* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Order: November 29, 2017

\+ **W.P.(C) 10634/2017 & CM No. 43537/2017**

P.C.BHATNAGAR ..... Petitioner
Through: Mr. Sarfaraz Khan, Advocate

versus

AIR INDIA LTD & ANR ..... Respondents
Through: Mr. Lalit Bhasin, Ms. Ratna Dwivedi Dhingra and Mr. Ajay Pratap Singh, Advocates for respondent-Air India
Mr. Kamal Mehta, Advocate for respondent No. 2-LIC of India

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R
(ORAL)

1. In this petition, the claim put forth by petitioner is for pension under the *Indian Airlines Employees' Self Contributory Superannuation Pension Scheme* floated on 1st August, 2000. Petitioner had made representations to seek pension under the aforesaid Scheme and first respondent vide Communication of 24th October, 2014 (*Annexure P-2*) had informed petitioner that his deposit of ₹1,41,169/- to purchase the annuity in his favour through LIC could not be undertaken due to unavoidable financial circumstances and change of Scheme from "*Benefit Defined*" to "*Contribution Defined*" on 4th March, 2003 and the contribution made by petitioner with interest thereon i.e. ₹1,74,326/- was deposited with respondent-LIC on 1st April, 2003 with a provision that

this amount can be utilized either for purchase of annuity or refund of the deposit to petitioner.

2. As per impugned Communication (*Annexure P-2*), respondent-LIC had refunded the aforesaid amount of ₹1,74,326/- to petitioner on 1st February, 2005. Petitioner's claim to interest on the aforesaid refunded amount from 1st April, 2003 to 1st February, 2005 was declined as respondent-LIC had not provided any interest on this amount and first respondent had intimated petitioner vide Communication *(Annexure P-3)* that the matter for payment of interest on such deposits is being pursued with respondent-LIC.

3. Upon notice, learned counsel for respondent-LIC informs that petitioner had not addressed any communication to respondent-LIC to seek interest for the period from 1st April, 2003 to 1st February, 2005 nor had he sought its refund and now, after one decade, petitioner cannot belatedly claim interest for the aforesaid period on the refunded amount.

4. Learned counsel for petitioner submits that the occasion to do so had not arisen because respondent-LIC had not intimated petitioner that the refund could be claimed and had it been so done, then petitioner would have sought the refund in the year 2003 itself.

5. Since first respondent in its Communication of 26th December, 2014 (*Annexure P-3*) has taken up the matter with respondent-LIC regarding payment of interest, which totals to ₹6,88,99,580/- in case of similarly placed persons, like petitioner, and the approval for disbursement from LICs Central Office is awaited, therefore, it is deemed appropriate to call upon respondent- LIC to look into this matter on priority as and when representation is received from petitioner.

6. Learned counsel for petitioner submits that a concise Representation would be made to respondent-LIC within two weeks to claim the interest for the aforesaid period. If such a representation is received from petitioner, then respondent-LIC shall decide such a representation with reasons duly supported by record, within a period of six weeks from the date of receiving of such representation.

7. On the insistence of learned counsel for respondent-LIC, it is clarified that respondent-LIC will not be bound by the quantum of interest as disclosed in the Communication (*Annexure P-3*) of the first respondent.

8. With aforesaid directions and clarification, this petition and the application are disposed of.

9. Copy of this order be given *dasti* to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

NOVEMBER 29, 2017
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