

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 8th day of August Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01281/2017

1. S. Krishnamoorthy,
S/o. (late) Subramaniyan,
No.3C, Kulathupalayam,
Pidaramangalam B.O.,
Kattuputhur S.O.,
Thottiam Taulk,
Trichy District,
PIN- 621 207;
2. R. Mohan,
S/o. Raju,
No.2/75, South Street,
Sevanthipatti BO,
Thottiam SO & Taluk,
Trichy District,
PIN- 621 215;
3. P. Vijayakumar,
S/o. Perumal,
No.1/174, Reddiyar Street,
Sangampatti B.O.,
Erakudi S.O.,
Turaiyur Taluk,
Trichy District,
PIN- 621 001;
4. L. Selvi,
W/o. R. Gothandaraman,
No.68, East Chitra Street,
Srirangam HO,
Trichy District,
PIN- 620 006;

5. G. Rajendran,
S/o. Govindan,
No.1/244, Anumar Koil Street,
Thiruvellarai S.O.,
Manachanallur Taluk,
Trichy District, PIN- 621 014;
6. V. Ramalingam,
S/o. Vengadachalam,
Anjugam Nagar,
Thiruvellarai S.O.,
Manachanallur Taluk,
Trichy District,
PIN- 621 014;
7. C. Arasu Ramanathan,
S/o. (late) R. Chidambaram,
FFD Priya Raj Park,
Nandha Nagar,
No.1, Tolgate,
Bikshandrakovil SO,
Manachanallur Taluk,
Trichy District,
PIN- 621 216;
8. R. Manoharan,
S/o. Raju,
No.2/116, Muthuraja Street,
T. Murugapatti BO,
Vyrichettipalayam SO,
Turaiyur Taluk,
Trichy District,
PIN- 621 012;
9. R. Kavitha,
W/o. R. Manivannan,
No.2/40, Vellalar Street,
Maradi BO,
Kottapalayam SO,
Turaiyur Taluk,
Trichy District,
PIN- 621 003;
10. R. Narasiman,
S/o. Ramajayam,
No. 5/5, Reddiyar Street,
Valasiramani BO,
Thathiengarpet SO,
PIN- 621 214;

11. V. Sivakumar,
S/o. V. Veerasamy,
No.104, Kodaimedu Main Street,
Thottiam SO & Taluk,
Trichy District,
PIN- 621 215;

12. S. Sampooram,
W/o. Alagirisamy,
Paravathipuram,
Musiri S.O,
Trichy District,
PIN - 621 211.

(By Advocate : M/s. R. Malaichamy)

....Applicants

VS.

1. Union of India,
Rep. by the Secretary,
Ministry of Communications & IT.,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi- 110 001;

2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Road,
Chennai- 600 002;

3. The Postmaster General,
Central Region (TN),
Tiruchirapallai- 620 001;

4. The Senior Superintendent of Post Offices,
Trichy Division,
Trichy- 620 001;

5. The Superintendent of Post Offices,
Srirangam Division,
Srirangam- 620 006.

...Respondents

(By Advocate: Mr. K. Rajendran)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

The O.A is filed by the applicant seeking the following reliefs:-

"1. to declare Rule 6 of GDS (C&E) Rules 2011 as null and void and violative of Articles 14, 16 and 21 of Constitution of India, consequent to;

2. direct the respondents to treat the GDS service rendered by the applicants and also the year of vacancy as qualifying service along with regular service and treat their services under old pension scheme for grant of all the service benefits including retirement service benefits and pension to the applicants under old pension scheme within the purview of CCS (Pension) Rules 1972; also

3. direct the respondents not to recover any amount from the pay of the applicants as contribution towards new pension scheme and thereby to refund all the amount recovered from them in this regard."

2. It is the case of the applicants that all of them were initially appointed as Gramin Dak Sevak (GDS) in the Postal Department. Subsequently they were appointed as Postman through a competitive examination. The applicants 2, 4, 11 were appointed as Postman for the vacancy year 2002-2003 whereas all other applicants were appointed as Postman for the vacancy year 2003-2004. All of them earned promotion to the cadre of Postal Assistant subsequently. It is stated by the applicants that they ought to be covered by the Old Pension Scheme under the CCS (Pension) Rules 1972 keeping in view that they were



selected and appointed to the post of Postman for the vacancy of the year 2002-2003 and 2003-2004 respectively. They have been mistakenly included under the New Pension Scheme, which is applicable only for new entrants from 01.01.2004, it is alleged.

3. It is further stated that the Principal Bench of this Tribunal in O.A. 749/2015 held that the GDS service rendered by the applicants therein was to be treated as qualifying service for grant of pension. Accordingly, applicants made their individual representations to the competent authority, which evoked no response. Aggrieved, they have filed the instant O.A. seeking the aforesaid relief.

4. Learned counsel for the applicants submits that applicants would be satisfied if the individual representations of the applicants, which are annexed as Annexures-2 to 5, are directed to be disposed of keeping in view the judgment of the Principal Bench of the Tribunal in O.A.749/2015 & batch within a reasonable time limit with a reasoned and speaking order.

5. Mr. K. Rajendran, Learned Senior Standing Counsel takes notices for the respondents has no objection to the above prayer of the learned counsel for the applicants.

6. When the individual representations of the applicants are pending before the authorities, it is premature for the Tribunal to consider the case on merits. Accordingly, the O.A. is disposed of with a direction to the respondents



to consider the individual representations of the applicants, which are annexed as Annexures-2 to 5 of the O.A., in the light of the order of the Principal Bench of the Tribunal in O.A.749/2015 & batch and pass a reasoned and speaking order within a period of eight weeks from the date of receipt of copy of this order. No costs.