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W.P.No.1929 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1929 of 2024

Dr.P.Pandian

... Petitioner

Vs.

- 1 THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
MINISTRY OF HOME AFFAIRS
NEW DELHI.
- 2 THE SECRETARY TO GOVERNMENT (AGRICULTURE),
GOVT. OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.
- 3 PANDIT JAWAHARLAL NEHRU COLLEGE
OF AGRICULTURE (KARAIKAL) SOCIETY,
REP. BY ITS CHAIRMAN CUM
CHIEF SECRETARY TO GOVERNMENT,
CHIEF SECRETARIAT,
PUDUCHERRY.
- 4 THE DEAN
PANDIT JAWAHARLAL NEHRU COLLEGE OF
AGRICULTURE AND RESEARCH INSTITUTE,
SERUMAVILANGAI
NEDUNGADU POST
KARAIKAL – 609 603.
- 5 THE DIRECTOR OF ACCOUNTS AND TREASURIES
GOVT. OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.



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6 THE DIRECTOR OF AGRICULTURE
GOVT. OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.

7 THE DEPUTY DIRECTOR (ADMN.)
DIRECTORATE OF AGRICULTURE AND FARMERS WELFARE
GOVERNMENT OF PUDUCHERRY
PUDUCHERRY.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of respondents relating to the impugned memorandum of the seventh respondent dated 11.06.2020 bearing Ref.No. No.2092/Ag/Estt/A3/2020/58/1207, dated 16.11.2020 bearing ref. No.6492/Agri./Estt./A1/2020/122 and dated 15.07.2022 bearing Ref. No.040/Agri/Estt/A2/PET/2019/1723 and quash the same and consequently, issue direction to the seventh respondent herein to transfer the lumpsum pension amount of the petitioner to the fourth respondent and further, issue direction to the fourth respondent to make necessary arrangements to receive the lump sum pension amount in the pension fund of the petitioner and to disburse the retiral benefits viz. monthly pension due to the petitioner and all such sums as may be payable to the petitioner with interest at the rate of 18% per annum w.e.f.28.02.2022 till date of disbursement.

For Petitioner : Mr.R.Saravanan
for M/s.N.U.Pressanna
For Respondents : Mr.R.Syed Mustafa
Special Government Pleader



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records on the file of respondents relating to the impugned memorandum of the seventh respondent dated 11.06.2020 bearing Ref.No. No.2092/Ag/Estt/A3/2020/58/1207, dated 16.11.2020 bearing ref. No.6492/Agri./Estt./A1/2020/122 and dated 15.07.2022 bearing Ref. No.040/Agri/Estt/A2/PET/2019/1723 and quash the same and consequently, issue direction to the seventh respondent to transfer the lumpsum pension amount of the petitioner to the fourth respondent and further, issue direction to the fourth respondent to make necessary arrangements to receive the lump sum pension amount in the pension fund of the petitioner and to disburse the retiral benefits viz. monthly pension due to the petitioner and all such sums as may be payable to the petitioner with interest at the rate of 18% per annum w.e.f. 28.02.2022 till date of disbursement.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Agricultural Officer vide memorandum of the sixth respondent dated 10.05.1983 and by an



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office order dated 10.06.1983, the petitioner was posted as Agricultural Officer at the Sugarcane Agro Research Farm, Kariamanickam and was thereafter posted in the Directorate of Agriculture in the same capacity. The learned counsel further submitted that after formation of the third respondent society in the year 1987, the petitioner was posted as Assistant Professor on deputation basis w.e.f. 30.09.1991 and thereafter the petitioner was provisionally absorbed in the third respondent Institute on 11.09.1996 and subsequently, the petitioner was absorbed on permanent basis as Assistant Professor with effect from 30.09.1991. The petitioner retired from service on 28.02.2022. Thereafter, the petitioner made representation to the respondents claiming pension, however, his request was rejected.

3.The learned counsel appearing for the petitioner further submitted that the third respondent is functioning under the control of Government of Puducherry and further submitted that the petitioner was initially posted in the third respondent on deputation basis and thereafter, he was permanently absorbed on permanent basis with the specific clause that the previous service rendered in the parent department will be considered for retirement benefits, however, the



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petitioner was not given pensionary benefits, which is not sustainable one.

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4.Per contra, the learned Special Government Pleader appearing for the respondents submitted that the issue involved in the writ petition is covered by the decision of the Hon'ble Division Bench of this Court in ***W.A.No.1264 of 2019 [The Secretary to Government (Agriculture) and others Vs. Dr.D.Adiroubane and others]*** dated **03.03.2023**, wherein, the Hon'ble Division Bench observed that 'The employees of autonomous bodies cannot claim, as a matter of right, the same service benefits on par with the Government employees. Merely because such autonomous bodies might have adopted the Government Service Rules and/or in the Governing Council there may be a representative of the Government and/or merely because such institution is funded by the State/Central Government, employees of such autonomous bodies cannot, as a matter of right, claim parity with the State/Central Government employees.'

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.The petitioner entered the service of the second respondent and was subsequently, deputed to the third respondent and was thereafter absorbed permanently in the third respondent. There is a policy decision taken to have pension scheme on par with the Government employees, however, the same was not processed by the respondents 1 and 2. Without approval of the respondents 1 and 2, mere decision taken by the third respondent will not give any right to the petitioner to claim pension on par with the Government employees.

