

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 23, 2018

+ **W.P.(C) 3993/2018 & CM 15721/2018**

+ **W.P.(C) 3997/2018 & CM 15727/2018**

ARUP KUMAR PAL AND ORS.

ABHAY GOPAL BHATT AND ORS.

..... Petitioners

Through: Mr. Rajshekhar Rao, Mr. H.
Harshavardhan and Ms. Mansi Sood, Advocates

versus

INDIAN STATISTICAL INSTITUTE AND ANR.

.... Respondents

Through: Mr. Vikram Jetly, CGSC for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioners seek switch over from Contributory Provident Fund (CPF) to General Provident Fund (GPF) cum Pension Scheme.

2. Since subject matter of both these petitions is identical, therefore, with consent of learned counsel for the parties, these petitions have been heard together and are being disposed of by this common order.

3. Learned counsel for petitioners submits that the prayer made in these petitions has been already considered by second respondent, who vide order of 29th December, 2016, has declined it while relying upon a decision of a Co-ordinate Bench of this Court in W.P. (C) 7310/2010

rendered on 30th April, 2014. It is pointed out by petitioners' counsel that the substratum of decision in W.P. (C) 7310/2010 has been negated by Division Bench of this Court in *Smt. Shashi Kiran and Ors. v. Union of India and Ors.*, 2016 SCC OnLine Del 4819, while observing that there is no reason why above switch over of the Pension Scheme was permitted upto 31st December, 2003 to several other autonomous institutions and denied to appellants therein.

4. Learned counsel for petitioners submits that Division Bench's decision in *Smt. Shashi Kiran (supra)* was brought to notice of second respondent, but it has not been considered in impugned rejection order. If it was so, then petitioners ought to have sought review of impugned rejection order, which has not been done.

5. Be that as it may. In the facts and circumstance of this case, these petitions are disposed of with permission to petitioners to now make a composite Representation, through their counsel, to second respondent in light of Division Bench's decision in *Smt. Shashi Kiran (supra)* within two weeks from today. If it is so done, then second respondent shall effectively consider petitioners' Representation so received, in light of Division Bench's decision in *Smt. Shashi Kiran (supra)* and the facts of instant case, while clearly indicating as to when petitioners had sought conversion from CPF to GPF and if petitioners' prayer is not to be acceded to, then reasons for doing so be spelt out in a speaking order so passed. Needful be done within a period of six weeks and the fate of petitioners' Representation be conveyed to petitioners through their counsel within two weeks thereafter.

6. With aforesaid directions, these petitions and the applications are disposed of.

Copy of this order be given *dasti* to learned counsel for petitioners.

(SUNIL GAUR)
JUDGE

APRIL 23, 2018

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