

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 11th day of April Two Thousand And Nineteen

PRESENT:

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

M.A. No. 241 of 2019
In &
O.A. 310/536/2019

1. C. Revathi, W/o. Mr. R. Natarajan,
Aged 36 years, Working as Postwoman,
Trichy Head Post Office, Trichy;
2. J. Helina Alangara Sopiah,
W/o. Mr. J. John, Aged 44 years,
Working as Postwoman,
Trichy Head Post Office, Trichy;
3. R. Gopidas, S/o. V. Rajagopal,
Aged 36 years, Working as MTS,
Trichy HO;
4. D. Selvam, S/o. Mr. G. Dharmalingam,
Aged 36 years, Working as Postman,
Trichy 11 P.D
5. B. Chandrasekaran, S/o. Mr. Balakrishnan,
Aged 41 years, Working as Postman,
K.K. Nagar, Trichy;
6. R. Annadurai, S/o. Mr. P. Ramasamy,
Aged 42 years, Working as Postman,
Trichy-1;
7. K. Natarajan, S/o. Mr. N. Kadirvel,
Aged 54 years, Working as MTS,
Trichy HO;
8. T. Arul, S/o. Mr. G. Tharmalingam,
Aged 34 years, Working as Postman,
Ariyalur MDG;
9. R. Selladurai, S/o. Mr. Ramasamy,
Aged 43 years, Working as Postman,
Trichy HO;

10. P. Manivannan, S/o. Mr. M. Paramasivam,
Aged 40 years, Working as Postman,
Thennur, Trichy ;
11. N. Rajan, S/o. Mr. V. Namasivayam,
Aged 57 years, Working as Postman,
Trichy HPO;
12. K. Arul Prakasam, S/o. Kulandaismayam,
Aged 41 years, Working as Postman,
Trichy HO;
13. N. Balasubramanian, S/o. Mr. A. Natesan,
Aged 54 years, Working as Postman,
Trichy HO;
14. R. Radhakrishnan, S/o. V. Rathinasamy,
Aged 59 years, Working as Postman,
Thennur;
15. K. Ponnalagu, D/o. N. Andichamy,
Aged 48 years, Working as Postwoman,
Thennur;
16. C. Balakrishnan, S/o. P. Chidambaram,
Working as MTS, Trichy;
17. M. Vallimyil, W/o. D. Manivel,
Aged 45 years, Working as Postwoman,
JM College SO, Trichy.

...Applicants/Applicants

(By Advocate: M/s. P. Rajendran)

Versus

- 1) Union of India Rep. by
The Senior Superintendent of Post Offices,
Tiruchirappalli Division,
Tiruchirappalli Division- 620 001. Respondents

(By Advocate: Mr. Su. Srinivasan)

ORAL ORDER

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

Heard. MA seeking to join together to file a single OA is allowed.

2. Applicants have filed this O.A. seeking the following relief:-

"to call for the records relating to the impugned order of the respondent issued in Memo No. B2CAT Orders/Dlgs dated at Tiruchirappalli- 620 001 the 23.02.2018 and quash the same and direct the respondent to refrain from applying the New Pension Scheme (New Defined Contribution Pension Scheme) to them but to apply the Old Pension Scheme (Defined Benefit Pension Scheme) and count the service rendered in the post of GDS for the purpose of computing the qualifying service for pension and grant them all consequential benefits and render justice."

3. The case of the applicants is that they were appointed as Outsiders GDS (erstwhile Extra Departmental Agent, later re-designated as GDS) before 1.1.2004 in the Department of Posts. After completion of long years of service, they were appointed in the regular establishment as Group D/Postman/MTS after 1.1.2004. It is submitted that as the applicants were absorbed in regular service after 1.1.2004, the new pension scheme which works on contribution basis had been applied to the applicants and 10% of basic pay plus Dearness Allowance is deducted from their pay every month. They have also been allotted PRAN (Permanent Retirement Account Number).

4. Learned counsel for the applicant contends that the applicants were not new entrants into Government service after 1.1.2004 but were holders of



civil posts prior to 1.1.2004. Therefore, the 'old pension scheme' would only be applicable to them. The new pension scheme is applicable only to those who entered government service for the first time after 1.1.2004. The applicants had earlier approached the Tribunal in OA 654/2015 which was disposed of on 13.01.2017 with liberty to make a representation to the competent authority citing the relevant judicial precedents. The claim of the applicants has been rejected by the respondents by individual orders dated 23.2.2018, which are challenged in the instant O.A. seeking the aforesaid relief.

5. Mr. Su. Sinivasan, takes notice for the respondents submits that the service rendered as GDS cannot be counted as the post does not come under pensionable service.

6. Learned counsel for the applicants submits that in a similar case in W.P. No. 26212 of 2011, Hon'ble Madras High Court, by an order dated 06.09.2012 directed payment of pension in respect of the applicant therein and, therefore, the applicant herein is also entitled to pension, being a similarly placed person. However, the matter of eligibility of GDS to count the GDS service for the purpose of Pension under the CCS(Pension)Rules 1972 is pending before the Hon'ble Apex Court in SLPs No. 16767/2016 and 18460/2015, the applicant would be satisfied if the respondents are directed to review the impugned orders in accordance with the law to be laid down by the Hon'ble Apex Court in the pending cases.

A handwritten signature in black ink, appearing to be a stylized 'M' or a similar character, followed by a diagonal line.

7. I have considered the matter. This Tribunal, in similar cases has disposed of the OAs with a direction to the respondents to review their decision in regard to the applicants therein in the event of the law being settled finally by the Hon'ble Apex Court in favour of persons who had served as GDS for long years and/or appointed against a pre-2004 vacancy for pension under the CCS Pension Rules, 1972. Accordingly, I am of the view that this OA could also be disposed of with the following direction:

"The competent authority shall review the case of the applicants in the event of the law being finally settled in favour of persons similarly placed as them to count GDS services for pension and pass a fresh order within a period of three months thereafter."

8. The OA is disposed of as above. No costs.