



WP.No.3445 of 2024 etc. (batch)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 28.08.2025	Pronounced on: 17.12.2025
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CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.Nos.3445 of 2024, 31154, 31094, 31098, 31103, 30721,
31085, 31090 of 2025 & 3022 of 2019 &
WMP.Nos.34864, 34861, 34848, 34851, 34858 & 34414 of 2025

In W.P.No.3445 of 2024

Gaurav Bandhu

... Petitioner

Vs.

1.The Secretary to GOI,
Department of Atomic Energy,
Anushakti Bhavan,
Chhatrapati Shivaji Maharaj Marg,
Mumbai – 400 001.

2.The General Manager,
INRP-K, Nuclear Recycle Board,
Kalpakkam – 603 102.

3.The Chief Administrative Officer,
BARC Facilities,
Kalpakkam -603 102.

4.The Registrar,
Central Administrative Tribunal,
Chennai Beach,



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High Court Complex,
Chennai – 600 104.

... Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 08.09.2023 made in OA.No.817 of 2021 before the learned Central Administration Tribunal, Chennai Bench confirming the order dated 05.10.2020 made in No.28/1/2018/Admn./8391 on the file of the Secretary to Government of India, Department of Atomic Energy, BARC, Nuclear Recycle Board, Mumbai, the 1st respondent herein and quash the same subsequently, direct the respondents to permit the petitioner to opt for Pension Scheme (G.P.F.)

For Petitioner : Mr.A.V.Arun

For Respondents
1 to 3 : Mr.M.Ramamurthy,
Central Government Standing Counsel

In W.P.No.31154 of 2025

S.Alfred

... Petitioner

Vs.

1. Central Administrative Tribunal,
Chennai Bench,
Represented by its Registrar,
High Court Complex,
Chennai – 600 104.

2. Union of India,
Rep. By its Secretary,
Department of Atomic Energy,
Government of India,
Mumbai.



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3.The Chairman AEC & Secretary DAE,
Anushakthi Bhavan,
CSM Marg,
Mumbai – 400 001

4.Indira Gandhi Centre for Atomic Research,
Department of Atomic Energy,
Government of India,
Kalpakkam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the concerned records from the first respondent Tribunal, quash the order of the first respondent Tribunal dated 11.10.2024 in O.A.No.1792 of 2017 as illegal, arbitrary and contrary to law and consequently, direct the respondents to shift the petitioner from the Contributory Provident Fund to General Provident Fund Scheme and pay pension from the date of his retirement viz., 30.11.2008 and arrears of pension within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents
2 to 4 : Mr.S.Gurumoorthy
Senior Panel Counsel

In W.P.No.3022 of 2019
P.V.Sellaperumal

... Petitioner

Vs.

1.Union of India,
Rep. By its Secretary to the Government,
Department of Atomic Energy,
OYC Building, CSM Marg,
Fort, Mumbai - 1



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2.The Director,
Indira Gandhi Centre for Atomic Research,
Kalpakkam – 603 102.

3.Central Administrative Tribunal, Madras Beach,
Represented by its Registrar,
Additional City Civil Court Buildings,
High Court Campus,
Chennai – 600 104.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records and quash order dated 19.07.2018 in OA.No.795 of 2016 issued by the third respondent and consequently, quash the order No.IGCAR/WP.No.17871 of 2013/Admn(O&M)/706 dated 21.05.2015 issued by the 2nd respondent and grant the petitioner the movement from CPF to pension.

For Petitioner : Mr.M.Johnson Durairaj

For Respondents
1 & 2: Mr.K.S.Jeyaganeshan
Senior Panel Counsel

**In W.P.No.31094 of 2025, W.P.No.31098 of 2025,
W.P.No.31103 of 2025, W.P.No.30721 of 2025, W.P.No.31085
of 2025 & W.P.No.31090 of 2025**

1.Union of India,
Rep. By its Secretary,
Department of Atomic Energy,
Government of India,
Mumbai.

2.The Chairman AEC & Secretary DAE,
Anushakthi Bhavan,
CSM Marg, Mumbai – 400 001.



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3.Indira Gandhi Centre for Atomic Research,
Department of Atomic Energy,
Government of India,
Kalpakkam, Tamil Nadu.

... Petitioners in all W.Ps.

Vs.

