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

+ **W.P.(C) 15338/2024**

PRIYA SRIVASTAVA

.....Petitioner

Through: Ms. Mrinmoi Chatterjee, Mr. Varun
Dev Mishra and Ms. Kirti Lal,
Advocates.

versus

**THE REGISTRAR CENTER FOR RAILWAY INFORMATION
SYSTEMS AND ORS**

.....Respondents

Through: Mr. Chandan Kumar and Mr. Vikram
Sharma, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.05.2026**

CM APPL. 31017/2026 (seeking early hearing)

1. For the grounds and reasons stated in the application, the application is allowed and the main writ is taken up on board today itself, with the consent of the counsel.

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2. The Petitioner, a former employee of the Centre for Railway Information Systems ("CRIS"), invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution seeking, in substance, recognition of her entitlement to post-retirement medical benefits under the CRIS Medical Attendance Rules, 2009 after rendering more than 28 years of service. CRIS denies the benefit on the ground that the Petitioner ceased to be in service by way of resignation, which disentitles her from claiming the



said benefit.

Facts in brief

3. The Petitioner joined CRIS on 09th October, 1995, and, by the time of cessation of service, had rendered about 28 years of service and was serving as Principal Project Engineer. She had also been found fit for promotion to the post of Chief Project Engineer, though the promotion order awaited her return from ex-India leave without pay.

4. She was on sanctioned leave without pay owing to personal circumstances arising out of her husband's relocation abroad. On 21st February, 2024 she addressed a representation to CRIS requesting that she be permitted to voluntarily retire with immediate effect, that the three months' notice period be waived, and that post-retirement medical coverage be extended to her having regard to her long service.

5. By communication dated 12th March, 2024, CRIS informed the Petitioner that under paragraph 3.3.3.1 of Chapter 3 of the CRIS Bye-Laws, service of technical staff could be terminated by either party only on three months' notice or salary in lieu thereof, and further stated that there was no scheme in CRIS Rules for voluntary retirement with medical facility. The Petitioner was advised to submit a revised request in accordance with the rules.

6. On 16th March, 2024, the Petitioner again represented to CRIS, reiterating her request for waiver of notice period and grant of post-retirement medical coverage. The internal file noting placed on record by the Petitioner under the Right to Information Act assumes decisive importance. In Note #1, the administration recorded that the Petitioner had sought voluntary retirement with medical facility in lieu of around 28 years of



service. In Note #8, the Registrar proposed, *inter alia*, that the Petitioner's request for voluntary retirement be "read and accepted as resignation" under the extant rules; that if she insisted on voluntary retirement with medical benefits, she may be required to curtail ex-India leave, join office, assume promotion and await a future decision of the Executive Committee/Governing Council on the policy issue; and that no previous precedent existed where any employee had been granted VRS with medical benefits.

7. More importantly, Note #7 specifically recorded that the Petitioner was relying upon paragraph 8.4 of the CRIS Medical Policy containing the words "superannuation/resignation"; that the word "resignation" had been approved to be dropped by the then Managing Director as elaborated in linked correspondence; that an order in that regard "if any issued, seems not in record"; and that non-availability of medical facility for employees who had served the organisation for 25 years but wanted to leave by resignation was one of the reasons why a proposal for VRS had been initiated before the Executive Committee/Governing Council.

8. Thereafter, by letter dated 28th March, 2024, CRIS accepted the Petitioner's "resignation", waived the notice period, stated that there was no provision for VRS in the CRIS Bye-Laws and that post-retirement medical facility was not admissible to those resigning from CRIS service. It was further stated that the issue of permitting VRS after rendering a certain period of service was under consideration before the Executive Committee/General Council, and the Petitioner was granted liberty to either make a representation or withdraw her resignation pending such consideration.



9. On 30th March, 2024, the Petitioner wrote back accepting discontinuation of service with effect from 21st February, 2024, but expressly recorded that such acceptance did not affect her claim for post-resignation medical benefits after 28 years of service and that she would submit a separate representation aligned with clause 8.4 of Section 8 of Office Memorandum 21/2009. She also continued to request consideration of her case for VRS.

10. This writ petition has been filed challenging the denial of medical benefits and, in broader terms, the validity and interpretation of Rule 8 of the CRIS Medical Attendance Rules, 2009.

