

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 24834 OF 2024

Between:

Sri Y. Gangireddy, S/o Y. Pami Reddy, Aged about 67 years, Occ: Professor (Retired), National Institute of Rural Development and Panchayat Raj, Rajendranagar, Hyderabad- 500030. R/o Door No. 45/15, Rajahamsa Sweet Homes, Besides KIA Showroom, NH 44, Kakklapalli, Anantapur - 515004, Andhra Pradesh.

...PETITIONER

AND

1. Director General, National Institute of Rural Development and Panchayat Raj, Rajendranagar, Hyderabad 500030.
2. Chairman, Executive Council, National Institute of Rural Development and Panchayat Raj, Ministry of Rural Development, Krishi Bhavan, New Delhi 110011.
3. Union of India, Represented by the Secretary, Ministry of Rural Development, Krishi Bhavan, New Delhi 110011.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records connected with and relating to the Order Dated 20-02-2024 in O. A. No. 726 of 2017 on the file of the Central Administrative Tribunal, Hyderabad Bench, by issuing a Writ of Certiorari and declare the same as illegal, arbitrary, patently discriminatory, unconstitutional and in clear violation of Articles 14, 16 and 21 of the Constitution of India and consequently set aside or quash the Order. Dated 20-02-2024 in O. A. No. 726 of 2017 passed by the Central Administrative Tribunal, Hyderabad Bench.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order Dated 20- 02- 2024 in O. A. No. 726 of 2017 passed by the Central Administrative Tribunal, Hyderabad Bench, and direct the Respondents to allow the Petitioner to switch over from Contributory Provident Fund Scheme to General Provident Fund- cum- Pension Scheme in accordance with the provisions under the Service Bye- laws 48, 49 and 52(3) of the 1st Respondent Institute, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI POLALI VENKATESH

**Counsel for the Respondent Nos.1 and 2: SRI BHARATIYA SUDARSHAN
(SC FOR NIRD AND PR)**

**Counsel for the Respondent No.3: SRI N. BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.24834 of 2024

DATE: 16.12.2025

Between:

Y. Gangi Reddy

....Petitioner

AND

Director General, National Institute of
Rural Development and Panchayat Raj and 2 others.

....Respondents

ORDER

This Writ Petition assails the order dated 20.02.2024 passed by the Central Administrative Tribunal (CAT), Hyderabad, in O.A.No.726 of 2017, whereby the Tribunal dismissed the Original Application (for short, 'O.A.') filed by the petitioner. The petitioner had filed the subject O.A. seeking a direction to switch over from the Contributory Provident Fund (CPF) Scheme to the General Provident Fund-cum-Pension (for short, 'GPF-cum-Pension') Scheme after his retirement.

2. Heard Sri P.Venkatesh, learned counsel for the writ petitioner; Sri N.B.Sudarshan, learned counsel for respondent

Nos.1 and 2; and Sri N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent No.3. Perused the record.

Factual Matrix (in brief)

3. The factual background, necessary for the adjudication of the present writ petition, is as follows:

- i. The petitioner joined the 1st respondent-Institute i.e., National Institute of Rural Development and Panchayat Raj (NIRDPR) as a Research Associate on a contract basis on 17.11.1984. Petitioner's services were regularized w.e.f. 17.03.1985 *vide* Office Order No. 379 dated 07.11.1985. Petitioner retired as a professor on attaining superannuation on 31.10.2017.
- ii. The 1st respondent-Institute introduced the GPF-cum-Pension Scheme w.e.f., 01.04.1985 *vide* Office Order No.54 dated 01.05.1985, which provided that employees holding posts on a contract basis as on 01.04.1985 would continue under the CPF Scheme; however, upon regularization, they were given an option either to opt for the GPF-cum-Pension Scheme or to continue under the CPF Scheme.
- iii. The petitioner exercised his first option on 30.06.1985, opting to continue under the CPF Scheme. A second opportunity was provided *vide* Office Order No. 332 dated 11.08.1987, pursuant to the recommendations of the Fourth Central Pay Commission. Accordingly, the petitioner again opted for CPF on 30.09.1987.
- iv. For nearly three decades, the petitioner contributed to and drew benefits under the CPF Scheme without demur. In June 2016 and April 2017, just prior to his retirement, he made representations seeking migration to the GPF-cum-

Pension Scheme, which were rejected by the respondents *vide* letter dated 02.08.2017. The petitioner filed the O.A. before the Tribunal aggrieved by the action of respondent No.1 in rejecting the petitioner's representation. The Tribunal, upon consideration of the entire material on record, dismissed his O.A. by order dated 20.02.2024.

