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

WEDNESDAY,THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 29387 OF 2025

Between:

Tangirala Sreedevi, W/o Late T. Vijaya Kumar, Aged about 64 Years, Occupation. Housewife, R/o Flat No. 204, D. No. 3-12-23/1, Ganesh Nagar, Ramanthapur, Hyderabad.

...PETITIONER

AND

1. Union of India, Ministry of Personnel, Reprsented by its Secretary (Pension), Public Grievances and Pension, Department of P and P W), 3rd Floor, Lok Nayak Bhavan, Khan Market, New Delhi - 110 003.
2. The Director (Expenditure), Department of Expenditure, Ministry of Finance, Government of India, Room No. 76, New Delhi - 110 001.
3. The Joint Secretary (CVO and PG), Department of School Education and Literacy, Room No. 107, D Wing, Shastri Bhavan, New Delhi - 110 001.
4. The Commissioner, Kendriya Vidyalaya - Sangathan, Institutional Area, 18 Shaheedjeetsing Marg, New Delhi - 110 016.
5. The Central Administrative Tribunal, Hyderabad Bench at Hyderabad, 1st Floor, HACA BHAVAN, Opposite to Public Gardens, Hyderabad - 500 004, Represented by its Registrar.

...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 issue a Writ, Order or Direction particularly a Writ of Ceritiorary calling for the records connecting to the Order dated. 12/02/2024 passed in O.A. No. 021/1485/2015 by Which the O.A. filed by the petitioner was dismissed by the

Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same and consequently allow the O.A. No. 021/1485/2015

IA NO: 2 OF 2025

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 direct the respondents to pay the family pension to the petitioner for which she is entitled pending or disposal of writ petition

Counsel for the Petitioner : SRI T P ACHARYA

Counsel for the Respondent Nos. 1 to 3: SRI A. KRANTI KUMAR REDDY, (CENTRAL GOVT)

Counsel for the Respondent No.4: SRI AJAY KUMAR KULKARNI

Counsel for the Respondent No. 5:---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION No.29387 OF 2025

ORDER:

This Writ Petition assails the order dated 12.02.2024 passed by the Central Administrative Tribunal (CAT), Hyderabad, in O.A.No.21/1485/2015, whereby the Tribunal dismissed the Original Application filed by the late husband of the petitioner. The husband of the petitioner had filed the subject O.A. seeking a direction to the respondents to grant him one more opportunity to switch over from the Contributory Provident Fund (CPF) Scheme to the General Provident Fund-cum-Pension (GPF-cum-Pension) Scheme.

2. Heard Sri T.P.Acharya, learned counsel for the petitioner; Sri A.Kranti Kumar Reddy, learned counsel for respondent Nos.1 to 3 and Sri Ajay Kumar Kulkarni and learned counsel for respondent No.4.

Factual Matrix (in brief)

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

i) Late T. Vijaya Kumar (husband of the writ petitioner) was appointed as a Post Graduate Teacher in

Kendriya Vidyalaya Sangathan (KVS) on 05.08.1985 and was initially governed by the CPF Scheme;

ii) Following the Fourth Central Pay Commission, the Government of India issued an Office Memorandum on 01.05.1987 (Ex.P2), allowing a switch over to the GPF-cum-Pension Scheme. Employees in service on 01.01.1986 were deemed to have switched over to the GPF-cum-Pension Scheme unless they specifically opted out and desired to continue to be governed by the CPF Scheme by 30.09.1987. The relevant portion of the Office Memorandum is extracted as under:

> 3.2 The employees of the category mentioned above will, however, have an option to continue under the CPF Scheme, if they so desire. The option will have to be exercised and conveyed to the concerned Head of Office by 30.09.1987 in the form enclosed if the employees wish to continue under the CPF Scheme. If no option is received by the Head of Office by the above date the employees will be deemed to have come over to the Pension Scheme.
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> 3.3. The CPF beneficiaries, who were in service on 1.1.1986, but have since retired and in whose case retirement benefits have also been paid under the CPF Scheme, will have an option to have their retirement benefits calculated under the Pension Scheme provided they refund to the Government, the Government contribution to the Contributory Provident Fund and the interest thereon, drawn by them at the time, of settlement of the CPF Account. Such option shall be exercised latest by 30.09.1987.
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> 3.4. ****

3.5 ****

3.6 The option once exercised shall be final.

iii) KVS adopted the scheme *mutatis mutandis vide* its Office Memorandum dated 01.09.1988, extending the date of exercise option till 31.01.1989.

