

18.07.2023

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Sl. No. 11

Ct. No. 25

WPA 15045 of 2023

Malati Majumdar

-Versus-

The Airports Authority of India & Ors.

Mr. B.N. Ray

Ms. Shetparna Ray

..... for the petitioner

Mr. Anup Kanti Poddar

Mr. Kamran Alam

.....for the respondent Nos. 1-4

Mr. D.N. Ray

Mr. Pralay Bhattacharjee

.....for the UOI

The petitioner's husband was initially appointed under the Civil Aviation Department, Government of India. The employees of Civil Aviation Department were en-mass transferred and absorbed by the National Airport Authority (NAA) with effect from October 2, 1989. Subsequently, following the Airport Authorities Act, 1994, all the staffs and employees of International Airport Authority and National Airport Authority became employees of Airport Authorities of India (AAI) with effect from April 1, 1995.

The petitioner's husband died in harness on April 13, 2014. In 2017, the Civil Aviation Department issued an order notifying that the employees who have rendered less than ten years of service under the Civil Aviation Department and absorbed by the NAA will be entitled to be included under the purview of Central Pension Scheme framed in accordance with Central

Civil Services(CSS) Pension Rules, 1972 Rules. The petitioner exercised the option in the prescribed format upon the said option being circulated on December 26, 2017. Despite exercising such option, the petitioner has not been given the pensionary benefits till date of her husband.

Mr. B.N. Ray, learned counsel appearing for the petitioner prays for release of the pensionary benefits on and from April 14, 2014 (the date of subsequent date of death of her husband).

Mr. Poddar, learned counsel appears on behalf of the respondent Nos. 1 to 4 submits that the employer/AAI has processed the pension papers of the petitioner's husband and nothing further remains to be done by the employer.

Mr. D.N. Ray, learned counsel appears on behalf of the respondent Nos. 5 and 7 and submits that necessary instructions are required to be taken in the matter.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice would be sub-served by directing the respondent Nos. 1 to 4 also the Respondent Nos. 5 and 7 to file Reports-on-Affidavits on the issue as to why the pensionary benefits of the petitioner's husband have not been disbursed till date despite the petitioner's husband applying as per the requisite procedure on his end. Let such Reports by way of an Affidavits be filed

by August 4, 2023. Exceptions, if any, be filed by August 14, 2023.

Let the matter appear for further consideration under the same heading “**Motion**” on **August 17, 2023**.

All parties shall act on the server copies of this order duly downloaded from the official **website** of this Court.

(Lapita Banerji, J.)