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W.P. No.10983 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	:	04.02.2026
PRONOUNCED ON	:	24.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

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B.Vasanthi

... Petitioner

Vs.

Union of India rep. by

1. The Director General of Health Services,
Nirman Bhawan,
New Delhi-110 001.

2. The Director,

Central Leprosy Teaching & Research Institute,
Chengalpattu- 603 001.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue an order or direction or writ and in particular, a Writ of Certiorari, calling for the concerned records relating to the order dated 05.07.2024 given in O.A.No.1728 of 2016 passed by the Hon'ble CAT, Chennai Bench and quash the same.



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For Petitioner : Mr. S.Ramaswamyrajarajan

For Respondents : Mr.B.Sudhir Kumar,

Senior Panel counsel for R1 & R2.

ORDER

(Order of the Court was made by K. GOVINDARAJAN THILAKAVADI, J.)

This instant Writ Petition has been preferred by the petitioner praying to issue a Writ of Certiorari, to quash the order dated 05.07.2024 in O.A.No.1728 of 2016 passed by the Hon'ble CAT, Chennai Bench.

2. The brief facts of the case submitted by the petitioner in this writ petition are as follows:

The petitioner was initially appointed on temporary basis as Animal Attendant, under the ICMR Scheme, in the year 1983, and later on, as Lab Assistant in the IMMLEP (WHO) Scheme. Subsequently, she got absorbed in the regular establishment, in the year 1994, in the Central Leprosy Teaching and Research Institute (CLTRI). The petitioner came to know that her past service rendered, in ICMR & IMMLEP, was not counted for the purpose of



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pay fixation which will also affect her pensionary benefits. Hence, she made a representation on 28.11.1994, to the 1st respondent, for counting of her past service. Since, there was no favourable action from the respondents, she gave another representation on 20.09.1996. Despite her persistent efforts over the years, the authorities did not provide a favourable solution until 2016. While so, an order was issued seeking clarification regarding her contributions to the Central Provident Fund (CPF) during her tenure under the ICMR and the IMMLEP Schemes. In her response, she clarified that no CPF deductions were made from her salary during the relevant period. The respondents, vide their reply, dated 06.09.2016, cited Rule 17 of the Central Civil Services (Pension) Rules, which stipulated that service period where CPF contributions were not deducted, cannot be considered for pensionary benefits. Aggrieved by this, the petitioner preferred an application in O.A.No.310/01728/2016 before the Hon'ble CAT, Chennai Bench. The learned Central Administrative Tribunal dismissed the above OA by holding that, the past services rendered by the petitioner in the ICMR and WHO cannot be counted for pensionary benefits as per Rule 17 of the CCS (Pension) Rules. Assailing the said order, the present writ petition is preferred.



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3. Mr. S. Ramaswamyrajarajan, the learned counsel for the writ petitioner would submit that the respondents have wrongly applied Rule 17 of the CCS (Pension) Rules, which is intended for employees on contract, to deny the petitioner the benefit of counting past service for pension and pay fixation. He emphasised that the petitioner was not appointed on a contract basis and Rule 17 is, therefore, irrelevant. The counsel further contended that, instead, Rule 14 (6) of the CCS (Pension) Rules should have been applied, which governs the counting of temporary service under Government employment. He would further submit that the service of the petitioner comes under the scope of Government on the following points:

- a. The petitioner was selected as per the recruitment Rules prescribed for Government employees.
- b. The service conditions of the petitioner was guided by the Central Government.
- c. The pay of the petitioner was fixed as per the pay structure applicable for the Government employees.
- d. The petitioner was engaged by the CLTRI and worked for the CLT &



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RI, which is a Government body and thus, the autonomous body under which the petitioner was working before her absorption to CLT & RI will be instrumentally of the State under Article 12 of Constitution of India.

