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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 29.10.2025

Pronounced on: 12.11.2025

+ W.P.(C) 11477/2023 & CM APPLs. 44697/2023, 44699/2023

CSIR-NATIONAL PHYSICAL RESEARCH LABORATORY

.....Petitioner

Through: Ms. Arundhati Katju, Sr. Adv.
with Ms. Vibhooti Malhotra,
Mr. Bhuvesh Satija, Mr. Udit
Sharma and Ms. Ritika, Advs.

versus

SH. KRISHAN PAL & ORS.Respondents

Through: Mr. Ramesh Rawat, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

NAVIN CHAWLA, J.

1. This petition has been filed by the petitioner, challenging the Order dated 07.12.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3979/2017, titled ***Shrikrishan Pal S/o Late Shri Mohal Lal & Ors. v. Council of Scientific and Industrial Research Through its Director General & Ors.***, allowing the O.A. filed by the respondents herein and further directing that the respondents shall be dealt with in accordance with the earlier Order passed by the learned Tribunal in O.A. No. 1673/2020, titled ***Smt.***



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Shakuntla v. Union of India through the Secretary & Anr., that is, with a direction to consider the case of the respondents herein for entitlement of pension under the Old Pension Scheme (OPS).

2. The learned senior counsel appearing for the petitioner submits that barring respondent nos.2, 21 and 22, all the remaining respondents have been granted coverage under the OPS. As far as the respondent nos. 2, 21 and 22 are concerned, they were not found entitled to the OPS as the Advertisement for their absorption was issued only on 17.12.2007, that is, post the coming into force of the New Pension Scheme (NPS) on 01.01.2004. She submits that while the said respondents would be entitled to counting of 50% of their past service as Casual Workers for the qualifying service for pension, however, they would not be entitled to the benefit of the OPS.

3. The learned senior counsel for the petitioner has further placed reliance on the O.M. No. 57/05/2021-P&PW(B) dated 03.03.2023 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners Welfare, to submit that the said O.M. states that if the Advertisement is issued post 22.12.2003, then the employee would not be covered by the OPS and will not be given an option for such conversion.

4. On the other hand, the learned counsel for the respondent nos.2, 21 and 22, placing reliance on the Order dated 06.12.2013 of the learned Tribunal in O.A. No.1026/2013, titled ***Satbir Singh & Ors. v. Council of Scientific and Industrial Research Through its Secretary & Anr.***, as upheld by this Court and also, by the Supreme Court, submits that the issue is no longer *res integra* and that the said



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respondents are also entitled to the OPS inasmuch as they had been working as Casual Labourers much prior to the coming into force of the NPS.

5. The learned senior counsel for the petitioner in rejoinder submits that the respondent nos.2, 21 and 22 are not entitled to the benefit of the above Judgment inasmuch as the applicants therein had been converted into temporary status prior to coming into force of the NPS.

6. She further highlights that unlike the case in the aforementioned Judgment, the respondent nos. 2, 21 and 22 were not in employment of the petitioners as on the coming into force of the NPS. She states that the said respondents were initially employed as casual workers in the 1980s, however, their services were terminated in 1990. She states that they were not identified for absorption under the Casual Workers Absorption Scheme of 1990 or of 1995 and for a period of nearly fifteen years were not employed by the petitioners in any capacity. She submits that therefore, they were not entitled to coverage under the OPS.

7. The learned senior counsel for the petitioner further draws our attention to the O.M.(s) dated 21.08.2008, 02.09.2008 and 22.10.2008, respectively, to submit that the respondent nos. 2, 21 and 22 were, in fact, regularized as Casual Workers (Temporary Status) only post the coming into force of the NPS, and it was one of the conditions in Clause 5(a) of the said O.M.(s) that they shall be governed by the NPS. She submits that having accepted such appointment, the said respondents cannot be allowed to challenge the same. In fact, there is



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no challenge to the said O.M.(s) by the said respondents before the learned Tribunal.

8. She further submits that the direction of the Supreme Court *vide* its Order dated 05.12.1988 in W.P.(C) No.631/1988, titled ***Kamlesh Kapoor and Ors. v. Union of India and Ors.*** was only to frame a scheme for absorption of all persons who were working on casual basis with the Indian National Scientific Documentation Center (INSDOC) and not to grant appointment with immediate effect.

9. We have considered the submissions made by the learned counsels for the parties.

10. It is not disputed that the respondents had been working, albeit as Casual Workers, much prior to the coming into force of the NPS, with the respondent no. 2 being in service until 06.03.1990, respondent no. 21 being in service until 1991, and respondent no. 22 being in service until 01.02.1989, respectively.

