CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA Nos.611/99, 910/99 & 159/2000

Thursday this the 2nd day of August, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

OA No.611/99

K.Ramachandran Nair
S/o K. Krishna Pillai
Retired Branch Postmaster
Thuvayoor South P.O.
Residing at Kannampally House
Thuvayoor South P.O.
Kadampanad. ...Applicant

(By advocate Mr.R.Sreeraj)

Versus

1. The Director General
Department of Posts
New Delhi.

2. Union of India represented by
Secretary to Government of India
Ministry of Communications
New Delhi. ...Respondents.

(By advocate Mr.K.Kesavankutty, ACGSC)

OA No.910/99

1. Mathai Thomas
S/o Mathai
Thomas Vilasam
Melood P.O.,Adoor.
Ex-EDDA, Pazhakkulam P.O., Adoor.

2. E.George
S/o Eso
Pulliyannam, Parakode
Ex-EDDA, Theppupara P.O.
Adoor. ...Applicants

(By advocate Mr.M.R.Rajendran Nair)

Versus

1. The Superintendent of Post Offices
Pathanamthitta Division
Pathanamthitta.

2. The Chief Post Master General
Kerala Circle
Trivandrum.

3. Union of India represented by
Secretary
Government of India
Ministry of Communications
New Delhi.

4. The Secretary to Government of India
Ministry of Personnel, Public Grievances
& Pensions, New Delhi. ...Respondents

(By advocate Mr.George Joseph, ACGSC)

OA No.159/2000

P.D.Raghavan
S/o K.R.Damodaran
Group-D,Changanassery H.P.O.
Residing at Kuthiravattom Veedu
Nedingadappally P.O.
Changanessery ...Applicant.

(By advocate Mr.M.R.Rajendran Nair)

Versus

1. The Superintendent of Post Offices
Changanassery Division
Changanassery.

2. The Chief Post Master General
Kerala Circle
Trivandrum.

3. Union of India represented by
Secretary
Ministry of Communications
New Delhi.

4. Secretary to Government of India
Ministry of Personnel, Public
Grievances and Pension
New Delhi. ...Respondents.

(By advocate Mr.P.Vijayakumar, ACGSC)

The applications having been heard together, on 2nd August, 2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Since the question involved is identical in all the three OAs, all the 3 OAs were heard together and are disposed of by this common order.

2. Applicant in OA No.611/99 seeks the following reliefs:

(i) To declare that ED employees are entitled for all retirement benefits including monthly pension.

(i)(a) Declare that Rule 4 of ED Agents (Conduct & Service) Rules is ultravires Article 14 of the Constitution of India.

(b) Quash A-3.

(ii) To direct the respondents to grant monthly pension to the applicant.

(iii) Grant such other relief as may be prayed for and the Tribunal may deem fit to grant and

(iv) Grant the cost of this Original Application.

3. Applicants in OA No.910/99 seek the following reliefs:

(i) To declare Rule 4 of ED Agents (Conduct & Service) Rules as ultravires the Constitution of India.

(ii) Quash A-3.

(iii) To declare that the applicants are entitled to be be granted monthly pension like other civil servants and to direct the respondents to grant the applicants pension, gratuity and such other retirement benefits with effect from the dates on which they retired.

(iv) To direct the respondent to pay the arrears of pension with interest at the rate of 18% per annum.

(v) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and

(vi) Grant the costs of this Original Application.

OA No. 159/2000

4. Applicant in OA No.159/2000 seeks the following reliefs:

(i) To quash A-1 & A-2.

(ii) To declare that Rule 4 of P&T ED Agents (Conduct & Service) Rules is ultra vires the CCS (Pension) Rules and Constitution of India and to direct the respondents to count the ED service along with his Group-D service towards his qualifying service for pension.

(iii) Grant such other reliefs as may be prayed for and the Court may deem fit to grant, and

(iv) Grant the cost of this Original Application.

5. When these OAs were taken up, learned counsel appearing for the respondents drew our attention to the ruling in P. Leelavathi Vs. Union of India & others in O.P.No.28629 of 2000 before the High Court of Kerala wherein identical question was considered by the High Court in the OP filed against the order of this Bench of the Tribunal in OA No. 815 of 2000 and the High Court dismissed the OP on the ground that there is no infirmity in the order of the Tribunal to interfere with it. This Bench of the Tribunal in the said OA held that applicant therein was not entitled to pension since she had only 9 years and 3 months of service as postman.

6. The judgement of the High Court of Kerala in OP No. 28629 of 2000 is squarely applicable to the facts of the cases at hand.

7. Following the said judgement of the High Court, all these three OAs are dismissed.

Dated 2nd August, 2001.

Sd/-
(G.RAMAKRISHNAN)
ADMINISTRATIVE MEMBER

Sd/-
(A.M.SIVADAS)
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-3 in OA 611/99: True copy of the letter No.B3/Misc dated 28.4.99 issued by the Superintendent of Post Offices, Pathanamthitta Division, Pathanamthitta to the applicant.

A-3 in OA 910/99: True copy of the letter No.B3/Misc. dated 28.4.99 issued by the 1st respondent to the applicants.

A-1 & A-2 in OA 159/2000

A-1: True copy of letter No.A&P dated 12.1.2000 issued by the Accounts Officer, Department of Posts, O/o the Postmaster General, Central Region, Kochi.

A-2: True copy of the letter No.A&P/1-11/99 dated 9.12.99 issued by the Senior Accounts Officer, Department of Posts, O/o Postmaster General, Central Region, Kochi.