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

Date of decision: 12th May, 2026

+ W.P.(C) 10545/2024, CM APPL. 43334/2024

DR.BHANU PRAKASH PANDEY & ORS.Petitioners

Through: Ms. Azra Rehman, Advocate.

versus

UNION OF INDIA ORSRespondents

Through: Mr. Premtosh K. Mishra, CGSC with
Mr. Anubhav Upadhyay, Mr. Shrey
Sharma and Mr. Arpit Bamal,
Advocates for UOI.
Mr. L. R. Khatana, Advocate for R-4.

+ W.P.(C) 16432/2022, CM APPL. 51624/2022 & CM APPL.
51626/2022

M A KHANPetitioner

Through: Ms. Azra Rehman, Advocate.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. L. R. Khatana, Advocate for R-4.

+ W.P.(C) 4895/2023 & CM APPL. 18889/2023

INTEKHAB AHMED & ANR.Petitioners

Through: Ms. Azra Rehman, Advocate.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. L. R. Khatana, Advocate for R-4.



**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The three writ petitions concern the same pensionary dispute, though the Petitioners stand at different points in their service journey. In *W.P.(C) 16432/2022*, the Petitioner is a retired employee of the National Council for Promotion of Urdu Language (“NCPUL”) who seeks release of pension and retirement gratuity under the General Provident Fund-cum-pension scheme. In *W.P.(C) 4895/2023*, the Petitioners are employees of NCPUL who apprehend denial of pensionary benefits despite having been treated throughout as subscribers to the same scheme. Amongst them, during the pendency of the petition, Petitioner No. 2, Shahnaz Akhter, is stated to have retired, and her claim has consequently assumed the character of an actual pensionary dispute. In *W.P.(C) 10545/2024*, the Petitioners had entered NCPUL before the relevant cut-off date, thereafter moved through proper channel to Maulana Azad National Urdu University (“MANUU”), and are now required to open PRAN accounts under the New Pension System, not because of any default on their part, but because NCPUL has not transferred the pro-rata pensionary liability to MANUU. Thus, what appears in three different petitions, is in substance one grievance: pension withheld from a retired employee, pensionary status left uncertain for serving employees, and pension continuity disrupted for employees who moved from NCPUL to MANUU through proper channel.

2. The Petitioners contend that their pensionary status had already crystallised when they entered NCPUL before 1st January, 2004, opted for



the GPF-cum-pension scheme, were subjected to GPF deductions for years, and were consistently treated by NCPUL as governed by that regime. The central question, therefore, is whether such pensionary benefits can now be denied merely because the concerned authorities failed to resolve the inter se financial liability.

3. NCPUL is an autonomous body under the Ministry of Education, set up to promote, develop and propagate the Urdu language. The material placed on record shows that NCPUL is registered as a society, functions under the administrative control of the Ministry of Education, and its Memorandum and Articles of Association contain provisions that bring it under close governmental supervision. The Article 8 specifically provides that till the Council frames its own regulations, the Financial Rules, Fundamental Rules, Supplementary Rules and such other rules as are applicable to Central Government employees would apply *mutatis mutandis* to the employees of the Council.

4. NCPUL thereafter framed its Service Regulations. For the present controversy, para 22 assumes significance. It provides that every employee, unless he or she voluntarily opted for the Contributory Provident Fund Scheme, would be entitled to the General Provident Fund and would carry pensionary benefits as admissible to Central Government employees. The default position under the Regulations, therefore, was not CPF but GPF-cum-pension, unless an employee chose otherwise. The Service Regulations were approved by the Government of India, through the Ministry of Human Resource Development, by letter dated 4th July, 2000. The approval, no doubt, stated that the Regulations would remain subject to Government instructions issued from time to time and could not override the rules



applicable to Central Government employees. However, the fact remains that NCPUL framed, adopted and consistently operated a service regime under which GPF-cum-pension was treated as the default pensionary framework for employees who had not opted for CPF.

