

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 6364 of 2014 (U)

PETITIONER(S) :

RESMI.R.S.NAIR
W/o.GOPAKUMAR R/AT VRINDAV
ALIYILTHARATHA, ANDOORKOONAM, CHEMPAZHANTHI P.O
TRIVANDRUM DISTRICT

BY ADV. SRI.A.AHZAR

RESPONDENT(S) :

1. THE CHAIRMAN
AIRPORTS AUTHORITY OF INDIA, RAJIV GANDHI BHAVAN
NEW DELHI 110003

2. THE EXECUTIVE DIRECTOR(P&A),AIRPORTS AUTHORITY OF
INDIA,RAJIV GANDHI BHAVAN,NEW DELHI 110003

3. THE EXECUTIVE DIRECTOR, (HR)
AIRPORTS AUTHORITY OF INDIA, RAJIV GANDHI BHAVAN
NEW DELHI 11003

4. THE REGIONAL DIRECTOR
AIRPORTS AUTHORITY OF INDIA, SOUTHERN REGION
CHENNAI AIRPORT, CHENNAI 27

5. DIRECTOR
AIRPORTS AUTHORITY OF INDIA, TRIVANDRUM 695 001

Addl.6. REGIONAL PAY AND ACCOUNTS OFFICER, (C &P)
PROVIDENT FUND OFFICE, CHENNAI.

Addl.7. CENTRAL PROVIDENT FUND COMMISSIONER
NEW DELHI (NORTH) .

Addl.8. REGIONAL PROVIDENT FUND COMMISSIONER
PATTOM, THIRUVANANTHAPURAM.

ADDL. R6 TO R8 ARE IMPEADED AS PER ORDER DATED 25/08/2014 IN
IA 11659/2014.

R1 BY ADV. SMT.T.N. GIRIJA (B/0)
R1-R5 BY ADV. SRI.V.SANTHARAM
R BY SRI.P.PARAMESWARAN NAIR,ASG OF INDIA
R BY N.N.SUGUNAPALAN(SR)
BY GOVERNMENT PLEADER: SMT M J RAJASREE SR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
WP(C).No. 6364 of 2014 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE CERTIFICATE ISSUED FROM TALUK OFFICE,
TRIVANDRUM DATED 26.05.2008

EXHIBIT P2 TRUE COPY OF THE AFFIDAVIT DATED 29.07.2008

EXHIBIT P3 TRUE COPY OF THE REPRESENTATION DATED 12/8/2010 BY THE
PETITIONER

EXHIBIT P4 TRUE COPY OF THE LETTER DATED 3/12/2010

EXHIBIT P5 TRUE COPY OF THE LETTER DATED 5/01/2011 FROM 4TH
RESPONDENT TO THE AIRPORT DIRECTOR, AIRPORT, TRIVANDRUM

EXHIBIT P6 TRUE COPY OF THE LETTER DATED 28/1/2011 BY THE SENIOR
MANAGER FINANCE, AIRPORT AUTHORITY OF INDIA

EXHIBIT R5(a): TRUE COPY OF THE COMMUNICATION NO.PFRC/98
COORD/DL/36478/COVERAGE/2192 DTD 22.08.2007

EXHIBIT R5(b): TRUE COPY OF THE ORDER NO.F/DL/36478/DEL/1583 DTD
30.04.2010

EXHIBIT R5(c): TRUE COPY OF THE SANCTION ORDER NO.AAI/CPF/FP/SR/239
DATED 09.02.2009

EXHIBIT R5(d): TRUE COPY OF THE PAYMENT VOUCHER SIGNED BY THE
PETITIONER

EXHIBIT R5(e): TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED
BY the PETITIONER BEFORE the EXECUTIVE DIRECTOR (F&A), AIRPORTS
AUTHORITY OF INDIA, RAJIV GANDHI BHAVAN, NEW DELHI.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.6364 of 2014
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Dated this the 07th day of January, 2015

JUDGMENT

Petitioner is the legal heir of late C.Sasidharan Nair. Sasidharan Nair had worked as a Dish Washer in the Civil Aviation Department at Trivandrum Airport from 01.10.1979 to 13.12.2002 and subsequently as a Safaiwala at Trivandrum Airport. It is submitted by the petitioner that his father was absorbed at National Airport Division on 01.10.1991. Sasidharan Nair expired on 08.01.2008 while he was in service. Petitioner submitted that he is the only legal heir. Petitioner's present claim is for disbursal of pension arrears with interest due to the late Sasidharan Nair. Petitioner submits that more than Rs.1,16,123/- is due to him towards pension arrears. Counter affidavit has been filed by the Airport Authority. It is stated that employees of the Airport Authority of India organization is covered under the Airport Authority of India Contributory Provident Fund Rules and all contributions are timely remitted to the Employees Provident Fund Organization. It is also submitted that Sasidharan Nair was in service on 01.04.1995 on the day all the employees of Airport Authority have compulsorily

become the members of the Employees Pension Scheme 1995.

2. In the circumstance, it is made clear that if the petitioner makes a claim in the requisite format either before the 5th respondent or before the additionally impleaded 6th respondent, appropriate action will be taken thereon. In view of the fact that the pensionary claim is covered under the Employees Provident Fund Scheme, petitioner has to make necessary request in terms of the relevant regulation. Therefore, petitioner shall either make a request before the 5th respondent or additionally impleaded 6th respondent in the necessary format within a period of four weeks from the date of receipt of a copy of this judgment. Thereupon, necessary action shall be taken either by the 5th or additionally impleaded 6th respondent within a further period of two months.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.