S.N.Raghupathy	... Respondent in W.P.No.31094 of 2025
K.Narayanan Nambisan	... Respondent in W.P.No.31098 of 2025
V.Rajendran	... Respondent in W.P.No.31103 of 2025
K.Doss	... Respondent in W.P.No.30721 of 2025
M.Venkatesan	... Respondent in W.P.No.31085 of 2025
K.Palani	... Respondent in W.P.No.31090 of 2025

Common Prayer in W.P.No.31094 of 2025, W.P.No.31098 of 2025, W.P.No.31103 of 2025, W.P.No.30721 of 2025, W.P.No.31085 of 2025 & W.P.No.31090 of 2025: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned orders dated 11.10.2024 in O.A.No.1791 of 2017, O.A.No.1822 of 2017, O.A.No.1789 of 2017, O.A.No.1823 of 2017, O.A.No.1788 of 2017 & O.A.No.1824 of 2017 passed by the learned Central Administrative Tribunal, Chennai and quash the same.

For Petitioners
in 6 W.Ps. : Mr.Venkatesan

For Respondents
1 & 2
in 6 W.Ps. : Mr.Balan Haridas



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COMMON ORDER

(Judgment of the Court was made by
V.LAKSHMINARAYANAN,J.)

Since the issue raised in all writ petitions are common, we clubbed the writ petitions together and heard the counsel.

2. For the sake of convenience, the parties shall be referred to as Writ Petitioners/employers and respondents/employees.

3. Indira Gandhi Centre for Atomic Research (hereinafter referred to as 'IGCAR'), Kalpakkam. Chennai has four categories of employees. They are

- (i) Scientific;
- (ii) Technical;
- (iii) Auxiliary; and
- (iv) Administration

4. As per the Office Memorandum dated 17.04.1964 and 17.01.1967, technical employees were covered under the pension scheme. On confirmation, they were entitled to exercise an



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option either to be retained in the Contributory Provident Fund (hereinafter referred to as 'CPF') scheme or to switch over to the Pension Scheme (hereinafter referred to as 'GPF'). In terms of the then prevailing office memorandum, if no specific option was submitted by the technical employees, they were deemed to have opted for GPF pension scheme. Applicants before the Tribunal had opted to be covered under the CPF Scheme.

5. The employer issued another Office Memorandum on 12.10.1992 permitting one more option to switch over be exercised by the technical employees, provided, they had not completed 20 years of service as on 01.08.1992. Subsequently, another Office Memorandum was issued on 23.07.1996. In terms of this Office Memorandum, the employer informed all the technical employees, who had exercised their option at the time of confirmation of their service, that they can opt again whether to switch over from GPF to CPF scheme. The said Office Memorandum is extracted as hereunder:

“The undersigned is directed to refer to this Department’s OM.. dated 12.10.1992 on the subject mentioned above and to say that the Scheme of Pensionary/Terminal benefits for the



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Scientific and Technical Personnel hereinafter referred to as S&T Personnel, working in the Department of Electronics, Department of Atomic Energy and Department of Space has been further reviewed by the Government in consultation with the several Departments. As a result of the review, it has been decided to mentioned Status Quo ante, as prevailing prior to the issue of above mentioned orders, in respect of the pensionary/terminal benefits admissible to Scientific and Technical personnel in the 3 Departments who were in service as on 01.08.1992. They will continue to be governed in the matter of their pensionary/Terminal benefits by the orders issued by the respective Departments from time to time.

2.In the case of S&T Personnel in the 3 Departments who joined service on or after 01.08.1992, it has been decided to follow the uniform policy as enumerated below:

i) All S&T Personnel Joining Department of Atomic Energy, Department of Space and Department of Electronics and such other Scientific Departments as have adopted the system prevailing in the Department of Atomic Energy will initially be appointed in CPF Scheme.

ii) The S&T Personnel will have one option to be exercised any time but not later than



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completion of 20 years qualifying service to switch-over from CPF to Pension Scheme or to retain the CPF Scheme as they may wish.

iii) Those who do not exercise any option within the specified period will be deemed to have opted for switch over to Pension Scheme.

iv) The option once exercised will be final. Thus changeover from Pension Scheme to CPF Scheme is not permitted.

3. The S&T Personnel of these Department who were in service as on 01.08.1992 and have since retired from service after exercising an option in terms of para 3 of the OM dated 12.10.1992 may exercise a fresh option in accordance with the orders applicable in the respective Departments or referred in para 1 above, within a period of 6 months. The pensionary/Terminal benefits may be recalculated in their case in the light of such fresh option.

