



2026 INSC 893

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2026
(@ DIARY NO.5679 OF 2024)

K. SUMAN CHANDRA

PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

RESPONDENTS

J U D G M E N T

ATUL S. CHANDURKAR, J

1. Delay condoned.
2. The petitioner takes exception to the order dated 08.08.2023 passed by the Division Bench of the High Court of Telangana¹ at Hyderabad by which the challenge raised by the first and second respondents to the order dated 15.07.2019 passed by the Central Administrative Tribunal², Hyderabad in Original Application³ No.45 of 2017 has been upheld and that order has been set aside. Consequently, the O.A. has been dismissed.

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ABHINAV K. CHANDURKAR
Date: 2026.08.20
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Reason: I

¹ For short, 'the High Court'

² For short, 'the CAT'

³ For short, 'O.A.'

3. Briefly stated, the petitioner seeks a declaration that pursuant to service rendered by him at the National Institute of Rural Development⁴ and having retired from the post of Professor, he is entitled to be covered under the General Provident Fund-cum-Pension Scheme⁵ and not under the Central Pension Fund Scheme⁶ so as to receive necessary benefits. The petitioner was initially appointed as Research Associate with the NIRD on contractual basis on 12.11.1984. As per the Office Order dated 13.11.1984, he was covered under the CPF Scheme. His services were, thereafter, regularised with effect from 07.11.1985 pursuant to Office Order dated 05.06.1985. Subsequently, he was appointed as Assistant Director on 09.03.1992 on regular basis, as Deputy Director on 10.08.1999 on contractual basis and as Professor on 01.05.2007 on contractual basis. His services were, thereafter, regularised on the post of Professor by Office Order No.98 dated 04.05.2012. It may be noted that along with the petitioner, the services of Mr. Shyam Sunder Prasad Sharma⁷ on the post of Professor were also regularised. The petitioner retired from service on 31.01.2017 and was paid all his retiral benefits on 14.02.2017,

⁴ For short, 'NIRD'

⁵ For short, 'GPF'

⁶ For short, 'CPF'

⁷ For short, 'Mr. S.S.P. Sharma'

which included the contribution of NIRD to the CPF amount besides his own contribution. Thereafter, the petitioner approached the CAT seeking a declaration that the action on the part of NIRD in continuing him under the CPF Scheme instead of the GPF Scheme was illegal and also contrary to the NIRD Rules of 2011 as well as the NIRD Service Bye-laws, Chapter IX Para 52 Section 4. He, accordingly, sought necessary consequential benefits pursuant to such declaration.

4. Mr. S.S.P. Sharma, whose services were also regularised on 04.05.2012 on the post of Professor, had approached the CAT in O.A. No.109 of 2015 seeking similar reliefs. The CAT by its judgment dated 27.08.2018 allowed his O.A. and granted relief to Mr. S.S.P. Sharma. Writ Petition No.44613 of 2018 preferred by the Union of India and others challenging the order of the CAT was dismissed. In the O.A. preferred by the petitioner, the CAT was of the view that issues raised by the petitioner were covered by its earlier adjudication in the case of Mr. S.S.P. Sharma. Accordingly, by its judgment dated 15.07.2019, the CAT allowed the petitioner's O.A. and directed NIRD to permit the petitioner to come under the GPF Scheme from the date he was eligible.

5. In the interregnum, NIRD raised a challenge to the adjudication undertaken by the CAT in the case of Mr. S.S.P. Sharma. This Court by its judgment dated 28.02.2023 in **National Institute of Rural Development Vs. Shyam Sunder Prasad Sharma and Others**⁸ held, after considering Bye-law 52 as well as the Rules of 2011, that the regularisation of services of Mr. S.S.P. Sharma pursuant to the order of regularisation dated 04.05.2012 would operate from the date of that order and would not relate back to the date of his initial appointment as was held by the CAT and affirmed by the High Court. This was for the reason that it was specifically stated in the order of regularisation dated 04.05.2012 that it would take effect from the date of issuance of the order, which condition had not been challenged by Mr. S.S.P. Sharma. Accordingly, the orders passed by the CAT and the High Court were set aside and it was held that Mr. S.S.P. Sharma was entitled to benefits under the CPF Scheme.

6. When the writ petition preferred by NIRD was taken up for consideration by the High Court, the judgment of this Court in *S.S.P. Sharma (supra)* was brought to its notice. The High Court was of the view that the case of the petitioner was similar as that

⁸ Civil Appeal No.542 of 2023 decided on 28.02.2023

of Mr. S.S.P. Sharma. The effect of regularisation would, therefore, be from 04.05.2012 and not from the date of his initial appointment. Moreover, it was found that the petitioner had approached the CAT only after his retirement that too after receiving benefits under the CPF Scheme. It, therefore, allowed the writ petition filed by NIRD and set aside the order passed by the Tribunal dated 15.07.2019. Being aggrieved, the petitioner has challenged the order of the High Court.

7. We have heard Mr. Manish Kumar Saran, learned counsel for the petitioner, Ms. Ruchi Kohli, learned Senior Advocate for the first respondent and Ms. Vishakha, learned counsel for the second respondent. While the endeavour on behalf of the learned counsel for the petitioner was to distinguish the decision of this Court in *S.S.P. Sharma (supra)*, the learned counsel for the respondents submitted that the petitioner was similarly situated as Mr. S.S.P. Sharma and, hence, the adjudication by this Court in *S.S.P. Sharma (supra)* was applicable on all fours to the case of petitioner.

Having given due consideration to the respective submissions and having gone through the relevant material on record, we are of the considered view that the adjudication undertaken in *S.S.P. Sharma (supra)* by this Court would also apply to the case of

petitioner. We do not intend to reproduce all the contentions raised by the learned counsel for the parties as the petitioner's case is based on Office Order No.98 dated 04.05.2012 by which the services of Academic Staff working on contractual basis were regularised. By the said Office Order, the services of the petitioner as Professor on contractual basis were regularised subject to various terms and conditions, which included the order of regularisation taking effect from the date of the said order as well as services being continued to be governed by the existing CPF Scheme. As found by this Court in *S.S.P. Sharma (supra)*, the terms and conditions of regularisation stipulated in the Office Order dated 04.05.2012 were not challenged by the petitioner at any point of time, as also in the case of Mr. S.S.P. Sharma. Having accepted the terms and conditions for regularisation of services on the post of Professor and the grievance in this regard having been raised post-retirement after accepting benefits under the CPF Scheme, the petitioner was rightly non-suited by the High Court. This Court in *S.S.P. Sharma (supra)* considered in detail the effect of the Rules of 2011, especially Rule 6 thereof as well as Bye-law 52 Clause(a) along with Bye-laws 48 and 49 thereof. We are in complete agreement with what has been held by this Court in

S.S.P. Sharma (supra) and we do not find any reason, whatsoever, to re-open the aforesaid issue at the instance of the petitioner.

8. In our view, as the petitioner is similarly situated as Mr. S.S.P. Sharma, especially in the backdrop of the fact that the services of Mr. S.S.P. Sharma and the petitioner were regularised by the Office Order dated 04.05.2012 on identical conditions, we do not find any reason, whatsoever, to exercise jurisdiction under Article 136 of the Constitution of India.

9. The Special Leave Petition is, thus, dismissed.

.....**J.**
[**UJJAL BHUYAN**]

.....**J.**
[**ATUL S. CHANDURKAR**]

NEW DELHI,
AUGUST 20, 2026.