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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 8320/2025

NAIDU SUBBA RAO & ORS. .....Petitioners

Through: Mr. Abhik Chimni, Ms. Pranjal Abrol, Mr. Ayan Dasgupta, Mr. Gurupal Singh and Ms. Moksha Sharma, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR. .....Respondents

Through: Mr. Karan Prakash, Mr. Om Bali and Ms. Deepshikha Kumar, Advocates for JNU.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 19.05.2026

1. The Petitioners, who were initially engaged in the Bioinformatics Centre, a facility set up in Jawaharlal Nehru University with support from the Department of Biotechnology, seek a direction that they be extended the benefit of the General Provident Fund-cum-Pension-cum-Gratuity Scheme instead of being continued under the Contributory Provident Fund-cum-Gratuity Scheme. They also assail the communications issued by the University Grants Commission on 10th October, 2007, 27th November, 2012, 21st February, 2014, 29th January, 2019 and 2nd January, 2025, by which the requests forwarded by JNU were declined.

2. The Petitioners were working in the Bioinformatics Centre. The Executive Council of JNU, by Resolution No. 6.4 dated 6th July, 2000, approved the proposal for merger of the Bioinformatics Centre along with its staff in the University. A notification dated 23rd March, 2001 recorded this decision. The UGC thereafter approved the merger of the staff of the

Bioinformatics Centre with the University with effect from 1st April, 2002 in respect of employees appointed up to 31st March, 2002. The terms of absorption protected their existing pay and fixed their seniority from 6th July, 2000. The staff members were required to submit an option accepting those absorption terms. There is, however, no material to show that any specific option was invited from them to choose between CPF and GPF-cum-Pension at the time of their regular absorption.

3. The Petitioners contend that after their absorption in regular JNU service before the introduction of the New Pension Scheme, they could not have been mechanically continued under CPF. Their case is that they were never called upon to exercise a conscious option to remain under CPF after becoming part of the regular establishment of JNU. They rely upon the judgment of this Court in ***Manoj Pant & Ors. v. Jawaharlal Nehru University***,[1] as affirmed by the Division Bench in ***Jawaharlal Nehru University v. Manoj Pant & Ors***.[2] The special leave petition preferred by JNU against the Division Bench judgment was dismissed by the Supreme Court on 10th April, 2024.

4. Counsel for the Petitioners submits that the controversy is no longer open in view of ***Manoj Pant***. It is urged that JNU had adopted the Office Memorandum dated 1st May, 1987, under which the legal position was that an employee was required to exercise an option only if the employee desired to continue under CPF. In the absence of such an option, the employee would be governed by the pension scheme. The Petitioners also rely upon the order of this Court dated 15th July, 2025 in ***Kishan Devi v. Jawaharlal***

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[1] 2022 SCC OnLine Del 520
[2] 2022 SCC OnLine Del 4887

Nehru University,[3] where JNU accepted that the relief sought by a JNU employee for transition from CPF-cum-Gratuity to GPF-cum-Pension-cum-Gratuity was covered by ***Manoj Pant***, and the writ petition was allowed subject to refund of the CPF amount received.

5. Counsel for the Petitioners further submits that UGC has adopted an inconsistent stand inasmuch as Prof. Om Prakash Singh, a UGC Research Scientist absorbed into JNU, was extended GPF-cum-Pension benefits, whereas the Petitioners, despite absorption into regular JNU service prior to NPS, have been denied similar treatment. It is contended that the distinction sought to be drawn by UGC lacks any rational basis.

6. On behalf of JNU, it is not disputed that the Petitioners were absorbed pursuant to the merger of the Bioinformatics Centre with the University, and that their case was repeatedly forwarded by JNU to UGC for extension of GPF-cum-Pension benefits. JNU has, in its correspondence with UGC, specifically taken the position that the case of the BIC staff was not one of a mere changeover from CPF to GPF. It stated that the BIC staff had joined the rolls of the University on 6th July, 2000, prior to the introduction of the New Pension Scheme, and that no option was given to them either to choose GPF or CPF. It further recorded that, under the normal terms and conditions of appointment in JNU, where an employee does not exercise an option within three months, the employee is deemed to be governed by the GPF-cum-Pension Scheme.