4. The Department of Atomic Energy etc. are requested to bring these order to the notice of all S&T Personnel working under them.”

6. Yet again another Office Memorandum was issued on

12.10.2000. As per this Office Memorandum, the employer



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decided to extend one more option to all technical personnel of the Department of Atomic Energy to opt for switch-over to GPF as a special case. The eligibility conditions that were imposed under the said Office Memorandum are as follows:

- (i) They should be technical personnel;
- (ii) They should have joined service prior to 01.08.1992;
- (iii) They should not have completed 20 years of service; and
- (iv) They should be in CPF scheme.

7. S.N.Raghupathy (Respondent in W.P.No.31094 of 2025), K.Narayanan Nambisan (Respondent in W.P.No.31098 of 2025), V.Rajendran (Respondent in W.P.No.31103 of 2025), K.Doss (Respondent in W.P.No.30721 of 2025), M.Venkatesan (Respondent in W.P.No.31085 of 2025), K.Palani (Respondent in W.P.No.31090 of 2025, Gaurav Bandhu (Petitioner in W.P.No.3445 of 2024) and P.V.Sellaperumal (Petitioner in W.P.No.3022 of 2019) opted to switch-over to GPF. The option for switch-over should have been exercised within six months from the date of 12.10.2000. Within the time granted, the aforesaid persons opted to switch-over to the GPF scheme. The same were rejected by orders dated 21.05.2015 and 02.06.2015 holding



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that they are not eligible for switching-over from CPF to GPF scheme. Aggrieved by the same, they preferred an appeal to the Chairman, Atomic Energy Commission at Bombay.

8. Pursuant to a direction passed by the Central Administrative Tribunal (hereinafter referred to as 'CAT') to consider and pass a reasoned order, the appeal memorandums were taken up by the second petitioner. After examining the appeals, the Chairman, Atomic Energy Commission, came to a conclusion that no provision exists to grant one more option to the employees to switch-over to GPF from CPF and consequently, rejected the appeal. The employees approached the CAT impugning the original order of rejection as well as the appellate order.

9. By the impugned orders, insofar as the respondents in W.P.No.30721 of 2025, W.P.No.31090 of 2025, W.P.No.31094 of 2025, W.P.No.31098 of 2025, W.P.No.31085 of 2025 and W.P.No.31103 of 2025 are concerned, the CAT came to a conclusion that the issue has been concluded by a judgment of this Court in ***P.V.Sellapuram v. Union of India and Others***



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in W.P.No.17871 of 2013 dated 03.11.2014 and consequently,

allowed the application. It directed the writ petitioners to shift the employees from CPF to GPF and commence pension payments from the date of retirement including arrears. However, it did not grant interest for the said arrears. It fixed a period of three months from the date of receipt of the order for completing the said exercise.

10. Challenging the same, W.P.No.30721 of 2025, W.P.No.31090 of 2025, W.P.No.31094 of 2025, W.P.No.31098 of 2025, W.P.No.31085 of 2025 and W.P.No.31103 of 2025 were filed.

11. Insofar as W.P.No.31154 of 2025 is concerned, the CAT dismissed the application observing that Office Memorandum dated 12.10.2000 does not apply to the applicant, as he failed to exercise his option within the stipulated time, against which W.P.No.31154 of 2025 has been filed.

12. Insofar as W.P.No.3022 of 2019 is concerned, the CAT disposed of the application with the observation that as the relief



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sought by the application would squarely depend on the view to be taken by the Court, which would inevitably be based on the interpretation of its own order, there is nothing for the Tribunal to adjudicate. Against the said order, W.P.No.3022 of 2019 has been presented.

13. Insofar as W.P.No.3445 of 2024 is concerned, the CAT dismissed the application stating that the issue involved in the original application is no more *res integra* and is squarely covered and there is no merit in the case of the applicant. Against the said order, W.P.No.3445 of 2024 has been filed.

14. At the outset, we have to remind ourselves that we are not sitting on appeal against the order of the CAT. A writ of Certiorari is not in the nature of an appeal but only a visitorial or supervisory jurisdiction exercised by this Court. We are concerned with the decision making process rather with the decision itself. However, for our satisfaction, we went through the records including the judgments of this court in ***B.Sundaramurthy v. Union of India and Others, W.P.No.29371 of 2008 dated 02.11.2011*** and ***P.V.Sellaperumal's*** case, on which reliance has been placed by the Tribunal.