- v. Aggrieved thereby, the petitioner has approached this Court under Article 226 of the Constitution challenging the Tribunal's order.

Contentions on behalf of the petitioner

4. The learned counsel for the petitioner submits that upon the petitioner's regularization w.e.f., 17.03.1985, his service conditions became governed by the NIRD Service Bye-laws; that Bye-law 52(3) stipulates that an employee appointed on a regular basis is eligible only for the GPF-cum-Pension Scheme and that in the absence of a valid option exercised within three months from the date of regularization, the employee is deemed to have opted for the GPF-cum-Pension Scheme. According to the learned counsel for the petitioner, no valid option was exercised by the petitioner in 1985 after regularization and, therefore, he stood automatically governed by the GPF-cum-Pension Scheme by operation of law.

5. It is further contended by the learned counsel for the petitioner that the option allegedly exercised by the petitioner in the year 1987 pursuant to Office Order No.332, dated 11.08.1987

is illegal and without authority, as the petitioner was already deemed to be under the GPF-cum-Pension Scheme, and no fresh option could have been sought thereafter. Further, the cut-off date of 30.09.1987 was applied selectively and that similarly situated employees were permitted to migrate to the pension scheme even after the cut-off date, thereby violating Article 14 of the Constitution of India.

6. It is further submitted that due to successive Pay Commission revisions, the disparity between CPF and GPF-cum-Pension benefits has widened substantially, and denial of the pensionary benefits to the petitioner at this stage is unjust, unreasonable, and violative of Articles 14 and 21 of the Constitution.

7. The learned counsel for the petitioner has placed reliance on the Judgment of the Delhi High Court in *LPA No.410 of 2014 and batch*, dated 24.08.2016, to contend that a substantial change in financial benefits can justify grant of a fresh option. The learned counsel for the petitioner seeks to distinguish the decisions relied upon by the respondents, including ***Dr.S.Venkatadri v. Union of India and others***¹ and ***Dr.K.Suman Chandra v. Union of India***², contending that the

¹ SLP (C) No.18044 of 2017, dt.29.08.2019

² O.A.No.45 of 2017 dt.15.07.2019

factual matrix therein is different and not applicable to the present case.

Contentions on behalf of the respondents

8. *Per contra*, learned counsel for the respondents, in unison, contended as under:

- i. That the petitioner, a highly qualified academic, consciously and voluntarily exercised his option to continue under the CPF Scheme, not once but twice i.e., first in the year 1985 and again in 1987. The option forms duly signed by the petitioner are on record. It is submitted that the petitioner continued under the CPF Scheme for nearly three decades, contributed thereto, and availed its benefits without any protest whatsoever.
- ii. That as per the policy adopted by the Institute, an option once exercised is final and irrevocable. Office Order No.332 dated 11.08.1987 specifically stipulated such finality, and the petitioner cannot be permitted to resile from his choice after an inordinate delay, particularly on the eve of retirement.
- iii. That the petitioner's case is governed by Bye-law 52(4) and not Bye-law 52(3), as the petitioner was initially appointed on a contract basis. Upon regularization, he was given a clear option between CPF and GPF-cum-Pension, which he validly exercised. The deemed option clause, it is argued, applies only where no option is exercised, which is not the case here.
- iv. Respondents placed reliance on the judgment in ***Dr.S.Venkatadri*** (supra 1) of the Hon'ble Supreme Court,

wherein an identically placed employee of the very same Institute, appointed on contract in 1984, regularized in 1985, and having opted for CPF in 1985 and 1987, was denied similar relief of migration from CPF to GPF cum Pension Scheme. It is pointed out that the said judgment has attained finality upon dismissal of the review and curative petitions and squarely governs the present case.

