

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

WP(C) 3154/2025 CM (8480/2025)

**Sher E Kashmir University of  
Agricultural Science and  
Technology of Kashmir and Ors**

...Petitioner(s)/Appellant(s).

Through: Mr. Prince Hamza, Advocate with  
Ms. Urba Naseer, Advocate.

**Vs.**

**Ajay Kumar Pandey and Ors**

...Respondent(s).

Through: Mr. Ajay Kumar Pandey, respondent No. 1 in person

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE  
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**

07.05.2026

**Per: Sanjeev Kumar-J:**

1. Impugned in this petition filed under Article 226 of the Constitution of India is an order dated 27<sup>th</sup> August, 2025, passed by the Central Administrative Tribunal, Srinagar Bench, in OA No. 979/2025 titled "*Dr. Ajay Kumar Pandey and Ors vs. Sher E Kashmir University of Agricultural Science and Technology Kashmir and Ors*", whereby the Tribunal has allowed the OA of the respondent No. 1 without providing an opportunity to the petitioner-University to file its objections and contest the matter.

2. Briefly stated the facts leading to the filing of this petition are that the respondent No. 1 came to be appointed as Assistant Professor (Sr. Scale) at SKUAST Kashmir on 18<sup>th</sup> March, 2002 and served the institution until 4<sup>th</sup> October, 2007. While he was in service of the

SKUAST Kashmir, he exercised his option and enrolled under CPF-cum-Gratuity Fund though he had the option of opting for GPF-cum-Gratuity-cum-Pension Fund.

3. The respondent No. 1 left the service of SKUAST Kashmir after 4<sup>th</sup> October, 2007, and joined as Assistant Professor in GB Pant University of Agricultural and Technology, Pantnagar [GBPUAT). It is only in the year 2020 that he approached the petitioner-University for changing his option from CPF-cum-Gratuity Fund to GPF-cum-Gratuity-cum-Pension Fund.

4. It seems that the request of the respondent No. 1 was considered by the Board of Directors in its 70<sup>th</sup> meeting held on 11<sup>th</sup> June, 2024 and the proposal was accorded approval for conversion of CPF-cum-Gratuity Fund to GPF-cum-Gratuity-cum-Pension Fund in favour of the respondent No. 1.

5. Pursuant to the approval granted, the petitioner-University vide University Order No. 551(Est) of 2024 dated 14<sup>th</sup> August, 2024 accorded sanction to the conversion of CPF-cum-Gratuity Fund to GPF-cum-Gratuity-cum-Pension in favour of the respondent No. 1 after following due financial rules for any recoveries.

6. It seems that instead of implementing the order passed by the petitioner-University upon the approval granted by the Board of Directors, a communication came to be addressed by the Deputy Registrar to the petitioner on 31<sup>st</sup> October, 2024, by virtue of which the petitioner was informed that SKUAST-K would have no objection to the conversion of CPF-cum-Gratuity Fund to GPF-cum-Gratuity-cum-Pension in favour of the respondent No. 1 presently serving in

GBPUAT, Pantnagar without any involvement or implication of whatever nature of SKUAST-K. It is this communication which became a provocation for the respondent No. 1 to file OA No. 979/2025 before the Tribunal.

7. The Tribunal heard respondent No. 1 in person and Mr. Faizan M Bhat, learned counsel for the SKUAST and disposed of the petition without allowing the petitioner-University to file detailed response.

8. The OA was decided by the Tribunal on the basis of the documentary evidence on record. The OA was disposed of with a direction to the respondent-University to process and release the *pro rata* pensionary benefits of the respondent No. 1 from 18<sup>th</sup> March, 2002 to 4<sup>th</sup> October, 2007, so that the same may be counted for pensionary purpose in GBPUAT, Pantnagar. The University was also directed to issue PPO Certificate (Pensionary Benefit Certificate) on the lines it had been prepared in the case of Dr. Dhananjay Kumar Singh by the Controller of the petitioner-University vide PPO dated 30<sup>th</sup> March, 2019.

9. The University is aggrieved of the judgment passed by the Tribunal primarily on the ground that the respondent No. 1, who has approached the University belatedly in the year 2020, cannot fasten a financial liability upon it, that too, when the petitioner-University has already acceded to the request for conversion from CPF regime to GPF regime for the purpose of availing the pensionary benefit from GBPUAT, Pantnagar.

10. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the Tribunal ought to have provided an opportunity of hearing to the petitioner-

University and passed the order after considering the rival contentions. However, in the given facts and circumstances and regard being had to the undisputed documentary evidence on record, we are of the considered opinion that the Board of Management of the petitioner-University which is an Apex Body of the University has already acceded to the request of the respondent No. 1 and granted its approval to the conversion of CPF regime to GPF regime. It is true that the respondent No. 1 approached the petitioner-University after a lapse of 13 Years after having left the University, for such conversion and, therefore, no financial liability on account of conversion sought for by the respondent No. 1 can be fastened on the University. However, the respondent No. 1 is entitled to reap the benefit of University Order No. 551(Est) of 2024 dated 14<sup>th</sup> August, 2024, which unequivocally shows that the University Authorities, have in pursuance of the approval granted by the Board of Management, granted sanction to the conversion of CPF cum Gratuity Fund to GPF-cum-Gratuity-cum-Pension Fund in favour of the respondent No. 1.

11. The University Order dated 14<sup>th</sup> August, 2024, is, therefore, required to be given effect to. No authority of the university much less the Deputy Registrar or Controller can wittle down the effect of University order dated 14<sup>th</sup> August, 2024.

12. In view of the aforesaid, we propose to dispose of this petition by providing as under:

- I. That in terms of the University order dated 14<sup>th</sup> August, 2024 (supra), the CPF-cum-Gratuity Fund shall be deemed to have been converted to GPF-cum-Gratuity-cum-Pension Fund in favour of the respondent No. 1.

- II. The petitioner-University shall do well to prepare a PPO in favour of the respondent No. 1 on the lines it has been prepared by the Controller of the petitioner-University in the case of Dr. Dhananjay Kumar Singh in terms of PPO No. 09/PC/Sgr dated: 30<sup>th</sup> March, 2019.
- III. That such certificate/PPO shall only inure to the benefit of the respondent No. 1 for obtaining the pensionary benefits, if any, available to him from GBPUAT Pantnagar, in accordance with the rules of the said University without any financial implication on petitioner-University.
- IV. That no amount shall be payable to the respondent No. 1 on account of this conversion by the petitioner-University
13. **Ordered accordingly.**
14. The order of the Tribunal is modified to the aforesaid extent and this petition is **disposed of** accordingly.

(SANJAY PARIHAR)  
JUDGE

(SANJEEV KUMAR)  
JUDGE

**SRINAGAR**  
07.05.2026  
*Shahid Manzoor*

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|------|--------------------------------|---------|
| (i)  | Whether the order is speaking  | Yes/No. |
| (ii) | Whether approved for reporting | Yes/No  |