Submissions

11. Ms. Mrinmoi Chatterjee, Counsel for the Petitioner, makes the following submissions:

11.1. Petitioner, having rendered more than 28 years of service and there being no provision for VRS under the CRIS Bye-Laws, could not be denied post-retirement medical benefits merely because her exit from service was treated as a resignation. In this regard, reliance is placed on ***Asger Ibrahim Amin v. Life Insurance Corporation of India***,¹ wherein the Supreme Court treated an employee's resignation as voluntary retirement for extending pensionary benefits under a beneficial scheme.

11.2. Rules 8.1 and 8.4 must be read harmoniously. While Rule 8.1 prescribes the qualifying condition of minimum 25 years' service, Rule 8.4 expressly contemplated payment for availing the facility at the time of "superannuation/resignation". Rule 8.4 reflects the category of employees intended to be covered under the scheme, namely employees separating after



long service, whether by superannuation or resignation. Any other interpretation would render the expression “resignation” otiose.

11.3. The record itself weakens the Respondents’ defence. The internal file noting acknowledges that the Petitioner was relying upon paragraph 8.4. The word “resignation” had allegedly been dropped only with approval of the then Managing Director. Any formal order giving effect to such change was not available on record; and that denial of medical facility to employees who had served 25 years but wished to leave by resignation had itself led CRIS to initiate a proposal for VRS before the Executive Committee/Governing Council.

11.4. Reference is also made to the reply dated 14th July, 2025 issued by CRIS to a legal notice issued on behalf of the CRIS Employees Welfare Association, wherein CRIS acknowledged that Office Order No. 25/2010 dated 26th November, 2010, by which the expression “resignation” was deleted from Rule 8.4 of the Medical Attendance Rules, 2009, had been approved only by the Managing Director and not by the Executive Committee in terms of the Bye-Laws. The reply also records that one OM of 2013 has already been withdrawn, and that the 2010 OM itself is under reconsideration. This constitutes an admission that the deletion of the expression “resignation” lacked proper approval and cannot be relied upon against the Petitioner.

11.5. CRIS, though registered as a society, functions as an instrumentality under the Ministry of Railways and is amenable to the writ jurisdiction of this Court. The challenge raises issues of arbitrary State action, unequal treatment and unauthorized alteration of service benefits in violation of

¹ In Civil Appeal No. 10251/214, decided on 12th October, 2015.



Article 14 of the Constitution of India.

12. *Per contra*, Mr. Chandan Kumar, counsel for Respondents No.1 and 2, defends the impugned decision on the following grounds:

12.1. The present petition is not maintainable and, in any event, is devoid of merit as it effectively seeks a direction to rewrite the service policy of an autonomous body. CRIS is a registered autonomous society governed by its own rules and regulations, and the CRIS Medical Attendance Rules, 2009 are non-statutory in character. No mandamus can be issued directing amendment or expansion of a policy carrying financial implications, particularly when the impugned policy is uniformly applicable to all employees.

12.2. Rule 8.1, on its plain text, applies only to an employee who has completed 25 years of service and retires on superannuation. The Petitioner admittedly did not superannuate. She resigned. Therefore, she falls outside the class of beneficiaries. Rule 8.4 merely prescribes the contribution payable by an otherwise eligible employee to avail the facility and cannot enlarge the category defined by Rule 8.1.

12.3. The expression “resignation” is no longer part of Rule 8.4 of the Medical Attendance Rules with effect from 16th November, 2010, and that ever since such amendment no employee who resigned from service has been granted the facility under paragraph 8. Since Petitioner has not specifically challenged the 2010 amendment, she cannot seek to rely upon or enforce the original text containing the word “resignation”.

12.4. Despite having been expressly informed, *vide* letter dated 28th March, 2024, that there was no provision for VRS and that post-retirement medical benefits were not admissible to employees resigning from CRIS service, the



Petitioner nonetheless chose to resign, completed the exit formalities and discontinued from service. By doing so, the Petitioner is deemed to have waived any objection to the terms governing such exit. The Petitioner cannot now assail only the adverse consequences thereof. In this regard, reliance is placed on ***Reserve Bank of India v. M.T. Mani & Anr.***²

12.5. The petition has in any case become infructuous as the Petitioner has already approached the Respondents and the policy itself is under consideration before the competent bodies. This Court, ought not to enter into policy matters especially where financial burden and institutional autonomy are implicated.