7. The principal opposition is from UGC. They submit that the Petitioners were not in regular JNU service as on 1st January, 1986 or 1st May, 1987 and, therefore, cannot claim the benefit of the Office

[3] W.P.(C) 9243/2025

Memorandum dated 1st May, 1987. It is further submitted that the Bioinformatics Centre was a DBT-funded project, that the Petitioners were covered under CPF from the beginning, and that their case is distinct from ***University of Delhi vs. Smt. Shashi Kiran & Ors.***,[4] as well as from the case of Prof. Om Prakash Singh, a UGC Research Scientist, who was governed by a UGC Research Scientist Scheme.

8. The Court has considered the rival submissions. The present case cannot be resolved by a mechanical application of the original 1987 cut-off date to the Petitioners. UGC is correct to this limited extent: the Petitioners were not regular JNU employees in 1986 or 1987. They cannot, merely on that footing, be treated as persons who failed to exercise an option by 30th September, 1987.

9. The real question is whether, upon their regular absorption into JNU before the introduction of the New Pension Scheme, the Petitioners could be continued in CPF without a conscious and pension-specific option being obtained from them. On that question, the record speaks clearly. JNU's own correspondence to UGC proceeds on the footing that the BIC staff were merged with JNU on regular basis, that they came on the rolls of the University before 1st January, 2004, and that no option was taken from them to choose between CPF and GPF-cum-Pension. JNU also stated that the case was not a request for changeover from CPF to GPF, but a request to extend the GPF benefit to employees who had entered the regular establishment before NPS.

10. The distinction sought to be drawn by UGC on the ground that the Petitioners came from the Bioinformatics Centre does not conclude the

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[4] (2022) 15 SCC 325

issue. While that explains their status before absorption, it does not decide the pension regime applicable after absorption into regular JNU service. Once the Petitioners were brought into the regular establishment before the NPS cut-off, the Respondent authorities were required either to place them in the pension regime applicable to regular pre-NPS JNU employees, or to obtain from them a clear and informed option to continue under CPF. No such option has been shown.

11. The principle in ***Manoj Pant*** is of direct relevance as it specifically addresses the issue of pension transitions within JNU. The Court found that JNU committed a "patent mistake" in its 1993 and 1995 circulars by treating the Contributory Provident Fund (CPF) as the "default" for employees who did not respond. This fundamentally contradicted the governing 1987 Office Memorandum, which established a "deeming fiction" where the GPF Pension Scheme was the automatic choice. Under this 1987 mandate, an employee was automatically switched to GPF unless they specifically submitted a form to stay in CPF; silence or a failure to act resulted in an automatic transition to the pension scheme. The Court ruled that JNU had no authority to reverse this default logic, a decision affirmed by the Division Bench and left undisturbed by the Supreme Court. The ratio, so far as this Court is concerned, is binding.

12. UGC's affidavit does not disclose any persuasive ground for this Court to depart from ***Manoj Pant***. Its objection rests principally on two premises: first, that the Office Memorandum dated 1st May, 1987 cannot apply to persons who were not in service in 1986-87; and secondly, that ***Shashi Kiran*** was confined to employees of the University of Delhi. Both submissions miss the basis on which the Petitioners' claim is being

examined. This Court is not reopening the 1987 option window in favour of the Petitioners, nor is it treating them as deemed optees under that Office Memorandum merely because no option was exercised in 1987. The issue here is different. It concerns the legal consequence of their absorption into regular JNU service before the NPS regime came into force, coupled with the admitted absence of any specific and informed pension option at the stage of such absorption.