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15. **P.V.Sellaperumal's** case arose at the instance of the petitioner in W.P.No.3022 of 2019. He also sought switch-over from CPF to GPF scheme. He pleaded that he had not completed 20 years of service and had not opted to switch over. Taking advantage of the Office Memorandum dated 23.07.1996 referred to supra, the petitioner submitted an option for switch over on 12.12.2001. The application was rejected on 26.04.2001 on the ground that there is no provision for exercising the second option for the employees, who have completed 20 years of service as on 23.07.1996, to switch over. Another circular had been issued on 05.02.2001. This also contemplated a change over to GPF for scientific officers, who had joined department prior to 01.08.1992. The petitioner therein gave one more representation on 06.02.2006 requesting extension of the option. He followed it up with 11.02.2007. As none of these were considered, they approached CAT by way of Original Application seeking for direction. CAT, in the **P.V.Sellaperumal's** case, held that as the petitioner had not exercised his option in time, the order passed by the Department deserved to be upheld.



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16. Challenging the said order, the employee moved this

Court. This Court, after hearing both sides, came to the following conclusion:

“8. We have examined all facts of the case placed before us and considered the submissions advanced by either side. We find that the Assistant Administrative Officer (PI) Department of Atomic Energy has rejected the option dated 12.12.2000 of the petitioner for switch over from CPF to pension scheme, on 26.04.2001. Thus the contention of the respondents that no option was exercised by the petitioner before 27.11.2006 is contrary to the facts. Admittedly, the petitioner had not completed 20 years of qualifying service as on 1.8.1992 in view of the admitted fact that the petitioner joined service only on 6.2.1973. Thus the petitioner was entitled to make option pursuant to the office memorandum dated 12.10.2000. Accordingly, the option was exercised by him on 12.12.2000 which was duly considered and rejected by the authorities on 26.4.2001. Thus the subsequent representations and applications of subsequent memos are not relevant in the case on hand.

9. The rejection of the petitioner's option by communication dated 26.04.2001 as afore-stated was misplaced and unsustainable. If the petitioner



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had completed 20 years of service after 1.8.1992, he was eligible to exercise his option pursuant to the office memorandum dated 12.10.2000. Therefore, the order dated 13.11.2012 passed by the Central Administrative Tribunal is quashed. The respondents are directed to consider the case of the petitioner to switch over from the CPF to pension scheme if the petitioner is otherwise eligible for the same and pass appropriate orders accordingly.

10. Resultantly, this writ petition is allowed. No costs."

17. A perusal of the aforesaid paragraphs shows that the employees, who had not completed 20 years of qualifying service as on 01.08.1992 would be entitled to make an option for shifting as per the Office Memorandum dated 12.10.2000. If that option had been exercised, then, the request cannot be rejected. Hence, the Office Memorandum dated 12.10.2000 would have to be interpreted in order to conclude whether the respondents are entitled to the said benefit or not. In terms of the Office Memorandum dated 12.10.2000, a technical employee of the department, who had joined service before 01.08.1992 but had not completed 20 years of qualifying service as on 23.07.1996



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can exercise his option within six months from the date of the Office Memorandum. The last date being 11.04.2001.

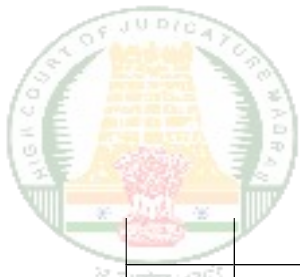
18. The tabular column extracted below would show that the employees had exercised their option on 12.12.2000 i.e., to say two months after the issuance of office memorandum and before the expiry date of 11.04.2001. It is not in dispute that all of them are in technical posts.

