



## ALL INDIA INSURANCE PENSIONERS' ASSOCIATION

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**General Secretary : Com T K Chakraborty**

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**To**

**All Divisional/Regional/State units of AIIPA**

**Dear Comrades,**

### **Re : Implementation of Delhi High Court order of 27.4.2017**

As a sequel to the undertaking before the Supreme Court on 30.7.2018, LIC has issued instructions on 18.8.2018, for implementation of the judgement of 27.4.2018 of the Delhi High Court.

The salient features are, release of arrears of Dearness Relief from January 29, 2007, payment of interest from April, 27, 2017 for arrears and that for April 2017 from May 1, 2017 and so on. The payment has to be released on or before 8th September, 2018. No recovery of 40% interim relief already paid to these pensioners. Communications will be sent to these pensioners alongwith the calculation sheet.

LIC's decision, it seems, is based on its interpretation of date of first writ petition referred to, in the Delhi High Court judgement, the Writ Petition filed by Retired LIC Class I Officers Federation, in Delhi High Court.

LIC instructions refers, to para [79], [83], [107], [108] and [109] of the Delhi High Court Judgement. Para [79] deals with rates of D.R. and states that rates under para [1] should not be less than that under para [2] and rates under para [1] and [2] should not be less than that under para 3(A) and rates should not be less than 0.23% in Appendix 4.

Para [83] is, on upgradation of Minimum Pension and as stated in our earlier circular, the benefit is almost in no man's land. According to LIC's circular, only retired Part -Time employees, may become eligible and as the verdict is not applicable to them, no benefit will be paid. However instructions, covers upgradation of minimum pension with merger of dearness relief for each wage revision in cases of Regular Pensioners, if anyone is drawing minimum pension.

The paras [107], [108] and [109] are operative parts of the Delhi High Court Judgement and as per Judgement, LIC Pensioners cannot be compared or claim parity with Central Government Pensioners, on upgradation of pension.

Rejecting the prayer, on violation of Article [14] and [21] of the Constitution, the judgement states these Articles will apply only to the extent of upgradation of minimum pension and in respect of rates of dearness relief, not to be lower than 0.23% prescribed under Rule 3[a].

Under para [108], the Delhi High Court had directed LIC, not to recover the Interim Relief paid to Pre-Aug. 1997 Pensioners. Having received the interim relief of 40% these pensioners were hoping to draw the balance and getting their pension revised. But on the basis of Delhi High Court order, only a section of them is getting additional benefit beside already drawn interim relief.

As per the annexures of the LIC Circular of 18.8.2018 that as the Delhi High Court order covers only basic pension above Rs. 2130 and Rs. 3850, pensioners drawing lower pension need not to be considered for payment of arrears.

Benefit of higher rate dearness relief of 0.35% has not been considered for basic pension between Rs. 2000 and Rs. 2400.

Under para [109], the court had fixed time frame for payment of arrears and LIC instruction has adhered to it.

Basic pension would have got modified with full neutralisation, under AIIPA's efforts and now there is no change either in the basic pension or in the truncated dearness relief formula. If AIIPA's endeavours had succeeded, all pre-Aug 1997 pensioners would have received arrears from Aug.1997 and pension would be with full neutralisation.

As per LIC's circular of 18.8.2018, arrears are only from January 2007 and only for a section of Class I Officers.

As per LIC circular, an A.A.O. at the maximum, will get an increase of 37 paise per slab, as the pensioner is at the lowest end of the slab, entitled for arrears.

As of now, all pre-Aug 1997 family pensioners are getting dearness relief above 0.23%. Achievement of the demand of uniform rate of family pension @30% only fetch them the benefits.

AIIPA has already written to LIC for uniform rate of dearness relief as mooted in its Board Resolution and after the process of payment of arrears is over, AIIPA will vigorously pursue the issue in order that not only the left out pensioners but also those who have become entitled for increase now, get what is really due to them- uniform rate of dearness relief @0.23% on modified pension from August,1997.

With Greetings

Comradely yours



(T.K.CHAKRABORTY)

General Secretary