

09.05.2024
Sl. No.4
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11831 of 2024

Sabdarnagar Education and Welfare Society & Ors.
Vs.
Union of India & Ors.

Mr. Arunava Ghosh,
Mr. Soumya Majumder,
Mr. Dwaipayan Sengupta,
Ms. Sanjukta Dutta,
Mr. Kinnor Ghosh

.....for the petitioners.

Mr. Shiv Chandra Prasad
.....for Provident Fund Authorities.

Mr. S. Mukhopadhyay,
Ms. Oinderi Mukherjee,
Ms. Diya Chowdhury
....for the respondent no.5.

Affidavit of service filed in Court today is taken
on record.

The petitioner no.1 is a Society registered under
the West Bengal Societies Registration Act, 1961. The
petitioner no.2 is the Secretary of petitioner no.1. The
petitioner nos.3 to 6 are the members of the petitioner
no.1. Only the employees of Airports Authority of
India (respondent no.5) can be members of petitioner
no.1. However, some of the members of the petitioner
no.1 have retired but mostly are in service. The
Society has certain objects. This matter does not
directly relate to fulfilment or non-fulfilment of the
objects of the petitioner no.1, but concerns the

pensionary benefit of the employees of Airports Authority of India (respondent no.5). This gives rise to a preliminary objection as to the maintainability of the writ petition through petitioner no.1 for the pensionary benefits of its individual members. The petitioners say that there is an indirect impediment in fulfilling the objects of the Society (petitioner no.1). Only on the contribution of the members of petitioner no.1, the object of petitioner no.1 can more effectively be performed and or fulfilled.

The petitioners say that the retired employees of respondent no.5 who are members of the petitioner no.1 are not getting pension as per the amended provisions of the Pension Scheme, 1995 introduced through the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The serving members are also facing difficulty in getting a true picture of their pension amount as the method of computation pursuant to the amendment to the scheme is ambiguous and unless clarified by the Court will continue to remain in ambiguity. The petitioner no.1 says that in absence of proper pension being received there is every likelihood that the contribution of the individual members will get diminished which will ultimately effect the fulfilment of the object of the petitioner no.1. The writ petition,

therefor, can be maintained at the instance of the petitioners for the reliefs claimed.

After hearing the parties, it appears that unless the Provident Fund Authorities specify the methodology in computing the pension of the members of the petitioner no.1, the issues involved in this writ petition cannot be addressed.

Mr. Prasad, learned advocate appearing on behalf of Provident Fund Authorities seeks an adjournment to take proper instructions from his client in regard to the method of computation of the pension in the light of the grievances ventilated by the petitioners.

In view of the prevailing anomalous situation, complained of by the petitioners which is not disputed at this stage by the respondents, the matter is adjourned to enable Mr. Prasad and the learned advocates representing the other respondents to take appropriate instructions.

Let this matter appear on 19th June, 2024.

(Arindam Mukherjee, J.)