13. On the rival submissions, the pleadings and the record, the following issues arise for determination:

- (i) Whether CRIS is amenable to the writ jurisdiction of this Court in the facts of the present case and whether the controversy raised is justiciable in public law.
- (ii) Whether the Petitioner's claim can be defeated merely on the ground that the CRIS Medical Attendance Rules, 2009 are non-statutory in nature.
- (iii) Whether the expression "resignation" was lawfully deleted from paragraph 8.4 of the 2009 scheme by the competent authority, and, if so, whether such deletion would operate to take away the Petitioner's right to post-retirement medical benefits.
- (iv) Whether, on a harmonious construction of the 2009 scheme, read with the surrounding circumstances, the Petitioner is entitled to post-retirement medical benefits.
- (v) Whether the Petitioner is disentitled to relief on account of waiver,

² 2025 SCC OnLine SC 1217.



acquiescence, approbation and reprobation, or on the ground that the impugned decision is a policy decision not amenable to interference.

Analysis

Maintainability and public law character

14. The preliminary objection as to maintainability is unsustainable. The record shows that CRIS is an organisation under the Ministry of Railways, Government of India, constituted with a Governing Council and Executive Committee comprising senior public functionaries, including Railway Board functionaries; its administration and management vest in those bodies under the governing Rules and Regulations; and its service conditions are regulated through bye-laws and office memoranda framed under that structure.

15. The Petitioner does not seek enforcement of a private bargain simpliciter. She challenges, instead, the legality of the denial of a service benefit under a policy framed by a public body, the authority of those who purported to alter that policy, and the fairness of the conduct of an entity discharging public functions under pervasive governmental control. A challenge of this nature plainly falls within the ambit of judicial review under Article 226.

16. The contention that the Medical Attendance Rules are “non-statutory” does not render the Respondents immune from review. A non-statutory administrative policy of a public authority must still conform to the requirements of fairness, non-arbitrariness and legality, particularly where it regulates conditions of service and the grant of benefits. In such a case, the Court is not enforcing a mere private contract; it is examining the legality of public action.



Whether a valid deletion of “resignation” is proved

17. The entire defence of the Respondents hinges on the assertion that the word “resignation” ceased to exist in paragraph 8.4 with effect from 2010. Yet, when the contemporaneous record is scrutinised, the Respondents’ case becomes internally inconsistent. First, the internal noting (Note #7) does not state that any duly approved amendment by the competent rule-making authority exists on record. To the contrary, it records that the word “resignation” had been approved to be dropped by the then Managing Director, that the matter was elaborated in linked correspondence, and that an order in this regard, “if any issued, seems not in record”.

18. Secondly, the later reply to legal notice dated 14th July, 2025, further compounds the inconsistency. In that communication, CRIS records, among the four issues raised, that Office Order No. 25/2010 dated 26th November, 2010 removed the “resignation” clause in para 8.4 and that this order had been approved solely by the Managing Director, bypassing the requisite approval of the Executive Committee as per the Bye-Laws. CRIS then states that these issues have been examined; that one such office memorandum of 2013 has already been withdrawn; and that the remaining issues, including the 2010 OM, are being revisited and, wherever required, necessary approvals of competent authorities shall be obtained.

19. This is, in effect, an admission by the Respondents themselves that the alteration relied upon against the Petitioner has, at least *prima facie*, not been shown to have been approved by the authority mandated under the governing framework. Once the governing Rules and Regulations vest policy framing and service conditions in the Council/Executive Committee structure, a change made only at the level of the Managing Director cannot,



in the absence of proper ratification or approval by the competent body, be treated as a lawful amendment binding on employees.

20. The burden lay on the Respondents to place before the Court the validly approved amendment, the authority under which it was made, and the contemporaneous decision of the competent body. They have failed to do so. In judicial review, especially where a public employer seeks to deny a beneficial entitlement by relying on an exception or exclusion, the authority must stand or fall on the record it produces. No such record has been produced here. The Court is therefore unable to accept the Respondents' plea that the deletion of "resignation" from para 8.4 stood validly effected and can be enforced against the Petitioner.