4. It is further submitted that, the learned Tribunal has relied upon the Order passed in O.A.No.486 of 2022 decided by the Hon'ble Tribunal upheld by this Court in W.P.No.29787 of 2023 is not similar to the facts and circumstances of the present case. Therefore, the Hon'ble Tribunal erred in dismissing the O.A.No.1728 of 2016 with a wrong notion that the case of the petitioner is similar to the above O.A.No.486 of 2022. The employee in the above case was appointed on contractual basis and by direct recruitment for a specified period. Where as, the petitioner was appointed on temporary basis and was absorbed in the CLT & RI on the basis of her past service, which differs from contract basis. The employee in the above referred case was appointed in the year 2013, and thus not covered by the old pension scheme. Where as, the petitioner was absorbed in the year 1994 i.e., when the old pension scheme was effective. Hence, the learned Tribunal erred in holding that the petitioner was not appointed on absorption and she was appointed on



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direct recruitment. Therefore, the past service rendered by the petitioner on contractual basis cannot be taken into account for pensionary benefits. Since the petitioner was appointed on temporary basis and was absorbed in the CLT & RI on the basis of her past service and was covered by the old pension scheme, her past service ought to have been taken into account for pensionary benefits. Further, he would contend that the action of the respondents in denying the petitioner's claim, based on the absence of CPF contributions during her employment with the ICMR and WHO schemes is incorrect. He had pointed out that the appointment order explicitly stated that the petitioner is eligible for terminal benefits like pension or gratuity, making CPF contributions irrelevant in this context. Thus, denying the counting of past service for pensionary benefits on this ground is illogical and unreasonable. The learned counsel further argued that, the respondents' differential treatment of similarly placed individuals namely B.J.Ramakrishnan and C.S.Suri Babu, who were allowed to count past service for pensionary benefits, while denying the same to the petitioner, constituted discriminatory action, thereby, violating Articles 14 and 16 of the constitution, which guarantees equality before the law and prohibits discrimination on grounds of equality of opportunity, in matters of public employment. He would further submit that, service in other



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Departments would be counted in computing eligibility period of 16 years for

Time Bound One Promotion and that in the case of a transfer/ absorption from one department to another or from public sector to state though the benefit of the seniority may be denied to the incumbent but not for other benefits like pay fixation and for the pensionary benefits. To support his contention, he has relied upon the following judgments:

1. *Dwijen Chandra Sarkar and Others Vs. Union of India and Others* reported in *1999 SCC (L&S) 486*.

2. *State of Haryana and Another Vs. Deepak Sood and others* (Hon'ble Supreme Court) in *Civil Appeal No. 4447 of 2008*.

3. *State of Haryana and Others vs. Sankarlal* (Hon'ble High Court of Punjab and Haryana).

Hence, prayed for quashing the impugned order dated 05.07.2024.

5. Per contra, Mr.B.Sudhir Kumar, the learned counsel for the respondents would submit that, as per Rule 17 of the CCS (Pension) Rules, only a person who is initially engaged by the Government on a contract for a specific period and subsequently appointed to the same or another post in a



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substantive and in a pensionable establishment, without interruption of duty,

will be allowed to count his/ her past contract service for pensionary benefits, after refunding the Government contribution in the CPF, with interest thereon.

In the present case, the petitioner has worked as temporary / Contract staff in the ICMR and the WHO schemes, which cannot be considered as Central / State Government Service. It is further submitted that Mr.B.J.Ramakrishnan worked as LDC in the ICMR project (then an Autonomous body), from 20.03.1966 to 09.01.1974 and, after tendering technical resignation, joined the regular establishment of CLTRI, Chengalpattu, as LDC on 10.01.1974, without any break in service. He made a representation to the respondents for counting of past service he had rendered in the ICMR project, as qualifying service for pensionary and other benefits. The 1st respondent directed him to refund ICMR's shares of CPF with interest and accordingly B.J.Ramakrishnan refunded the employer's CPF contributions with interest. Hence, the case of B.J.Ramakrishnan cannot be compared by the petitioner, since no deduction of CPF was done for the petitioner, which is evident from the petitioner's letter dated 06.09.2016 to the Director, BCGCL, Chennai. Moreover, the petitioner has made her representation for counting of past service for pensionary benefits in the year 1994, after accepting her permanent absorption order,



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dated 01.02.1994, which clearly mentions that she would not be entitled to the benefit of past service rendered in various ICMR/WHO project at CLT & RI, for the purpose of leave, pay protection and pension etc. She made her subsequent representation in the year 2005. After that the petitioner made a final representation only in the year 2016, after lapse of 11 years with delay and laches. Hence, the impugned Order passed by the 2nd respondent on 12.09.2016 dismissing the OA preferred by the petitioner, warrants any interference by this Court.

