. In this regard, it is pertinent to mention that these officials have represented to this office as well as to your office to revise their PPOs.

4. Hence, in view of the above, it is requested that the pension claims settled on the ceiling salary but opted on actual salary, the said claims may be revised so as revised PPOs may be issued immediately in order to avoid the hardship of these pensioners.

Yours Faithfully,

(Raju Dureha)
General Manager (HR)



दूरभाष / Telephone : 27376775

27376776

फैक्स / Fax : 27376777

कर्मचारी भविष्य निधि संगठन Employees' Provident Fund Organisation

श्रम एवं रोजगार मंत्रालय, भारत सरकार

(Ministry of Labour & Employment, Govt. of India)

(क्षेत्रीय कार्यालय, दिल्ली-उत्तर / Regional Office Delhi-North)

भविष्य निधि भवन, 28, सामुदायिक केन्द्र, वजीरपुर औद्योगिक क्षेत्र, दिल्ली-110 052

Bhavishya Nidhi Bhawan, 28, Community Centre, Wazirpur Industrial Area, Delhi-110052

क्रमांक / Ref. No. DL/36478/CPM-23/6985

दिनांक / Dated 02/2/2013

11/2/13

To,

Mr. Raju Dureha (General Manager-HR)
Airport Authority of India
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi - 110003

DLM-KN

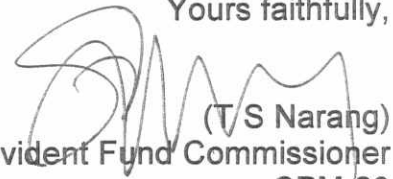
Sub:- Disbursement of Pension on Actual Salary-regarding

Dear Sir,

Please refer to your letter no-ED/HR/Pen.cell/Pen.claims/2012/03-04 dated 03/01/2013. In this connection, it is stated that processing of pension claims taking actual salary as pensionable salary was commenced consequent upon grant of stay order in W. P. no- 5991/2012 by Hon'ble High Court of Delhi on 21/09/2012 with prospective effect subject to the final outcome of the Hon'ble High Court of Delhi's order.

The pension cases already settled before 21/09/2012 will be regulated, if required only after final outcome of the matter by the Hon'ble High Court of Delhi in W. P. no- 5991/2012.

Yours faithfully,


(T S Narang)

Assistant Provident Fund Commissioner
CPM-23
Delhi (North)

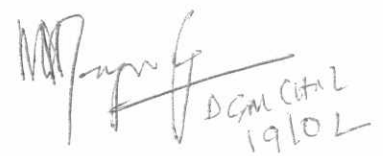
~~ED (HR) may please see~~

Submitted for information
Please see regarding to 'above'

Gm (HR)

ED (HR)

Member (HR)


DCM (HR) 19102

614/CPMHRAD
18/2/13