11. Pursuant to the directions of the Supreme Court in ***Kamlesh Kapoor*** (supra) the petitioners were directed to prepare a scheme for absorption of all persons who were working on casual basis for more than one year in INSDOC, which is now part of the CSIR, and to absorb persons who satisfy the scheme as regular employees in the respective posts held by them. We quote the same as below:

“...Having regard to the facts and circumstances of this case we issue a direction to Indian National Scientific Documentation Centre and CSIR to prepare a scheme for the absorption of all persons who are working on casual basis for more than one year in INSDOC and to absorb such of these persons who satisfy the scheme as regular employees



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in the respective posts held by them. The scheme shall be prepared within one year. ... ”

12. It is on the basis of the said direction that the petitioners framed the Casual Workers Absorption Scheme, 1990 on 04.10.1990. The said Scheme came to be implemented pursuant to the Orders of the Supreme Court in a revised form, titled ‘Casual Workers Absorption Scheme of CSIR, 1995’. By means of a letter dated 06.12.1995 the Scheme was then circulated to all CSIR constituent laboratories.

13. While it is correct that the respondent nos. 2, 21 and 22 were not in employment of the petitioner as on the coming into force of the NPS, the fact remains that the respondent no. 2 was approved to be re-engaged by the petitioner as a daily-wage worker, *vide* an O.M. dated 08.09.2006, pursuant to directions passed by the learned Tribunal in its Order dated 02.08.2006 passed in CP No. 185/2006 in O.A. No. 3071/2001, titled **Sh. Jai Prakash v. CSIR and Ors.** He was then regularized as a Casual Worker (Temporary Status) under the Casual Workers Absorption Scheme of CSIR, 1990 and 1995, *vide* the O.M. dated 21.08.2008. Similarly, respondent no. 21 was approved to be re-engaged by the petitioner as a daily-wage worker *vide* an O.M. dated 18.01.2008, pursuant to directions passed by this Court in its Order dated 07.12.2007 passed in W.P.(C) No. 752-753/2004, titled **Council of Scientific and Industrial Research & Ors. v. Parideen & Ors.** He was then regularized as a Casual Worker (Temporary Status) under the Casual Workers Absorption Scheme of CSIR, 1990 and 1995, *vide* the O.M. dated 02.09.2008. Respondent no. 22 was approved to be re-engaged by the petitioner as a daily-wage worker *vide* an O.M. dated



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24.04.2008, pursuant to directions passed by the Labour Court No. XI, Karkardooma Courts, Delhi *vide* its Order dated 21.05.2007. He was then regularized as a Casual Worker (Temporary Status) under the Casual Workers Absorption Scheme of CSIR, 1990 and 1995, *vide* the O.M. dated 22.10.2008. However, due to the vacancies of these posts being advertised on 17.12.2007, that is, post the coming into effect of the NPS, the respondent nos.2, 21 and 22 are now being stated to be covered by the NPS.

14. We cannot accept this stand of the petitioner inasmuch as the direction of the Supreme Court to absorb the Casual Workers had been issued much prior to the coming into force of the NPS and it is only in implementation thereof that the respondents came to be absorbed.

15. With respect to the submission of the learned senior counsel for the petitioner *qua* O.M. No. 57/05/2021-P&PW(B) dated 03.03.2023, we are again unable to accept the said submission inasmuch as, as noted hereinabove, the absorption of the respondents was pursuant to the direction of the Supreme Court issued much prior to the coming into force of the NPS, albeit by an Advertisement issued later. This Advertisement cannot deprive the said respondents of their entitlement to the OPS.

16. The learned Tribunal in **Satbir Singh** (supra), while directing that employees working with the petitioner much prior to the coming into force of the NPS but regularized between 2009 and 2011, would also be governed by the OPS, has held as under:



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“5. We have heard the learned counsel for the Applicants Shri Yogesh Sharma and the learned counsel for the Respondents Ms. Neha Bhatnagar. The issue raised in this OA has already been settled by this Tribunal much earlier in OA No. 1194/2006 Umesh Singh and Others Vs. U.O.I. and Others decided on 30.11.1996. Thereafter, the same issue was decided by a single Bench of this Tribunal in OA No.89/2012 Lala Ram & Another Vs. The Secretary, Ministry of Finance & Others decided on 16.07.2012. The said order was itself based upon a decision of the co-ordinate Bench of this Tribunal in OA No.2332/2010 Rameshwar Singh Vs. Union of India decided on 02.12.2011. In the said order, various other orders passed on the same issue by the other Benches of this Tribunal have also been considered. By the said order, the employees who have been initially appointed as Casual Labourers but granted temporary status later on but prior to the issuance of the New Pension Scheme w.e.f. 01.01.2004 were granted the benefit of CCS (Pension) Rules, 1972. Accordingly, the Respondents were directed not to apply the New Pension Scheme which came into force with effect from 01.01.2004 on those employees. There was also a positive declaration that they were entitled for pension in terms of CCS (Pension) Rules, 1972 with all attendant benefits.