6. Heard on both sides and records perused.

7. It is not in dispute, that the petitioner joined as on Adhoc Research Project staff in a temporary ICMR project conducted in Central Leprosy Teaching and Research Institute, Chengalpattu (herein after referred to as “CLT & RI”) as Animal Attendant on a temporary basis on 22.07.1983 and worked till 31.03.1986. Thereafter, she was appointed as a Laboratory Attendant in the ICMR aided scheme on a temporary basis from 01.04.1986 to 30.06.1987, till the sanctioned life of the scheme. She then worked as Laboratory Assistant from 02.07.1987 to 31.01.1994 on temporary basis in the



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World Health Organisation aided scheme conducted in CLT & RI. Admittedly, she was not paid any financial benefit such as CPF, Gratuity etc., at the time of discontinuance of her ICMR and WHO scheme services. Moreover, appointment under these schemes were not governed by any CPF or Gratuity benefits. Undisputedly, based on her request and in accordance with the approval of the Ministry of Health and F.W., she was absorbed and appointed as Laboratory Attendant in the regular establishment of CLTRI, Chengalpattu on regular basis w.e.f 01.02.1994 vide Order No.F.2(5)E.I/94 dated 01.02.1994 (Annexure -I) in the pay scale of Rs.800-15-1010-EB-20-1150 with the condition that she will not be entitled to the benefit of past service rendered in various ICMR/WHO projects at CLT & RI for the purpose of leave, pay protection and pension etc.

8. Despite the above conditions being specified in the appointment order dated 28.11.1994, the petitioner made a representation to the respondents to accord sanction to count her past services for the purpose of pay fixation and pensionary benefits. At the time of discontinuance of her ICMR and WHO scheme services, she was not paid any financial benefits such as CPF, Gratuity etc., since her appointment under these schemes were not governed by any



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CPF or Gratuity Schemes. Hence, her representation was rejected by the

respondents. Moreover, the learned counsel for the respondent submitted that,

the contention raised by the petitioner with regard to the case of one

B.J.Ramakrishnan for counting of past service, cannot be accepted for the

reason that, the said individuals past service was counted since he had

refunded the employer's CPF contribution with interest. The service rendered

by him under ICMR scheme as Clerk was covered by Contributory Provident

Fund. Further, in the case of C.S.Suri Babu, he had worked as Research

Assistant in JALMA (CJIL), Agra under ICMR, an autonomous body under

MoH & FW from 02.09.1985 to 28.04.1995 in regular capacity and got

selected for the post of Assistant Director at CLTRI, Chengalpattu through

UPSC. He had submitted his technical resignation and was relieved on 28-04-

1995 and joined CLTRI on 01-05-1995. ICMR vide communication No:

AC/VI/FX/991 dated 14.1.2000 conveyed the transfer of his pro-rata pension

benefits etc. PAO vide letter No.PAO/MH&FW/Funds/2007-2008/748 dated

08.08.2007 vetted the remittance of Rs.49,406/-. His GPF contributions were

credited to the PAO, MHFW, Chennai vide letter No.P-3(8)/83-CJIL/284 dated

02.01.1997. The DGHS vide their letter No.W.11022/03/07-CCD/Lep dated

5/7.11.2007(Annexure-4) conveyed the approval of competent authority from



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Ministry of Health and F. W. for counting of past service rendered in CJIL, Agra under ICMR, in r/o C.S.Suri Babu, Assistant Director (Bio.), CLT&RI, Chengalpattu for the period from 02.09.1985 to 30.04.1995 under Rule 13 of CCS (Pension) Rules, 1972 and vide Department of Pension and Pensioner's Welfare O.M.No.28(10)/84-P&PW/Vol.II dated 07.02.1986, 17.06.1986, 30.10.86 and 20.03.1987 for the purpose of pension and retirement benefits. These facts are not denied by the writ petitioner.