W.P. No.	Employees / Petitioners	Whether the serviceman is a technical employee	Whether the serviceman joined service prior to 1.8.1992	Whether the serviceman completed twenty years of service as on 23.7.1996?	Whether the serviceman exercised the option to switch over to GPF within six-months from 12.10.2000 i.e., on or before 11.4.2001?	Validity of the impugned order
30721 of 2025	K.Doss	Joined as helper-B on 7.11.1973 and subsequently, confirmed in the technical category as Tradesman/A w.e.f 1.11.1982	Yes, the employee joined on 7.11.1973	No, the employee did not complete 20 years of service as of 23.7.1996 as he was confirmed in the technical post only w.e.f. 1.11.1982	Yes, the option was exercised on 12.12.2000	The respondent has met all four criteria of the OM. Hence, he qualifies to switch over from CPF to GPF as held in the impugned order. Accordingly, the writ petition challenging the same is liable to be dismissed.
31085 of 2025	Venkatesan	Joined as helper-B on 17.8.1973 at IGCAR; confirmed as tradesman/A in the	Yes, the employee joined on 17.08.1973	The employee completed 20 years of service as on 23.07.1996 as he was	Yes, the option was exercised on 12.12.2000	Since the respondent has failed to meet the third criterion, the impugned order is liable to be set aside as it



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		technical post with effect from 1.5.1976		confirmed in the technical post w.e.f 1.5.1976		has computed 20 years of qualifying service as on 1.8.1992 instead of the right cut-off date as 23.7.1996. (the employee failed to meet the criterion by a span of over than 2.5 months)
31090 of 2025	K.Palani	Joined as helper-B on 7.11.1973 and subsequently, confirmed in the technical category as draughtsman /A w.e.f 1.9.1989	Yes, the employee joined on 7.11.1973	No, the employee did not complete 20 years of service as of 23.7.1996 as he was confirmed in the technical post only w.e.f. 1.9.1989	Yes, the option was exercised on 12.12.2000	The respondent has met all four criteria of the OM. Hence, he qualifies to switch over from CPF to GPF as held in the impugned order. Accordingly, the writ petition challenging the same is liable to be dismissed.
31094 of 2025	S.N. Ragupathy	Joined as Tradesman-C on 1.7.1973 and confirmed in the technical category w.e.f 1.3.1978	Yes, the employee joined on 1.7.1973	No, the employee did not complete 20 years of service as of 23.7.1996 as he was confirmed in the technical post only w.e.f. 1.3.1978	Yes, the option was exercised on 12.12.2000	The respondent has met all four criteria of the OM. Hence, he qualifies to switch over CPF to GPF as held in the impugned order. Accordingly, the writ petition challenging the same is liable to be dismissed.
31098 of 2025	K.Narayanan Nambisan	Joined as Tradesman-C on 26.9.1973 and confirmed in the technical category w.e.f 26.9.1978	Yes, the employee joined on 26.9.1973	No, the employee did not complete 20 years of service as of 23.7.1996 as he was confirmed in the technical post only w.e.f. 26.9.1978	Yes, the option was exercised on 12.12.2000	The respondent has met all four criteria of the OM. Hence, he qualifies to switch over CPF to GPF as held in the impugned order. Accordingly, the writ petition challenging the same is liable to



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						be dismissed.
31103 of 2025	V.Rajendran	Joined as Draughtsman -A on 10.9.1973 and confirmed in the technical category w.e.f 20.1.1982	Yes, the employee joined on 26.9.1973	No, the employee did not complete 20 years of service as of 23.7.1996 as he was confirmed in the technical post only w.e.f. 20.1.1982	Yes, the option was exercised on 12.12.2000	The respondent has met all four criteria of the OM. Hence, he qualifies to switch over CPF to GPF as held in the impugned order. Accordingly, the writ petition challenging the same is liable to be dismissed.

19. We have to point out here that S.N.Raghupathy, K.Narayanan Nambisan, V.Rajendran, K.Palani and K.Doss, the respondents in W.P.No.31094 of 2025, W.P.No.31098 of 2025, W.P.No.31103 of 2025, W.P.No.31090 of 2025 and W.P.No.30721 of 2025 were the petitioners 2, 6, 8, 9 and 10 respectively in W.P.No.21569 of 2013. Similarly the petitioner in W.P.No.3022 of 2019 was the petitioner in W.P.No.17871 of 2013. The petitions were allowed on 03.11.2014. In that writ petition too, in paragraph 8 of the order this court had held that Mr.P.V.Sella Perumal would be entitled to make an option pursuant to the Office Memorandum dated 12.10.2000. It was found that if the petitioner had not completed 20 years of service as on 01.08.1992, he would be eligible to exercise his option



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pursuant to the Office Memorandum dated 12.10.2000.

Consequently, this Court quashed the order of the Tribunal which had rejected his claim.