iv) The husband of the petitioner consciously opted to continue under the CPF Scheme on 09.01.1989 by submitting a signed option form dated 09.01.1989;

v) 26 years later, in the year 2015, while still in service, the husband of the petitioner filed O.A.No.21/1485/2015 before the CAT seeking "one more chance" to switch to the GPF-cum-Pension Scheme, citing subsequent disparities in benefits;

vi) The Central Administrative Tribunal dismissed his O.A. on 12.02.2024, primarily on the grounds that he had exercised a conscious option which was final, and his claim for switch over cannot be allowed on account of inordinate delay and laches.

vii) The husband of the petitioner expired on 15.01.2025. The petitioner now seeks family pension, which would be available, only if her husband was covered under the GPF-cum-Pension Scheme. The petitioner claims the benefit of family pension on the ground that the High Court of Delhi had held that similarly placed employees

were entitled to the switch over of GPF-cum-Pension Scheme from CPF Scheme and that delay was not attracted.

Contentions on behalf of the petitioner

i) The learned counsel for the petitioner contends that the present case is squarely covered by the judgment of the Delhi High Court in W.P.(C).No.3172 of 2019 and batch dated 02.09.2025 (Ex.P-8). Learned counsel for the petitioner contends that the Delhi High Court in the said writ petition has categorised the employees into three categories which are as follows:

I. Category A: Employees who had not opted to continue in the CPF Scheme during the prescribed period of five months, that is, from 01.09.1988 to 31.01.1989, in terms of the KVS OM dated 01.09.1988.

II. Category B: Employees who had opted to continue in the CPF Scheme during the said five-month period from 01.09.1988 to 31.01.1989 and now want to switch over to the GPF-cum-Pension Scheme.

III. Category C: Employees who were direct appointees (or whose services were confirmed/regularised) between 01.01.1986 and 31.12.2003, when the CPF Scheme was not in operation

The Delhi High Court held that the switch over for category B employees therein as in the present case is

permissible and the claim is not barred by delay, laches or limitation.

ii) The learned counsel further contends that GPF-cum-Pension Scheme is a beneficial legislation intended for the post-retirement security of the employees and as such, a liberal compassionate view should be taken, especially considering the fact that the wife of the deceased, who is the petitioner in the present case, is a dependent widow.

iii) The learned counsel contends that other similarly placed KVS employees and the employees in other Government Departments have been granted the similar benefit of switching over from CPF Scheme to GPF-cum-Pension Scheme. The denial of the same to the petitioner's husband would amount to arbitrary discrimination and violates Article 14 of the Constitution of India.

iv) It is contended that right to pension is a continuing cause of action. The petitioner, as the widow, is now claiming a right to family pension, which is a recurring cause of action that arises each month, and as such the ground of delay is not attracted.

v) The petitioner is a 64 years old housewife and will face severe financial hardship and irreparable loss if she is denied the family pension and prayed to allow the switch over (deemed), of her husband from the CPF to the GPF-cum-Pension Scheme.

Contentions on behalf of the respondents

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

i) The deceased employee made a conscious, informed and irrevocable choice to remain under the CPF Scheme in 1989. The explicit terms of the Office Memorandum dated 01.05.1987 clearly states that an option once exercised shall be final. The deceased employee enjoyed the benefits of the CPF Scheme throughout his service and upon retirement; and the conversion from CPF to the GPF Pension Scheme at the belated stage is not possible.

ii) The employee waited for over 25 years after exercising his option to remain under the CPF Scheme. The employee cannot be allowed to agitate the issue to switch over from the CPF Scheme to the GFP cum Pension Scheme after the inordinate and unexplained delay of over 25 years. The unexplained and inordinate delay over 25

years in itself is a sufficient ground to dismiss the petition.

iii) The reliance of the petitioner on the judgment of the Delhi High Court in W.P.(C). No. 3172 of 2019 and batch, is completely misplaced. The Delhi High Court in the above mentioned case allowed Category B claims, in a specific context and with the crucial condition that employees must refund the employer's CPF contribution with interest. They contended that more importantly, each case must be decided on its own facts, and the principle of finality of option cannot be completely ignored.

iv) Learned counsel for the respondents' contended that granting such belated claims, especially after the settlement of terminal benefits and the employee's demise, places an unjust and unanticipated financial burden on the exchequer and sets a dangerous precedent, opening floodgates for similar stale claims.

v) The petitioner has no legal right to demand a switch over from a scheme that her husband voluntarily chose and was governed by until his death. The consideration of the request for one more chance to convert from one

scheme to another is a matter of policy and not a legal entitlement.

