



W.P.No.8636 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8636 of 2015

V.V.Sivanandan

... Petitioner

Vs.

The Principal,  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry 605 014

... Respondent

**PRAYER:**

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records namely PEC/Estt.(N.T)/E5/Pension/2014/No.3395 dated 10.11.2014 issued by the respondent and quash the same and consequently direct the respondent to sanction pension to the petitioner.

For Petitioner : Mr.A.S.Baalaji

For Respondent : Mr.Syed Mustafa,  
Special Government Pleader



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### **ORDER**

This writ petition has been filed challenging the order passed by the respondent thereby rejected the claim of the petitioner to sanction pension under GPF scheme.

2. The petitioner had joined in the post of Security Officer on 12.11.1986 under consolidated pay. He attained age of superannuation without any break in service on 31.07.1999. Though the petitioner made several representations to regularise his service, that was not considered as such, he was constrained to approach this Court by way of writ petition in WP.No.17547 of 1997 for direction directing the respondent to regularise his service with retrospective effect from the date of his initial appointment i.e. 12.11.1986 with all consequential benefits. The same was disposed of on the ground that the petitioner already retired from service on 13.09.2001. Aggrieved by the same, the petitioner filed writ appeal in WA.No.525 of 2005 and the Hon'ble Division Bench of this Court by order dated 28.01.2010, directed the respondent to regularise his service from the date of his initial appointment dated 12.11.1996 with



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all consequential benefits including the arrears of pay and seniority.

Accordingly, the respondent regularised his service from the date of his initial appointment dated 12.11.1996 with all consequential benefits including arrears of pay. However, his service was regularised under General Provident Fund (hereinafter called as GPF) scheme instead of Contributory Provident Fund (hereinafter called as CPF). However, the respondent rejected his request for pension under the GPF scheme on the ground that he was regularised under the CPF scheme.

3. On perusal of counter filed by the respondent, revealed that after direction issued by this Court, the Hon'ble Division Bench of this Court in WA.No.525 of 2005, the Secretary to Government (Education) -cum-Vice Chairman, Pondicherry Engineering College had approved the regularisation of the petitioner. The approval of the Chairman, Governing Body, the service of the petitioner was regularised with effect from 12.11.1986 under CPF scheme as he was in the CPF scheme at the time of relieving from the service of the respondent. All the terminal benefits like gratuity, earned leave encashment and pay arrears were released to



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the petitioner. When the petitioner was in the service of the respondent, he opted for CPF scheme of the respondent and on retirement, he was settled accordingly.

4. However, though this Court specifically directed the respondent to produce the file in order to prove that the petitioner opted for CPF scheme, the respondent failed to produce the option given by the petitioner. In fact, the respondent produced the entire file and the option given by the petitioner does not find place. Admittedly, the petitioner was regularised from the date of his initial appointment dated 12.11.1986 under the General Provident Fund Scheme. Therefore, he is entitled for pension under the GPF scheme.

5. In view of the above, the impugned order dated 10.11.2014 is set aside. The respondent is directed to sanction pension under GPF scheme and disburse the arrears of pension, if any, to the petitioner within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is allowed. There



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shall be no order as to costs.

26.07.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok

To

- 1.The Principal,  
Pondicherry Engineering College,  
Pillaichavady,  
Puducherry 605 014
- 2.The Government Advocaote,  
Madras High Court

**G.K.ILANTHIRAIYAN, J.**



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