20. When a Division Bench of this Court had conclusively found that the petitioners are entitled to exercise their option, finding to the contrary by the writ petitioners in the impugned orders, set aside by the CAT, cannot be sustained even for a moment. After having conclusively found that the petitioners therein are entitled to exercise their option, this Court directed the respondents only to examine the case of each of the petitioners, since the date of representation made by them, had not been produced before the court. In other words, the court had called upon the respondents to verify, if the petitioners in W.P.No.21569 of 2013 had given their representations after 12.10.2000 and before 11.04.2001.

21. Similarly, insofar as Sellaperumal is concerned, the court did not permit the employer to reopen the issue concluded by it. Yet by the orders impugned before the Tribunal, they have denied the benefit granted to the petitioner by this Court.



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22. When the finding of the court is clear in paragraph 8, the attempt by the writ petitioners in holding that the employees are not entitled to shift to GPF is certainly ultra vires. The executive, in terms of Article 261 of the Constitution of India, should give full faith and credit to the orders passed by a judicial authority in a judicial proceedings. Concluded issues cannot be reopened all over again. If the writ petitioners felt aggrieved by the orders passed in W.P.No.21569 of 2013 and W.P.No.17871 of 2013, the remedy is to challenge the said order before the Supreme Court. That not having been done, the view taken by the Tribunal that the issue had been concluded by this Court is certainly one without any blemish.

23. Insofar as the respondent in W.P.No.31085 of 2025 is concerned, he had joined the department as a helper-B on 17.08.1973. He was confirmed in the technical post with effect from 01.05.1976. By this fact, he would have completed 20 years of service as on 23.07.1996. A similar situation arose before the Supreme Court in ***University of Delhi v. Shashi kiran and Others, (2022) 15 SCC 325***. Speaking for the bench consisting



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of himself and Justice Vineet Saran, Justice U.U.Lalit (As his Lordship then was) permitted the petitioners, who have failed to exercise their option within a time frame, to exercise it after the cut off date, as rejecting the same would be discriminatory, since similarly situated persons had been allowed to switch over.

24. The case presented before the Supreme Court in **Shashi Kiran's** case cited supra also relates to the situation of shifting of employees from CPF to GPF. Like in the present situation, the University had given several options to employees for switching over from CPF to GPF. The time limit was not strictly adhered to but extended on several occasions. Three sets of cases were presented initially before the Delhi Court. They were

- (i) R.N.Veermani batch,
- (ii) N.C.Bakshi batch, and
- (iii) Shashi Kiran batch

25. In the first two cases, the court found that the employees did not exercise their option or did so within authorised extension. Thereby, they had validly switched over



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from CPF to GPF. The third case related to employees, who sought to reverse their option post a deadline. The Division Bench of the Delhi Court, in all the three batches, allowed the switch over from CPF to GPF. In the last two cases, the Supreme Court upheld the view of the Delhi High Court granting relief to the employees. Insofar as Shashi Kiran batch is concerned, the court held that if they were to be denied the benefit, it would lead to unequal treatment for similarly placed persons and thereby, violating the provisions of Article 14 of the Constitution of India. This case establishes conclusively that differential treatment among employees in the same category, violates principles of Article 14. In the light of the view taken by the Supreme Court in **Shashi Kiran's** case, we are not persuaded to apply the verdict in **B.Sundaramurthy v. Union of India and Others, W.P.No.29371 of 2008 dated 02.11.2011.**

26. The Supreme Court has consistently laid down that normally the rule is that when a particular set of employees are given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so, would amount to discrimination and would be violative of Article



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14 of the Constitution of India. This principle, the court held, needs to be applied in service matters more emphatically as service jurisprudence postulates that all similarly situated persons need to be treated similarly.

27. This view has been recently reiterated in ***Suprita Chandel v. Union of India, 2024 SCC OnLine SC 3664***. The bench held that where a citizen aggrieved by an action of the Government Department has approached the court and obtained a declaration of law in his or her favour, all other similarly situated persons ought to be extended the benefit without a need for them to go to the Court. Once a declaration of law was granted in favour of the employees, W.P.No.21569 of 2013 and W.P.No.17871 of 2013 both dated 03.11.2014, the respondents ought not to have treated the employees in a dissimilar fashion.

28. We refer to the judgment in ***Shashi Kiran***'s case for yet another purpose also. The Supreme Court, in that case, held that financial ramifications of the respondents cannot be a ground to deny pensionary benefits. We have to remind ourselves that pension is a right and not a bounty. Any action of



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the authorities having the effect of diluting or depriving the said right has to be construed restrictively. In case, ambiguity exists, it should be interpreted in favour of the employees concerned.

