

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00298/2020

DATED THIS THE 08TH DAY OF SEPTEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

1. Venkatesh H. Naik,
Age: 45 years,
S/o Honnappa Rama Naik,
Working as Marketing executive
At Kumta HO 581 343
Residing at: Kallaboe,
Kumta 581 362

2. Premanad M. Wagrekar,
Age: 55 years,
S/o Mohan Shet,
Working as Post Man,
Banki Kodla S.O. 581 319,
Karwar. Residing at: Honmav,
Kumta 581 343

....Applicants

(By Advocate Shri P. Kamalesan - through video conference)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi 110 001

2. Chief Post Master General,
Karnataka Circle,
Bangalore 560 001

3. Post Master General,
N.K. Region,
Dharwad 580 001

4. Superintendent of Post Offices,
Karwar Postal Division,
Karwar 581 301

.....Respondents

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 making therein the following prayer:

“1. Direct the respondents to grant option to the applicants to switch over to CCS pensions rules 1972, as per the judicial orders and relief vide Annexures A4, A5, A6.

2. Direct the respondents to credit the recovered contribution towards NPS to the applicants GPF account.

3. Grant any other relief as deemed fit into the facts and circumstances of the case, in the interest of justice and equity.”

2. At the very outset, learned counsel for the applicants submitted that before filing the present Original Application, the applicants had submitted representations dated 21.02.2020 and 25.02.2020 (Annexure A2 Colly) on which no decision has been taken by the respondents upto today.

3. Learned counsel further submitted that the applicants would be satisfied if a direction is issued to the respondents to decide their pending representations within a timeframe.

4. Keeping in view the aforesaid limited prayer made by learned counsel for the applicants, we deem it appropriate to dispose of the present Original

Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the OA is disposed of with a direction to respondents to decide the applicants' pending representations dated 21.02.2020 and 25.02.2020 (Annexure A2 Colly) and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicants shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order.

7. The Original Application stands disposed of in the above terms. However, there shall be no order as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00298/2020

Annexure A1 Copy of the SPOs communications dated 02.08.2005 and 26.04.2019

Annexure A2 Copy of the representation of the applicants dated 21.02.2020 and 25.02.2020

Annexure A3 Copy of the order of Apex Court in SPOs Vs P. K. Rajamma

Annexure A4 Copy of the Ernakulam Bench order dated 15.12.2016 in OA No. 20/2015

Annexure A5 Copy of the Bangalore Bench order dated 11.11.2016 in OA No. 1610/2015

Annexure A6 Copy of the Delhi High Court order dated 27.03.2017 in WP No. 2810/2016
