(2017) 11 DEL CK 0107

In the Delhi High Court

Case No : Civil Writ Petition No. 10634 Of 2017, Civil Miscellaneous No. 43537 Of 2017

P.C.Bhatnagar APPELLANT

Vs

Air India Ltd & Anr RESPONDENT

Date of Decision : 29-11-2017

Acts Referred:

Citation : (2017) 11 DEL CK 0107

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sarfaraz Khan, Lalit Bhasin, Ratna Dwivedi Dhingra, Ajay Pratap Singh, Kamal Mehta

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. In this petition, the claim put forth by petitioner is for pension under the Indian Airlines Employeesâ?? Self Contributory Superannuation Pension

Scheme floated on 1st August, 2000. Petitioner had made representations to seek pension under the aforesaid Scheme and first respondent vide

Communication of 24th October, 2014 (Annexure P-2) had informed petitioner that his deposit of Rs. 1,41,169/- to purchase the annuity in his favour

through LIC could not be undertaken due to unavoidable financial circumstances and change of Scheme from â??Benefit Definedâ? to

â??Contribution Definedâ? on 4th March, 2003 and the contribution made by petitioner with interest thereon i.e. Rs. 1,74,326/- was deposited with

respondent-LIC on 1st April, 2003 with a provision that this amount can be utilized either for purchase of annuity or refund of the deposit to petitioner.

2. As per impugned Communication (Annexure P-2), respondent-LIC had

refunded the aforesaid amount of Rs. 1,74,326/- to petitioner on 1st

February, 2005. Petitionerâ??s claim to interest on the aforesaid refunded amount from 1st April, 2003 to 1st February, 2005 was declined as

respondent-LIC had not provided any interest on this amount and first respondent had intimated petitioner vide Communication (Annexure P-3) that

the matter for payment of interest on such deposits is being pursued with respondent-LIC.

3. Upon notice, learned counsel for respondent-LIC informs that petitioner had not addressed any communication to respondent-LIC to seek interest

for the period from 1st April, 2003 to 1st February, 2005 nor had he sought its refund and now, after one decade, petitioner cannot belatedly claim

interest for the aforesaid period on the refunded amount.

4. Learned counsel for petitioner submits that the occasion to do so had not arisen because respondent-LIC had not intimated petitioner that the refund

could be claimed and had it been so done, then petitioner would have sought the refund in the year 2003 itself.

5. Since first respondent in its Communication of 26th December, 2014 (Annexure P-3) has taken up the matter with respondent-LIC regarding

payment of interest, which totals to Rs. 6,88,99,580/- in case of similarly placed persons, like petitioner, and the approval for disbursement from LICs

Central Office is awaited, therefore, it is deemed appropriate to call upon respondent- LIC to look into this matter on priority as and when

representation is received from petitioner.

6. Learned counsel for petitioner submits that a concise Representation would be made to respondent-LIC within two weeks to claim the interest for

the aforesaid period. If such a representation is received from petitioner, then respondent-LIC shall decide such a representation with reasons duly

supported by record, within a period of six weeks from the date of receiving of such representation.

7. On the insistence of learned counsel for respondent-LIC, it is clarified that respondent-LIC will not be bound by the quantum of interest as disclosed

in the Communication (Annexure P-3) of the first respondent.

8. With aforesaid directions and clarification, this petition and the application are disposed of.

9. Copy of this order be given dasti to learned counsel for the parties.