

Item No. 1

07.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5192 of 2020

Goutam Mukherjee & Ors.

v.

Union of India & Ors.

with

IA No. CAN 1 of 2020

Mr. Soumya Majumder

Mr. Victor Chatterjee

... for the petitioners.

Mr. Amit Kumar Chaturvedi

Mr. Md. Shakil

... for the Airports Authority of India.

The petitioners are the retired employees of the Airports Authority of India. They seek benefit in terms of the Superannuation Benefits Scheme (SBS) AAI Employees Defined Contribution Scheme (AAIEDCS). The scheme is effective from January 1, 2007 and the same is applicable to all regular employees (including Board Level) on the rolls of AAI as on January 1, 2007 or joined thereafter.

During the pendency of the writ petition the respondent authorities have released the benefit in favour of the petitioners on and from August 2021.

The petitioners submit that they are entitled to the benefit on and from their next date of superannuation.

The Airports Authority of India has filed an

affidavit-in-opposition wherein it has been mentioned that the Ministry of Civil Aviation has approved the Superannuation Benefit Scheme subject to the condition that the scheme has to be worked out without considering any additional increment.

As the respondents have already filed an affidavit disclosing that the scheme has been approved by the Ministry of Civil Aviation and the same is effective from January 1, 2007, accordingly, the respondent authority is duty bound to extend the benefit of the said scheme in favour of the employees who are eligible to receive the same.

In view of the above, the instant writ petition is disposed of by directing the respondent nos. 4 and 5 to take steps to extend the benefit of the scheme in favour of the petitioners at the earliest but positively within a period of six months from the date of communication of a copy of this order.

Payment of the arrear benefits shall be made to the petitioners on and from the next date of their superannuation.

The aforesaid respondents shall also take into consideration the prayer of the petitioners for payment of interest on account of the delayed payment of the superannuation benefits in their favour.

The writ petition and the connected application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)