Construction of Rule 8.1 and 8.4

21. Once the Respondents' reliance on an unproven and improperly approved deletion is excluded, the original text of the CRIS Medical Attendance Rules, 2009 assumes significance. The controversy in the present case, therefore, turns on the construction of Rules 8.1 and 8.4 and, in particular, the import of the expression "superannuation/resignation" occurring in Rule 8.4. The relevant provisions, as extracted in the writ petition, are reproduced below:

"8.1 An employee who has completed a minimum of 25 years service in CRIS and on superannuation, he/she shall be entitled to reimbursement of expenditure incurred on indoor treatment for self and spouse only at the same rate as applicable to a regular employee. In case of death of the employee, while in service or after superannuation, the spouse will continue to get the facility.

8.2 An employee who has joined CRIS on permanent absorption from Govt. of India/State Govt. service including PSU/Bank would be eligible for Post Retirement Medical Facility irrespective of the number of years of service they have put in CRIS subject to their not availing this facility/not being



entitled to from their parent organization.

8.3 Retired employee will also be entitled to one month (last pay) salary equivalent as outdoor reimbursement for himself & spouse only.

8.4 To avail this facility the employee will be required to pay a sum equal to one month's basic + dearness pay + grade pay at the time of superannuation/resignation."

Rule 8.1 prescribes the substantive threshold: minimum 25 years' service in CRIS coupled with entitlement to reimbursement upon separation post-service; Rule 8.4 prescribes the condition for availing the facility, namely deposit of one month's basic pay, dearness pay and grade pay at the time of "superannuation/resignation".

22. The Respondents seek to read Rule 8.1 in isolation and treat Rule 8.4 as merely a procedural clause relating to contribution. The Court is unable to accept such an interpretation. Beneficial schemes must be read as a whole and effect must be given to every material expression used therein. Once Rule 8.4 expressly uses the expression "resignation", the same cannot be treated as redundant or insignificant, particularly when the record itself shows that CRIS subsequently sought to remove the expression without placing any duly approved amendment on record.

23. The harmonious reading of Rule 8 is this: the scheme is intended to benefit employees who have rendered a substantial minimum tenure of 25 years and are separating from service; in ordinary cases the event may be superannuation, but the scheme as originally framed also contemplated cases of resignation, requiring the same contribution to be paid. This interpretation is also consistent with the Respondents' own internal note that denial of such benefit to 25-year employees leaving by resignation had become a policy issue requiring initiation of a VRS proposal.



24. The Petitioner had rendered more than 28 years of service. There is no allegation of misconduct, no pending vigilance or disciplinary case, and indeed the record shows that she had been found fit for promotion to a higher post. To deny her medical security solely because the employer insisted on reading her request for voluntary retirement as a resignation would be to exalt form over substance and to defeat the object of the scheme.

Distinction between resignation and voluntary retirement: effect of precedent

25. This Court is conscious of the settled position in service jurisprudence that resignation and voluntary retirement are distinct concepts and that where the governing rules expressly exclude resignation or provide for forfeiture of past service upon resignation, courts cannot obliterate that distinction through interpretative exercise. The principles in this regard stand authoritatively explained by the three-Judge Bench of the Supreme Court in ***Senior Divisional Manager, LIC v. Shree Lal Meena***.³

26. However, the said decision does not apply to the present case in the same manner. In ***Shree Lal Meena***, the governing Pension Rules themselves contained an express forfeiture clause providing that resignation would entail forfeiture of past service and disentitle the employee from pensionary benefits. The claim in that case therefore depended upon extending the scope of the pension rules beyond their express terms. The Supreme Court, accordingly, reiterated that resignation and voluntary retirement cannot ordinarily be treated as interchangeable concepts under service law.

³ AIR 2019 SC 3510.



27. The present case stands on a materially different footing. First, the Petitioner does not seek to read into the scheme a benefit not contemplated by the rules. On the contrary, Rule 8.4 of the CRIS Medical Attendance Rules, 2009, in its original form, expressly used the expression “superannuation/resignation”. Secondly, the Respondents have failed to establish that the subsequent deletion of the expression “resignation” was effected through any duly approved amendment in accordance with the governing framework. Thirdly, unlike the pension regulations considered in *Shree Lal Meena*, no validly enacted forfeiture clause disentitling employees resigning after long years of service has been shown to exist in the present case. Lastly, the Petitioner had admittedly completed more than 28 years of service and had initially sought voluntary retirement, there being no provision for VRS under the CRIS Bye-Laws at the relevant time.