9. Therefore, the case of the petitioner cannot be compared with that of B.J.Ramakrishnan as well as C.S.Suri Babu.

10. At this juncture, it is relevant to extract the Rule 17 of CCS (Pension) Rules:

As per Rule 17 of CCS (Pension Rules), counting of service on contract:

(1) A person who is initially engaged by the Government on a contract for a specified period and is subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty, may opt either-

(a) to retain the Government contribution in the Contributory Provident Fund with interest thereon



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including any other compensation for that service;

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(b) to agree to refund to the Government the monetary benefits referred to in Clause (a) or to forgo the same if they have not been paid to him and count in lieu thereof the service for which the aforesaid monetary benefits may have been payable.

2) The option under sub-rule (1) shall be communicated to the Head of Office under to the accounts Officer within a period of three months from the date of issue of the order of permanent transfer to pensionable service, or if the Government servant is on leave on that day, within three months of his under return from leave, whichever is later.

(3) If no communication is received by the Head of Office within the period referred to in sub-rule (2), the Government Servant shall be deemed to have opted for the retention of the monetary benefits payable or pay to him on account of service rendered on contract.

11. The petitioner in her representation dated 06.09.2006 categorically admitted that no deduction was made from her salary during her service in ICMR and WHO scheme toward CPF scheme, and therefore, the service rendered by her cannot be counted for pensionary benefits. Moreover, the case of the petitioner does not fall under Rule 14 (6) of CCS (Pension) Rules, as this Rule pertains to temporary employees, who had rendered temporary service under the Central Government / State Government prior to securing



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post under the various State Governments and Central Governments. The petitioner had joined the temporary ICMR project Scheme / WHO project conducted in Central Leprosy Teaching and Research Institute, Chengalpattu as Animal Attendant on 22.07.1993 which is purely on a temporary basis and worked till 31.03.1986 followed by, as a Laboratory Attendant from 01.04.1986 to 30.06.1987. Thereafter, she worked as Laboratory Assistant from 02.07.1987 to 31.01.1994 purely on temporary basis in the World Health Organization aided Scheme conducted in CLT & RI. The learned Tribunal as rightly pointed out that the case of the petitioner has to be considered only under Rule 17 of CCS (Pension) Rules and not as per Rule 14 of CCS (Pension) Rules, as she joined the temporary ICMR Scheme/ WHO aided scheme in CLT & RI on temporary basis and had not rendered any temporary/ contract service under Central Government/ State Government before her regular appointment to the post of Laboratory Attendant, and that too after accepting with the condition that, she will not be entitled to the benefits of past service rendered in various ICMR/ WHO project at CLT & RI for the purpose of leave, pay protection and pension etc. Having accepted the above condition, the petitioner cannot claim the above benefit.



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12. Moreover, Rule 17 of CCS (Pension) Rules, is specified for a person who is initially engaged by the Government on a contract for a specified period and subsequently appointed to the same or another post in a substantive capacity in a pensionable establishment without interruption of duty. But the petitioner was engaged on adhoc basis in Research Project by ICMR and subsequently in the scheme of IMMLEP by WHO in projects and not by Central Government. As rightly pointed out by the learned counsel for the respondents, the petitioner was appointed by ICMR & WHO on temporary basis for an adhoc project which is not governed by the CPF rules and Central government rules. Hence it will not be an instrumentality of the State under Article 12 of Constitution of India. With reference to the O.A. No 486 of 2022 and W.P. No 29787 of 2023, the petitioner in that case had joined as Research Scientist on 12.09.1988 in a project for a monthly consolidated salary of Rs.3000/-. Subsequently his consolidated salary was changed into scale of pay and he was allowed to contribute towards ICMR CPF, which is not the case of the present petitioner.

13. For the above mentioned reasons, in our considered opinion, the petitioner is not entitled for counting her past services for pensionary benefits.



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14. In the result, this Writ Petition is dismissed as devoid of merits. No costs.

[C.V.K., J]

[K.G.T., J]

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vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:

1. Central Administrative Tribunal, Chennai
2. The Director General of Health Services,
Nirman Bhawan,
New Delhi-110 001.
3. The Director,
Central Leprosy Teaching & Research Institute,
Chengalpattu- 603 001.



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**C.V. KARTHIKEYAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.**

vsn

**Pre-delivery Order in
W.P. No.10983 of 2025**

24.02.2026