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W.P. No.12121 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.12121 of 2017

Gula Bheemi Reddy

... Petitioner

Vs.

1.The Additional Secretary,
Government of India, Ministry of Commerce &
Industry, Department of Commerce,
Udyog Bhawan, New Delhi-110107

2.The Chairman,
Indian Institute of Packaging,
E-Z, MIDC Area, PB No.9432,
Andheri (East), Mumbai-400093

3.The Director,
Indian Institute of Packaging,
E-Z, MIDC Area, PB No.9432,
Andheri (East), Mumbai-400093

4.The Deputy Director (Admn & Accounts)
Indian Institute of Packaging,
E-Z, MIDC Area, PB No.9432,
Andheri (East), Mumbai-400093

5.The (Admn Director),
Indian Institute of Packaging,
Plot No.169, Industrial Estate,
Perungudi, Chennai-60093

...Respondents



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Prayer: 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 of the 4th respondent in IIP/DDA/7062 dated 30.03.2016 and quash the same and direct the respondents to extend the benefits of the Pension Scheme to the petitioner as contemplated under O.M.No.4/1/87-PIC-7 dated 01.05.1987, Government of India, Department of and Pension and Pensioners Welfare and grant him pension under the Pension Scheme with all consequential benefits.

For Petitioner	:	Mr.P.Rajendran
For Respondents		
R1	:	Mr.K.Ramanamoorthy
		Central Government Standing Counsel
R2 to R5	:	Mrs.R.Maheswari

ORDER

The petitioner herein was initially appointed as a Technical Assistant on 30.08.1977 and he was promoted to higher post from time to time and was finally promoted to the post of Joint Director and the branch head of Indian Institute of packaging and retired from service, on attaining the age of superannuation on 30.04.2012. Thereafter, the petitioner submitted a representation on 15.03.2016 before the 3rd respondent, requesting to pay pension under CCS Pension Rules and also claimed the benefit of the Office Memorandum No.4/1/87-PIC-7 dated 01.05.1987 issued by the Ministry of



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Personnel, Public Grievances and Pensions, Department of Pension and Pensioners' Welfare, Government of India, wherein the employees were given an option to change over from Contributory Provident Scheme to Pension Scheme. The said claim of the petitioner was considered by the 3rd respondent and through proceedings No.IIP/DDA/7062 dated 30.03.2016, the claim of the petitioner was negated on the ground that Indian Institute of Packaging never received any orders from the Department of Commerce to implement the change over Central Provident Scheme to Pension Scheme for its employees and it was further stated that payment of pension to employees of the institute in question, is governed by IIP Service Byelaws as modified from time to time. Aggrieved by the said order dated 30.03.2016, the petitioner approached this Court by filing the present writ petition.

2. It is contended by the learned counsel appearing for the petitioner that the Office Memorandum dated 01.05.1987, issued by the Government of India was made applicable to several autonomous institutions and also placed reliance on the order passed by the Central Administrative Tribunal, Principal Bench, Delhi in T.A.No.1101/2009 dated 02.01.2014, wherein the claim of employees associations of Indian Institute of Mass Communication was



considered and the learned Central Administrative Tribunal, after considering the claim of the petitioners therein, came to the conclusion that the action of the respondent therein, is arbitrary, as the benefit of the said Office Memorandum was made applicable to several autonomous organisations and found fault in not extending the benefit of the said Office Memorandum to the employees of the said Institute.

3. On the other hand, the learned counsel for the respondents, while reiterating the contentions raised in the counter affidavit, further contended that the Office Memorandum dated 01.05.1987 was never made applicable to the Indian Institute of Packaging, at any point of time and the employees of the Institute in question, are governed by the byelaws of the Institute which provide for payment of pension etc.

4. This Court have carefully considered the submissions made on either side and perused the entire materials on record.

5. A careful perusal of the Office Memorandum dated 01.05.1987 makes it amply clear that the same has application only to the Central



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Government employees and from paragraph 6.3 of the very same Office Memorandum it is seen that the said Officer Memorandum is not applicable to some of the Department of Central Government itself. Thus, the said Office Memorandum by itself is not applicable to autonomous bodies like the respondent Institute. There is nothing placed before this Court to show that the said Office Memorandum was made applicable to the Indian Institute of Packaging at any point of time. In the absence of any such order extending the benefit of the Office Memorandum in favour of the employees of the Indian Institute of Packaging, the claim of the petitioner for the benefit under the said Office Memorandum is wholly unsustainable.

6. Then, coming to the order passed by the Principal Bench of Central Administrative Tribunal is concerned, that is a case where the applicants in the said T.A.No.1101/2009 have raised a issue of arbitrariness, on the ground that not extending the benefit of the Office Memorandum to certain autonomous organisations and the same was considered by the Central Administrative Tribunal. But that is not the case on hand. In the present case on hand, the petitioner has not chosen to question the action of the respondents in not making the Office Memorandum in question



applicable to the respondent Institute. But it is only the order that was passed rejecting the claim of the petitioner is challenged in the present writ petition.

Therefore, order of the Central Administrative Tribunal has no application to the case on hand.

7. Even otherwise, this Court is unable to agree with the conclusions arrived at by the Central Administrative Tribunal on the simple ground that the respondent Institute herein is an autonomous institution, independent of the Central Government of India and it is the policy decision of the Government of India to extend certain benefits to its employees and merely because certain service benefits were extended to the employees of the Central Government of India, it does not mean that all the employees working in autonomous institutions under the Government are automatically entitled for such benefits. Whether to extend such service benefits to its employees or not to an autonomous institution will depend on various factors such as financial status, number of employees, etc. Therefore, the service benefits that were extended to the employees of Government of India cannot be directed to be extended to autonomous institutions by this Court, on the ground of violation of Article 14 and 16. The question of comparing the



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employees of autonomous institutions with the employees of the Government of India does not arise. They form different Classes.

8. In the circumstances, this Court does not find any error or illegality in the impugned order passed by the 4th respondent and accordingly this writ petition is dismissed. The connected miscellaneous applications, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
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To:

1.The Additional Secretary,
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Udyog Bhawan, New Delhi-110107

2.The Chairman,
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MUMMINENI SUDHEER KUMAR,J.

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