5. On 16th March, 2000, the Department of Expenditure, Ministry of Finance, issued instructions advising that autonomous bodies should not introduce pension on Government of India pattern as a matter of course. However, the subsequent Office Memorandum dated 15th March, 2004 clarified that employees joining autonomous bodies or PSUs under Central Ministries on or after 1st January, 2004 would be governed by the new pension scheme, while the GPF-cum-pension scheme would remain applicable to those who had joined prior thereto.

6. The difficulty arose when, by letter dated 25th February, 2005, the Ministry communicated that employees of the erstwhile Bureau for Promotion of Urdu, who were absorbed in NCPUL, could continue under the CCS (Pension) Rules, but pension on Government of India pattern could not be allowed to persons appointed subsequently by NCPUL. Such employees were stated to be covered under CPF.

7. The letter dated 25th February, 2005 lies at the centre of the controversy. The Petitioners contend that it could not be applied to undo a position already acted upon in their case: they had entered NCPUL before the relevant cut-off, exercised the option for GPF-cum-pension, and were thereafter treated by NCPUL as members of that regime, thereby giving rise to a legitimate expectation that they would continue to be governed accordingly. The Respondents, on the other hand, maintain that the Ministry of Finance never approved pension on Government of India pattern for



direct recruits of NCPUL and that, without such approval, no enforceable claim to pension can be recognised.

8. The facts of *W.P.(C) 16432/2022* may be taken first, since that petition shows the consequence of the dispute after retirement. M.A. Khan joined NCPUL on 1st February, 1999 as an Upper Division Clerk. His option form records that, under Para 22 of the NCPUL Service Rules, he chose “General Provident Fund (Central Services), 1965 followed by CCS (Pension) Rules”, and did not opt for CPF. GPF deductions were thereafter made from his salary during service. He retired on superannuation with effect from 1st February, 2021 as Research Assistant. His grievance is that, despite this service record, NCPUL released only his GPF accumulation and leave encashment, while withholding pension and retirement gratuity under the CCS (Pension) Rules, 1972.

9. The counter-affidavit filed by NCPUL in his case is significant. NCPUL admits that M.A. Khan joined on 1st February, 1999, opted under para 22 for GPF followed by CCS (Pension) Rules, and that GPF subscription was deducted from his salary and recorded in GPF Account No. 26/NCPUL. NCPUL also admits that the matter was taken up repeatedly with the Ministry of Finance, but approval for payment of pension to such employees had not been received.

10. More importantly, NCPUL admits that, as per its records, for this category of employees, no CPF regime was in operation and none of the Petitioners had opted for CPF. This goes to the root of the controversy. The Respondents’ assertion that such employees “may continue” under CPF presupposes the existence of a functioning CPF framework, a corresponding option, and employer contributions. On NCPUL’s own showing, none of



these existed in the Petitioners' case.

11. *W.P.(C) 4895/2023* has been filed by Intekhab Ahmed and other employees of NCPUL, most of whom continue in service, save and except Petitioner No. 2, Shahnaz Akhter, who is stated to have retired during the pendency of the petition. These serving Petitioners' grievance cannot be dismissed as premature. They form part of the same closed class of direct recruits who entered NCPUL before 1st January, 2004, opted for the GPF-cum-pension scheme, and have had deductions made under that head for years. Intekhab Ahmed's record shows that he was offered appointment as Urdu Typist on 26th March, 1998. His option form records that he chose the General Provident Fund followed by the CCS (Pension) Rules, and not CPF. Similar appointment and option material has been placed on record for the other Petitioners as well.

12. The record further shows that the GPF annual statement of Intekhab Ahmed for the year 2003-2004 reflects GPF Account No. 13/NCPUL, together with the opening balance, deposits made during the year, interest credited, and the closing balance. This is not the profile of an unimplemented or merely notional scheme. Individual accounts were opened, subscriptions were received, interest was credited, and NCPUL treated the deductions as GPF in its own records.