4. We have given our anxious considerations to the submissions and perused the record, including the judgment in W.P.(C).No. 3172 of 2019 and batch of the Delhi High Court.

Analysis and Reasoning:

5. The cornerstone of the scheme introduced in 1987-88 was the provision of a conscious choice to the employees. The petitioner's husband consciously and voluntarily exercised his option in writing to continue under the CPF Scheme. The terms of the Office Memorandum were clear and unambiguous that the option was final. Having made a calculated choice and reaped the benefits of CPF Scheme throughout his career and at the time of retirement, his legal representatives cannot now be permitted to resile from that position decades later. In this regard, the principle of estoppel and waiver squarely applies to the facts of this case.

6. The employee waited for over 25 years after exercising his option and about two years prior to his retirement, raised this claim and prayed for one more option to switch over to other GPF-cum-Pension Scheme, which he considered beneficial.

This is clearly an afterthought. This delay of 25 years constitutes an inordinate and unexplained delay.

7. The doctrine of laches would apply to the present case. Granting relief in such a stale claim would set a dangerous precedent, unsettling long-closed financial transactions and would open the flood gates of similar stale claims.

8. The petitioner's argument of continuing cause of action is completely misplaced. It is to be noted that in the present case, the cause of action, if any, arose in the year 1989 when the option was exercised and given effect by the employee. The subsequent deduction of the CPF was a consequence of the employee's own choice, not a "wrong." Further, the petitioner's reliance on the judgment of the Delhi High Court in ***Union of India & Anr v. Tarsem Singh***[1] is distinguishable as that case involved a recurring non-payment of a benefit that was due, not a one-time, conscious selection between two distinct schemes as in the present case.

9. The petitioner's entire case rests on the erroneous assumption that her late husband's situation is squarely covered by the Judgment of the Delhi High Court in regard to the Category B claims. However, the present case is covered by the specific and binding law laid down by the Supreme Court in

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[1] (2008) 8 SCC 648

Kendriya Vidyalaya Sangathan and others v. Jaspal Kaur and another[2].

10. The Judgment of Delhi High Court in W.P.(C). No. 3172 of 2019 and batch does not automatically mandate that every single Category B claim must be allowed, irrespective of its unique facts. The decision highlights the importance of the beneficial nature of the pension scheme but cannot be construed to obliterate the fundamental principles of finality, delay, and acquiescence. It is trite law that each case must be judged on its own facts. In the present case, the combination of a conscious, final option and an inexplicable delay of 26 years, distinguishes it from cases where employees may have pursued their claims with more diligence.

11. The petitioner is essentially seeking to quash the order of the Central Administrative Tribunal. The decision of the Tribunal is based on the facts of delay and finality, is a plausible and legal one. The order of the CAT does not suffer from any perversity or error of law that warrants the interference of this Court under Article 226 of the Constitution.

12. For the foregoing reasons, we find no merit in this Writ Petition. The order of the Tribunal is legal, just and equitable and does not call for any interference. The petitioner's reliance

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[2] (2007) 6 SCC 13

on the Delhi High Court judgment in W.P.(C).No. 3172 of 2019 and batch is insufficient to overcome the significant hurdles of a conscious, final option exercised by the petitioner's husband and the inordinate and unexplained delay in the present case.

13. 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.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. T P ACHARYA, Advocate [OPUC]
2. One CC to SRI. T. KRANTI KUMAR REDDY, (CENTRAL GOVT)
3. One CC to SRI AJAY KUMAR KULKARNI, Advocate [OPUC]
4. Two CD Copies

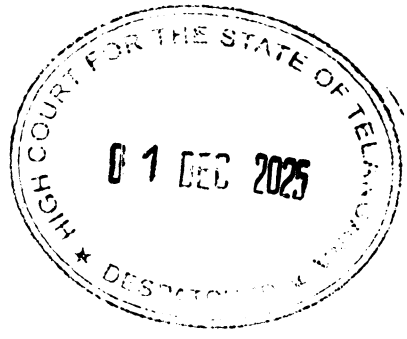
PVL

HIGH COURT

DATED:12/11/2025

ORDER

WP.No.29387 of 2025



DISMISSING THE WRIT PETITION

WITHOUT COSTS

(6)

kpr

24/11/25