

GAHC010028692018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/913/2018

RANJIT KR KAKOTY
(SUPERINTENDENT ENGINEER) RETIRED, S/O LATE PADMADHAR
KAKOTI, R/O. VILL. DAICIAL GAON, P.O. DHULIPAR, DIST. SIVASAGR,
ASSAM, PIN-785640

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
PETROLEUM AND CHEMICAL, GOVT. OF INDIA, NEW DELHI-110001

2:THE CHAIRMAN CUM MANAGING DIRECTOR
OIL AND NATURAL GAS CORPORATION LTD.
JEEVAN BHARATI
TOWER-II
124-INDIRA CHOWK
CONNAUGHT PLACE
NEW DELHI-110001

3:THE TRUSTEE
OIL AND NATURAL GAS CORPORATION LTD.
POST RETIREMENT BENEFIT SCHEME
PRBS CELL
SHED NO. 26
TEL BHAWAN
DHERADUN
PIN-248001

4:THE EXECUTIVE DIRECTOR (HR)
OIL AND NATURAL GAS CORPORATION LTD.
CAUVERY ASSET
NERAVY COMPLEX

KARAIKAL
PIN-609604

5:THE EXECUTIVE OFFICER
PRBS SECTION
BASEMENT
OLD SECRETARIAT BUILDING
TEL BHAWAN
DEHRADUN.

6:THE BRANCH MANAGER
LIFE INSURANCE CORPORATION LIMITED
P AND GS DEPTT.
2ND FLOOR LIC BUILDING
NEW CANNAUGHT PLACE
DEHRADUN
PIN-724600

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 16-02-2023

Heard Mr. B. Purkayastha, learned counsel for the writ petitioner. Also heard Mr. G.N. Sahewalla, learned Sr. counsel assisted by Ms. T.J. Sahewalla, learned counsel appearing on behalf of respondent Nos. 2 to 5 and Mr. A.L. Mondal, learned counsel representing the respondent No. 6.

The writ petitioner herein was an employee of Oil & Natural Gas Commission (ONGC) and he has retired from service on attaining the age of superannuation w.e.f. 28-02-2017. At the time of his retirement, the petitioner had given his consent to the ONGC authorities to transfer the entire accumulated retirement benefits to a fund held by the Life Insurance Corporation of India (LIC) against which, the petitioner is receiving a

monthly pension.

Mr. Purkayastha submits that at the time of his retirement it was optional for the petitioner to retain upto 1/3rd of the total dues payable to him from the ONGC and transfer the balance 2/3rd amount to the LICICI but as the petitioner was unaware of the aforesaid scheme, he did not make request to retain any amount. Consequently, the entire amount was transferred to the LICICI. At this stage, the petitioner has several upcoming family assignments including the marriage of his children and therefore, he is in need of some money. Hence, the instant writ petition has been filed seeking a writ of mandamus directing the LICICI to allow him to withdraw the permissible amount.

Mr. Sahewalla submits that ONGC would have no objection, if the money, as permissible under the scheme, is returned to the petitioner by the LICICI represented by the respondent No. 6.

Mr. Mondal also submits that if an application is made to that effect by the petitioner then the same will be considered and appropriate direction will be issued on that behalf.

If that be so, I am of the view that nothing further survives for adjudication in this writ petition. With the consent of the learned counsel for the parties, this writ petition is therefore, disposed of by granting 10 days time to the petitioner to make appropriate application before the LICICI authorities by marking a copy to the respondent No. 2. On receipt of such application, the LICICI authorities may process the same and take appropriate decision for release of upto 1/3rd of the amount to the petitioner for his personal use by retaining the balance 2/3rd.

Since the ONGC does not have any objection if the request made by the petitioner is accepted by the LICICI, it would not be necessary for the LICICI to seek any further NOC from the employer of the petitioner on that behalf.

The exercise, as noticed above, be completed as expeditiously as possible but not later than 06 weeks from the date of receipt of the application along with a certified copy of this order.

Writ petition stands disposed of.

JUDGE

GS

Comparing Assistant