13. NCPUL has objected to the maintainability of *W.P.(C) 4895/2023* on the ground that the Petitioners are attempting to espouse the cause of retired employees similarly placed and that a public interest petition is not maintainable in service matters. However, it is pertinent to note that the Petitioners do not approach the Court as strangers to the dispute. Their own pensionary status is directly affected by the stand taken by the Respondents,



which is not confined to M.A. Khan individually but extends to the entire class of direct recruits appointed by NCPUL before 1st January, 2004. If accepted, the same position would govern these Petitioners upon retirement.

14. The interim order passed in *W.P.(C) 4895/2023* on 18th April, 2023 also directed the matter to be listed along with *W.P.(C) 16432/2022* and further ordered maintenance of status quo with respect to the salary and emoluments of the Petitioners.

15. The third petition, *W.P.(C) 10545/2024*, concerns employees who initially served NCPUL and later joined MANUU through proper channel. The brief note tendered by counsel for the Petitioners records that Dr. Bhanu Prakash Pandey was appointed as LDC in NCPUL on 26th March, 1998, was promoted as Accounts Clerk on 1st September, 2004, and later joined MANUU. It also records that he had selected the GPF pension scheme at the time of entry into NCPUL and that GPF deductions were made from his salary. The note records similar facts for the other Petitioners, including prior appointment in NCPUL, GPF coverage, transfer to MANUU through proper procedure, and non-transfer of pro-rata pensionary benefits by NCPUL.

16. MANUU issued notices dated 11th July, 2024 and 12th July, 2024 stating that, in anticipation of receipt of mandatory pro-rata service benefits from the previous employer, the University had allowed the Petitioners to subscribe under GPF; however, since the pro-rata benefits had not been received from NCPUL, they were required to open PRAN accounts and subscribe under NPS. The notices further stated that the Petitioners were covered neither under the old pension scheme nor under NPS as on that date.

17. In respect of Prof. Abul Kalam (Petitioner No. 3 in *W.P.(C)*



10545/2024), MANUU had earlier issued notice dated 31st October, 2023 requiring opening of PRAN account, stating that his GPF account stood closed with immediate effect because pro-rata benefits had not been received from NCPUL. A subsequent communication dated 21st June, 2024 required him to submit PRAN account opening form, failing which salary for June 2024 would be withheld. His representation records that he joined NCPUL on 28th February, 2000 as Research Assistant, later joined MANUU on 20th September, 2004 through proper channel, and that NCPUL transferred leave encashment, GPF account intimation, GPF amount and service book, but not pro-rata benefits.

18. By order dated 31st July, 2024 in *W.P.(C) 10545/2024*, this Court issued notice and directed that, till the next date of hearing, *status quo* be maintained on the salary and emoluments of the Petitioners. This interim protective measure does not decide the pension status, but it preserves the existing financial position pending adjudication.

19. During proceedings before the Registrar on 6th February, 2024 in the connected matter, counsel for Respondents No. 1 to 3 stated that counter-affidavit would be filed on their behalf. Counsel for NCPUL, however, referred to letters dated 23rd March, 2023 and 26th May, 2023 from the Ministry of Education stating that NCPUL was defending the matter on behalf of the Union of India and that the Ministry of Education was only a pro forma party. On being confronted with those letters, counsel for Respondents No. 1 to 3 sought time to obtain instructions. This exchange illustrates the administrative drift which has marked this litigation from the beginning.

20. The record also contains NCPUL's note dated 2nd June, 2021. It



records that NCPUL's MoA and Service Rules contained a GPF-cum-pension structure before the Ministry of Finance communication dated 16th March, 2000. It further records that if the Ministry of Finance objection was implemented, 27 employees would be deprived of both GPF and CPF, because they had neither opted for CPF nor was any CPF account maintained. NCPUL itself described the case as a fit case for continuing GPF-cum-pension for employees recruited on or before 31st December, 2003.

21. The same note records the financial and administrative difficulty in shifting such employees to CPF after decades. NCPUL noted that this would entail heavy financial liability on account of CPF contributions and interest from the date of appointment, could lead to audit objection, and would likely invite litigation. It was further proposed that 50% of the pension liability in respect of 22 employees, excluding the 5 employees who had left NCPUL, could be met from the institution's internal income.