13. The subsequent order in ***Kishan Devi*** lends further assurance to this conclusion, though it must be read within its limits. In that matter, JNU accepted before this Court that the employee's prayer for transition from the CPF-cum-Gratuity Scheme to the GPF-cum-Pension-cum-Gratuity Scheme was covered by ***Manoj Pant***. The writ petition was accordingly allowed, subject to refund of the CPF amount received by the employee. ***Kishan Devi*** does not examine the distinct question arising from the absorption of BIC staff. It does, however, affirm the continuing authority of ***Manoj Pant*** in matters concerning pension transition within JNU.

14. The impugned communications issued by UGC are unsustainable on an additional ground. They proceed on the assumption that the Petitioners were seeking an impermissible "changeover" from CPF to GPF. That description does not accurately capture the substance of the request placed before UGC by JNU itself. JNU had specifically pointed out that the BIC staff stood absorbed into the regular establishment of the University prior to the introduction of the NPS and no pension-specific option had been obtained from them at the stage of absorption. Their claim, therefore, was not for a belated conversion from CPF to GPF, but for placement in the pension regime applicable to regular pre-NPS employees upon absorption.

UGC's rejections fail to engage with this central aspect of the matter.

15. The fact that the Petitioners had subscribed to CPF while serving in the Bioinformatics Centre cannot, by itself, conclude the issue against them, since that arrangement pertained to their status prior to absorption. It cannot be treated as a final and irreversible election to remain outside the pension scheme after they became part of the regular University service. A pension option, if it is to bind an employee, must be conscious, informed and exercised in relation to the service under which its consequences will follow. Mere administrative continuance of CPF deductions after absorption cannot be elevated into such an option. In the absence of a conscious election to continue under CPF after absorption, the Petitioners could not be presumed to have waived the pension regime otherwise applicable to regular pre-NPS employees of JNU.

16. For these reasons, the Petitioners are entitled to be treated as governed by the GPF-cum-Pension-cum-Gratuity Scheme from the date on which their absorption into JNU took effect, i.e., 1st April, 2002, subject to the usual adjustment of CPF amounts.

17. The impugned communications dated 10th October, 2007, 27th November, 2012, 21st February, 2014, 29th January, 2019 and 2nd January, 2025, together with any consequential communication reiterating the same position, are set aside to the extent they deny the Petitioners coverage under the GPF-cum-Pension-cum-Gratuity Scheme.

18. JNU and UGC are directed to process the Petitioners' cases for coverage under the GPF-cum-Pension-cum-Gratuity Scheme from the date of their regular absorption in JNU, subject to the following conditions:

i. If any Petitioner has received any amount towards CPF-cum-Gratuity, such Petitioner shall refund the amount received, or permit adjustment of the same, within the time stipulated by JNU.

ii. The employer's contribution to CPF, together with interest credited thereon, shall be recouped or adjusted in accordance with the applicable rules.

iii. The employee's own contribution, together with interest credited thereon, shall be transferred or adjusted in the manner applicable to a GPF account.

iv. The Petitioners shall file the necessary undertakings and forms within two weeks from the date on which JNU communicates the computation.

19. JNU shall make the computation within six weeks from today and communicate it to each Petitioner. Upon refund or adjustment, as the case may be, JNU shall finalise the consequential pension papers and forward them to the competent authority within a further period of six weeks. UGC shall issue all consequential approvals and shall not withhold processing on the basis of the communications set aside by this order.

20. The pensionary benefits and arrears found payable shall be released within twelve weeks after completion of the refund or adjustment exercise. If the said timeline is not adhered to without lawful justification, the delayed amount shall carry simple interest at 6% per annum from the date immediately following the expiry of the said period until payment.

21. The writ petition is allowed in the above terms.

22. Pending applications, if any, stand disposed of.

SANJEEV NARULA, J

MAY 19, 2026/*hc*