- v. The respondents denying allegation of discrimination submit that no similarly situated employee was permitted to switch schemes after the cut-off date. Reliance is placed on official records and communications of the Ministry reaffirming the finality of the option exercised.
- vi. That the petitioner's prolonged acquiescence for over 30 years attracts the principles of delay, estoppel, and waiver, and that the writ petition is a belated attempt motivated solely by the prospect of enhanced retirement benefits.

9. We have given our anxious considerations to the submissions made by the learned counsel on both sides.

Analysis and Reasoning

10. The core issue that arises for determination is whether the petitioner, having consciously and voluntarily opted for the CPF Scheme in the years 1985 and 1987, can seek a belated conversion to the GPF-cum-Pension Scheme after nearly three decades and subsequent to retirement?

Applicability of the service Bye-laws and validity of the option exercised

11. It is pertinent to note that a plain and harmonious reading of the Service Bye-laws governing the Institute assumes significance. Bye-law 52(4) contemplates a situation where an employee initially appointed on contract is subsequently absorbed on a regular basis and grants such employee an option to choose between the CPF Scheme and the GPF-cum-Pension Scheme. The proviso thereto stipulates that only in the event of non-exercise of such option, the employee shall be deemed to have come over to the GPF-cum-Pension Scheme.

To appreciate the relevant Bye-law applicable to the petitioner, it is apposite to extract Bye-law 52 of the Bye-laws hereunder:

52. Application and eligibility of the schemes :

- (a) *Persons appointed after the date of commencement of the schemes under bye-laws 48 and 49.*
 - 1) *A person appointed on contract under Service bye-law 2(2) shall be eligible to be governed only by the Contributory Provident Fund Scheme under Bye-law 50.*
 - 2) *A person initially appointed on contract under Bye-law 12 to a post referred to in Bye-law 3(a) shall be eligible to be governed by the Contributory Provident Fund Scheme under bye-law 50, for the period he holds the appointment on contract (vide sub-clause 4).*
 - 3) *A person appointed to a post otherwise than on contract shall be eligible to be governed only by the Pension-cum-Gratuity-cum-Family Pension Scheme referred to in bye-law 48 and the General Provident Fund Scheme referred to in bye-law 49.*
 - 4) *An employee of the category referred to in sub-clause (2) shall, on his appointment on a regular basis in the post*

held by him or any other post under bye-law 12, have the option to elect either.

- i. the Pension-cum-Gratuity-cum-Family Pension Scheme referred to in bye-law 48 and the General Provident Fund Scheme referred to in bye-law 49 or
- ii. to continue to be governed by the Contributory Provident Fund Scheme referred to in bye-law 50.

Provided that he shall exercise and communicate his option in writing to the Registrar and Accounts Officer, within three months of the date of the order appointing him on a regular basis, and if he is on leave on that date within three months from the date of his return from leave, and the option so exercised shall be final.

Provided further that if a person does not communicate his option in the manner aforesaid, he shall be deemed to have elected the Pension-cum-Gratuity-cum-Family Pension Scheme and the General Provident Fund Scheme.

Where a person elects or is deemed to have elected the Pension-cum-Gratuity-cum-Family Pension Scheme and the General Provident Fund Scheme, he shall forego the Institute's contribution to his contributory Provident Fund account together with interest thereon, which shall be paid back to the Institute, and shall thereupon be entitled to count towards pension the service rendered by him prior to his appointment on a regular basis to the extent permissible under the Pension-cum-Gratuity-cum-Family Pension Rules of the Institute, and the accumulated balance of his subscriptions in the Fund together with interest thereon standing to his credit shall be transferred to his General Provident Fund Account.

12. In the present case, the factual position is undisputed. The petitioner did not remain silent. On the contrary, he expressly exercised his option on 30.06.1985, striking off the GPF option and electing to continue under the CPF Scheme. Consequently, the concept of a "deemed option" under the proviso never arose. The petitioner's case is thus not one of statutory fiction, but of a conscious and affirmative choice.

13. Further, the petitioner for more than three decades, accepted CPF deductions, received the employer's contribution, and raised no objection whatsoever. Such long and unbroken acquiescence attracts the doctrine of estoppel, disentitling him from questioning the very scheme which he willingly embraced.

