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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 847/2026, CM APPL. 4154/2026 & CM APPL. 4155/2026**
KENDRIYA VIDYALAYA SANGATHAN THROUGH ITS
COMMISSIONERPetitioner
Through: Mr. U.N. Singh with Ms.
Sandhya Chaturvedi, Advs.

versus

MRS. ARCHANA MAHESHWARI & ORS.Respondents
Through: Mr. A.K Trivedi, Adv.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
21.01.2026

CM APPL. 4155/2026 [*exemption from filing fair/legible copies of certified copies with left side margin of annexures*]

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 847/2026 & CM APPL. 4154/2026

3. The present Writ Petition is filed under Article 226 & 227 of the Constitution of India, assailing the order dated 23.05.2025 (hereinafter referred to as '**impugned order**'), passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi ("**CAT**") in O.A. No.4686/2018.
4. Learned counsel representing the Petitioner submits that identical issue is pending consideration before the Hon'ble Supreme Court in Special Leave Petitioner (Civil) Diary No(s).42885/2025



titled as '**The Kendriya Vidyalaya Sangathan Vs. Malathy Pisharasyar N.S. & Ors**'. He submits that the following order has been passed by the Hon'ble Supreme Court on 08.12.2025:

"1. Delay condoned.

2. These are five matters where the Kendriya Vidyalaya Sangathan (for short 'KVS') is the petitioner. Diary No.42885/2025 (KVS vs. Malathy Pisharasyar N.S.& Ors.), Diary No.43413/2025 (KVS vs. N.Alima Beevi & Ors.) & Diary No.43439/2025 (KVS vs. M.R.Indira & Ors.) are from Kerala. In all three matters, the High Court has allowed the review, recalled its earlier judgment and set down the matters for hearing.

3. Diary Nos.36684/2025 (KVS & Ors. vs. Usha Bakshi) and Diary No.23876/2025 (KVS & Anr. vs. Hari Om Verma) are from Rajasthan. In the said matters final relief have been given to the respondents applying the judgment of this Court in the University of Delhi vs. Shashi Kiran (2022 SCC OnLine SC 593).

4. The issue involved in these matters is when employees have exercised option to come under the Contributory Provident Fund Scheme(CPFS) whether they can seek to resile from the option and avail coverage under General Provident Fund Scheme (GPFS).

5. According to Mr. Shubhranshu Padhi, learned counsel for the KVS, such a course is not permissible and according to Mr.Padhi, Shashi Kiran (supra) does not lay down such an absolute proposition of law. Mr. Padhi, submits that in Shashi Kiran (supra) benefit was extended to 75 persons who were left in the said batch of matters, who had exercised option for CPFS and direction was given to the authorities to offer them an option in such a manner as the authority deems appropriate. Mr. Padhi submits that such a course of action was adopted because in the said batch only 75 persons were left out.

6. Mr. Padhi submits that as far as the Kerala matters are concerned, the main judgment which is since been recalled, followed the judgment of this Court in KVS & Ors. vs. Jaspal Kaur (2007 (6) SCC 13) and refused benefit to parties to come under the GPFS once they had opted for CPFS. Special Leave petitions have also been dismissed by this Court and in one case the matter was withdrawn.

7. As far as the Rajasthan matters are concerned, benefits have been extended by the High Court and the employees



have been permitted to come back to the GPFS. Mr. U.N. Singh, learned counsel for the KVS challenges the said direction also.

8. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 appears on caveat and submits that the issue is concluded by the direction of this Court in Shashi Kiran (supra) in favour of the respondents.

9. We are of opinion that the issue requires consideration as to whether employees of the KVS who have exercised option to be covered under the CPFS can be allowed to come back to the GPFS and as to whether Shashi Kiran (supra) in fact permits such a course of action.

10. We need to also consider the holding of this Court in Jaspal Kaur (supra).

11. Issue notice to the respondents, returnable on 10.03.2026.

12. Mr. Nikhil Kumar, learned counsel for the sole respondent in Diary No.36684/2025 accepts notice on behalf of the sole respondent. Hence, formal service of notice is dispensed with on the said respondent.

13. In the meantime, there shall be stay on the operation of the impugned judgment and order(s) in all these matters.

14. List the matters on 10.03.2026.”

5. Issue Notice of Motion.

6. Mr. A.K. Trivedi, Advocate accepts notice on behalf of Respondents.

7. List for further consideration on 23.04.2026.

8. In the meantime, further proceedings in the Contempt Petition arising from the impugned order shall remain stayed.

ANIL KSHETARPAL, J

ANISH DAYAL, J

JANUARY 21, 2026

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