22. NCPUL's official statement dated 16th February, 2022 is equally material. It records that employees appointed by NCPUL on or before 31st December, 2003 had been subscribing to GPF in consonance with Para 8 of the MoA and Para 22 of the Service Rules, and that NCPUL had considered the case exceptional in terms of the Ministry of Finance communication. The table appended to that statement records M.A. Khan's pension case as pending and also refers to MANUU employees whose pro-rata pension transfer was linked to the same unresolved decision.

23. The Minister of Education, by letter dated 26th May, 2022 addressed to the Finance Minister, also took up the matter. The communication acknowledged that employees recruited before the Ministry of Finance



communication dated 16th March, 2000 had opted for GPF under NCPUL's Service Rules, and that denial of GPF-cum-pension at the fag end of their career would cause serious financial loss.

24. The Ministry of Finance, however, reiterated its position on 24th March, 2021 and again on 16th September, 2021, maintaining that only erstwhile BPU employees absorbed in NCPUL could continue under the CCS (Pension) Rules, and that employees appointed subsequently by NCPUL were not entitled to pension on Government pattern. The communication dated 3rd February, 2023 further records that the matter was once again referred to the Ministry of Finance, which reaffirmed its aforesaid stand.

Issues

25. On these facts, the following questions arise:

- (i) Whether NCPUL direct recruits who entered service before 1st January, 2004, opted for GPF-cum-pension under Para 22 of the Service Regulations and were treated accordingly, can be denied pensionary benefits on the basis of the communication dated 25th February, 2005 and subsequent reiterations.
- (ii) Whether the serving employees in *W.P.(C) 4895/2023* have a maintainable cause of action.
- (iii) Whether MANUU can compel the Petitioners in *W.P.(C) 10545/2024* to migrate to NPS merely because NCPUL has not transferred pro-rata pensionary liability.
- (iv) What directions and consequential reliefs, if any, should follow.

Analysis

26. Pension is not a favour extended by grace. In *D.S. Nakara v. Union*



of India,¹ the Supreme Court reiterated that pension is a valuable right flowing from the rules and cannot be withheld by mere executive discretion. The Court also emphasised the social security character of pension. In *State of Jharkhand v. Jitendra Kumar Srivastava*,² the Court held that pension and gratuity constitute property under Article 300A and cannot be withheld except by authority of law.

27. The Supreme Court has also consistently held that retrospective alteration of service conditions cannot take away accrued or vested rights. In *Chairman, Railway Board v. C.R. Rangadhamaiah*,³ retrospective amendments which impaired accrued pensionary benefits were held impermissible. In *Punjab State Cooperative Agricultural Development Bank Ltd. v. Registrar, Cooperative Societies*,⁴ the Supreme Court held that once employees had become members of a pension scheme, the scheme could not be withdrawn retrospectively to their detriment.

28. The aforesaid principles must be kept in view while examining the present controversy. The Respondents are correct to the limited extent that NCPUL is an autonomous body, and its employees cannot claim, as a matter of course, every benefit available to Central Government servants. However, the Petitioners' case does not rest on a general plea of parity. It rests on NCPUL's own Service Regulations, the option exercised under Para 22, the acceptance of that option by the employer, the opening and maintenance of GPF accounts, deductions made over a long course of service, official correspondence acknowledging the difficulty, and the categorical stand of

¹ (1983) 1 SCC 305.

² (2013) 12 SCC 210.

³ (1997) 6 SCC 623.

⁴ (2022) 4 SCC 363.



NCPUL that CPF neither existed in the organisation nor was opted for by any employee in this class. The matter must, therefore, be decided on the footing of the service regime which NCPUL itself framed, applied and continued to act upon.

