

GAHC010262562023



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

Case No. : WP(C)/6835/2023

ABDUL HANNAN
CHIEF FOREMEN, (PRODUCTION) RETIRED,
S/O- LATE ABDUL HAMID,
R/O- BABUPATTY, WAD NO. 12,
P.O.- SIVASAGAR, DISTRICT- SIVASAGAR,
ASSAM, PIN- 785640.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED 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- 284001.

4:THE EXECUTIVE DIRECTOR (HR)
OIL AND NATURAL GAS CORPORATION LTD.
ASSAM ASSET
NAZIRA

DIST.- SIVASAGAR
ASSAM
PIN- 785685.

5:THE EXECUTIVE OFFICER
PRBS SECTION
BASEMENT
OLD SECRETARIAT BUILDING

TEL BHAWAN
DEHRADUN PIN- 248001.

6:THE BRANCH MANAGER
LIFE INSURANCE CORPORATION LIMITED
P AND GS DEPARTMENT

2ND FLOOR
LIC BUILDING

NEW CANNAUGHT PLACE

DEHRADUN PIN- 248001

Advocate for the Petitioner : MR. B PURKAYASTHA

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

29.11.2023

1. Heard Mr. B. Zaman, learned counsel for the petitioner, who submits that the petitioner retired from the ONGC Assam Asset, Nazira.

2. The petitioner's counsel submits that the petitioner had submitted an application for commutation 1/3rd of his pension to the authorities, prior to his retirement. However, the ONGC authorities did not take any decision on the same.
3. The petitioner's counsel submits that instead of paying the petitioner 1/3rd of his pension as commutation pension, the entire amount of pension accumulated by the petitioner totalling Rs.40,15,555/- had been deposited with the respondent no.6, who is paying monthly pension to the petitioner. The petitioner's counsel submits that the petitioner has given two representations, in pursuant to the earlier application for commutation of pension, vide representation(s) dated 05.06.2018 and 09.06.2023, but to no avail.
4. The petitioner's counsel submits that this writ petition can be disposed of, if a direction is issued to the authorities, to consider the petitioner's application for commutation of his 1/3rd pension, as he had already prayed for the same, prior to his retirement.
5. Mr. S.S. Roy, learned counsel for the respondent no.1 submits that he has got no objection to the prayer of the petitioner's counsel.
6. No one appears for the ONGC or the LIC.
7. This Court is of the view that the matter can be disposed of at the motion stage itself, inasmuch as, the issue to be decided is with regard to whether the petitioner had submitted an application for commutation of pension before the authorities and whether they had taken a decision on the same. Further, if the same had been submitted in time and as per the rules, guidelines and schemes applicable to the ONGC employees.

8. In view of the above reasons, this Court directs the respondent nos.2 to 5, to take a decision on the petitioner's application for commutation of pension, if the same had been submitted within time and as per the rules, guidelines and parameters laid down by the ONGC. The decision taken should thereafter be communicated to the petitioner. The entire exercise should be conducted within a period of one month from the date of receipt of a certified copy of this order, which should be accompanied with a copy of the writ petition. Further, if a decision has already been taken by the respondents, the same should also be communicated to the petitioner.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant