

GAHC010121052023



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

**Case No. : WP(C)/3260/2023**

SHILA RANI DEB  
WIFE OF LATE AJIT KUMAR DEB,  
RESIDENT OF KUMBHIGRAM AIRPORT COLONY,  
DISTRICT- CACHAR, ASSAM,  
PIN- 788109.

VERSUS

THE UNION OF INDIA AND 9 ORS  
REPRESENTED BY THE SECRETARY,  
CIVIL AVIATION, GOVERNMENT OF INDIA,  
RAJIV GANDHI BHAWAN,  
SAFDARJUNG AIRPORT,  
NEW DELHI- 110003.

2:THE SENIOR ACCOUNTS OFFICER  
CENTRAL PENSION ACCOUNTING OFFICE  
GOVERNMENT OF INDIA  
MINISTRY OF CIVIL AVIATION

NETAJI SUBHASH CHANDRA BOSE INTERNATIONAL AIRPORT  
KOLKATA- 700052.

3:THE SENIOR ACCOUNTS OFFICER  
CENTRAL PENSION ACCOUNTING OFFICE  
TRIKOOT-II  
BHIKAJI KAMA PLACE

NEW DELHI- 110066.

4:THE GENERAL MANAGER (HR)

AIRPORTS AUTHORITY OF INDIA  
EASTERN REGION

NETAJI SUBHASH CHANDRA BOSE INTERNATIONAL AIRPORT

KOLKATA- 700052.

5:THE DEPUTY GENERAL MANAGER (ATM)  
NODAL OFFICER-CAD PENSION CELL  
RHQ-ER

NETAJI SUBHASH CHANDRA BOSE INTERNATIONAL AIRPORT

KOLKATA- 700052.

6:THE ASSISTANT PROVIDENT FUND COMMISSIONER  
EMPLOYEES PROVIDENT FUND ORGANIZATION  
REGIONAL OFFICE  
N.E. REGION

G.S. ROAD  
BHANGAGARH

GUWAHATI- 781005.

7:THE ASSISTANT PROVIDENT FUND COMMISSIONER (PENSION)  
EMPLOYEES PROVIDENT FUND ORGANIZATION  
SUB-REGIONAL OFFICE

BHAVISHYANIDHI BHAWAN

G.S. ROAD  
NEAR BHARALU BRIDGE

BHANGAGARH  
GUWAHATI- 781005.

8:THE ASSISTANT GENERAL MANAGER (HR)  
REGIONAL HEAD QUARTER  
NER  
LGBI AIRPORT  
GUWAHATI  
ASSAM

PIN- 781015.

9:THE AIRPORT DIRECTOR  
AIRPORTS AUTHORITY OF INDIA

SILCHAR AIRPORT  
KUMBHIGRAM  
DISTRICT- CACHAR

ASSAM.

10:THE STATE BANK OF INDIA  
AFS  
KUMBHIGRAM  
CACHAR

SILCHAR

REPRESENTED BY THE BRANCH MANAGER.

11:THE SECRETARY  
MINISTRY OF PERSONAL  
PUBLIC GRIEVANCES AND PENSION  
DEPARTMENT OF PENSION AND PENSIONER  
S WELFARE  
LOK NAYAK BHAWAN  
KHAN MARKET  
NEW DELHI-110003

**Advocate for the Petitioner : MR. D CHAKRABARTY**

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

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**18.01.2024**

Heard Mr. D. Chakraborty, learned counsel for the petitioner. Also heard Mr. P.K.D. Choudhury, learned Deputy SGI and Mr. P.K. Roy, learned Senior Counsel appearing for the EPF.

This writ petition is filed by the petitioner whose husband expired while serving as a Senior Attendant (Aeronautical) at Silchar Airport, Kumbhigram

Cachar, Assam. Initially the petitioner receipt family pension under the Employees' Pension Scheme 1995 which was sanctioned by the Airport Authority. Subsequently, the new Pension Payment Order (PPO) bearing No. 414902100227 was issued to the petitioner, wherein it was provided that the petitioner is now entitled to the enhanced rate of pension of Rs.9,910/- (Rupees Nine Thousand Nine Hundred and Ten) under the CCS (Pension) Rules. Thereafter, the EPF pension which was being received by the petitioner and which was being paid by the Airport Authority of India was stopped with effect from 01.03.2021 in view of the fact that the petitioner will be entitled to receive pension at an enhance rate of Rs.9,910/- (Rupees Nine Thousand Nine Hundred and Ten) under the CCS Pension Rules. The petitioner preferred a representation before the authorities requesting for release of pension at the enhanced rate in terms of the communication dated 12.04.2021. In response to the representation of the petitioner, by a communication dated 28.03.2022 issued by the respondent no.7, namely, Assistant Provident Fund, Commissioner (Pension), the excess amount which was already paid to the petitioner towards pension for the period of 01.03.2021 to 28.03.2022 was sought to be recovered. The petitioner thereafter submitted a representation before the Sectary, Ministry of Civil Aviation, Government of India for release of the enhanced rate of pension under the CCS Pension Rules as communicated earlier. However, since the pension payable to the petitioner was not released to her, the petitioner approached this Court by filing this writ petition praying for a direction to the respondents for release of pension under the CSS Pension Rules and any other such further orders as may be required.

In response to the writ petition an affidavit has been filed on behalf of respondent nos.4, 5, 8 & 9. The Airport authority in their affidavit has made an

averment that the petitioner's husband was one of such an employee who was absorbed en-masse into the Airports Authority of India and he was not eligible for the Government pensionary benefits since he had rendered less than 10 years of service in the Civil Aviation Department earlier. That apart, the late husband of the petitioner exercised the option for CCS Pension on 28.12.2017.

It is submitted by the learned Senior Counsel for the respondent nos. 6 & 7 that an affidavit has also been filed by the respondent nos. 6 & 7 on 11.01.2024, wherein they have stated that the pension payable to the petitioner under Employees Pension Scheme will also be continued to be paid. There is a categorical averment in the affidavit that the benefits of pension of the EPF Act and EPF Scheme, 1995 being a statutory benefit, this benefit cannot be cancelled or annulled to provide any other benefit to substitute thereof.

On 07.06.2023 notices in the matter were issued and today when the matter was called up, Mr. RK Dev Choudhury has placed before the Court a communication issued by the Senior Accounts Officer of the Regional Pay and Accounts Office, Government of India, Ministry of Civil Aviation, by which the Office has forwarded the original PPO bearing no.414902100227 along with other relevant documents. Mr. R.K. Dev Choudhury submits that in view of the PPO being issued, the petitioner will be entitled to the family pension on the enhanced rate of Rs.9,910/- (Rupees Nine Thousand Nine Hundred and Ten) with effect from 01.01.2024. It is further mentioned that the arrear pension with effect from 18.09.2009 to 31.12.2023 will also be paid by the said office.

In view of the PPO now being issued and the submission of Mr. R.K. Dev Choudhury, learned DSGI that the pension will be released to the petitioner in view of the PPO having been forwarded to the competent authority, this Court therefore does not find any further cause left to urge in the present

proceedings. Accordingly, taking on record the submissions made by Mr. R.K. Dev Choudhury, learned DSGI for the Regional Pay and Accounts Office, that the PPO has already been released along with the arrear as mentioned in the communication enclosed under the cover of the letter dated 09.01.2024, the writ petition stands closed directing the respondents to take all effective steps to proceed for release of pension of the petitioner in terms of the PPO No.414902100227 issued to the writ petitioner.

In that view of the matter the writ petition stands closed with the above directions.

**JUDGE**

**Comparing Assistant**