14. It is to be noted that the Office Order No.332 of 1987 extended a second, benevolent opportunity to employees already under CPF to switch over to the Pension Scheme. Even at this stage, the petitioner once again opted to continue under CPF, thereby reaffirming his earlier decision. The contention advanced by the petitioner that the 1987 option is void on the premise that he was already deemed to be under GPF is legally untenable, for the very foundation of such plea collapses in light of the explicit option exercised in 1985. Having validly remained under CPF, the second option was lawfully offered and lawfully exercised.

Binding nature of the decision in *Dr. S. Venkatadri's case*

15. It is to be noted that the issue raised is no longer *res integra*. The judgment of the Supreme Court in ***Dr. S. Venkatadri*** (Supra 1) squarely governs the field and binds this Court by virtue of Article 141 of the Constitution of India. The factual matrix in the said case is strikingly identical as there was an appointment on contract, regularisation, exercise of option in 1985 and again in 1987 in favour of CPF, and a belated

claim for switchover at the fag end of service. The Apex Court, after noticing the categorical stand taken by the employer regarding voluntary exercise of option and the absence of any denial thereto, declined to interfere. The dismissal of the Review Petition and Curative Petition further cements the finality of the legal principle enunciated therein.

16. In the present case, the petitioner's attempt to distinguish the said judgment is unconvincing. The ratio laid down therein that a conscious and voluntary option exercised decades earlier cannot be unsettled at the threshold of retirement; applies with full force to the facts of the present case.

Allegation of Arbitrariness and Violation of Article 14

17. It is to be noted that the plea of discrimination under Article 14 of the Constitution is devoid of substance. The respondents have placed material demonstrating uniform treatment of all employees who opted for CPF. The petitioner has failed to place any concrete evidence to show that persons similarly situated, namely those who had consciously opted for CPF on more than one occasion, were permitted to switchover subsequently.

18. The prescription of a cut-off date, namely 30.09.1987, emanates from a policy decision of the Government of India, which was duly adopted by the 1st respondent-Institute. It is trite

law that fixation of a cut-off date in service matters is a matter of policy and does not warrant judicial interference unless shown to be palpably arbitrary or irrational.

19. The petitioner's argument on subsequent financial disadvantage, though appealing on equitable considerations, cannot override the principle of finality attached to a voluntary option exercised by an employee with open eyes. Subsequent improvements in pensionary benefits do not confer a vested right to reopen settled service conditions.

20. It is also to be noted that the Delhi High Court Judgment in LPA No.410 of 2014 and batch, dated 24.08.2016 relied upon by the petitioner pertains to employees governed by a distinct statutory and regulatory framework applicable to Delhi University. It neither interprets the Bye-laws governing the present Institute nor dilutes the binding effect of the Supreme Court's decision in **Dr. Venkatadri** (supra 1). Consequently, the said Judgment does not advance the case of the petitioner.

Conclusion

21. This Court is of the considered view that the Tribunal has meticulously analysed the facts, correctly interpreted the applicable Bye-laws and rightly placed reliance on binding precedent. The conclusion that the petitioner, having consciously

opted for CPF, cannot seek conversion after an inordinate lapse of time, is legally sound.

22. In this regard, the Writ Petition is devoid of merit and the impugned order dated 20.02.2024 does not suffer from perversity, illegality, or Jurisdictional error warranting interference of this Court under Article 226 of the Constitution of India.

23. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Polali Venkatesh, Advocate [OPUC]
2. One CC to Sri bharatiya sudarshan (SC FOR NIRD AND PR) [OPUC]
3. One CC to Sri N. Bhujanga Rao, Deputy Solicitor General of India[OPUC]
4. Two CD Copies

T J
BS

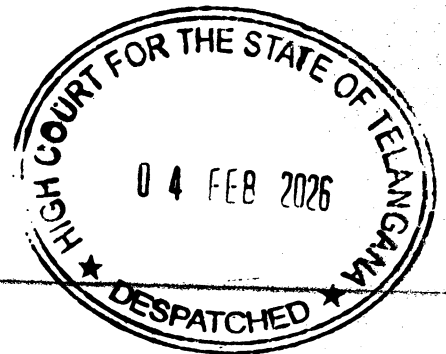
SC

HIGH COURT

DATED:16/12/2025

ORDER

WP.No.24834 of 2024



DISMISSING OF THE WRIT PETITION
WITHOUT COSTS

⑥
SP
24-01-28.