7.It is useful to extract hereunder the relevant portion of the decision of the Hon'ble Division Bench of this Court in **W.A.No.1264 of 2019 [The Secretary to Government (Agriculture) and others Vs. Dr.D.Adiroubane and others]** dated **03.03.2023**:

*"19. The learned Special Government Pleader appearing for the appellants would also rely upon the judgments of the Hon'ble Supreme Court in Civil Appeal Nos.7682 to 7684 of 2021 in **The State of Maharashtra & Anr. V. Bhagwan & Ors.**; Civil Appeal Nos.7685 to 7687 of 2021 in **The State of Maharashtra & Ors. V. Sudhakar Namdeo***



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Gaikwad & Ors.; and Civil Appeal Nos.7688 to7690 of 2021 in **The State of Maharashtra & Anr. Vs. Uttam & Ors.**, in support of his contention. The Hon'ble Supreme Court while dealing with the claim for pension by the employees of the Autonomous Bodies has held as follows:

(i) The employees of autonomous bodies cannot claim, as a matter of right, the same service benefits on par with the Government employees. Merely because such autonomous bodies might have adopted the Government Service Rules and/or in the Governing Council there may be a representative of the Government and/or merely because such institution is funded by the State/Central Government, employees of such autonomous bodies cannot, as a matter of right, claim parity with the State/Central Government employees. This is more particularly, when the employees of such autonomous bodies are governed by their own Service Rules and service conditions. The State Government and Autonomous Board/Body cannot be put on par.



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(ii) Grant of Pensionary benefits is not a one-time payment. Grant of pensionary benefits is a recurring monthly expenditure and there is a continuous liability in future towards the pensionary benefits.

(iii) The Court should refrain from interfering with the policy decision which might have a cascading effect and having financial implication. Whether to grant certain benefits to the employees or not should be left to the expert body and undertakings and the Court cannot interfere lightly. Granting of certain benefits may result in a cascading effect having adverse financial consequences.

20. In view of the above categorical pronouncement of the Hon'ble Supreme Court, we are constrained to conclude that unless there is a pension scheme available and such pension scheme provides for payment of pension an employee of an Autonomous Body cannot claim pension. The mere fact that there were requests by the Managing Committee or the Governing Board of such Autonomous Body to permit it to have a pension scheme on par with the Government of India's Pension



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Scheme, will not enable its employees to claim pension as if they are Government Employees. In view of the above conclusions, we are constrained to interfere with the order of the Writ Court. At the same time, we must point out that the conduct of the officials of the Government of Puducherry as well as the persons in charge of the Management of the second appellant are far from satisfactory.

21. The counter affidavits filed as pointed out by the Writ Court have not reflected the correct position and even the communications have sent wrong signals at various points of time. We find total carelessness and negligence on the part of the Government of Puducherry and its officials in handling the situation. We are now informed that the other benefits, viz. the Provident Fund, the Gratuity and the Leave Encashment have been paid over to the first respondent. Therefore, the question that remains is whether the direction of the Writ Court to pay pension should be sustained are not. As already pointed out the Hon'ble Supreme Court has held that the employees of Autonomous Bodies which do not have a pension scheme cannot be paid pension. Therefore, we find



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ourselves unable to confirm the direction of the Writ Court for payment of pension treating the first respondent as a Government employee. We are therefore constrained to set aside the direction of the Writ Court with reference to payment of pension alone. As regards the payment of other benefits, the direction granted by the Writ Court will stand, the cost imposed by the Writ Court is also sustained.

[Emphasis added]

22. The next question that would arise is, as to whether, the first respondent would be entitled to pension for the services rendered by him with the Government of Puducherry, the answer must be in the affirmative. Since the first respondent has rendered services in the Government of Puducherry as a Government employee for more than the qualifying period, he would be entitled to pension for the services rendered by him in the Government of Puducherry. Such pension would be based on his last drawn salary as a Government servant.

23. The said pension ought to have been paid to him from at least on the date on



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which he exercised his option namely at least the date on which he was absorbed as a permanent employee of the second appellant Institute. There has been considerable delay in payment of the pension. Pension is an entitlement of a Government servant any delay in payment of such pension should be compensated by payment of interest. We therefore conclude that the Government of Puducherry shall calculate the pension payable to the first respondent on the basis of his last drawn salary as an employee of the Department of Agriculture of the Government of Puducherry and pay the same from the date on which he was absorbed into the services of the second appellant Institute.

24. The Pro-rata monthly pension shall be determined and the same shall be paid with interest at 6% per annum from the date on which 18/22 such monthly pension fell due till actual payment. We find that the absorption has been confirmed on 20.03.1994 with effect from 05.11.1990. Therefore, the first respondent would be deemed to have been in the services of the Government of Puducherry till 04.11.1990. Therefore, he would be entitled to pension from the month of



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December 1990 payable from the month of January 1991. The Government of Puducherry shall calculate the pension payable to the first respondent as on 04.11.1990 and pay the same month on month with interest at 6% from the date on which such pension fell due till date of payment. We are imposing the burden of payment of interest on the pension as we find that the first respondent has been unjustly denied the benefit of pension because of the carelessness and negligence on the part of the Authorities in handling the issue.

25. The Writ Appeal is disposed of on the above terms. Since we have sustained the imposition of costs of Rs.50,000/- by the Writ Court, we direct the parties to bear their own costs in the Writ Appeal. Consequently, the connected miscellaneous petition is closed."

8.Applying the ratio laid down in the decision cited supra, this Court is not inclined to grant the relief sought for in this writ petition. The writ petition is dismissed. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No

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NCC: Yes/ No

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M.DHANDAPANI,J.
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