29. Insofar as W.P.No.3445 of 2024 is concerned, the writ petitioner pleaded that earlier this court in **B.Sundaramurthy's** case dated 02.11.2011 had held that if the petitioner has exercised an option, after the time granted in the original application, then such a person is not entitled to make a claim. He stated that the order passed in **B.Sundaramurthy's** case found acceptance before the Supreme Court with the dismissal of Special Leave Petition on 18.10.2013.

30. In matters of pension where there is an ambiguity, benefit should be given to the employee. The respondents herein had successfully agitated their case before this Court in W.P.No.21569 of 2013 dated 03.11.2024 and Mr.Sellaperumal obtained an order in his favour in W.P.No.17871 of 2013 dated 03.11.2014. Sundaramurthy's case cannot be used as a precedent to deny benefits to the respondents in W.P.No.31094 of 2025, W.P.No.31098 of 2025, W.P.No.31103 of 2025,



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W.P.No.31090 of 2025 and W.P.No.30721 of 2025 and

Mr.P.V.Sellaperumal because they have an order in their favour.

31. The proper procedure, when an order is perceived to be incorrect, is not to ignore it and stick to the stand initially taken. The writ petitioner had an option to challenge it by way of an appeal. They could have at least applied for review before the same Court seeking review of the order passed on 03.11.2024 in both writ petitions. They did not do so. If we accept the order passed by the petitioners which, in our view, has been rightly set aside by the Tribunal, then it will undermine the integrity of the judicial process and the administration of the justice itself.

32. An order passed by the court must be implemented as directed unless and until, it is set aside or modified by higher judicial forum. Hence, we are not persuaded to hold that **Sundaramurthy's** case would apply to the facts of the present case. At the risk of repetition, we should point out that the writ petitioners had suffered two orders on 03.11.2014 and had not challenged the order. Unless and until, the order is set aside, it has to be given effect to.



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33. The extracted portion of the order points out that the orders of the CAT impugned therein were not set aside calling upon the writ petitioners to do a *denovo* exercise. It was set aside for a specific purpose keeping in mind the direction already issued. However, taking advantage of the observations made by the Court, the petitioners have literally taken away benefit granted under the order. Hence, on the ground of maintaining the integrity of judicial process and thereby administration of justice itself, we are not able to agree with the submission of the petitioners/employers.

34. The petitioners in W.P.No.3445 of 2024 and W.P.No.31154 of 2025, though have exercised their option belatedly, as they are similarly situated as other employees, applying the judgment of the Supreme Court in ***University of Delhi v. Shashi kiran and Others, (2022) 15 SCC***, the order of the Tribunal has to be set aside.

35. In the light of the above discussion, we do not find any reason to take a different view than that has been taken by the CAT, insofar as W.P.No.31094 of 2025, W.P.No.31098 of 2025,



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W.P.No.31103 of 2025, W.P.No.30721 of 2025, W.P.No.31085 of 2025 & W.P.No.31090 of 2025 are concerned, and accordingly, they are dismissed. Insofar as W.P.No.3022 of 2019, W.P.No.3445 of 2024 and W.P.No.31154 of 2025 are concerned, the writ petitions are allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

36. The direction given by the tribunal shall be complied with, within a period of three months from the date of receipt of a copy of this Order.

(M.S.R., J)

(V.L.N., J)

17.12.2025

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Neutral Citation : Yes /No
Index : Yes



WP.No.3445 of 2024 etc. (batch)

WEB COPY

To

- 1.The Secretary to GOI,
Department of Atomic Energy,
Anushakti Bhavan,
Chhatrapati Shivaji Maharaj Marg,
Mumbai – 400 001.
- 2.The General Manager,
INRP-K, Nuclear Recycle Board,
Kalpakkam – 603 102.
- 3.The Chief Administrative Officer,
BARC Facilities, Kalpakkam -603 102.
- 4.The Registrar,
Central Administrative Tribunal,
Chennai Beach, High Court Complex,
Chennai – 600 104.



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WP.No.3445 of 2024 etc. (batch)

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

nl

W.P.Nos.3445 of 2024, 31154, 31094, 31098, 31103, 30721,
31085, 31090 of 2025 & 3022 of 2019

17.12.2025