29. The approval letter dated 4th July, 2000 also requires a proper reading. It approved the Service Regulations adopted by the Executive Board, while making their operation subject to Government instructions issued from time to time. However, that qualification cannot be stretched to mean that employees who had already entered service under the GPF-cum-pension arrangement, and whose employer had treated them as such for years, could later be divested of that status without any protective or transitional provision. The clause preserved the authority of the Government to regulate NCPUL's service conditions in accordance with law, but it did not authorise an after-the-event displacement of accrued pensionary treatment.

30. The Respondents' position leads to an untenable result. While the communication dated 25th February, 2005 states that direct recruits of NCPUL may continue under CPF, NCPUL itself states in its counter-affidavit that no CPF regime existed in the organisation and that no employee had opted for CPF. The Petitioners were never placed under CPF, no CPF accounts were maintained, and no employer contribution was made towards CPF. Equally, they were not brought under NPS, since they had entered NCPUL prior to 1st January, 2004. The consequence is that the Petitioners are left outside both pensionary frameworks, a position which cannot be sustained in law.

31. The absence of a formal approval from the Ministry of Finance cannot, by itself, defeat the Petitioners' claim. The employees had no role in



the making of Para 22, in the approval of the Service Regulations, in the opening of GPF accounts, or in the continuation of deductions from their salaries. Each of these steps was taken by NCPUL or by the Governmental authorities concerned. If, at any stage, NCPUL had acted without the requisite concurrence or had continued a scheme beyond what the Government was prepared to approve, that was a matter to be resolved between NCPUL and the Union Government. It cannot be used, after decades of service, to place the burden on employees who had acted on the pensionary position held out to them and consistently reflected in their service records.

32. The plea of legitimate expectation need not carry the Petitioners' case by itself. The record supplies a firmer basis. The Petitioners exercised written options. Their service records reflected GPF coverage. GPF account numbers were allotted. Annual statements were issued. Deductions continued for years. NCPUL has admitted that CPF neither existed in the organisation nor was opted for by employees of this class. Official correspondence, including NCPUL's own communications, also recognised that acceptance of the Ministry of Finance view would leave these employees outside both regimes. In these circumstances, legitimate expectation is not being invoked as a substitute for a legal right; it only describes the fairness that the documentary record already demands.

33. There is another difficulty with the Respondents' reliance on the communication dated 25th February, 2005. It did not provide any workable arrangement for employees who had already opted for GPF and whose salaries were being subjected to GPF deductions. It did not require NCPUL to obtain fresh options. It did not direct that CPF accounts be opened from



the original dates of appointment, with the corresponding employer's contribution and interest. Nor could it have placed them under NPS, which applied to fresh entrants from 1st January, 2004. The communication simply proceeded on the footing that such employees could continue under CPF. That assumption is contrary to NCPUL's own record, for NCPUL has admitted, as observed above, that CPF did not exist in the organisation and that no employee of this class had opted for it.

34. The later communications dated 24th March, 2021, 16th September, 2021 and 3rd February, 2023 do not remove this infirmity. They merely repeat the position earlier taken, without addressing the facts which had by then become central to the dispute. The authorities were required to examine the effect of the approved Service Regulations, the options exercised by the employees, the long course of GPF deductions, the admitted non-existence of CPF in NCPUL, the Office Memorandum dated 15th March, 2004, and the consequences of displacing employees from a pensionary arrangement after decades of service. These aspects were not incidental; they went to the root of the matter. A reiteration which leaves these matters unanswered cannot supply the reasoned administrative determination which the situation demanded.

35. In pension matters, delay and laches are often invoked against employees. That objection is not persuasive here. In *Union of India v. Tarsem Singh*,⁵ the Supreme Court held that service claims involving a continuing wrong, particularly in matters of pay or pension, may be entertained despite delay, though consequential arrears may be suitably restricted. Pension denial is not a closed event when the order is first made;



it continues every month the pension is withheld. In M.A. Khan's case, the cause of action became acute upon retirement. In the case of serving employees, the cause is preventive but real, because the Respondents have already denied the same benefit to a retired employee and has reiterated the same adverse position for the entire class.

