



WEB COPY



W.P.No.19781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19781 of 2024 and
W.M.P.No.21662 of 2024

1. Union of India,
Rep. by its Secretary,
Ministry of Education,
Shastri Bhavan,
New Delhi-110 001.
2. Commissioner,
Kendriya Vidyalaya Sangathan,
Head Quarters, 18 Institutional Area,
Shahid Jeetsingh Marg,
New Delhi-110 016.
3. Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Region,
IIT Campus, Chennai-600 036.

... Petitioners

-VS-

Mrs.R.Savithri

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the file of the Central Administrative Tribunal, Madras Bench, made in O.A.No.940 of 2022 dated 20.04.2023 and quash the same.



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W.P.No.19215 of 2023

For Petitioners : Mr.Su.Srinivasan

For Respondent : Mr.R.Arumugam (Caveat)

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed, challenging the order dated 20.04.2023 of the Central Administrative Tribunal (CAT) made in O.A.No.940 of 2022, by which the request of the respondent for conversion of pension scheme from CPF to GPF was directed to be considered in the light of the decision of this Court in W.P.No.19215 of 2015 within three months.

2. Mr.R.Arumugam, learned counsel has entered appearance as Caveator for the respondent. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioners that the respondent, having accepted to avail the benefit under CPF Scheme, had changed her mind after her retirement and she had earlier filed O.A.No.1601 of 2017 before Tribunal with the similar request, in which, a direction was issued by the Tribunal on 16.10.2017 to pass a reasoned order. Thereafter, the petitioners passed a speaking order, rejecting the claim of the respondent



W.P.No.19215 of 2015

herein on 11.01.2018. Without challenging the said order, the respondent once again sent repeated representations and thereafter, obtained the order from the Tribunal, which is impugned herein. It is further case of the petitioners that the Tribunal, without considering the preliminary objection raised by the petitioners herein as to the maintainability of the Original Application, had rendered a positive order, which requires interference by this Court.

4. Learned counsel for the respondent contended that in order to maintain equity among similarly placed persons and to extend the pensionary benefits, the Tribunal had allowed the application based on the order of this Court dated 24.02.2017 made in W.P.No.19215 of 2015.

5. Upon considering the submissions made on either side, we are of the view that the request of the respondent can be considered by taking note of the order passed in W.P.No.19215 of 2015, for which, the petitioners may not have serious objection.

6. Accordingly, with the slight modification, this Writ Petition is disposed of, directing the petitioners herein to consider the claim of the respondent on its own



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W.P.No.19215 of 2015

THE HON'BLE ACTING CHIEF JUSTICE

AND

K.KUMARESH BABU,J.,

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merit, by taking into consideration the order passed in W.P.No.19215 of 2015 without rejecting the claim on the ground of limitation aspect. It is made clear that the order is passed on the equity point of view and no legal right accrues to the respondent to demand it as a matter of right. No costs. Consequently, connected Miscellaneous and Caveat Petitions are closed.

[D.K.K.,ACJ.]

[K.B.,J.]

23.07.2024

Index: Yes / No

Speaking Order/Non Speaking Order

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