

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.131 of 2013

Friday this the 6th day of December 2013


C O R A M :

HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

1. M.S.Sarasakumar,
Postman, Peroorkada,
Thiruvananthapuram – 695 005.
Residing at Rohini, H.S.Lane, Kachani,
Nettayam P.O., Thiruvananthapuram – 695 013.
2. G.S.Sudheendra Prasad,
Postal Assistant, Nemon P.O.,
Thiruvananthapuram – 695 020.
Residing at Harisree, Behind T.V.S.,
Sankar Nagar-132, Neeramankara,
Thiruvananthapuram – 695 040.
3. S.Venugopal,
Postman, Thirumala P.O.,
Thiruvananthapuram – 695 006.
Residing at Vijaya Bhavan, Machel P.O.,
Malayinkeezhu, Thiruvananthapuram – 695 571.
4. S.Sreekantan Nair,
Postman, Parassala P.O.,
Thiruvananthapuram – 695 502.
Residing at S.G.Cottage, Aira P.O.,
Parassala, Thiruvananthapuram – 695 502.
5. G.Surendran,
Postman, Nedumangad P.O.,
Thiruvananthapuram – 695 541.
Residing at Uthram, Kochukillikode, Mennakal P.O.,
Aryanand, Thiruvananthapuram – 695 542. ...Applicants

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. Union of India
represented by its Secretary to Government of India,
Department of Posts, Ministry of Communications,
New Delhi – 110 001.
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2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.

3. The Superintendent of Post Offices,
Thiruvananthapuram South Postal Division,
Thiruvananthapuram – 695 036.

...Respondents

(By Advocate Mrs. Deepthi Mary Varghese, ACGSC)

This application having been heard on 6th December 2013 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr. JUSTICE A.K. BASHEER, JUDICIAL MEMBER

The applicants have filed this Original Application seeking the following reliefs :-

1. Declare that the applicants are entitled to be governed by the CCS (Pension) Rules, 1972 as done in the case of applicants in Annexures A-6, A-7, A-8, A-10, A-11 and A-12 judgments.

2. Direct the respondents to reckon qualifying service of the applicants w.e.f 29.12.2012 for all purposes including pensionary benefits under CCS (Pension) Rules.

3. Grant all consequential benefits consequent on being treated as a person covered under CCS (Pension) Rules, 1972 including stoppage of monthly recovery towards the New Defined Pension Scheme.

4. Direct the respondents to grant notional appointment to the applicants from the date of occurrence of vacancy, with all consequential benefits.

2. Paragraph 3 of the written statement filed by the respondents reads thus :-

"3. It is respectfully submitted that the applicants who had qualified in the Departmental Examination for recruitment to the cadre of Postman held on 24.11.2002 were selected for appointment vide Annexure A-2 Memo dated 29.12.2003 but they joined as Postmen after 1.1.2004 and hence they were placed under the New Pension Scheme. It is humbly

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submitted that the case of the applicants have been reconsidered in the light of Annexures A-6, A-7, A-8, A-10, A-11 and A-12 judgments and it has been decided to extend the benefits granted to the applicants in O.A.Nos.620/2003, 66/2008 and 709/2009 to the applicants in the instant O.A also restricting the arrears to the last three years prior to filling of the instant O.A., as held by this Hon'ble Tribunal in O.A.No.81/2012, a copy of which is produced herewith and marked as Annexure R-1."

3. Learned counsel for the applicants submits that in view of the above categorical undertaking given by the respondents, nothing survives in this Original Application.

4. Therefore, the Original Application is disposed of with a direction to the respondents to take necessary consequential action in terms of the above undertaking. This shall be done as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this order.

5. The Original Application is disposed of in above terms.

(Dated this the 6th day of December 2013)


JUSTICE A.K. BASHEER
JUDICIAL MEMBER

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