36. The maintainability objection in *W.P.(C) 4895/2023* is therefore rejected. The Petitioners are not pursuing a public interest litigation. They seek protection of their own service and pensionary status. A serving employee need not wait until the day after retirement to challenge a settled administrative position which will directly govern his retirement benefits.

37. *W.P.(C) 10545/2025* calls for separate consideration only because the Petitioners there had moved from NCPUL to MANUU through proper channel. MANUU's stand is that, since these Petitioners joined MANUU after 1st January, 2004, they cannot continue under the old pension scheme unless NCPUL transfers the pro-rata pensionary benefits. The impugned notices go further and record that, in the absence of such transfer, the Petitioners are presently covered neither under the old pension scheme nor under NPS.

38. That approach places the burden on the wrong party. The transfer of pro-rata pensionary liability is a matter to be settled between NCPUL, MANUU and the concerned Ministries. An employee who has moved through proper channel cannot be told to "bring" the pro-rata benefits from his previous employer, as though the pensionary liability were a private debt to be collected by him. The Petitioners' difficulty arose not because they failed to comply with any service condition, but because public authorities

⁵ (2008) 8 SCC 652.



did not complete the financial adjustment between themselves. To convert that institutional failure into a ground for shifting the employees to NPS is arbitrary. MANUU had itself allowed GPF subscription in anticipation of receipt of pro-rata service benefits. The Petitioners' grievance is that NCPUL did not complete the financial transfer. The obligation to resolve and transfer the pensionary liability lies upon the concerned institutions and Ministries. That administrative or financial adjustment cannot be used to retrospectively alter the Petitioners' pensionary position and compel their migration to NPS after years of treatment under the GPF regime.

39. The case of Prof. Abul Kalam shows the harshness of this approach. The notice dated 31st October, 2023 closed his existing GPF account with immediate effect and required him to open PRAN. The later communication dated 21st June, 2024 threatened withholding of salary if the PRAN form was not submitted. Such a course cannot be sustained when the underlying dispute concerns non-transfer of pro-rata benefits by NCPUL and not any default of the employee.

40. The Respondents also emphasise that some of the MANUU Petitioners joined MANUU after 1st January, 2004. That circumstance, by itself, is not determinative. The Petitioners do not claim to have entered public service for the first time prior to that date; rather, their case is that they had entered NCPUL before 1st January, 2004, were treated under the GPF-cum-pension regime, and thereafter moved to MANUU through proper channel with continuity of past service. The relevant question, therefore, is whether the pensionary status acquired in NCPUL continued upon such transfer, subject to adjustment of pro-rata pensionary liability between the institutions.



41. One caveat is necessary. In individual cases, if the Respondents contend that there was a break in service, a fresh appointment unconnected with prior service, or absence of technical resignation through proper channel, such a plea must be founded on the service record. In the present petitions, the impugned notices do not proceed on such grounds. They proceed only on non-transfer of pro-rata benefits. The Respondents cannot improve the notices by introducing a different basis at the stage of adjudication.

42. The cumulative record admits only one fair conclusion: employees of NCPUL who entered service before 1st January, 2004, opted for GPF-cum-pension under Para 22 of the Service Regulations, and were treated as GPF subscribers, cannot be denied the old pensionary regime merely on the basis of the communication dated 25th February, 2005 or the later reiterations of the Ministry of Finance. The authorities may settle the financial burden inter se, but the employees cannot be deprived of pension or pushed into a scheme to which they never belonged.

43. The Court is conscious that public finance is not irrelevant. Pension imposes a recurring liability. But the record shows that the class is small, identified and closed. NCPUL itself recorded that there were 27 employees recruited on or before 31st December, 2003 who had opted for GPF, and that a number of them had already retired, left or moved to other organisations. This is not a case where the Court is opening an indeterminate financial field. It concerns a finite group created by the Respondents' own conduct.