6. The Guwahati Bench of this Tribunal has also considered the same issue in OA No.26/2012 Sunil Mahata Vs. Union of India and Others decided on 11.12.2012. The Applicant therein was a Group ‘D’ employee working under the Department of Atomic Energy. He was initially appointed as a Casual Labourer. He was granted temporary status with effect from 01.09.1993. His service was also regularized with effect from 30.06.2004. The Respondents therein have also taken the similar stand that since the Applicant was granted temporary status w.e.f. 1.9.1993 and regularized prior to 01.01.2004,



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he should be governed by the New Pension Scheme. Accordingly, the Guwahati Bench held that the Applicant therein would be entitled for the Old Pension Scheme and directed the Respondents to do so.

7. In view of the above settled position, we allow this OA and direct the Respondents to grant all the benefits Old Pension Scheme. Consequently, they would also be permitted to contribute to the GPF. The aforesaid direction shall be complied with, within a period of one month from the date of receipt of a copy of this order.”

17. The above Order of the learned Tribunal was affirmed by this Court vide its Order dated 14.07.2014 in W.P.(C) 2008/2014, titled **Council of Scientific and Industrial Research and Anr. v. Satbir Singh and Ors.**, opining as under:

“...The CAT noticed that the issues sought to be agitated before it were covered in favour of the applicants employees and against the CSIR in its previous ruling dated in OA no.1194/2006 (Umesh Singh and Ors. Vs. Union of India and Ors., decided on 30.11.2006) and in OA No.89/2012 (Lala Ram and Anr. vs. Secretary, Ministry of Finance and Ors., which was decided on 16.07.2012). The latter decision was itself based upon another ruling in Rameshwar Singh Vs. Union of India (OA No.2332/2010 decided on 02.12.2011). The decision in Lala Ram (supra) was affirmed by Division Bench of this Court in WP (C) No.3430/2013 (Union of India Vs. Lala Ram, decided on 23.05.2013). Likewise the decision in Rameshwar Singh (supra) of the CAT was upheld by the Division Bench in WP (C) No.352/2012 on 21.05.2013. In view of the developments noted above with respect to the petitioners ruling being based upon the decisions that were ultimately affirmed by the High Court, there is no merit in the present petition, which is accordingly dismissed.”



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18. The Special Leave to Appeal filed challenging the above Judgment of this Court, that is, Special Leave to Appeal (C) No. 25521/2014, titled ***Council of Scientific and Industrial Research and Anr. v. Satbir Singh and Ors.***, was also disposed of by the Supreme Court by an Order dated 24.11.2015 following its earlier Order dated 24.02.2015 passed in Special Leave to Appeal (C) No. 13942/2009 titled ***Union of India v. Giriraj Sharma*** wherein a similar plea had been dismissed.

19. Hence, admittedly employees regularized after the respondent nos. 2, 21 and 22 have also been granted the benefit of the OPS.

20. Interestingly, even respondent no. 20, who has been regularized as a Casual Worker (Temporary Status) *vide* O.M. dated 21.08.2008 and granted the benefit of the OPS by the petitioner, appears to have been approved for re-engagement after being let go in the 1990's and re-engaged only pursuant to directions passed by this Court *vide* its Order dated 07.12.2007 in ***Parideen*** (supra). Hence, even on grounds of parity the respondent nos. 2, 21 and 22 are entitled to the same benefit.

21. As far as the plea of the learned senior counsel for the petitioner regarding the non-applicability of ***Satbir Singh*** (supra) to the facts of the present case on account of the said respondents not having been converted into temporary status employees prior to coming into force of the NPS and not having been in service for a period of nearly fifteen years prior to being re-engaged is concerned, we find no merit in the same. As noted hereinabove, these respondents had been re-



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employed, though later to the coming into force of the NPS, pursuant to the Orders passed by the Court/Tribunal. They were later given the Temporary Status, like the others, and are therefore, entitled the OPS just like the others. The delay in the implementation of the Absorption Scheme was attributable to the petitioner. It is this delay that led to the gap in service of the said respondents who in fact approached various judicial forums to secure their re-engagement, thereby demonstrating that the gap in service was not voluntary. They cannot be made to suffer for the own fault of the petitioner.

22. Accordingly, we find no merit in the present petition. The same along with the pending applications is dismissed, even *qua* respondent nos.2, 21 and 22.

23. The petitioner shall extend the benefit of the OPS to respondent nos. 2, 21 and 22. We, again, note that the petitioner has conceded that for the other respondents, the Impugned Order has been implemented and further that the benefit of the OPS has also been extended to them.

NAVIN CHAWLA, J.

MADHU JAIN, J

NOVEMBER 12, 2025/sg/VS/ik