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Writ Petition Nos.2824, 2827, 2831, 2833 & 2835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Petition Nos.2824, 2827, 2831, 2833 & 2835 of 2024

M.Sambamurthy	... Petitioner in W.P.No.2824 of 2024
V.Kumaran	... Petitioner in W.P.No.2827 of 2024
A.Govindarajan	... Petitioner in W.P.No.2831 of 2024
S.Raju	... Petitioner in W.P.No.2833 of 2024
N.Kathiresan	... Petitioner in W.P.No.2835 of 2024

Vs

- 1.The Union of India,
Represented by the Secretary, Department of Atomic Energy,
Government of India, Anushakthi Bhavan, CSM Marg,
Mumbai – 400 001.
- 2.The Director,
Indira Gandhi Centre for Atomic Research (IGCAR),
Department of Atomic Energy, Kalpakkam,
Kancheepuram – 603 102.
- 3.The Under Secretary,
Department of Pension and Pensioners Welfare,
Ministry of Personnel, Public Grievances & Pensions,
Government of India, 3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi – 110 003.
- 4.The Director,
Department of Pension and Pensioners Welfare,



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Khan Market, New Delhi – 110 003.

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5.The Administrative Officer,
Indira Gandhi Centre for Atomic Research (IGCAR),
Department of Atomic Energy, Kalpakkam,
Kancheepuram – 603 102.

6.The Hon'ble Central Administrative Tribunal.
Represented by its Registrar, Madras Bench,
Chennai – 600 104. ... Respondents in all W.Ps.

PRAYER in W.P.No.2824 of 2024:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No.1242 of 2019 dated 15.11.2022 and the order of the 5th respondent in No.7/1/8/2019-Admin(L)/117 dated 13.05.2019 and the order in Ref.No.IGCAR/IC No.3776/Admin (P-II)/2017/5256 dated 06.05.2017 and quash the same and direct the respondents (1) to (5) to consider the case of the petitioner for transfer to the Pension Scheme, namely General Provident Scheme (GPF) and consequently, grant him Pension and attendant benefits pass further orders.

PRAYER in W.P.No.2827 of 2024:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No.1241 of



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2019 dated 15.11.2022 and the order of the 5th respondent in No.7/1/8/2019-Admin(L)/111 dated 07.05.2019 and the order in Ref. No.IGCAR/IC No.3453/Admin (P-II)/2017/5257 dated 06.05.2017 and quash the same and direct the respondents (1) to (5) to consider the case of the petitioner for transfer to the Pension Scheme, namely General Provident Scheme (GPF) and consequently, grant him Pension and attendant benefits pass further orders.

PRAYER in W.P.No.2831 of 2024:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No.1239 of 2019 dated 15.11.2022 and the order of the 5th respondent in No.7/1/8/2019-Admin(L)/110 dated 07.05.2019 and the order in Ref. No.IGCAR/IC No.3931/Admin (P-II)/2017/5249 dated 22.05.2017 and quash the same and direct the respondents (1) to (5) to consider the case of the petitioner for transfer to the Pension Scheme, namely General Provident Scheme (GPF) and consequently, grant him Pension and consequential benefits pass further orders.

PRAYER in W.P.No.2833 of 2024:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No.1238 of



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2019 dated 15.11.2022 and the order of the 5th respondent in No.7/1/8/2019-Admin(L)/108 dated 07.05.2019 and the order in Ref. No.IGCAR/IC No.4343/Admin (P-II)/2017/5255 dated 06.05.2017 and quash the same and direct the respondents (1) to (5) to consider the case of the petitioner for transfer to the Pension Scheme, namely General Provident Scheme (GPF) and consequently, grant him Pension and consequential benefits pass further orders.

PRAYER in W.P.No.2835 of 2024:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A.No.1192 of 2019 dated 15.11.2022 and the order of the 5th respondent in No.7/1/20/2018-Admin(L)/25 dated 09.01.2019 and the order in Ref. No.IGCAR/IC No.4066/P-II/222 dated 03.05.2017 and quash the same and direct the respondents (1) to (5) to consider the case of the petitioner for transfer to the Pension Scheme, namely General Provident Scheme (GPF) and consequently, grant him Pension and attendant benefits pass further orders.

