



Writ Petition No.35151 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

Writ Petition No.35151 of 2015

V.Balasubramanian

...Petitioner

Vs

1.The Member Secretary,
Pondicherry Planning Authority,
Jawahar Nagar, Puducherry.

2.The Government of Pondicherry,
Health, Electricity and Works Department,
Rep. by under Secretary,
Puducherry.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus to quash the impugned order No.A170-11/04/2015 PPA (Accts)/A1/3785 dated 06.07.2015 issued by the 1st respondent to calculate the pension as per Central Government Service Rules, disburse the same to the petitioner.

For Petitioner : Mr.K.V.Ananthakrushnan

For Respondents : Ms.Sharada Vivek
Additional Government Pleader
Pondicherry



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ORDER

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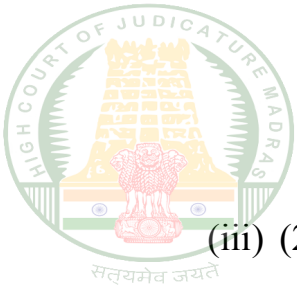
The petitioner herein was appointed as a Peon in the first respondent authority on 19.05.1975 and thereafter he was promoted as LDC and in the said post, the petitioner had been granted the benefit of selection grade and finally the petitioner retired from service on 31.01.2006. It was thereafter, the petitioner made a claim for payment of pension by submitting a representation dated 18.06.2014, i.e., after the lapse of eight years since the date of superannuation and having failed to get any response, the petitioner approached this Court by filing W.P.No.28365 of 2014 and the said writ petition was disposed by this Court, directing the respondents to consider the said representation.

2. Accordingly, the 1st respondent considered the said representation and passed the impugned order dated 06.07.2015, rejecting the claim of the petitioner on the ground that there are no service rules providing for pension. Aggrieved by the said order dated 06.07.2015, the petitioner approached this Court by filing the present writ petition.



3. The learned counsel for the petitioner contends that the first

respondent statutory authority was constituted under the notification issued by the Government of Puducherry in G.O.Ms.No.241, dated 14.12.1978. According to the learned counsel for the petitioner, in terms of the said rules issued under G.O.Ms.No.241, dated 14.12.1978 especially Rule 17, the age of retirement of the employees of the said authority was fixed as 55 years on par with the employees of Puducherry Government and in terms of Rule 25, the Central Civil Service (Conduct Rules 1964) and the Central Civil Services (Classification, control and appeal) Rules 1965 were made applicable to the employees of the first respondent authority and therefore the employees of the first respondent authority have to be treated on par with the employees of the Government of Puducherry. He also further contended that the Central Civil Service Pension Rules 1972 were made applicable to the employees of the Union Territories and therefore, the petitioner being an employee of the statutory authority is also to be treated as employee of the Union Territory of Puducherry and therefore, Central Civil Services Pension Rules 1972 are applicable to the petitioner also. He also placed reliance on various decisions of this Court in (i) 2014(2) CTC 777; (ii) Order dated 22.09.2017 in W.P.No.25540 to 25555 of 2017;



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4. On the other hand, the 1st respondent filed a counter affidavit contending that the Central Civil Services Pension Rules 1972 have no application to the first respondent authority and there are no rule providing for payment of pension in the relevant service Rules especially under the notification issued in G.O.Ms.No.241, dated 14.12.1978. It is also stated that the petitioner was subjected to contributory provident fund and in terms of the scheme introduced by the provident fund organisation, from the year 2003 onwards and that the petitioner contributed for the scheme and accordingly he is being paid pension.

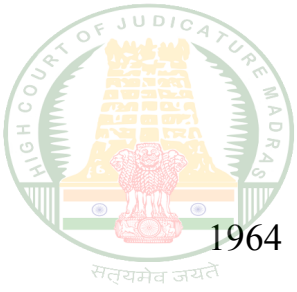
5. This Court carefully considered the submissions made on either side and also perused the materials available on record.



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6. It is not in dispute that the contributory pension scheme introduced by the provident fund organisation was made applicable to the first respondent authority and accordingly, the petitioner also made a contribution from the year 2003 till the date of superannuation in the year 2006 and accordingly he is being paid contributory pension from the date on which he attained superannuation. The basis of the petitioner to make a claim for payment of pension is on the ground that the Central Civil Service (Conduct Rules) 1964 and the Central Civil Services (Classification, control and appeal) Rules 1965 are made applicable to the employees of the respondent authority. Further Central Civil Services pension Rules 1972 are claimed to be applicable only on the ground that the employees of the first respondent statutory authority are bound to be treated as employees of the Union Territory of Puducherry.

7. This Court is unable to accept the above said submissions. The service conditions of the employees of the first respondent authority are governed by rules issued in G.O.Ms.No.241, dated 14.12.1978. No doubt in terms of 25 of the said Rules, the Central Civil Service (Conduct Rules)



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1964 and CCA Rules 1962 were made applicable. The Central Civil Service Pension Rules will not automatically apply to the employees of the first respondent statutory authority: Unless and until they are made applicable to the employees of the first respondent authority, the question of automatic application of the rules to the employees by the first respondent authority does not arise.

8. The entire claim made by the petitioner is only under misconception and due to the ignorance of legal position and reliance placed by the learned counsel for the petitioner on the decision of the Division Bench of this Court in W.A.No.1264 of 2019 also made it clear that the employees of an autonomous body cannot claim pension on par with the Government employees, especially when the employees of such autonomous bodies are governed by their own service rules and service conditions. Further, the employees of such autonomous body cannot, as a matter of right, claim parity with the State/Central Government employees.

9. The learned counsel for the petitioner placed reliance on various decisions as noted above, but the same absolutely have no relevance



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to the case on hand as the issue that decided in those cases is only whether the temporary employees appointed on consolidate basis prior to 01.01.2004 are entitled for payment of pension under old scheme or governed by new scheme introduced i.e., contributory pension scheme w.e.f 01.01.2004. In the instant case, there is no pension scheme applicable to the petitioner or applicable to the first respondent authority and there are no pension rules that are applicable to the case on hand. In such circumstances, the decisions relied upon by the learned counsel for the petitioner absolutely not relevant to the case on hand.

10. In the light of the above in the considered view of this Court, there are no merits in the writ petition and the same is accordingly dismissed. No costs.

25.06.2025

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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MUMMINENI SUDHEER KUMAR, J.

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To

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Pondicherry Planning Authority,
Jawahar Nagar, Puducherry.

2.The Government of Pondicherry,
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Rep. by under Secretary,
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