



W.P.(MD) No.4238 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.4238 of 2020

Udayakumar

... Petitioner

-vs-

- 1.Union of India
represented by its Secretary
Ministry of Human Resources
Development
New Delhi
- 2.The Director General
Indian Council of Agriculture
Research (ICAR)
Krishi Bhawan
New Delhi
- 3.The Registrar
Gandhigram Rural Institute
Deemed University
Gandhigram
Dindigul District



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4.The Director
Research and Development
Gandhigram Rural Institute
Deemed University
Gandhigram, Dindigul District

5.The Chairman
University Grants Commission
Bahadur Shah, Zafarmara
New Delhi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the proceedings of the 4th respondent R & D/KVK/2017-2018 dated 10.10.2017 and quash the same as illegal and direct the respondents to pay the retirement benefits pension, gratuity, general provident fund, leave encashment salary and other benefits to the petitioner with interest of 12% till the date of payment from the date of retirement on 30.06.2017.

For Petitioner : Mr.S.Muthu Krishnan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
assisted by Mr.R.Nandakumar
C.G.SC., for R1 & R2
Mr.Ma.P.Thangavel for R3 & R4
No appearance for R5



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ORDER

This writ petition has been filed challenging the impugned order dated 10.10.2017, passed by the fourth respondent, rejecting the petitioner's request for grant of pension, on the ground that the staff members of the respondent – University are covered under the Contributing Provident Fund (CPF) and not eligible for pension and commutation of pension.

2. The petitioner claims that he was earlier working as a Programme Officer in the Agricultural Technology Application Research Institute (ATARI), which is a part of the Indian Council of Agriculture Research (ICAR) since 1988. Thereafter, he was selected by the respondent – University in the year 1990, where he assumed the office as Training Associate on 02.05.1990. Thereafter, he was deployed as Programme Coordinator in-charge, in Krishi Vigyan Kendra, GRI, in the respondent – University till he attains superannuation on 30.06.2017. According to the petitioner, he was informed by ICAR at the time, when he was relieved from ICAR that he is entitled to claim all terminal benefits from the respondent - University, including two additional increments, which he got in the zonal unit. According to the petitioner, ICAR also instructed the respondent - University



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to sanction the terminal benefits to him through their communication dated 09.09.2010. According to the petitioner, despite the said instruction, the respondent - University has not sanctioned the petitioner's terminal benefits despite repeated requests. The petitioner claims that the respondent - University is under the control of the respondents 1 & 5 and therefore, all the respondents are jointly and severally liable to pay the terminal benefits to the petitioner. However, under the impugned order dated 10.10.2017, the fourth respondent has stated that the petitioner is not eligible for pension.

3. A counter affidavit has been filed by the respondents 3 & 4 denying the contentions of the petitioner and reiterating the contents of the impugned order as stated supra. In the counter filed before this Court, it has been stated that since the petitioner was originally appointed only by ICAR, the respondent - University is not responsible to pay the retirement benefits of the petitioner on his superannuation. It is their contention that at no point of time, the petitioner was considered as an employee of the respondent - University.



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4. Counter affidavit has not been filed by the respondents 1 & 2.

Learned Deputy Solicitor General of India appearing for the respondents 1 & 2 would submit that there is no necessity for the respondents 1 & 2 to file a counter, since they are unnecessary parties for the adjudication of this writ petition. He would contend that the petitioner is only an employee of the respondent – University and even the representation given by the petitioner seeking for payment of the retirement benefits was given only to the respondent - University and the respondents 1 & 2 were never put on notice about the claim of the petitioner. He also drew the attention of this Court to the impugned order and would submit that even in the impugned order, there is no reference to the respondents 1 & 2 and only through a non-speaking order, the respondent – University has rejected the request of the petitioner, who has claimed payment of the retirement benefits only from the respondent – University.

5. Learned counsel for the petitioner drew the attention of this Court to the impugned order passed by the fourth respondent. However, as seen from the same, the contents of the counter filed by the respondents 3 & 4



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before this Court are not found. It is a non-speaking order. In the counter filed before this Court, the respondents 3 & 4 have stated that since the petitioner was originally appointed only by ICAR, namely, the respondents 1 & 2, they alone are responsible to pay the retirement benefits of the petitioner. However, the counter filed by the respondents 3 & 4 before this Court is an improvement of the impugned order, as the impugned order is silent with regard to the contentions raised by the respondents 3 & 4 before this Court through their counter. In the impugned order, there is no reference to ICAR, namely, respondents 1 & 2. The impugned order only states that the staff members of the respondent – University, being covered under the Contributing Provident Fund (CPF), are not eligible for pension and commutation of pension. There is also no specific reference to the petitioner's case in the impugned order dated 10.10.2017. A categorical stand has been taken by the learned Deputy Solicitor General of India appearing for the respondents 1 & 2, on instructions, that the respondents 1 & 2 are not responsible for the payment of the retirement benefits of the petitioner, since the petitioner is not on the payrolls of the respondents 1 & 2 and since he is only on the payrolls of the respondent – University. Though, in the counter filed by the respondents 3 & 4 before this Court, they would contend that the respondents 1 & 2 are



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alone responsible for the payment of the retirement benefits to the petitioner, on account of the fact that the petitioner was appointed originally by ICAR (respondents 1 & 2), the impugned order dated 10.10.2017, passed by the fourth respondent, does not stipulate the same. The petitioner has been made to run from pillar to post. If really the petitioner is not eligible to receive retirement benefits, as claimed in his representation, as a responsible University, the respondent – University ought to have given proper reasons, which disentitle the petitioner from claiming the retirement benefits, as claimed by him. The petitioner retired from service on 30.06.2017. We are now in the year 2025. The petitioner cannot suffer at the hands of the respondents for no fault of his. If at all the petitioner is really not entitled to receive the retirement benefits, the respondent – University ought to have given proper reasons as to why he is not entitled for the same. By a non-speaking order, the fourth respondent has rejected the request of the petitioner by passing a general order by not giving specific attention to the petitioner's specific request by stating that all the staff members of the respondent – University, being covered under the Contributing Provident Fund (CPF), are not eligible for pension and commutation of pension. Being a non-speaking order and without affording any opportunity of hearing to the



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petitioner, this Court is of the considered view that the impugned order violates the principles of natural justice. Hence, the impugned order dated 10.10.2017, passed by the fourth respondent, is liable to be quashed, on the ground of violation of the principles of natural justice and the matter has to be remanded back to the very same respondent for fresh consideration of the petitioner's representation on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right to submit his detailed explanation as to how he is entitled for payment of the retirement benefits and also granting him a personal hearing, as the petitioner has been made to run from pillar to post right from 2017 onwards, when he had retired from service from the respondent – University.

6. Accordingly, the impugned order dated 10.10.2017, passed by the fourth respondent, is hereby quashed and this writ petition is disposed of by remanding the matter back to the fourth respondent for fresh consideration of the petitioner's representation on merits and in accordance with law. On such remand, fourth respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right to submit his detailed explanation as to how he is



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entitled to be paid retirement benefits by the respondent – University and also providing the petitioner one personal hearing. The fourth respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order and the said order should be a speaking order with regard to the contentions of the petitioner. No costs.

27.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Secretary,
Ministry of Human Resources
Development,
Union of India,
New Delhi.
- 2.The Director General,
Indian Council of Agriculture
Research (ICAR),
Krishi Bhawan,
New Delhi.



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ABDUL QUDDHOSE, J.

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