In all W.Ps.

For Petitioner : Mr.T.N.Sugesh

For RR1 to 5 : Mr.M.Ramamoorthi
SPC



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COMMON ORDER

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(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

These Writ Petitions are filed challenging the individual orders passed by the Central Administrative Tribunal dismissing the applications filed by the respective petitioners, wherein the orders passed by the respective respondents were confirmed and a claim for a direction to permit the petitioners to switch over from the existing Contributory Scheme to the General Provident Fund Scheme was also negated.

2. Since the issue involved in all these Writ Petitions are one and the same, all these Writ Petitions are taken up together for hearing and disposed of by this common order, with the consent of the learned counsels appearing for their respective parties.

3. Heard Mr.T.N.Sugesh, learned counsel for the petitioner and Mr.M.Ramamoorthi, learned Senior Panel Counsel appearing on behalf of the respondents 1 to 5.



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4. Mr.T.N.Sugesh, learned counsel for the petitioner would submit that the petitioners were all appointed prior 1992 and they have all exercised their option to retain the contributory Provident Fund Scheme. He would submit that an Office Memorandum was issued in the year 1992 by allowing the employees, who have been employed prior to 1992 and who have not completed 20 years of service to change over from the Contributory Provident fund Scheme to General Provident Fund Scheme. Subsequently, the said O.M. was withdrawn in the year 1996. However, the Department of Atomic energy by O.M. dated 12.10.2000 had extended one more final option to all technical persons of the Department, who have joined prior to 1992 and who have not completed 20 years of service and still under CPF to move to the GPF. The said option was to be exercised within a period of six (6) months from the date of issue of the Office Memorandum. He would submit that such an O.M. was never brought to the knowledge of these petitioners and therefore, they had not exercised such an option. Thereafter, representations were made from various employees to favorably consider the change over from CPF to GPF and the Department of Atomic Energy had submitted a proposal to the Department of Pensioners Welfare on



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17.07.2016, favourably recommending such claims. However, by an O.M.

Dated 25.01.2017, the said recommendations were rejected.

5. He would submit that the Tribunal without considering the case on proper perspective and various other decisions relied upon by the petitioners had rejected the claim of the petitioners by relying upon an order passed by the Tribunal in O.A.No.212 of 2018, which was upheld by the Hon'ble Apex Court. He would submit that the reliance placed upon by the Tribunal is wholly erroneous and the claim of the petitioners that they were not aware of the O.M. of the year 2000 for them to exercise the option is not at all considered in the right perspective and therefore, he would seek interference of the order passed by the Tribunal and to set aside the orders impugned before the Tribunal and to direct the respondents to convert the petitioners CPF to GPF and award all benefits.

6. We have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record before this Court.



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7. It is an admitted case that in the year 1992 an option had been given to the employees to switch over from CPF to GPF. But, however, the petitioners herein had not exercised their option. A further O.M. had been issued in the year 2000, extending the similar benefit. The claim of the petitioners is that they have not been individually intimated of such an offer of option by the Department. When an Office Memorandum is issued, it will be made known to all the employees, it need not be individually intimated to the respective employees. It is not the case of the petitioners that such an O.M. had not been notified in the manner in which the Office Memorandums are being notified.

8. In our considered view, the Tribunal had analysed the various materials and the judgments relied upon by the respective counsels while deciding the issue. As rightly pointed out by the Tribunal, the petitioners have not exercised their option within the time stipulated under the O.M. and therefore, they cannot be extended the benefit of the O.M. and it is also too late for them to seek conversion from CPF to GPF.



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WEB COPY 9. For the aforesaid reasons, these Writ Petitions fail and are accordingly, dismissed. However, there shall be no order as to costs.

(R.S.K.,J.) (K.B., J.)
13.02.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Union of India,
Represented by the Secretary, Department of Atomic Energy,
Government of India, Anushakthi Bhavan, CSM Marg,
Mumbai – 400 001.
- 2.The Director,
Indira Gandhi Centre for Atomic Research (IGCAR),
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