28. The decision relied upon by the Respondents in *Reserve Bank of India v. M.T. Mani* is also distinguishable. That case concerned a later pension package containing specific financial and temporal conditions, including a prospective cut-off date, which had been consciously accepted by the employee. The Supreme Court held that an employee who had voluntarily opted into such a package could not accept its beneficial terms while selectively challenging its adverse conditions. In the present case, however, the Petitioner does not seek to selectively assail a consciously accepted package deal. Her claim arises under the original text of the 2009 Medical Attendance Rules themselves, and the Respondents rely upon an amendment whose validity and approval by the competent authority remain unestablished. The principle against approbation and reprobation therefore has no application in the facts of the present case.



29. The Court is conscious that in *Shree Lal Meena*, the Supreme Court commented on the precedential force of liberal pension decisions, including *Asger Ibrahim Amin*. However, in the present decision, reliance on *Asger Ibrahim Amin* is only confined to the equitable principles enunciated therein. Moreover, the present case rests on a clear textual footing: paragraph 8.4 of the CRIS policy itself employed the expression “resignation”, and the Respondents have failed to establish any duly approved amendment deleting it.

Waiver, acquiescence and plea that the petition has become infructuous

30. The plea that the petition is infructuous because the Petitioner “approached the Respondent” or because the matter is under policy consideration is misconceived. A writ petition challenging denial of an accrued benefit does not become infructuous merely because the authority later says the issue is under reconsideration. If anything, the later record reinforces the Petitioner’s grievance by showing that the Respondents themselves are unsure of the legality of the 2010 change.

31. Equally untenable is the plea of waiver. Waiver is an intentional relinquishment of a known right. The Petitioner’s correspondence negatives any such relinquishment. She repeatedly sought voluntary retirement with medical facility; when the Respondents insisted that there was no such provision and that her case would be treated as resignation, she accepted discontinuation while expressly recording that such acceptance would not prejudice her claim for post-resignation medical benefits. A public authority cannot first corner an employee into a formal category and then invoke that formality as an estoppel against her substantive claim.

32. The argument that acceptance of the Petitioner’s case would impose



financial burden or open the floodgates is no answer where the denial itself rests on an unauthorised alteration of policy. Financial implications are a relevant consideration while framing policy, but financial burden justify arbitrary discrimination once a public employer has itself framed a beneficial rule and an employee has fulfilled its substantive eligibility requirement.

Operative directions

33. Accordingly, the writ petition is allowed in the following terms:

- (i) The decision of Respondents No.1 and 2, as communicated, *inter alia*, through letter dated 28th March, 2024, insofar as it denies the Petitioner post-retirement medical benefits on the sole ground that she ceased to be in service by way of resignation, is quashed and set aside.
- (ii) It is declared that, in the facts of the present case, the Petitioner shall be treated as entitled to the benefit of post-retirement medical facility under Rule 8 of the CRIS Medical Attendance Rules, 2009, subject to fulfilment of the contribution requirement contemplated by paragraph 8.4 as originally framed.
- (iii) Respondents No.1 and 2 shall, within four weeks from today, intimate to the Petitioner the exact amount payable by her under paragraph 8.4 of Office Memorandum 21/2009. Upon deposit of the said amount within a further period of four weeks therefrom, the Respondents shall activate and extend to the Petitioner the post-retirement medical facility for self and spouse in terms of the said rules within two weeks thereafter.
- (iv) In case the Petitioner has already deposited any amount referable to the said benefit or any equivalent contribution, due adjustment shall be made while computing the amount payable.



(v) The Respondents shall also process and reimburse any admissible claim for indoor treatment covered by the scheme, incurred after the date on which the Petitioner became entitled in terms of this judgment, subject to verification of bills and compliance with procedural formalities ordinarily applicable under the scheme.

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

35. Next date of hearing, i.e., 01st October, 2026, stands cancelled.

SANJEEV NARULA, J

MAY 8, 2026/as