



W.P.Nos.36219 and 36220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.36219 and 36220 of 2025 and

W.M.P.Nos.40484 and 40486 of 2025

1. Union of India,
Rep. by its Secretary,
Ministry of Human Resources Development,
Government of India, Shastri Bhawan,
New Delhi – 110 001.

2. Kendra Vidyalaya Sangathan,
Rep. by its Finance Officer,
No.18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.

... Common Petitioners

-VS-

1. N.Vijayendran ... Respondent in W.P.No.36219/2025
2. N.Neelakandan ... Respondent in W.P.No.36220/2025

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the Hon'ble Central Administrative Tribunal, Madras Bench culminating in the impugned orders dated 25.11.2024 in O.A.Nos.513 and 640 of 2018 and quash the same.



W.P.Nos.36219 and 36220 of 2025

For Petitioners : Mr.M.Vaidhiyanathan

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COMMON ORDER

(By S.Sounthar,J.)

These Writ Petitions are filed, challenging the orders passed by the Central Administrative Tribunal (in short the 'Tribunal'), Chennai dated 25.11.2024 in O.A.Nos.513 and 640 of 2018.

2. The private respondents filed Original Applications before the Tribunal, seeking to quash the order issued by the 2nd respondent and to direct the Official respondents to treat them as 'Deemed Pensioners' under GPF-cum-Pension Scheme with effect from the date of their respective retirement. The said Original Applications were allowed and the private respondents were ordered to be treated as 'Deemed Pensioners' from the date of their respective retirement. Aggrieved by the said orders, the petitioners have preferred these Writ Petitions.

3. The learned counsel appearing for the petitioners would contend that the private respondents consciously exercised their option to



W.P.Nos.36219 and 36220 of 2025

continue in the Contributory Provident Fund (CPF) Scheme under Office

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Memorandum dated 01.09.1988 and they have been kept under CPF Scheme till their retirement. Therefore, the impugned orders passed by the Tribunal, directing the petitioners to treat them as Pensioners under the Pension Scheme is not tenable in law.

4. The issue involved in these Writ Petitions is no longer *res integra*. In fact, the Tribunal relied on the order passed by a Co-Ordinate Bench of this Court in **W.P.Nos.20091 of 2024** and batch cases in **Union of India vs. Mrs.C.V.L.Annapurna** dated **29.10.2024**.

5. A perusal of the order passed by the Division Bench of this Court would indicate that unless there is an express option by the private respondents to continue in CPF Scheme, transition from CPF Scheme to GPF Scheme is automatic. In the case on hand, the petitioners are unable to produce any document to show that private respondents expressly opted for continuance in the CPF Scheme. The relevant observations of the Division Bench of this Court in the above mentioned cases reads as follows:



WEB COPY



W.P.Nos.36219 and 36220 of 2025

“34. In the present case, no such material has been brought on record by the writ petitioners to indicate that they had expressly exercised an option to continue in the CPF Scheme. Undoubtedly, the private respondents were treated as continuing in the CPF Scheme. The records would indicate the continuance of the CPF number. The annual statement of the CPF subscription which are part of the service records maintained by the petitioners would also indicate so.

35. However, as we have noted such records fall within the domain of control of the petitioners and cannot under any circumstances be taken to be express consent or exercise of option by the private respondents. The private respondents have brought on record several instances where orders of the CAT as well the High Court have in identical circumstances held in favour of the employees and the Kendriya Vidyalaya Sangathan has complied with those orders. There is no reason for the petitioners to have adopted a divergent stand in the present matters.

36. The mere fact that K.Geetha (in W.P.No.19101 of 2022) had applied for and obtained a loan as against CPF benefits would also have no bearing in the matter as the act of the employee is merely to seek a loan as against the pension benefits. Whether the pension benefits have been computed under the CPF or the GPF Scheme would fall only within the control of the petitioners and the private respondents have no say in the matter. In any event and certainly, it cannot mean that she has exercised an option for retention in the CPF Scheme. The exercise of option for retention would have to be a conscious, voluntary and express act. The records of the petitioners have not conclusively established that no option in the requisite form has been made by the employees. The secondary evidence also fall within the ambit of service records maintained by the writ petitioners and no clinching secondary evidence had been produced in this case to persuade us to come



WEB COPY



W.P.Nos.36219 and 36220 of 2025

to the conclusion that the private respondents have applied their mind and exercised an option for retention in CPF Scheme.

43. At the risk of repetition, we must reiterate that O.M.dated 01.09.1988 was by the Kendriya Vidyalaya Sangathan itself putting into motion a scheme of transition from CPF to GPF and providing expressly that it is only if the option had been exercised for continuance that the employees would be retained in the CPF Scheme. There is hence no merit or we may even say fairness in the Kendriya Vidyalaya Sangathan taking the present stand. They are also seen to have complied with the orders in the cases of many others similarly placed employees and hence we see no justification for the present private respondents being denied the same benefit.

6. In view of the categorical pronouncement of the Co-Ordinate Bench of this Court, transition of CPF Scheme to GPF is automatic, unless the employees concerned exercise an express option to continue in the CPF Scheme. In the case on hand, the petitioners are unable to produce any document to establish that the private respondents expressly opted for their continuance in the CPF Scheme. Therefore, the Tribunal rightly followed the decision of the Division Bench of this Court and allowed the Original Applications filed by the private respondents. We do not find any error in the conclusion reached by the Tribunal.



WEB COPY



W.P.Nos.36219 and 36220 of 2025

J.NISHA BANU, J.
AND
S.SOUNTHAR, J.
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7. Accordingly, these Writ Petitions are dismissed. Two months' time from the date of receipt of a copy of this order is granted to the petitioners to comply with the order of the Tribunal in letter and spirit. No costs. Consequently, connected Miscellaneous Petitions are closed.

(J.N.B.J.,) (S.S.J.,)
06.10.2025

Index: Yes / No
Internet: Yes / No
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To:

The Central Administrative Tribunal,
Madras Bench

W.P.Nos.36219 and 36220 of 2025