Directions

44. For these reasons, the petitions deserve to be allowed in the following terms:



44.1. The communication dated 25th February, 2005, and the subsequent reiterations dated 24th March, 2021, 16th September, 2021 and 3rd February, 2023, are held inapplicable to the Petitioners and to employees similarly placed, namely those who:

- (i) entered NCPUL before 1st January, 2004;
- (ii) opted for GPF-cum-pension under Para 22 of the NCPUL Service Regulations, or were otherwise treated by NCPUL as covered under GPF-cum-pension;
- (iii) did not opt for CPF; and
- (iv) were subjected to GPF deductions and had GPF accounts maintained by NCPUL.

44.2. To that extent, the aforesaid communications are set aside.

45. *W.P.(C) 16432/2022* is allowed. The Respondents shall process and release to M.A. Khan pension, retirement gratuity and all other admissible retirement benefits under the CCS (Pension) Rules, 1972, treating him as covered under the GPF-cum-pension regime. The exercise shall be completed within twelve weeks from the date of receipt of this order.

46. M.A. Khan shall be entitled to arrears of pension from the date it became due. Since the retirement benefits have been withheld for reasons not attributable to him, he shall also be paid simple interest at 6% per annum on arrears of pension and gratuity from 1st May, 2021 till the date of actual payment. If payment is not made within the period directed above, the unpaid amount shall carry simple interest at 9% per annum for the period of default.

47. *W.P.(C) 4895/2023* is allowed. The Respondents shall continue the Petitioners therein under the GPF-cum-pension regime and shall not compel



them to migrate to CPF or NPS merely on the basis of the communication dated 25th February, 2005 or subsequent reiterations. Their GPF accounts shall continue to be maintained, and upon their retirement their pensionary benefits shall be processed in accordance with the CCS (Pension) Rules, 1972, subject to verification that each Petitioner satisfies the criteria stated in paragraph 44.1 above. Insofar as Petitioner No. 2, Shahnaz Akhter, who is stated to have retired during the pendency of the petition, is concerned, her pensionary and retiral benefits shall likewise be processed and released in accordance with the aforesaid regime, subject to verification of her retirement and fulfilment of the criteria stated in paragraph 44.1 above.

48. *W.P.(C) 10545/2024* is allowed. The MANUU notices dated 11th July, 2024 and 12th July, 2024, and all consequential communications requiring the Petitioners to open PRAN accounts on the ground of non-receipt of pro-rata pensionary benefits from NCPUL, are set aside. The communication dated 31st October, 2023 and the email dated 21st June, 2024 issued to Prof. Abul Kalam shall also stand set aside to the same extent.

49. MANUU shall restore and continue the Petitioners in *W.P.(C) 10545/2024* under the old pension/GPF arrangement, subject to verification of their initial entry into NCPUL before 1st January, 2004, their GPF option or treatment, and movement to MANUU through proper channel. MANUU shall not withhold salary or emoluments on account of non-submission of PRAN forms pursuant to the impugned notices.

50. NCPUL shall compute the pro-rata pensionary liability and other transferable service benefits in respect of the MANUU Petitioners and remit the same to MANUU within twelve weeks. If the computation requires approval or budgetary sanction, the Ministry of Education and the Ministry



of Finance shall ensure that such approval or sanction is processed within the same period. The Petitioners shall not be required to obtain or “bring” such pro-rata benefits personally from NCPUL.

51. Upon receipt of the pro-rata liability, MANUU shall give consequential effect to the Petitioners past service in accordance with law and process their pensionary claims under the old pension/GPF regime. If NCPUL fails to transfer the amount within the period stipulated, MANUU shall not, on that ground alone, alter the Petitioners’ pensionary status or shift them to NPS. The authorities may settle the inter se financial liability separately, but the Petitioners’ pensionary status shall remain protected.

52. This judgment shall not apply to employees who first joined NCPUL on or after 1st January, 2004, or to employees who expressly opted for CPF, if any such case exists. No opinion is expressed on such cases.

53. The writ petitions are allowed in the above terms. Pending application(s), if any, also stand disposed of.

SANJEEV NARULA, J

MAY 12, 2026/hc