

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00507/2020

Friday this the 23rd day of October, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Unnikrishnan K.B., - S/o. Bhaskaran K.A,
 aged 59 years, MTS, SRO RMS EK Division,
 Residing at Kallepadath House, Olanad,
 Varapuzha P.O., Pincode- 683517

..... **Applicant**

(By Advocate : Mr.M.R.Hariraj)

V e r s u s

1. Union of India, represented by the
 Secretary to Government of India, Department of Posts,
 New Delhi-110011.
- 2) The Chief PostMaster General, Kerala Circle,
 Thiruvananthapuram-695 001.
- 3) The Superintendent of Post Office,
 Aluva Division, Aluva-683101.
- 4) Office of the Sub Record Officer RMS Ernakulam Division,
 Aluva- 683 101

..... **Respondents**

(By Advocate : Mr.P.R.Sreejith,ACGSC)

This application having been heard on 23.10.2020 through video conferencing,

the Tribunal on the same day delivered the following:

ORDER (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

Applicant is aggrieved by refusal of the respondents to reckon the service of the applicant as Gramin Dak Sevak as qualifying for pension. He is also aggrieved by not reckoning 50% of his casual service as qualifying for pension. Hence he approached this Tribunal praying for the following reliefs:

" i. To declare that Rule 6 of Gramin Dak Sevaks conduct and employment rule is ultra-vires and void and direct to respondents not implement the same against the applicant;

ii. To declare that the applicant is entitled to have his pension and pensionary benefits fixed, drawn and disbursed reckoning his service as GDS as qualifying and that he is entitled to have his pension fixed as per the provisions of CCS (Pension) Rules, 1965, and to direct the respondents to fix, draw and disburse the pension and pensionary benefits due to the applicant accordingly, with all consequent benefits including payment of arrears of pension and pensionary benefits with interest at the rate of 12 % per annum and to refund to applicant any pension contribution recovered from him with interest 12% per annum;

iii. To declare that applicant is entitled to reckon 50% percent of his casual service as qualifying for pension; and to direct respondents to compute his pension and pensionary benefits reckoning 50% of the casual service of the applicant as qualifying for pension with all consequential benefits.

iv. Alternatively; to direct the respondents to consider the applicant for relaxation under Rule 88 of CCA (pension) rules, 1965 and to grant such relaxation to the applicant giving him atleast minimum pension on retirement on superannuation from the post of MTS with

all consequential benefits. "

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant has given a representation at Annexure A-2 for relaxation to the competent authority and the same is pending before the authority without any order. Learned counsel for the applicant submits that the applicant will be satisfied if a direction is given to the competent authority to consider his Annexure A-2 representation and to pass a reasoned and speaking order within a time frame.

3. Advocate Mr.Sajeesh representing Advocate Mr.P.R.Sreejith,ACGSC takes notice on behalf of the respondents and submits that there is no objection in considering the representation.

4. In view of the limited submission, we are of the view that the Original Application can be disposed of at the admission stage itself without going into the merits. **The Competent Authority is directed to consider Annexure A-2 representation of the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

5. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 : A true copy of the Sability certificate for physically handicapped person dated 1.2.2018 of the District Medical Board, Ernakulam

Annexure A2 - True copy of the representation dated 30.9.2020 issued by the applicant to the 1st respondent.

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