



वायु यातायात नियंत्रक गिल्ड (भारत)
AIR TRAFFIC CONTROLLERS' GUILD (INDIA)

No. CC/ATCG/Med/2019/01

Date : 01.03.2019

Member (HR)
Airports Authority of India
Rajiv Gandhi Bhawan
New Delhi – 110 003.

Sub. : Deduction of additional increment while formulating Superannuation Benefit Scheme (SBS)-reg.

Sir,

The management of Airports Authority of India has formulated the Superannuation Benefit Scheme effective from 01.01.2007. It is understood that a trust has been constituted and the by-laws have also been finalized.

ATC Guild would like to draw your attention to Para 9 of CHRM Circular No. 20/2018, dated 07.06.2018 wherein the salient features of the scheme have been elucidated. It is mentioned in Para 9 of the Circular that *“Further, the contribution in the account of an employee will be made after deducting the amount of additional increments from affected employee’s basic in accordance with this office order dated 12.07.2016 and the deducted amount of additional increments will be kept aside in a separate account and will be dealt accordingly as this exercise is provisional in nature subject to the decision of the Cabinet in the matter and the outcome of the Court Cases related to regularization of additional increments granted”*.

As you are aware, ATC Guild had filed a Writ Petition No. 3446/2017 challenging the HR order dated 12.07.2016 regarding adjustment of additional increments being paid to executives. Para 5 of the letter dated 03.05.2017 passed by the Hon’ble High Court of Delhi (copy enclosed), is as under :

“Noting the above, it is directed that as petitioners have enjoyed the benefit of pay protection for two decades w.e.f. 01st January, 1997, balance of convenience lies issuing a direction to the respondent No. 4 to give effect to the revised guidelines/orders impugned in the writ petition without the leave of this Court”.

ATC Guild would like to submit that the provisions made in Para 9 of the Circular Dated 17.06.2018 in respect to deduction of amount of additional increment granted to employees in terms of the order dated 12.07.2016 stating that the amount of two increments will be kept aside and benefit will be calculated provisionally, is in contradiction to the order passed by the Hon’ble High Court of Delhi vide order dated 03.05.2017 passed in Writ Petition No. 3446/2017, wherein Hon’ble High Court has specifically directed AAI not to give effect to the revised guidelines/orders impugned in the said Writ Petition **without leave of the Court**. As such, once the deduction of an additional increment is subject matter of Writ Petition, the provisions made in Para 9 of the CHRM circular No. 20/2018, are in utter violation of the orders passed by the Hon’ble High Court and will amount to contempt of Court.

As such, it is requested that Para-9 of the above mentioned Circular be withdrawn and the superannuation benefits should be calculated on the basis of pay drawn by the employees, honouring the orders of the Hon’ble High court.

With regards,

(D. K. Behera)
General Secretary

Copy to : The Chairman, AAI, RG Bhawan, New Delhi.