

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13545/2009**

Date of decision: 02nd December, 2009.

BASANT KUMAR SHARMA Petitioner
Through Mr. S.S. Shamsbery, Advocate.

versus

GOVERNMENT OF INDIA AND ORS Respondent
Through Mr. B.V. Niren, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

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1. The petitioner had taken up employment in Saudi Arabia. Under the laws of Saudi Arabia, each employee was required to deposit 5% of his salary in a pension scheme. The employers were also required to contribute 8% towards pension scheme.

2. In 1987, Government of Saudi Arabia scrapped the said scheme and 5% contribution deposited by the employees were refunded and 8% contribution of the employers was directed to be utilized under another pension scheme. The petitioner has been refunded his 5% contribution but his grievance is that the 8% contribution of the employers has not been paid to him.

3. The petitioner has been writing to the Government of India with regard to his grievance. The documents placed on record show that the petitioner was informed that the matter was taken up with the Government of Saudi Arabia, but in view of their response, nothing further can be done. Reference in this regard can be made to the letter dated 6th October, 1991, written by the Embassy of India to the petitioner (Annexure P-3), which reproduces and gives details of stand of the Government of Saudi Arabia and the refund criteria. It also states that the authorities had issued a statement in December, 1989, ruling out the payment of employers' contribution of 8% to the employees and the fact that the said amount has been utilized in another pension plan, which was introduced for the benefit of the employees including the Indian workers. It is stated in the letter that most of the employees have already settled their claims.

4. Thereafter, again the petitioner was informed about the aforesaid facts vide letters issued in 1996 and on 4th June, 1999, 30th July, 1999, 14th November, 1999, 3rd April, 2000 and then subsequently, when the petitioner had filed an application under Right to Information Act, 2005 vide letters dated 7th January, 2009 and 14th January, 2009.

5. It cannot be said that the Government of India has not taken up the matter with the Government of Saudi Arabia. Government of Saudi Arabia has already clarified their stand stating that the scheme in question was scrapped in 1987 and the

petitioner has already been paid his dues as per the decision taken in 1987 i.e. 5% contribution to the fund and the petitioner is not entitled to 8% contribution made by the employers, which has been utilized under the separate pension scheme.

6. In view of the aforesaid, I do not think any relief can be granted to the petitioner. The writ petition is dismissed.

DECEMBER 02, 2009
NA/VKR

SANJIV KHANNA, J.