



W.P(MD)NO.41 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.09.2025

CORAM:

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P(MD)No.41 of 2022

S.Germanus

... Petitioner

.Vs.

- 1.The Union of India, represented by
The Secretary to government,
Ministry of Personnel Public Grievances and Pensions,
Department of Pension and Pensioner's Welfare,
Janpath Bhawan, B Wing, 8th floor,
New Delhi 110 001.
- 2.The Secretary to Government,
Ministry of Civil Aviation,
B Block, Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi - 110 003.
- 3.The Director General of Civil Aviation,
Opposite to Safdarjung Airport,
New Delhi - 110 003.
- 4.The Chairman,
Airports Authority of India,
C Block Rajiv Gandhi Bhavan,
Safdarjung Airport,



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New Delhi - 110 003.

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5.The Regional Executive Officer,
Airports Authority of India,
Southern Region,
Chennai - 600 027.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the fourth respondent passed in Letter No.A60011/17/Pen Cell/HR-CHQ/2018/695, dated 11.12.2020 and quash the same and direct the respondents to grant pension and other pensionary benefits to the Petitioner for the entire period of service rendered by him with the respondents 3 and 4 in accordance with the amended provisions of the Central Civil Services(Pension) Rules, 1972, on par with others who joined the Central Government Service.

For Petitioner	: Mr.H.Arumugam
For Respondent-1	: Mr.G.Rajaraman Central Government Standing Counsel
For Respondent-3	: Mr.A.Srinivasan, Central Govt. Standing Counsel
For Respondents 2,4 and 5	: Mr.C.Godwin Central Government Standing Counsel

ORDER



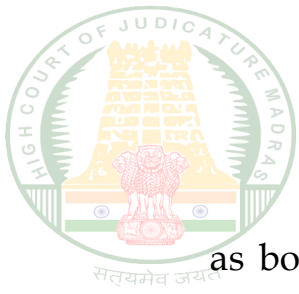
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2.The Petitioner has raised the following grounds for challenging the impugned order. They are :

(a) the respondents failed to note that the Petitioner joined the service of the third respondent on 23.1.1965 and continued to work with the respondents 3 and 4 only as per the instructions of the respondents and therefore according to the Petitioner, the service conditions of the Petitioner was continued to be governed by the Central Civil Services(Pension)Rules and not by any other rules or regulations;

(b)the failure on the part of the fourth respondent to form and declare pension scheme even if not superior to that of the Central Civil Services(Pension)Rules at least on par with that of the Central Government cannot be used as a tool to deprive the Petitioner of his legitimate right of pension for the entire service



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as both the respondents 3 and 4 are only the two wings of the second respondent, which is an integral part of Government of India.

(c)the fourth respondent having promised to formulate the pension scheme which shall not be inferior to that of the pension scheme of the Government of India and having attracted the employees of the third respondent to become permanent employees of the fourth respondent, cannot be permitted to escape from its liability and responsibility just because of mere name change from NAA to AAI;

(d)When the Central Civil Services(Pension) Rules, 1972 were amended by the Government of India, the fourth respondent should have implemented it, as it was on such condition only the Petitioner and the similarly placed officials of the third respondent were absorbed into the services of the fourth respondent;

(e) the fourth respondent ought to have formed a corpus fund for the pension disbursement of the employees in order to comply with the commitment made to the then officials of the third respondent.



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WEB COPY (f)at the time of their permanent absorption, that their pensionary benefits shall not be inferior to that of the third respondent. A corpus fund should have also been created to ensure the payment of family pension in accordance with the family pension payable to the employees of the third respondent.

3. Therefore the Petitioner is aggrieved by the non implementation of the amended provisions of the Central Civil Services(Pension) Rules, 1972 on the Petitioner, who has been absorbed with the fourth respondent, based on the instructions of the respondents. The Petitioner, therefore, claims that he has been deprived of his legitimate right of pension for the entire service in both respondents 3 and 4, which according to him, is arbitrary and illegal.

4. A counter affidavit has been filed by the respondents 2, 4 and 5 contending that the amendment to the sub-rule (8) of Rule 37A of CCS(Pension) Rules, 1972 does not apply to the Petitioner as he has already been given the relief on absorption for opting pension on combined service. According to them, the pensionary benefits of the Petitioner for the entire service rendered in the third respondent has already been settled on 5.7.1989 itself. Since the



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Petitioner has exercised at the time of his permanent absorption his option to draw pro-rata pension for the entire service rendered by him under the Government, his pensionary benefits have already been settled in accordance with the option so exercised and now, the Petitioner cannot re-agitate the issue once-again.

5.The learned counsel for the Petitioner during the course of his submissions reiterated the contentions of the affidavit filed in support of this Writ Petition and has also reiterated the grounds raised by the petitioner, which has been extracted supra.

6.On the other hand, the learned Standing Counsel appearing for the respondents would submit that since the pensionary benefits of the Petitioner for his past services in the Government has already been settled on 5.7.1989 itself based on the option given by the Petition to receive pension on pro-rata basis, the question of re-agitating the issued based on the amended sub-rule(8) of Rule 37-A of CCS(Pension)Rules, 1972 does not arise, as the Petitioner is estopped from raising such grounds. He would also submit that the amendment to sub-rule (8) of Rule 37A of CCS(Pension)Rules, 1972 does not apply to the case of the Petitioner, who has retired from service on 31.7.2004, whereas, the amendment came into force only in the year 2007. Even though a specific plea has not been raised in the counter, the



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learned Standing Counsel appearing for the respondents would submit that this Writ Petition has to be dismissed on the ground of laches for the following reasons:

(a)the petitioner has agreed to receive pension on pro-rata basis for his past services in the Government and the same was also agreed by the respondents as early as on 5.7.1989 itself and the question of re-agitating the issue after a lapse of more than 35 years does not arise.

7.However, the contentions of the Petitioner raised in this Writ Petition which have been extracted supra, have not been considered by the fourth respondent in the impugned order. The fourth respondent, in the impugned order has rejected the Petitioner's request by merely stating that since the Petitioner has exercised the option to draw pro-rata pension at the time of his absorption with the fourth respondent, the relief sought for by the Petitioner cannot be granted since the pro-rata option exercised by him has now become irreversible. The contentions as seen from the impugned order has not considered the various grounds raised by the Petitioner in this Writ Petition and there is no discussion as to why those grounds have to be rejected. Being pensionary benefits, his Court deems it fit to direct the fourth respondent to reconsider their decision by granting an



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opportunity for the Petitioner to raise the contentions that the Petitioner has raised in this writ Petition and pass a speaking order with regard to those contentions within the time frame to be fixed by this Court.

8.Since a speaking order has not been passed with regard to the contentions raised by the Petitioner in this Writ Petition, this Court has quashed the impugned order passed by the fourth respondent and remanding the matter back to the fourth respondent for fresh consideration on merits and in accordance with law after affording an opportunity for the Petitioner to submit his explanation as to why his request as prayed for in this Writ petition has to be accepted by the fourth respondent. The fourth respondent is directed to pass final orders within a period of four months from the date of receipt of a copy of this order. This Court is not expressing any opinion on the merits of the Petitioner's case and it is for the fourth respondent to consider the same on merits by passing a speaking order.

9.With the aforesaid directions, the Writ Petition stands disposed of. No costs.

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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn
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Government of India,
Ministry of Personnel Public Grievances and Pensions,
Department of Pension and Pensioner's Welfare,
Janpath Bhawan, B Wing, 8th floor,
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- 2.The Secretary to Government,
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ABDUL QUDDHOSE.,J.

vsn

ORDER MADE IN

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